

Analysis of Ordinances, Rules and Policies

In an effort to evaluate the consistency of existing local governmental ordinances applicable to this WMP, research was conducted to identify and compare specific the municipalities and Kalamazoo County. Ordinances referenced for the City of Portage, City of Kalamazoo and Texas Township are available on-line through the Municode system. Links can be found at the home website of each municipality (www.portagemi.com, www.ci.kalamazoo.mi.us, www.texastownship.org). Oshtemo Township does not yet have their codes available on the internet. Sanitary codes (septic systems) and the Storm water Management Rules for Kalamazoo County are available on-line at www.kalcounty.com. From the home page, navigate to Departments/Human Services/Health Department for the sanitary codes. Navigate to Departments/Administration/Drain Commissioner for the storm water rules.

A table of ordinances, available on the project website, includes citations for ordinances pertaining to watershed management for each municipality, organized by topic. The Kalamazoo Metropolitan County Planning Commission adopted Policy Statements on February 4, 1999, the most pertinent of which address Land Use Planning Policy, Land Development Control Policy and Community Facilities Policy. Many of the elements addressed in the table are referenced within these Policy Statements, available from the county.

It is worth noting those areas where intergovernmental coordination currently exists:

- utilities
- mutual aid agreements
- transit, roads
- solid waste
- environmental protection
- economic development
- recreation

Included among discussed topics of intergovernmental cooperation have been:

- water and wastewater/utilities
- well head protection/planning
- land use/zoning
- environmental quality concerning the Kalamazoo River
- recreation/river trailways

No coordination currently exists for land use zoning. A locally developed project, formerly Convening the Community and now Convening for Action at www.kzoo.edu/convene, is lead by Dr. Kiran Cunningham and Dr. Hannah McKinney. This project is directed toward smart land use and growth issues. Maps of existing land uses and proposed land uses for each municipality in Kalamazoo County have been integrated in a set of GIS formatted maps. Meetings have been held with participation from a wide diversity of stakeholders. Identification of what participants believe to be areas worthy of preservation, unique character or distinction have been located and mapped. One goal is to have a unified, county-wide land-use mapping program to allow visualization of land use impacts (positive and negative). The intrinsic link between land use and water quality should be exploited as a means for furthering intergovernmental coordination.

This watershed management planning process has illustrated the willingness of multi-jurisdictional partners to share information and seek solutions of mutual benefit. The following key categories are addressed by each municipalities' ordinances:

- storm water management
- erosion control
- illicit connections
- groundwater protection
- discharges to storm sewers
- land development regulations
- Site Plan Review
- littering on land and water
- landscape issues

Groundwater pumping is allowable only by a permit from the county. The county has oversight of private sanitary and sewage disposal systems. The county also operates a hazardous waste collection program, which helps to keep those types of materials from impacting the watershed. The Cities of Portage and Kalamazoo have their own designated Part 91 Soil Erosion and Sedimentation compliance personnel, while the townships rely upon the Drain Commissioner, as the County Agent designated to fulfill these obligations for them. Wetlands issues are the purveyance of the Michigan Department of Environmental Quality and/or the US Army Corps of Engineers.

Comprehensive Plans for each of the four municipalities are quite current. Oshtemo's Comprehensive Plan was adopted in 1993 and has been frequently amended. The City of Kalamazoo's Comprehensive Plan was adopted in 1998 and their Zoning Ordinances are currently undergoing updating and rewriting. Texas Township adopted their Comprehensive Plan in late 1999, and the City of Portage is in the final stages (September 2002) of adopting a revised Plan. Portage is also revising their Zoning Ordinances to reflect alterations within the Comprehensive Plan. All four jurisdictions incorporate the use of Site Plan Review Committees to ensure compliance with necessary ordinances for residential projects of greater than three units on the same parcel and for all commercial/industrial proposals. The City of Kalamazoo has perhaps the most comprehensive landscaping ordinance in the area, which could serve as a model for others.

In conclusion, while a noteworthy effort has already been made within each of these jurisdictions for many of the key elements related to the success of a watershed management plan, there remains need for additional progress. It is both beneficial and desirable for each to understand the ordinances of the others and their cumulative implications in relation to land use and watershed planning. Recommendations include:

- Steering Committee formation of a sub-committee to consider overlay zoning,
- Evaluation by other units of government of the recent City of Kalamazoo TMDL Ordinance and the Kalamazoo County Soil Erosion Program and Storm Water Management Rules for their own adoption,
- Consideration of the TMDL Implementation Plan elements as found at http://www.kalamazooriver.net/tmdl/Implement/Implementation_text.PDF,
- Development criteria for shoreline protection that address shoreline, shoreline buffers, shoreline protection areas and watershed concerns where applicable through:

- vegetation targets for each zone (e.g., maintain as natural - undisturbed, forest/natives, view corridors, limits to clearing, buffer guidelines),
- allowable uses (e.g., bioengineering, 1 dock/lot, 1 stairway/lot, walkways, boathouses, view corridors, residences, septic systems),
- restricted uses (e.g., docks, boathouses, structures, rip rap, bulkheads),
- on-site wastewater treatment options (e.g., not allowed, setback distances),
- storm water (e.g., no new outfalls or contributions, on-site design criteria, sediment and phosphorus reduction guidelines),
- lot requirements (e.g., minimum size, frontage, impervious cover, roof runoff, open space % for developments),
- zoning (e.g., limited residential, resource protected, stream protection, limited commercial, general development),
- enforcement (e.g., local or state permit, local development review process),
- education (e.g., local groups, public, resource agency, watershed organization),
- see related links at <http://www.kalamazooriver.net/pa319new/link.htm>.
 - Review of Phase II permit consistencies,
 - Consideration of the use of two-stage storm water retention systems,
 - Efficacy and costs of upland treatment options,
 - A future comprehensive water resources protection ordinance that will address many of the related issues currently isolated, scattered or not recognized,
 - A policy or ordinance that establishes phosphorus limits on or outright bans the use of phosphorus in residential and commercial fertilizers (non-agricultural), and
 - Provide presentations to local units of government to obtain their buy-in to these overall recommendations and observations.

The likely outcome will be a more coordinated, comprehensive effort at evaluating and using limited resources while providing maximum oversight for the interface of riparian biotic and human communities.