



CITY COUNCIL WORKSHOP AGENDA

October 19, 2022 – 4:00 pm

This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.

The meeting will also be available live, virtually on Zoom.

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Changes** (Additions/Deletions)
- 4. Guest Speaker**
- 5. Public Comment on Agenda Items Only** (Limit 3 minutes)
- 6. Discussion Items:**
 - A. Northshore Development Draft Letter
- 7. Public Comments** (Limit 3 minutes)
- 8. Closed Session:**
 - A. Closed session pursuant to MCL 15.268 (e) to consult with the City attorney regarding special counsel to assist on trial strategy in connection with specific pending litigation involving Dune Ridge, SA, LP vs. City of Saugatuck, Case No. 22-65713-CZ.
- 9. Correspondence:**
 - A. Friends of Saugatuck/Douglas Library
 - B. Alun Wilson
 - C. Northshore Letters
- 10. Council Comments**
- 11. Adjourn** (Voice Vote)

NOTICE:
Join online by visiting:
<https://us02web.zoom.us/j/2698572603>
572603

Join by phone by dialing:
**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:
ryan@saugatuckcity.com

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or JWolters@saugatuckcity.com for further information.



City Council Agenda Item Report

FROM: Ryan Heise
MEETING DATE: October 19, 2022
SUBJECT: Draft Letter to Army Corp re: Northshore Development

DESCRIPTION:

Council directed staff to work with legal counsel to draft a letter to the Army Corps of Engineers regarding the Northshore Development project located in Saugatuck Township. A meeting was conducted with the Coastal Alliance to review facts of the pending permit. The draft letter has been provided to members of the Coastal Alliance for additional input. This item will be placed back on the Monday (24th) Council agenda for final approval. Staff is seeking input from Saugatuck City Council as well.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

Yes

SAMPLE MOTION:

N/A

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. _____

**A RESOLUTION PROVIDING CITY COUCNIL’S PUBLIC COMMENT
TO THE UNITED STATES ARMY CORPS OF ENGINEERS ON NORTSHORE OF
SAUGATUCK, LLC’S PERMIT TO BUILD A MARINA BASIN**

Council Member _____, offered the following resolution and moved for its adoption, seconded by Council Member _____,

WHEREAS, North Shores of Saugatuck, LLC has applied for a United States Army Corps of Engineers (the “USACE”) permit (with USACE review file no. LRE-2010-00304-52-S17-2) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to build a marina basin located in the Kalamazoo River, near the mouth of the Kalamazoo in Saugatuck Township (the “Township”), Michigan; and

WHEREAS, the site is located offshore at 3574 Dugout Road and 6500 135th Avenue, Allegan County, Michigan 49453.

WHEREAS, the City’s jurisdictional boundaries, including its jurisdiction and control over the Kalamazoo River that exists within the City’s boundaries, is near to the proposed marina basin.

WHEREAS, the City further owns extensive acreage held as public lands with substantial frontage on the Kalamazoo River that is directly south of the proposed marina basin.

WHEREAS, the City has interests, as reflected below, that are impacted by developments in the area, including the City’s interests as a fiduciary in holding public lands in trust for its community and representing the general interests of the public within the City.

WHEREAS, the USACE is required to take into account the effects of proposed undertakings on historic properties both within and beyond waters of the United States; and

WHEREAS, the USACE provided further Public Notice to the City on July 2, 2018 specifically regarding Section 106 to seek input on historic properties issues regarding the subject application pursuant to Section 106 of the National Historic Preservation Act and pursuant to 33 CFR 325, Appendix C.

WHEREAS, in response to the Public Notice and the understanding that the USACE will still consider public comment as part of the open application, City Council desires to provide public comment on the pending application and stress the importance of the USACE to carefully review and weigh the public interest factors as well as historic preservation of the historic and cultural history at and around the proposed location as set forth below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In its evaluation of permit applications, the USACE will conduct a public interest review in which “due consideration shall be given to” a “local agency having jurisdiction or interest over the particular activity” and the USACE will consider “those official views as a reflection of local factors of the public interest.”¹
2. It is true that “[w]hen private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place. *However, the district engineer in appropriate cases, may make an independent review of the need for the project from the perspective of the overall public interest.*” (emphasis added).²
3. In every application, the USACE will consider “[t]he extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited.”³
4. With regard to “other Federal, state, or local requirements,” “where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application, the district engineer will, after considering the likelihood of subsequent approval of the other authorization and/or certification and the time and effort remaining to complete processing the Army permit application, either immediately deny the Army permit without prejudice or continue processing the application to a conclusion. If the district engineer continues processing the application, he will conclude by either denying the permit as contrary to the public interest, or denying it without prejudice indicating that except for the other Federal state or local denial the Army permit could, under appropriate conditions, be issued.”⁴
5. The City, as a “local agency having jurisdiction or interest over the particular activity,” finds that the proposed excavation to build a marina basin in the Kalamazoo River near the City appears “contrary to the public interest.”
6. The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on the Tri-Community tourist-based economy (City of Saugatuck, City of the Village of Douglas, and Saugatuck Township) far outweigh any possible economic benefit. The City therefore questions that the marina basin is not clearly “needed in the market place.”
7. The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area, which appear will be impacted by the proposed marina basin.
8. The City finds that the proposed marina basin has the potential of impacting well-established “public and private uses to which the area is suited,” including public lands held by governmental agencies to the north and south of the proposed marina basin.
9. With regard to “other Federal, state, or local requirements,” the City only notes that litigation continues between the Saugatuck Coastal Alliance and Saugatuck Township regarding local approvals related to the marina basin.

1 33 C.F.R. § 320.4.

2 *Id.*

3 *Id.*

4 *Id.*

10. The City particularly notes the following facts:

- a. The construction of the canal will decrease Michigan’s Critical Dune Area by 6.5 acres.⁵
- b. The construction of the canal will destroy the historic site of Singapore, a 19th century lumber town buried under the dunes and eligible for the National Register of Historic Places.⁶
- c. The construction of the canal may damage the Potawatomi traditional cultural resources, disturbing Lake Sturgeon, wild rice growth traditionally gathered and connected to the area, and traditional burial grounds at the mouth of the Kalamazoo River.⁷
- d. The construction of the canal will contribute to deforestation of a significant tree canopy of wooded sand dunes along the Kalamazoo River.⁸
- e. The construction of the canal will contribute to devaluation of the tri-communities’ more than \$20 million in investments in the adjacent Saugatuck Harbor Natural Area, Tallmadge Woods Nature Preserve, and the Patty Birkholtz Natural Area.⁹

HISTORY OF THE TRI-COMMUNITY’S VALUES AND TOURIST ECONOMY: THE CANAL IS “CONTRARY TO THE PUBLIC INTEREST” AND NOT “NEEDED IN THE MARKET PLACE”

11. The Tri-Communities have a 137-year history of deliberately building a tourist-based economy centered on the *preservation* and *conservation* of public open space in the river mouth area.
12. In 1884, the Village of Saugatuck—the former governmental entity prior to incorporation of the Village into the now City of Saugatuck—purchased Mount Baldhead and the lake frontage to the west. The lake frontage would eventually become Oval Beach. Stairs up the east side of the dune and a pavilion at the bottom were built to attract tourists to the area.
13. In 1920, Thomas Eddy Tallmadge purchased 105 acres of forested dunes surrounding the Ox-Bow School of Art. To protect the school and land, Tallmadge made arrangements with the City to preserve the land as green space in times the school did not operate.
14. In 1936, the City opened Oval Beach.

⁵ US Army Corps of Engineers, Public Notice: Proposed Marina in the Kalamazoo River and Beach Nourishment in Lake Michigan at Saugatuck, Michigan 1 (2017) (“[a] total of 241,750 cubic yards of sand would be excavated from a 6.54-acre upland area approximately 1,639 feet long and up to 200 feet wide, temporarily leaving a soil plug at the marina basin entrance.”).

⁶ US Army Corps of Engineers, Public Notice: Historic Properties Review for Proposed Marina Basin in the Kalamazoo River in Saugatuck Township, Michigan 4 (2018) (finding “the undertaking would have no adverse effect on Areas A, B, and D, but the undertaking would have an adverse effect on Area C, as defined in 36 CFR 800.5(a)(1)”). Area C has been identified as part of the buried 19th Century lumber town of Singapore.

⁷ Mario Battaglia & Rebecca A. Hawkins, *Ethnographic Traditional Cultural Property Study of the Mouth of the Kalamazoo River*, Allegan County, Michigan 13-18, 23 (2019).

⁸ City of Saugatuck et al., *Tri-Community Master Plan 4-23* (2016) (“Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence.”). Recent drone images reveal that the “laydown area” proposed by NorthShore of Saugatuck in both the USACE and EGLE permit applications has been clearcut and excavated.

⁹ See Letter from Lana Pollack, chair of Michigan Natural Resources Trust Fund Board, to National Trust for Historic Preservation (Jan. 15, 2010) (on file with the City of Saugatuck).

15. In 1957, the National Park Service conducted a survey of potential park sites along Lake Michigan. The Park Service wrote in its study: “[b]y virtue of its fine beaches (Oval Beach) and scenic hinterlands, Saugatuck has a high public use value. . . . *Immediate steps should be taken to safeguard these values in order to meet the recreation demands of this region.*” (emphasis added).
16. Between 1977 and 1988, local citizens worked to establish Saugatuck Dunes State Park and Natural Area.
17. In 1977, the Natural Areas Conservancy of West Michigan (NACOWMI) acquired a 300-acre parcel, known as the Luther-Uhl property, which was adjacent to what would become the Saugatuck Dunes State Park.
18. Around this time, the State acquired 550 acres from the Augustinian Seminary. It kept 40 acres of this land for the operation of a prison and gave the remainder of the land to the Department of Natural Resources (DNR).
19. Following its acquisition of the land, it advocated for the Luther-Uhl land to be protected as a natural area for scientific study.
20. Following this, the DNR announced its state park plan which called for a 1,500 car parking lot on the beach and an off-road vehicle area. ***The local response was immediate and unanimously negative.***
21. The DNR withdrew its state park plan and allowed for the formation of a citizen’s advisory committee to draft a master plan for Saugatuck Dunes State Park. ***This was the first time a citizen’s advisory committee was entrusted to create a State Park Master Plan.***
22. Patty Birkholz, a Parks Commissioner from the Township, was appointed Chair of the committee.
23. The committee’s Master Plan called for a ***low-impact nature study*** and prohibited overnight camping—a rare prohibition in the state park system.
24. The Master Plan included detailed expansion plans for acquiring, among other lands, those around the proposed marina basin, including the NorthShore of Saugatuck property. These plans called for an expanded natural area and designated historic site where the buried ghost town of Singapore lies.
25. The Master Plan required the Luther-Uhl property to be legally designated as a Natural Area until October 1988.
26. The citizens charged with drafting the Master Plan worked with the conservancy community, the DNR, and the State for six years to ensure the protection of the land. In 1982, the Master Plan was unanimously approved by the Natural Resources Commission.
27. In January 2004, *the DNR received over 100 individual letters supporting a proposed expansion of the Saugatuck Dunes State Park to include Denison property, which then became the Singapore Dunes LLC property and most recently became the NorthShore of Saugatuck property.*
28. Between the years 2003 and 2005, the communities of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township came together for a series of meetings to discuss

and debate land use issues and future development. This meeting led to the publication of the 2005 Tri-Community Master Plan, (the “2005 Master Plan”) which focused on protecting the historical, ecological, and cultural values that drive the tourist-based economy.

29. During this period of time, there were two townhall-style meetings, as well as the collection of data from a community survey. Almost every other resident in the community responded.
30. The 2005 Master Plan was unanimously approved by the City of Saugatuck, the City of the Village of Douglas, Saugatuck Township, and Allegan County.
31. To put the 2005 Master Plan into place, the municipalities took several actions towards protecting the natural areas.
32. In 2007, the Tri-Communities placed a conservative easement onto Tallmadge Woods Nature Preserve.
33. In 2009, the Tri-Communities assisted in the \$20 million public acquisition of the Saugatuck Harbor Natural Area. A grant of \$10.5 million from the Michigan Natural Resources Trust Fund was the largest public grant ever extended by this state fund.
34. In 2010, the City voters passed a millage to tax themselves for better support of the natural resources’ local zoning protections.
35. In 2010, local organizations applied to have the Wild Heart of Saugatuck, an area near the river mouth, added to the National Trust for Historic Preservation’s annual list of America’s 11 Most Endangered Places.
36. Lana Pollack, former Chair of the Michigan Natural Resources Trust Fund Board, submitted the following letter to the National Trust for Historic Preservation in support of the designation, primarily in hopes of protecting the state’s investment:

“My own valuation of this area is best demonstrated by the recent MNRTF decision to grant \$10.5 million to protect a portion of the land now representing a significant part of this application. The grant approved in December 2009 is one of the largest MNRTF has ever made and is a particularly impressive commitment given the intense competition from other worthy applicants that year. Support for the grant did not come easily, but not because of a questioned worth of the project – 171 acres of critical dunes with globally imperiled inter-dunal wetlands, habitat that is home to several threatened and endangered species. The project’s value was undoubtedly enhanced by its immediate proximity to Saugatuck’s Oval Beach, the Saugatuck Lighthouse Cottage and the Ox-Bow School of Art. Although MNRTF is focused on saving natural landscapes, we also recognized in this case the historic and cultural context of the particular 171 acres that our grant was supporting.

“The designation that we now seek from the National Trust for Historic Preservation is needed because of the threat of development on the parcel immediately north of the Saugatuck Harbor Natural Area. The current proposal calls for a major marina development with a suggested nine story hotel, restaurants, retail businesses as well as a 70 slip marina near the site of the buried ghost town of Singapore – all prohibited by current zoning. *If completed, the proposed development’s impact on MNRTF’s investment of \$10.5 million still leaves me concerned that our public investment may become mostly the enhanced viewscape for a commercial development.*

“Fortunately, the history of preservation of the Saugatuck Dunes is strong. In the 1940’s the State of Michigan looked at constructing a State Park at the mouth of the Kalamazoo River. In the 1950’s the National Park Service surveyed the Saugatuck Dunes for its potential as a National Lakeshore. In the 1980’s area citizens worked together to draft the Master Plan for the Saugatuck Dunes State Park and Natural Area. This followed the initial plan from the state DNR that called for paved roads and a parking plot on the beach, which was met with near unanimous resistance. Since that time several additional key parcels have been placed into conservation easements or turned into parks; historic buildings have been acquired by the local Historical Society; and progressive planning has established a Lakeshore Open Space District designed to better protect the historic and ecological treasures along the river and lakeshore.

“It was with this in mind – the long and determinedly fought history of protecting the Saugatuck Dunes – that I felt comfortable urging MNRTF to award the \$10.5 million grant. The tenacious commitment of the local community to protect the Saugatuck Dunes’ many historic, cultural and ecological resources ultimately held more sway than the threat of a developer’s legal war chest to overturn protective zoning controls.” (emphasis added).

37. In 2016, the updated Tri-Community Master Plan (the “2016 Master Plan”) was released. The priority among the Tri-Communities remains: “Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”¹⁰
38. Today, the City owns nearly 16,000 feet of water frontage in the River Mouth Area immediately adjacent to the proposed canal. A portion of this is the Saugatuck Harbor Natural Area, a 177 acre designated natural area/sanctuary held under the supervision of the City. The Saugatuck Harbor Natural Area has 570 feet of water frontage on the Kalamazoo River, 1,800 feet of water frontage along the USACE channel, and nearly 6,200 feet of water frontage on the Old Harbor. All of this water frontage is in its natural state and does not have seawalls or riprap. The City also manages the Tallmadge Woods Nature Preserve, a 100-acre preserve with 6,200 feet of Kalamazoo River frontage and 2,900 feet of Old Harbor water frontage.
39. The Saugatuck Harbor Natural Area and the Tallmadge Woods Nature Preserve connect with Saugatuck’s Oval Beach and Mount Baldhead Park, together comprising of 415 acres of park land and natural areas. These areas are all managed as low-impact natural areas to ensure the protection of the ecological, historical, and cultural values that drive Saugatuck’s tourism-based economy. These areas are indispensable to the economic well-being of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township (the “Tri-Communities”).
40. The NorthShore of Saugatuck development and management may directly affect these natural areas and sanctuaries that the City manages for the benefit of the community.
41. Because of its effect on the low-impact natural areas and City-owned property, the NorthShore of Saugatuck development may have significant impacts on the Tri-Communities’ tourist-based economy.
42. Among the goals listed in the 2016 Master Plan is the goal to “[p]rotect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from

10 City of Saugatuck et al., Tri-Community Master Plan 9-6 (2016).

the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”¹¹

43. The 2016 Master Plan also outlines the goal to “[g]uide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”¹²
44. The 2016 Master Plan states that “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”¹³
45. The goals and policies in the 2016 Master Plan “are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision.”¹⁴
46. The goals and policies outlined in the 2016 Master Plan and those outlined by the City here represent a “local agency having jurisdiction or interest over the particular activity” and should be considered “as a reflection of the local factors of the public interest.”¹⁵
47. The 2016 Master Plan articulates the economic public interest in preserving the river mouth area of the Kalamazoo River for “low-impact development” or public open space.¹⁶
48. The City considers the 2016 Master Plan to be “a reflection of local factors of the public interest. The 2016 Master Plan states “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”¹⁷
49. Specifically, the City considers the following 36 excerpts from the 2016 Plan to be “a reflection of local factors of the public interest:
 - a. “Goal: Guide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”¹⁸
 - b. “Policy: Insure compatible land use planning and zoning across municipal borders and minimize land use conflicts by separating incompatible uses and requiring buffers where necessary.”¹⁹
 - c. “Policy: Support efforts to foster tourism by preserving the scenic beauty of the environment, expanding recreational opportunities, improving tourist attractions,

11 City of Saugatuck et al., Tri-Community Master Plan 1-12 (2016).

12 *Id.* at 1-4.

13 *Id.* at 1-2.

14 *Id.*

15 33 C.F.R § 320.4(j)(1).

16 See generally City of Saugatuck et al., Tri-Community Master Plan (2016).

17 *Id.*

18 *Id.* at 1-4.

19 *Id.* at 1-5.

- preserving the historic character of the communities through the preservation of historic structures, expanding cultural and arts opportunities and encouraging development of promotional material which highlight the attractions of the Tri-Communities.”²⁰
- d. “Goal: Encourage planning efforts based on the understanding, knowledge and respect for the Tri-Community’s historical and cultural resources.”²¹
 - e. “Policy: Discourage the development of high intensity residential uses along the waterfront.”²²
 - f. “Goal: Protect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”²³
 - g. “Policy: Identify development limitations on special environments which classify environments based on their value to the ecosystem, unique attributes, the presence of endangered plant and wildlife species, and other characteristics deemed significant.”²⁴
 - h. “Policy: Encourage acquisition of special environments of significant public value by public agencies or nonprofit conservancy organizations for the purpose of preservation.”²⁵
 - i. “Policy: Prepare and maintain a subarea plan for the Oxbow Peninsula including the [NorthShore of Saugatuck Property] ‘Denison Property.’”²⁶
 - j. “Policy: Promote the preservation of open spaces and natural areas, as well as limited, carefully planned development along the Kalamazoo River, Kalamazoo Lake, Silver Lake, Goshorn Lake, and Lake Michigan and connecting streams, creeks, and drainage ways to protect and enhance the scenic beauty of these waterfront areas.”²⁷
 - k. “In 2002 the City of Saugatuck completed a strategic plan for purposes of future growth and development and efforts involved an examination of local tourism and public opinion. The following data was secured from the plan’s survey of visitors to the area, and provides useful information considered applicable to each of the Tri-Communities when considering economic and recreational impacts on the area. . . Activities – beach (40%), dune rides (12%), and boating (11%) Spending Patterns - \$500 to \$599 (median range), 15% spend +\$1,000. . . .”²⁸
 - l. “The primary reasons people visit or live in the three communities are to enjoy the scenery and recreational opportunities and to live in a picturesque, safe place while they commute to nearby (or distant) urban centers. Beach recreation, boating and other water activities, shopping, art galleries and enjoying the scenery are the primary attractions for both tourists and year-around residents. While agriculture, industry and tourism are important economic sectors represented in the Tri-Communities, *tourism is king.*” (emphasis added).²⁹
 - m. “Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. *In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence.*” (emphasis added).³⁰

20 *Id.* at 1-6.

21 *Id.* at 1-10.

22 *Id.* at 1-12.

23 *Id.*

24 *Id.*

25 *Id.*

26 *Id.*

27 *Id.* at 1-13.

28 *Id.* at 2-8.

29 *Id.* at 3-1.

30 *Id.* at 4-23.

- n. “A large portion of the lakeshore both north and south of the mouth of the Kalamazoo River is undeveloped or very sparsely developed. *A portion of this segment of the shoreline is in public ownership as Oval Beach Park. In 2011, the City of Saugatuck completed its acquisition of the 173 acres of natural dunes and 3,650 feet of undeveloped Lake Michigan Shoreline, formerly owned by the Denison family, between the south Kalamazoo River pier and Oval Beach City Park. This was made possibly through a partnership between the City; the Land Conservancy of West Michigan; a 10.5 million grant from the Michigan Natural Resources Trust Fund; The Nature Conservancy; The Conservation Fund; and generous private donors.* The Saugatuck Harbor Natural Area, as it is now called, is open year round for low impact uses such as hiking, fishing, bird watching and beach combing.”³¹
- o. “The Tri-Community area is rich in cultural, and historical points of interest and many archaeological sites can be found throughout the area. Leading economists and forward-thinking governmental leaders have recognized the social and economic value of promoting and preserving cultural and historic assets. The state of Michigan has made community cultural; planning a key part of its most publicized and marketed economic development strategies: the ‘smart growth’; ‘heritage/cultural tourism’; and ‘cool cities’ initiatives.”³²
- p. “Archaeological sites are of particular scientific value to the fields of anthropology, ecology and biology, and may have historic or ethnic significance as well. There are 120 archaeological sites scattered throughout the Tri-Community area, mostly related to Ottawa and Potawatomi cultures. Their exact locations have not been disclosed by the Bureau of history to protect them from exploitation. One of these sites, the Hacklander Site, located in Section 23 is listed on the National Register of Historic Places and has components representing Middle and Late Woodland periods. *A second important site is the old Singapore site located at the north edge of the ‘new’ (1906) harbor channel. Recipients of Federal assistance must ensure that their projects avoid damage or destruction of significant historical and archaeological resources.* The Michigan Bureau of History reviews these projects to assess their impact on archaeological sites.” (emphasis added).³³
- q. “Parks, recreation, and open space are essential to the quality of life of area residents, and are an important component of the local tourist economy. They enhance property values, as well as physical and psychological well-being.”³⁴
- r. “According to the 2004 community opinion survey, following was the response to the question of whether the respondent would support the additional recreation-related activities even if it meant an increase in general property taxes. . . . The greatest support among recreation-related topics was for better water quality with 62.5%, bike lanes/pathways with 60.5% support and *parks and recreation at 50.9%. When citizens express a willingness to pay higher taxes for a service that is very significant.*” (emphasis added).³⁵
- s. “Recreation is important to the Tri-Communities and the visual experience of the community is tied to the recreational experience. Residents like to live in the Tri-Communities, in part, because it is a uniquely attractive location. *Tourists visit and spend money in the Tri-Communities based in part on the visual experience. Natural features and open spaces are important components of the Tri-Communities,* contrasting with the concentrated, developed areas of the City of Saugatuck and the City of the Village of Douglas. The compact, strong identities of the City and Village are enhanced

31 *Id.* at 5-7.

32 *Id.* at 5-9.

33 *Id.* at 5-11.

34 *Id.* at 7-1.

35 *Id.* at 7-18.

when natural, open spaces surround the two communities. Water is one of the natural features surrounding the City and Village and helping to give them form and identity. Wetlands, woodlands, farms and parks are other existing natural features that currently contribute to natural open space.”³⁶

- t. “Tourists have always been attracted to the area, but tourism is now the number one economic activity. . . . Consequently, how the waterfront is used will be of crucial importance to the future of the Tri-Community area.”³⁷
- u. “*Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.*” (emphasis added).³⁸
- v. “This plan seeks to define a balance between competing uses. It places protection of the natural environment at first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.”³⁹
- w. “Under the state Wilderness, Wild, and Natural Areas Program (Part 351 of the Natural Resources and Environmental Protection Act of 1994), the DNR is charged with identifying, dedicating and administering wilderness, wild and natural areas. Within the Saugatuck region, the DNR has dedicated the Saugatuck Dunes Natural Area to protect the unique dune ecosystem of open dunes, blowouts, interdunal wetlands and wooded dunes, Pitcher’s Thistle occurs with in the area and is listed as a threatened species by both the state and federal government. The Saugatuck Dunes Natural Area is within Saugatuck Dunes State Park. Sensitive dune ecosystems also occur in the dune areas on either side of the Kalamazoo River mouth at Lake Michigan. This area is planned for protection but details have yet to be finalized. Management would likely be the responsibility of the City of Saugatuck, Saugatuck Township and the State Park. The entire Kalamazoo River, including the Saugatuck/Douglas area is designated as an area of particular concern by the DNR. Areas of particular concern are those having scarce resources, unusual scenic beauty, unusual economic value, recreational attractions, or some combination of the above. They are only located in coastal areas. Altering the environment in an area of ‘particular concern’ could have a significant impact on the quality of coastal and Great Lakes waters.”⁴⁰
- x. “As has been emphasized throughout this Plan, *the natural beauty of the waterfront has much to do with the attraction of the Tri-Community area.*” (emphasis added).⁴¹
- y. “*Several vistas have public values that deserve protection. These include the entry into and exit from Lake Michigan on the Kalamazoo River, the view from Mount Baldhead, the view of Kalamazoo Lake from both ends, and approaches to the Kalamazoo River Bridge.*” (emphasis added).⁴²

36 *Id.*

37 *Id.* at 8-1.

38 *Id.* at 8-1 through 8-2.

39 *Id.* at 8-2.

40 *Id.* at 8-6.

41 *Id.* at 8-25

42 *Id.*

- z. “In seeking to balance economic development with environmental protection, the concept of carrying capacity should be a major consideration. If the carrying capacity of land or water is exceeded, then activities cannot be undertaken without unacceptable impacts on users, the environment, or both. Impacts can include increased trip times, decreased safety, pollution, loss of open space, and many other considerations. The key is prevention of overuse by limiting intensity of use on adjoining lands and regulating surface water use. Environmental protection must be a leading principle in making future land use decisions along the waterfront. Environmentally sensitive areas such as sand dunes, wetlands, high risk erosion areas, floodplains, and key woodlands should be protected from unnecessary destruction. Development should complement rather than destroy these areas and their values. By doing so the environmental quality of the air and water will be improved, wildlife habitat will be preserved, scenic values will be protected, and the character of the area will be maintained. Some new intensive shoreline development will be desirable and necessary, but the balance should not be disproportionately on the side of new tax base as it has been for the past three decades. Opportunities to enhance the waterfront should be seized. Parks and open spaces should eventually be linked with other public places.”⁴³
- aa. “Protection mechanisms, like the Natural River designation, should be recognized for the ancillary benefits they bring to the community.”⁴⁴
- bb. “Good land use planning is essential to the future quality of life in the Tri-Communities. Actual future land uses are difficult to predict and guide to achieve desired results. A future land use map and plan expresses local and use goals and policies and provides a land use scenario which a community may use as a physical guide. Goals and policies, in turn, drive land use and development decisions.”⁴⁵
- cc. “The following planning and design principles are the technical foundation in support of the proposed land use arrangements graphically depicted on the Future Land Use Map. These principles are consistent with the goals and policies in Chapter 1 and should remain the basis for reviewing any subsequent changes to the proposed Future Land Use Map. These planning principles are:
- Protection of public health and safety
 - *Conservation of natural resources*
 - *Environmental Protection*
 - Minimizing public service costs
 - Efficiency and convenience in meeting land use needs
 - *Insuring compatibility between land uses.*” (emphasis added).⁴⁶
- dd. “Failure to consciously protect nonrenewable natural resources exposes a community to unbridled destruction of those resources which are the foundation for an area's character and quality of life. Conservation of natural resources usually focuses on: land, water, minerals, certain soils (such as prime farmland), wetlands, sand dunes, areas supporting an abundance and diversity of wildlife, and unique forested lands. Areas where the land and the water meet are the most important. Indiscriminate land subdivision frequently reduces the size or alters the shape of land, thereby compromising the resource value and production potential of those lands. This occurs frequently in prime agricultural areas and once lost, these lands may never be reclaimed for food production purposes.”⁴⁷
- ee. “This principle aims at preventing pollution, impairment or destruction of the environment. While there is considerable overlap with natural resource conservation issues, environmental protection measures focus primarily on air and water quality, and

43 *Id.* at 8-25 through 8-26.

44 *Id.* at 8-27.

45 *Id.* at 10-1.

46 *Id.* at 10-1.

47 *Id.* at 10-3.

the impact of activities where the water meets the land. Environmental quality is best preserved by planning for appropriate land use activities in and near sensitive environmental areas, and managing development accordingly.”⁴⁸

- ff. “A central objective of land use planning is to locate future land uses so that they are compatible with one another. This prevents future nuisance situations between adjacent land uses, such as loud sound, ground vibrations, dust, bright lights, restricted air flow, shadows, odors, traffic, and similar impacts.”⁴⁹
- gg. “Other natural resource areas include sand dunes, wetlands, floodplains, streams, creeks and drains, the Kalamazoo River, Lake Kalamazoo, and areas at high risk of erosion along Lake Michigan. ***These areas are proposed for very limited future development in keeping with their fragility and importance in buffering Lake Michigan storms,*** filtering and storing water during periods of flooding, draining stormwater from land, providing habitat for a wide range of plants and animals, and for their wide ranging open space values. ***Destroying these resources would destroy the essential qualities which continue to attract residents and tourists to the area.*** If conserved and wisely used, waterways and farms will become a natural greenbelt system that continues to enhance the area for years to come. Local zoning ordinances should be reviewed to ensure they include adequate conservation practices.” (emphasis added).⁵⁰
- hh. “The R-3 Lakeshore Residential Zoned District is that area of the township where controls are placed upon the use and development of areas adjacent to the shoreline of Lake Michigan *so as to preserve the shoreline as a natural resource to prevent and/or control erosion and to maintain the aesthetic qualities of the area.*” (emphasis added).⁵¹
- ii. “Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”⁵²
- jj. “While the above priority initiatives are being implemented, the matters that come before planning commissions and governing bodies month-to-month will permit many opportunities to implement key policies in this Plan (see policies in Chapter 1). Following are key strategies that should be implemented at every opportunity through local zoning, subdivision regulations and capital improvement programs. Many may first require updates to existing Zoning Ordinances. Most of the following strategies focus on preservation of the existing charter of the Tri-Communities:
 - Protect the natural environment of the area AND Protect the visual quality of and visual access to the waterfront.”⁵³

50. The City finds that, as a “local agency having jurisdiction or interest over the particular activity,” the marina basin have a harm to the firmly established tourist-based economy and the standards and interests of the community and therefore is “contrary to the public interest” and contrary to the well-established “public and private uses to which the area is suited.”

51. The City, based on the policies and goals accepted by the tri-communities, that such policies and goals demonstrate that the marina basin has impacts to the local environment, tourism, and use of the Kalamazoo River, and therefore not “needed in the market place.”

HISTORIC LAND-USE AND PLANNING: THE CANAL IS NOT UNIFORM WITH “THE PUBLIC AND PRIVATE USES TO WHICH THE AREA IS SUITED”

48 *Id.*

49 *Id.* at 10-4.

50 *Id.*

51 *Id.* at 10-12.

52 *Id.* at 13-2.

53 *Id.* at 13-5.

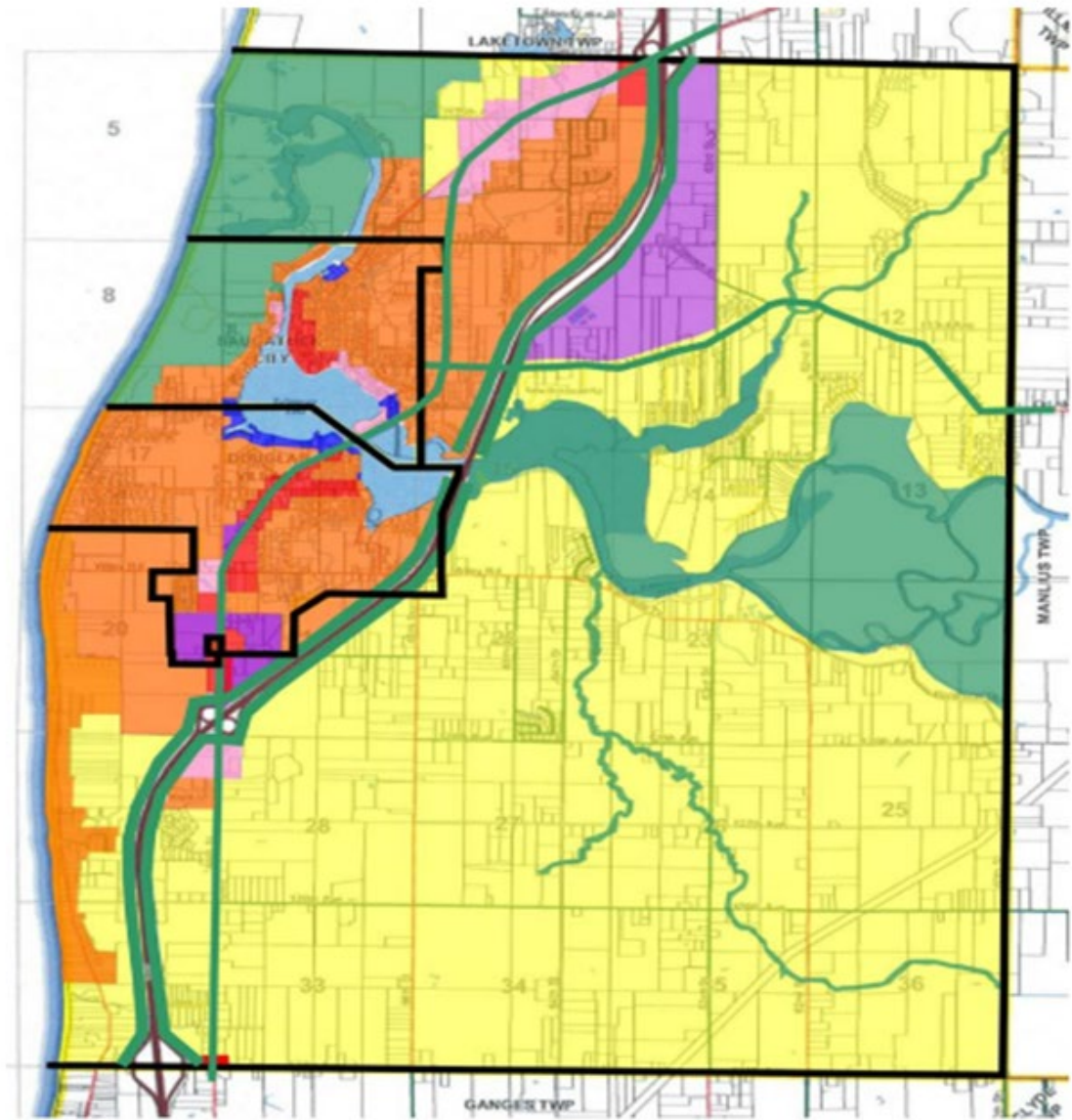
52. The City finds that the 2005 Master Plan and the 2016 Master Plan reflect the “public and private uses to which the area is suited.”
53. The 2005 Master Plan states “The northwest corner of the Township, along with [] most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).”⁵⁴
54. The 2005 Master Plan and the 2016 master plan state “Although waterfront lands have a high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.”⁵⁵
55. The 300-acre Patty Birkholz Natural Area is immediately adjacent to the proposed marina basin. It is one of only 20 legally-designated natural areas in the State of Michigan, and the City finds its preservation as one of the preeminent natural areas in the State of great importance to the local community and City.
56. The Master Plan for Saugatuck Dunes State Park and Patty Birkholz Natural Area calls for a low-impact nature area.
57. The parking lot for these nature areas was situated to be as far from the natural area as possible to ensure no noise, vibrations, glare, or fumes would be introduced into this sanctuary. The proposed marina basin itself would be contrary to those extra efforts to maintain the natural area in pristine environmental condition and quality.
58. The City finds that the proposed marina basin is contrary to the well-established “public and private uses to which the area is suited.
59. For reference, the City acknowledges that the following is the future land use map proposed by the 2016 Master Plan:

⁵⁴ City of Saugatuck et al., Tri-Community Master Plan 10-7 (2005).

⁵⁵ *Id.* at 8-1 through 8-2; City of Saugatuck et al., Tri-Community Master Plan 8-1 through 8-2 (2016).

Map 10-1

Future Land Use Map



- Legend**
- Rural Low Density Single Family Residential/Agricultural
 - Medium to High Density Single and Multi-Family Residential
 - Mixed Use Residential/Commercial
 - Waterfront Mixed Use
 - Commercial
 - Industrial
 - Greenspace, Preserve
 - Highway Buffer

Tri-Community Master Plan Update
2016
10-2

PLEASE NOTE:

Any promise of future conservation easements, trails, land swaps by the property owner of NorthShore of Saugatuck, based upon what happens with permitting, is considered a Quid Pro Quo and is thus not considered a conservation easement permissible for tax reduction. xvi

60.

CONCLUSION

- 61. The City, as a “local agency having . . . interest over the particular activity,” finds that the proposed marina basin is likely “contrary to the public interest.”
- 62. The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on property held by the City, adjacent natural areas, and on the Tri-Community tourist-based economy far outweigh any benefits from the construction of the marina basin. The City therefore finds that the canal is not necessary for development of the property at issue.
- 63. The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area.
- 64. The City finds that the proposed marina basin is contrary to the well-established “public and private uses to which the area is suited.
- 65. Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to make an independent review of the need for the project from the prospective of the overall public interest.
- 66. Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to strongly consider the public interest factors.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

RESOLUTION DECLARED ADOPTED.

Dated:

Garnet Lewis, Mayor

Jamie Wolters, City Clerk

CERTIFICATION

I, Jamie Wolters, the City Clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held _____, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

Jamie Wolters, City Clerk



**Friends of the
Saugatuck-Douglas District Library**

10-7-22

Dear Mayor Garnet ^{Lewis} and Members of The
Saugatuck City Council,

Thank you for approving the Friends of
The Library's fall fundraiser and allowing
us to have "drive up/pickup" event
using the parking lot adjacent to Wicks
Park. Our autumn fundraiser with Baldy's
was very successful. It was a delight
too to work with Scott Herbert and the DPW
crew that brought cones + a barrier to help.
What a wonderful town we live in!
Sincerely, Susan Blose, Friends of the SID Library Board

Jamie Wolters

Subject: FW: Stand Up for Protecting our Environment and Wonderful Lifestyle

From: alun wilson <alun.wilson@sbcglobal.net>

Sent: Sunday, October 16, 2022 5:50 PM

To: abigford@saugatucktownship.org; Garnet Lewis <glewis@saugatuckcity.com>; idonovan@douglasmi.gov; ddefranco@saugatucktownship.org; Ryan Heise <Ryan@saugatuckcity.com>; riabombard@douglas.gov; sdcostalalliance@gmail.com

Subject: Stand Up for Protecting our Environment and Wonderful Lifestyle

Few people in our world have the opportunity to make decisions which will truly affect future generations. You are one of these important persons in your leadership role who can.

While my wife and I have a home with a Holland address, we love the greater Saugatuck and Douglas areas and spend time and money there at least three to four time each week. During summer we come by boat for shopping and meals and in winter by car to do the same. Early on when the Northshore Development was proposed, we demonstrated our commitment by donating \$1000 to Saugatuck Township to help with legal fees although we were told the donation would have to go into the general account.

The greater Saugatuck area is unique as you very well know and protecting it places each of you in a unique position to do what is right rather than easy. The decision on the marina is basically simple. It violates the master plan and damages an important eco system. Also, as a boater I know just how crowded the river can be on busy weekends. Adding more boats of which many will be large size will make the river seem like Ft. Myers or Cape Coral. Noise and bigger wakes will result and rather than being one of the most enjoyable river rides anywhere, transiting between Lake Michigan and Saugatuck will seem like a freeway to be avoided.

Please stand up for our environment, lifestyle, and communities. Be remembered for taking a stand against big growth and enforce our community rules rather than bending to big money.

Al Wilson
1294 St. Andrews Drive
Holland, Michigan 49423
Cell: 616-566-6733

September 2022

Mayor Jerome Donovan
and City Council Members
City of the Village of Douglas
PO Box 757
86 W. Center Street
Douglas, MI 49406

Mayor Garnet Lewis
and City Council Members
City of Saugatuck
City Hall
102 Butler St.
Saugatuck, MI 49453

Supervisor Abby Bigford
and Trustees
Saugatuck Township
Saugatuck Township Hall
PO Box 100
Saugatuck, MI 49453

49453

I am writing to strongly urge you, as a fellow resident and as my elected official, to protect the Wild Heart of Saugatuck by passing a resolution stating the proposed sand dune mine, excavation, and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is Contrary to the Public Interest as detailed in the Tri-Community Master Plan.

The proposed sand dune mine, excavation, and removal of 250,000 tons of sand from Michigan's Critical Dune Boundary to add 3,200-feet of waterfrontage to develop a private marina would forever change the Essential Character of the Wild Heart of Saugatuck. It would set a dangerous precedent for permitting other marina developments in the River Mouth Area, potentially including Pine Trail Camp, Ox-Bow School of Art, even Saugatuck's northeast parking lot at Oval Beach.

The proposed sand dune mine and excavation is projected to:

- Erase 6.5 acres of rare Critical Dunes for commercial gain.
- Drain the groundwater beneath the globally imperiled interdunal wetlands on the Patty Birkholz Natural Area.
- Damage the Potawatomi Traditional Cultural Property putting at risk lake sturgeon, burial sites, wild rice, and other Cultural Values.
- Destroy the archaeological and historic site of Singapore.

The proposed marina threatens our local economy and clearly violates local ordinances. It:

- Diminishes and devalues the Tri-Communities' \$20+-million investment in the adjacent Saugatuck Harbor Natural Area, Tallmadge Woods, and the Patty Birkholz Natural Area by introducing inappropriate noise, vibration, fumes, and visual intrusions.
- Undermines the economic vision in our Tri-Community Master Plan – degrading our Parks, Natural Areas, Beaches, Waterways, Shorelines, Wetlands, and Dunes by changing the essential character of the Kalamazoo River Mouth.
- Adds significant boat traffic to the already-congested River Mouth area.
- Violates Saugatuck Township Code of Ordinances Section 40-910(h) and Section 40-337(c)3 prohibiting excavation to add 3,200-feet of additional waterfrontage within Michigan's Critical Dune Boundary.

We need your voice – and your actions – to protect and preserve the Wild Heart of Saugatuck.

This fall EGLE will again notice the City of Saugatuck and Saugatuck Township to provide comment in the state permit review. The U.S. Army Corps of Engineers (USACE) noticed the City of Saugatuck and

-see reverse side-

Saugatuck Township in 2017 and again in 2018.

During your October meeting, PLEASE initiate and pass a resolution stating: *The proposed sand dune mine, excavation, and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is Contrary to the Public Interest as detailed in the Tri-Community Master Plan.* Then, submit the approved resolution to EGLE and USACE in compliance with their permit process and reviews.

With best regards, your neighbor and constituent,

Signature Dianne S. Wilson

Name Dianne S. Wilson

Address 1294 St. Andrews Drive

City, State, ZIP Holland, Michigan 49423

*I agree with all of the above.
Truly though, it is simpler follow the
laws already in place to protect our
dunes. Saugatuck is so unique —
this development is unwise and unnecessary.*

September 2022

Mayor Jerome Donovan
and City Council Members
City of the Village of Douglas
PO Box 757
86 W. Center Street
Douglas, MI 49406

Mayor Garnet Lewis
and City Council Members
City of Saugatuck
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With best regards, your neighbor and constituent,

Signature  and my fellow members of
Name The Creation Care Team of All Saints' Episcopal Church in Saugatuck
Address 252 Grand Street
City, State, ZIP Saugatuck MI 49453

September 2022

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and City Council Members
City of the Village of Douglas
PO Box 757
86 W. Center Street
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With best regards, your neighbor and constituent,

Signature Wilma Kosal

Name Wilma Kosal

Address 825 Bridge Str.

City, State, ZIP Saugatuck, MI 49453

Shame on you all for not getting involved in this project. What will it take? The ruin of our dunes.