

FUTURE LAND USE PLAN

**PORTER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

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1. INTRODUCTION

Porter Township first adopted a Future Land Use Plan (the Plan) in 1976. It was updated in 1995. The Plan was derived from discussions and public meetings held by the Porter Township Planning Commission with residents, land owners, business owners and officials from the Township and surrounding communities. This diversity of input assured that the plan addressed the breadth of community views.

In February of 1994, during the course of the first update, a special public meeting on land use was held, with both the Township Board and the Planning Commission present. Discussions with residents and land owners continued at a series of meetings held monthly throughout 1995. The ideas and priorities described in the 1995 update resulted from these discussions and from an opinion survey mailed with every tax notice in November, 1994. Based on the survey and the census summary showing very little growth in Porter Township, the Plan was updated with the primary purpose of:

1. Preserving the rural character of the Township.
2. Promoting sustainable development.
3. Saving the unique natural features of the Township.
4. Maintaining the agricultural heritage of the Township.
5. Ensuring the future quality of life for the area.

At the start of the second review process in 2005, the need for an updated survey was discussed. It was determined by the Planning Commission that the cost and time to complete the survey was not warranted. Reasoning included the past experience of a lack of participation and the lack of a dramatic change in the character of the Township since 1995.

Concurrent with the 2005 review, the Planning Commission prepared a Future Land Use Map and revised its zoning categories to correspond to the proposed revisions to the Map. The review process consisted of a section by section review of the current and proposed future land uses and discussions of the continued appropriateness of these uses.

The Future Land Use Maps of the surrounding townships were also reviewed. The need to consider these plans is of major importance to ensure compatible uses between our borders. Porter Township is surrounded by rural communities with the exception of the Village of Lawton to the north. Appropriate planning across these borders will help facilitate harmonious land use patterns. Upon completion of the Planning Commission's review, public hearings on the Proposed Future Land Use Map and the revised Zoning Ordinance were held.

In 2009, the Future Land Use Plan was reviewed again for the following:

1. Consistency with current Township Goals.
2. Addition of the Future Land Use Map, dated 2011.
4. To provide for Farmland Preservation consistent with the Van Buren County Farmland and Open Space Preservation Ordinance, dated 7/13/2004.

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To provide for farmland preservation, the Van Buren Board of Commissioners adopted the Van Buren County Farmland and Open Space Preservation Ordinance on July 13, 2004. The VBC program provides:

The Van Buren County BOC is authorized to acquire the development rights from farmland throughout Van Buren County by purchase, gift, grant, bequest, devise, covenant, or contract but only at a price which is equal to or less than the fair market value of the development rights as determined by valuation methods approved in this ordinance.

The primary purpose of the county ordinance is to allow local government to apply for funds to purchase farmland or open space. This will permit these lands to remain as farmland or open space and provide long term protection for the public interests of the County (see Section 4 - Agricultural/ Farmland Preservation for additional information). This program provides opportunities to maintain the agricultural heritage and rural character of the community. Porter Township has a long history of agriculture and lake recreation. The preservation of these activities is important to the majority of the Township population.

Legal Basis for Planning

Under state law, townships, through their planning commissions, have been given the authority to examine the present patterns of land use, to study how future changes are likely to affect the township and to adopt reasonable plans to ensure that development will be orderly and will protect the health, safety, welfare and convenience of the public. Details of planning and zoning law are outside the scope of this plan; however, the authority and responsibility for planning is very clear. A few references may be helpful.

The Michigan Legislature adopted Public Act 110 of 2006 (the Michigan Zoning Enabling Act, MCL 125.3101 as amended). The Act became effective on July 1, 2006.

Pursuant to Public Act 110 of 2006, as amended, a township is authorized to:

...provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements and to promote public health, safety and welfare.

Any zoning ordinance adopted or amended by the township must be based upon a plan:

...designed to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation

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and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties. The zoning ordinance shall be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general and appropriate trend and character of land, building and population development. 125.3203

In 2008, the Michigan Legislature adopted Public Act 33 of 2008 (the Michigan Planning Enabling Act, MCL 125.3801 as amended). Public Act 33 became effective on October 1, 2008. The Michigan Planning Enabling Act requires all municipalities to adopt a plan that addresses land use issues. These issues include, but are not limited to; agriculture, residential, commercial, industrial, recreational, public uses, transportation, natural features and utilities. The general purpose of a future land use plan is to guide and accomplish development that, among other things: (a) is coordinated, adjusted, harmonious, efficient and economical; (b) considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors such as trends in land and population development; and (c) will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare.

The plan does not change any laws or rights. It simply describes a preferred future for the township. Ordinances may need to change to achieve that future. Some people may challenge ordinances, claiming either a "right" to limit neighboring uses or a "right" to use land in any way they see fit. Any "rights", if they exist, are created by law. They continue only as allowed by law; whether Federal, State or Local. Ordinances are law and they may differ from one municipality to the next. While ordinances balance rights, few laws can make every citizen uniformly happy.

Land use planning seeks to reduce any negative effects of change and enhance any positive effects of change. A future land use plan is a guide for zoning as well as for economic development and capital improvement projects. The purpose of a plan is to promote the public health, safety and general welfare and provide an efficient and reasonable guide for the orderly growth and development of a community. It should be a key consideration in the daily decision making of the Township officials. It can be used as a forum for modifying policies when conditions change. The Plan's policies, while firm and definite, must not be frozen in time. The Future Land Use Plan is for communication and reference. It is a living document. This Future Land Use Plan describes the Township goals which address these valuable principles.

The public input, public deliberation and public decision making process undertaken during creation of this Plan make it specific to Porter Township. It describes the preferred future the Planning Commission seeks considering all community interests. As the Plan and any ordinance changes evolve, the needs and responsibilities of the entire Township, its residents and the future may outweigh immediate or individual wants or wishes.

Acknowledgements

The Porter Township Planning Commission extends its gratitude to those who met for public discussion, responded to written questionnaires or otherwise helped in the planning process.

This Plan cites valuable recommendations or data from many sources, including:

1. Porter Township Land Use Plan, August 30, 1995.
2. Porter Township current Zoning Map, Revised 2009.
3. Responses from Porter Township Public Opinion Survey, 1994.

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4. Van Buren County Comprehensive Plan, 2006.
5. Van Buren County General Development Plan, 2000.
6. United States Geologic Survey 7.5-minute series topographic maps, Lawton Quadrangle, 1981 and Marcellus Quadrangle, 1981.
7. United States Department of Agriculture Soil Conservation Service, Soil Survey of Van Buren County, Michigan, 1986.
8. Van Buren County Registrar of Deeds, MDNR Farmland and Open Space Preservation, January 1995.
9. Van Buren County Planning Commission, aerial photographs, 1990 and digital ortho photographs, 2003 and 2007.
10. United States Census, various reports, 1990 and 2000.
11. Van Buren County Land Atlases and Plat Books (various authors) for 1873, 1895, 1920, 1939, 1957, 1968, 1979, 1989 and 1992.
12. Van Buren County original survey notes, 1829.
13. United States Department of Agriculture Soil Conservation Service, Van Buren County Natural Resources and Opportunities for Action, 1985.
14. Captain O.W. Rowland, A History of Van Buren County Michigan, 1912.
15. Michigan Department of Natural Resources Geological Survey Division, Water Resources of Van Buren County, Michigan, 1964.
16. 80 Lake Maps of Cass and Van Buren Counties, Bright Spot Maps, 1990.
17. An Environmental Assessment of Cedar Lake, TenEch Engineering, 1989.
18. Michigan Department of Natural Resources Real Estate Information System, State Ownership Information.
19. MDNR Institute of Fisheries Research, Potential Groundwater Recharge Areas.
20. Michigan Natural Features Inventory, MDNR Wildlife Division.
21. Michigan Department of Environmental Quality, Geological Survey Division, Michigan Resource Information System.
22. Quaternary Geology of Michigan, 1982, W.R. Farrand, Department of Geological Sciences, University of Michigan, Ann Arbor, Michigan.
23. U.S. Fish and Wildlife Services, National Wetland Inventory.
24. Paw Paw Township Master Plan for Land Use 2020.
25. Marcellus Township Zoning Map, Adopted 11/17/98.
26. Antwerp Township Future Land Use Map 5.
27. Village of Lawton Land Use Map.
28. Antwerp Township Draft Land Use Plan, excerpts.
29. Michigan Fruit Inventory 2000-2001.
30. Van Buren County Farmland and Open Space Preservation Ordinance, Ordinance No. 2, Adopted July 13, 2004.
31. MSU Extension Land Use Series Checklist#T1 for Adoption of a Township Plan in Michigan, February 1, 2002.
32. 2011 United States Census

2. ORIENTATION TO PORTER TOWNSHIP

Porter Township is situated in the southeast corner of Van Buren County, Michigan, sharing boundaries with Kalamazoo County to the east, Decatur County to the west, Antwerp County to the north and Cass County to the south. The Township comprises 21,321 acres, of which 1,322 acres (over six percent) are water. There are no incorporated areas within Porter Township, but the Village of Lawton lies immediately north of sections 4 and 5. State Highway M-40 passes from the Village of Lawton south through the westerly third of the Township toward the Village of Marcellus, south of the Township. The Cities of Portage and Kalamazoo are located east of Porter Township and are the focus of the major economic activities for the area.

Primary Uses

The majority of the township is in active, agricultural use. Sizeable areas are dedicated to vineyards, orchards, hog production and row crops. Soils in most sections (at least 24 of the 36) are between 20 and 90 percent prime farmland, according to the USDA definition. Site character also qualifies many areas as unique farmland. Owners have placed nearly one-third of all land under Farmland and Open Space Development Rights agreements (PA 116 of 1974, now MCL 324.36101 et. seq.). Most industrial uses serve the needs of agriculture.

Residential subdivisions surround the deeper, larger lakes. These plats contain 80 percent of the Township's residential lots, on less than two percent of its land area. Many lake residents own multiple small lots. In some cases, the number of owners falls below two-thirds the number of lots. Also, one-third of all township dwelling units are seasonal. Most of these are within the older lake vicinity subdivisions. Significant recreation and conservation uses, many seasonal, are associated with the numerous surface water and wetland features.

Natural Features

Porter Township ranks first among Van Buren County Townships with 17 percent of the County's inland surface water area. The major lakes, largely developed, include Bankson, Cedar, Gravel and Huzzy. Several smaller and shallower lakes are less developed.

Porter Township is located within two watersheds. Generally, surface water drainage is within the Black River Watershed in the northern half of the township and within the St. Joseph River Watershed in the southern half of the township. The major lakes within the township are all within the St. Joseph River Watershed. There are no major rivers located within the Township.

Topography, soils and water features are due largely to glacial action. Most of Porter Township sits atop a glacial moraine, dumped in place as ice hesitated during its retreat to the northwest (making it the oldest moraine in the county). Bankson and Huzzy lakes were formed by huge ice blocks left behind in the glacial drift.

Gently rolling till plain deposits are found along the end of the moraine, as it drops abruptly toward the Village of Lawton. Drainage way deposits further west (locally referred to as the Decatur muck) extend slightly into section 6 of the Township.

Drift thickness varies, from 300 to 350 feet thick at the corners of the Township to 500 feet near its center. Bedrock below the drift stands from 400 to 600 feet above sea level. A buried bedrock valley falls diagonally from southeast to northwest.

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Large areas, notably in the southwest, are relatively flat outwash plains. To characterize the locale, if the water level of Bankson Lake were some twelve feet higher, Bankson, Cedar, Grass and Gravel lakes would fall together into one meandering body and wetlands extending from Bankson Lake south through sections 22 to 35 would also join.

Porter's highest point is in the northwest quarter of section 2, where elevations hover near 1,033 feet above sea level (Immediately north, Antwerp Township boasts the highest point in the County at 1,060 feet). The lowest elevation in Porter Township falls below 750 feet, in wetland areas on the west side of section 6.

Generally speaking, soils in Porter Township are rich compared to the light sands found to the north, yet lighter than the prairie associations to the southeast.

Census Summary

The written findings of the 1976 and 1995 Plans focused on agricultural uses, lake residential uses and population change. Today, the same three issues remain of central concern and are closely related. The best documented among these issues is population change

Porter Township's 1970 population (1,360) was nearly the same as in 1870 (1,316). During those 100 years the population fluctuated, as it did in most of the county. However, the 1976 Plan expected only 600 new residents by the turn of the century, saying:

“The Michigan State Department of Commerce projected the growth of the township at 200 persons per decade through 2000. This would mean an increase of 6.1 households (or families) per year or 20 persons per year.”

In fact, 681 new residents arrived within just ten years; reaching 2,041 in 1980. Growth then slowed just as dramatically, bringing only 45 new residents in the 1980's. From 1950 to 1990, the population increased by 845 people to 2,086, an increase of 146.9 percent.

The 1990's revealed a new surge in population. The first ten months of 1994 saw 24 new homes built, or an increase of approximately 80 persons per year. From 1990 to 2000 the population increased by 320 people. Generally, the population appears to be increasing by about 310 to 320 people every ten years since 1950. The 2000 census reports a population of 2,406 in Porter Township. However, the 2011 census shows a slowdown in growth with only 2,466 in the Spring, 2010.

Population change is neither inherently good nor bad. However, significant change has many effects on the entire community. In 1870, few people expected the same census a century later. In 1970, few foresaw a 50 percent increase in ten years. However, people then and now might agree that the community needs to set goals to allow it to flourish no matter what the future brings. The land use planning process helps establish those goals.

In 1999, Porter Township had the highest per capita income at \$23,104, among municipalities in Van Buren County. Census figures for 2000 assign Porter the third lowest poverty rate, 5.5 percent, among municipalities in Van Buren County (after Almena Township at 5.3 % and Antwerp Township at 5.4%). The unemployment rate in Porter Township was 1.9 percent. This is the lowest rate among Van Buren County townships. Census figures for 2010 assign Porter a poverty rate of 7.8%. The County's unemployment rate is 12.1%.

3. LAND USE CLASSIFICATIONS

To lend continuity to the Township's planning efforts, this Land Use Plan was based in part on the Plan prepared by Porter Township in 1976 and 1995. However, new classifications have been created to correspond to the recent changes in the zoning districts.

The Zoning Districts are:

- Agricultural / Farmland Preservation
- Residential, Low Density
- Residential, Medium Density
- Residential, Lake District
- Commercial
- Industrial
- Industrial Agriculture
- Recreational

These districts appear on the attached Future Land Use Map. In addition, the Future Land Use Map contains an Environmental Overlay District, which is described in the Porter Township Zoning Ordinance.

4. AGRICULTURAL / FARMLAND PRESERVATION

Society has many practical reasons--economic, security, health and foreign policy considerations--to preserve irreplaceable farming resources. Non-farm uses can be placed nearly anywhere; crops cannot. It is important to recognize that when farmland is converted to residential or other uses a critical resource is permanently lost. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, less productive and not easily cultivated. Preserving the more productive soils for agriculture conserves energy.

Costs for services to farmlands are significantly lower than costs for services to dwellings. Compared to 20 two-acre residential lots, a forty-acre farm has few fires, robberies, school children, or vehicle trips per day. Studies reveal that, like other open space uses, agriculture returns greater tax revenues than needed to pay for the services it demands. For every dollar in tax revenue produced, farms and open space demand only \$0.34 to \$0.75 in community services. By way of comparison, residential use demands from \$1.04 to \$1.54 in services for each dollar of tax revenue. These figures were provided by the 1994 report of the Governor's Farmland and Agriculture Development Task Force.

The conservation of these lands is especially important due to the increasing demand for food for humans and animals. Local farms enhance community food security. Access to food and nutrition is among the most basic of human needs. Food security refers to having "access at all times to enough food for an active, healthy life." Food insecurity occurs in households when it is uncertain of having, or are unable to acquire enough food. This may be due to insufficient money or a lack of other resources. The support of local agriculture helps citizens to obtain fresher products, avoid the additional costs of lengthy transportation and supports the local agricultural economy.

Not guiding rural, non-farm, residential development in agriculture areas like Porter Township may cause land use conflicts or nuisances caused by the farmer's residential neighbors. These conflicts increase as more and more non-farm land uses take place and additional people move into agricultural areas. A vested interest in farming has legal standing, articulated in Michigan's Right to Farm Act states that farms should not be considered a nuisance as long as general acceptable agricultural practices are followed; however, complaints still arise. Complaints can inhibit the farming community as profoundly as the loss of productive land. New residents not familiar with agriculture and its industry traits; noise, odors and unusual hours, may fail to appreciate or respect the farmers' business. They may overlook the fact that agriculture is an industry which involves noise, pollution and even physical danger.

Porter Township is a desirable place to live and work because of the rural character of the community, which includes agricultural fields, as well as wetlands, woods and wildlife habitat areas. Many lands within the Township are particularly well-suited to the profitable production of food because of their historic and present use, soil types and textures, water supply, drainage and topography. The uniqueness of the climate-soil-topography combination in the Township permits a concentration of viticulture in our area. Our strategic location near regional consumers also provides energy efficiency in distribution.

A strategy for regulating development in our rural areas is vital to the future of the agricultural industry in our area. Any adverse impacts on the resource (land) will have an effect on the industry (agriculture). Increased prices of farmland and potential incompatibility with development in the Township will significantly impact this vital industry.

This Future Land Use Plan identifies goals, objectives and policies for the protection and preservation of the land best suited for farming. It strives to maintain agriculture as an integral and viable part of the Township's economy, landscape, natural resource base and sense of community. The Township

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encourages protective land use strategies and the guiding of development to the north towards the more developed areas of the Township.

Township Goals

1. To encourage the retention of prime, unique, productive and historic agricultural land.
2. To protect agricultural lands from conflicts with residential or other non-farm uses.
3. To permit the variety of public and private services needed by an agriculturally based economy and to retain the critical mass of agricultural operations needed to keep such services available.
4. To ensure the compatibility of other land uses with agricultural operations.
5. To promote acceptance of ongoing farm practices, by informing new landowners of the importance of agriculture to the local community and economy.
6. To encourage the continuance of farming, family ownership and farm profitability.

Background

Agriculture is the historic centerpiece of the region's economy. Potential fruit production was a factor in the siting and survival of nearby villages, according to Captain O.W. Rowland's 1912 A History of Van Buren County, Michigan. The Village of Lawton (p. 416) was at particular risk in the late 1800's due to other losses:

The Michigan Central Iron Company continued in business until 1875, during which period Lawton was experiencing its palmy days. When that institution went out of business there was a decided decrease of population and a falling off of business and for some years it looked as though the place would not be able to recover its lost prosperity, but with the advent of the grape industry throughout the region roundabout, the town again took on new life and at the present time is one of the prosperous go-ahead towns of the county.

As for Porter Township, Rowland reports:

Its enterprising citizens are practically all engaged in agriculture and horticulture, raising hay and grain and growing large quantities of fruit of the finest quality. In these respects it is unexcelled by any town in the entire county.

Prime farmland is one of several important farmland types defined by the U.S. Department of Agriculture. It is of major importance in meeting the nation's short- and long-range needs for food and fiber. Because the supply of high quality farmland is limited, the USDA recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our nation's prime farmland.

According to the USDA, prime farmland is defined as land:

best suited to food, feed, forage, fiber and oilseed crops. It may be cultivated land, pasture, woodland, or other land... Prime farmland produces the highest yields with minimal input of energy and economic resources and farming it results in the least damage to the environment.

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Porter Township contains large expanses of both prime and unique farmland. Large areas of the Township are dedicated to fruit production. (Van Buren County, with over 15 percent of Michigan's fruit acreage, is the highest in the state in 2000 according to the Michigan Fruit Inventory 2000-2001.) Vineyards, among others, meet USDA definitions of "unique" farmland.

According to the USDA (Soil Survey of Van Buren County, 1986, pages 42-43), unique farmland is:

land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are tree, bush and vine fruits, vegetables and nursery crops.

The 1992 Van Buren County Comprehensive Plan emphasized that "traditional activities with economic value" include agriculture and food processing and are County economic "strong points" and a "dominant factor in the economic base and lifestyles of the residents." In short:

The County is dependent on a healthy agricultural base. Many major employers are tied to fruit or other agricultural production and processing. Total production expenses, most of which are spent in Van Buren County, exceed 85 million dollars.

According to the 2002 USDA Agricultural Census, farm production expenses in Van Buren County were in excess of 82 million dollars and the market value of all agricultural products sold was in excess of 96 million dollars. The county ranks first in the state with regard to berry production and 6th in the country. With regard to harvested vegetables, the county ranks 2nd in the state and 61st in the country.

Due to the economic base and character of operations, agriculture itself is an industry. In both fruit and animal production, operators in Porter Township bolster the critical mass of services and expertise demanded by major regional enterprises. All suppliers and processors seek the most efficient place to do business. Every farm kept in production helps Porter Township continue to be that place.

Most of the top State Equalized Values (SEV) in Porter Township is held by agricultural enterprises. Food processing, transport and field work provide full time, part time and seasonal employment, both skilled and unskilled. In Porter Township, Honee Bear Canning had the highest taxable value in 2004 and the second highest S.E.V. in 2008. Employment at this locally owned company totals approximately 200 year-round and as many as 750 seasonal employees. It is important to note that Honee Bear Canning Company was awarded the 2007 Michigan Exporter of the Year, predicting growth of 6 to 8% a year.

Welch's, located in the Village of Lawton, employs nearly 300 area residents directly and many more indirectly. According to the Apportionment Report of the Van Buren County Equalization Office, in 2004, Welch's held the ninth highest Taxable Value in Van Buren County and the top S.E.V. and taxable value in the Lawton School District in 2008.

Large tracts of Porter Township are also committed to animal operations. According to the 2002 Census of Agriculture, Van Buren ranks 35th in the State with top livestock inventory items being sheep, lambs, hogs and pigs. Cornfields often coincide with these farms and prime soils. Animal wastes meet some nutrient needs so row crops offer an efficient approach to feed production and waste management. These operations typically require large tracts of land and may be highly incompatible with non-farm dwellings.

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Farmland preservation is beneficial to the community as an important industry that begins to control the spread of urban sprawl. Typical subdivisions often create inefficient land use patterns for agricultural purposes, taking more land out of production than they displace. This results in small or oddly shaped lots that are not economical to farm. This scattered development pattern also detracts from the Township's rural character. Promoting compact development saves energy, money and non-renewable resources.

Residential land use is the second largest land use in the Township. The dominant housing type is single-family, detached housing on large lots – rural non-farm lots. Very large parcels, interspersed with a few smaller residential lots, are a key component in the Township's character and diversity. Michigan's Subdivision Control Act (PA 288 of 1967, as amended) is seen by some to restrict development. However, the Act would allow many parcels in Porter Township to be completely broken up into numerous minimum lot sizes in just over twenty years, with no public review.

The law allows a landowner to divide a "parent" parcel into any number of lots over ten acres. For ten years after a division, the parent (and all ten-acre offspring) may not spawn more than four parcels under ten acres. However, when offspring reach ten years old, they become parent parcels and the clock begins again. The ten-acre offspring may divide again in the eleventh year into, say, three two-acre lots and a four-acre lot. In the twenty-first year, the four-acre lot could be divided again.

To meet the goals of this Plan and provide choices for the future, Porter Township must limit the subdivision of large parcels. Lot and frontage requirements and road standards--all of which the Township has already established--can help to limit this growth. The Township has also adopted several zoning techniques for farmland preservation, including Open Space Community Development and Sliding Scale Zoning.

Sliding Scale

To promote farmland preservation within the zoned Agricultural/Farmland Preservation district and limit the subdivision of large parcels in Porter Township, sliding scale zoning has been adopted. The sliding scale is provided to establish the number of non-agricultural building sites permitted on an existing public roadway that can be split from a parent parcel. The number of two (2) acre parcels allowed to be split from a parent parcel is based on the size of the parent parcel and is shown on the table below.

<u>Parent Parcel Size</u>	<u>Number of Allowed Splits on a Public Road</u>
Less than 20.0 Acres	1 Split
20.0 – 39.9 Acres	2 Splits
40.0 – 79.9 Acres	3 Splits
80.0 – 159.9 Acres	4 Splits
160.0 – 319.9 Acres	5 Splits
Greater than 320.0 Acres	6 Splits

After the approved numbers of 2-acre parcels have been split from the parent parcel, development of the remaining acreage must be in accord with the provisions of Section 4.16 Open Space Community Development ordinance.

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Open Space Community Development

The Porter Township Open Space Community Development ordinance was adopted in September, 2003, in accordance with the Michigan Zoning Enabling act, as amended (MCL 125.3506, et. seq.) This ordinance promotes flexibility in the regulation of land development;

1. To assure the permanent preservation of substantial open space and other natural resources.
2. To encourage innovation and greater flexibility in the design of residential developments.
3. To facilitate the construction and maintenance of streets, utilities and public service in a more sustainable, economical and efficient manner.
4. To provide site development that maintains a low visual impact, particularly along roadways and abutting properties.
5. To ensure compatibility of design and use between neighboring properties.
6. To encourage a less sprawling form of development, thus preserving open space and natural features consistent with the township's rural character and enhancing the health, safety and welfare of its residents.

The concept of open space development is considered a modern design technique for land planning. It is an approach that permits flexibility of design, while addressing the aesthetic and environmental protection objectives of the community. The process encourages the concentration or grouping of buildings on areas of a site that are best suited for development, allowing the remaining land to be retained as common open space, while maintaining the natural character of the site. A primary objective of "clustering" is to protect wetlands, and other environmentally sensitive areas such as stream banks, lake shores, aquifer areas, and agricultural lands.

For farmland preservation purposes, farmers often need more than their own land and therefore may lease surrounding fields to grow crops. To preserve farmland while allowing development to occur, the open space attributed to a cluster development could be incorporated into a long-term lease agreement with a local farmer. A small portion of the open space would be needed as a buffer but the remaining land could be preserved as farmland.

The ordinance allows, at the option of the landowner, for the clustering of residential units on a portion of the property provided that 50% or more of the land is preserved as permanent open space, by legal means that run with the land. In so doing, all zoning ordinance requirements for the underlying zoning district, except for minimum lot area and other Township regulations remain in full force.

The State of Michigan and Van Buren County have helped to encourage farmland preservation through legislation designed to preserve and protect agriculture and sensitive environmental areas.

Public Act 116

The Farmland and Open Space Preservation Act (PA 116) was established in the 1985 farm bill. It is a conservation easement program administered by the MDEQ to protect farmland. It offers tax relief to landowners who enroll their farmland in the program for 10 years or more. As wetlands constitute open

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space, enrolling them allows an agricultural producer to qualify for tax relief. Currently, 45% of Michigan's farmland is in the PA 116 program.

PA 116 provides the framework for two types of easements; temporary and permanent. The Farmland Development Right Agreements are temporary easements for 10-90 years where the state holds the development rights, restricting the use of the land to agriculture. The landowner is then eligible for a property tax credit and special assessment exemption. If the landowner wishes to convert or develop the land, before the agreement expires, a fee must be paid.

Disclosure Statements

The State further clarified its interest in protecting agricultural operations from anticipated complaints with amendments to section 7 of the Seller Disclosure Act, which took effect January 1, 1996 (as PA 106 of 1995, MCL 565.957). The form required to accompany transfer of residential property now must disclose whether there is a "Farm or farm operation in the vicinity..."

To further protect farm professionals, Michigan's legislature amended the Right to Farm Act (by PA 94 of 1995; MCL 286.471, et. seq.) effective September 30, 1995. The act defines farm and related operations, equipment, activities and products more broadly and clarifies that common management changes are covered.

Simultaneously, amendments to section 8 of the Land Sales Act (PA 286 of 1972) took effect (with passage of PA 84 of 1995; MCL 565.808). The act requires a property report, given to prospective buyers of land only within certain large subdivisions, to include the following statement:

This property may be located in the vicinity of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary noise, dust, odors and other associated conditions and these practices are protected by the Michigan right to farm act. The seller is not required to disclose whether a farm or farm operation is actually located in the vicinity of the property or whether generally accepted agricultural and management practices are being utilized.

The language of this disclosure statement may be appropriate for most land in Porter Township. However, due to its broad exemptions, the Act would apply to very few platted lots anywhere in Van Buren County.

Disclosure statements regarding agricultural uses may be valuable in reducing conflicts with new non-farm residences. The Planning Commission favors requiring a disclosure statement similar to that of the Land Sales Act quoted above. However, many land contracts or private sales might omit such a disclosure. Enforcement or other legal issues could make the idea impractical. If so, the Township should seek other ways to communicate with potential new residents. The Township could consider posting notice of the Right to Farm Act at the Township Hall. Building permits could include a statement, as could any contract resulting from a recorded land sale.

Van Buren County Farmland and Open Space Preservation Ordinance

At the present time, farmers in the Township, as well as across the country, are fighting to retain land for agricultural purposes. Some owners of farmland are forced to "sell out" because the pressures for development are so great that they find it difficult to pass up the price they can get for their land. Selling their land may enable them to realize retirement dreams; however, when farmers can be assured of some sort of permanency (economic viability) they often opt to continue farming as opposed to giving up their

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land. The recently adopted Van Buren County Farmland and Open Space Preservation Ordinance, Ordinance Number 2 contains preservation options that the Township wishes to have available to its farmers to encourage farmland preservation.

The Van Buren County Board of Commissioners adopted the Van Buren County Farmland and Open Space Preservation Ordinance on July 13, 2004, following the Michigan Public Act 262 of 2000. The adoption of the ordinance will:

Preserve farmland pursuant P.A. 183 of 1943, as amended, MCLA, 125.231 through 125.240. The Van Buren County Board of Commissioners is authorized to acquire the development rights from farmland throughout Van Buren County by purchase, gift, grant, bequest, devise, covenant, or contract but only at a price which is equal to or less than the fair market value of the development rights as determined by valuation methods approved in this ordinance.

The Primary purpose of the county ordinance is to allow local governments to apply for funds to purchase farm land or open space. This will permit these lands to remain as farmland or open space and provide long term protection for the public interests of the County. This will maintain the designated area in farming use and uses ancillary to and supportive of the farming economy and community. This program provides opportunities to maintain the agricultural heritage and rural character of the county.

Porter Township has a long history of agricultural activities. The preservation of these activities is important to the majority of the population. While conducting the review of the Future Land Use Map, it was determined that all areas previously indicated as agricultural should be included in the Agricultural/ Farmland Preservation area. These areas are generally more viable for the retention of farmland and should be considered for preservation.

Implementation

Agriculture as a principal use of land in Porter Township should continue to be encouraged. It is a primary use, not a "leftover" category as in some communities. Large areas of the Township are well suited for agriculture and worth conserving. Potentially conflicting uses should be limited and carefully sited to preserve agricultural productivity. Porter Township recommends the following options to promote the preservation of our important resource.

Rezoning of farmland is often proposed to allow greater residential density. Many proposals have merit; however, owners may not appreciate the land's importance to the agricultural community or may be tempted to understate the land's quality. To avoid loss of valued farmland and buffers, the Township should prepare criteria for the rezoning of agricultural land. These criteria should then be used to review any rezoning request to determine if the request is in the best interest of the Township. Circumstances may suggest that a rezoning inconsistent with the Land Use Plan should still occur. If so, the Planning Commission should amend the Plan first to address those new circumstances.

Open Space Community Development is not solely a zoning technique and may be permitted and/or encouraged through subdivision regulations and other planning techniques. Among the options a community could exercise is one that would require cluster techniques to be utilized in all new subdivisions. Under this scenario, the potential developer would then be required to justify the use of a conventional layout. The regulations should articulate the purpose of the provisions and establish the required standards. The requirements may involve basic fundamentals such as density, setback and perimeter buffers, road requirements and the amount of open space to be left in common ownership. They should also include the mechanism by which the open space will be legally protected in perpetuity.

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Agricultural Buffers

Balancing the need to continue agricultural practices and the desire to develop land for non-agricultural purposes can be challenging. Open space buffers between active agricultural areas and other uses, such as residential development, can help reduce land use conflicts. Existing farm operations should not be forced to abandon productive land to provide buffers to new non-farm uses. Such uses, if adjacent to agricultural areas, should provide the needed greenbelts.

Non-farm neighbors may plant greenbelts to avoid conflict over spraying or other farm management techniques. Air barriers; fences, pastures gone to shrubs, or homes may not be enough. Where frost drainage is a concern, plantings might not serve although a larger setback might. However, large setbacks may not be desirable in all residential districts. Therefore, flexible buffer options should be considered. The guidelines for subdivision approval should address these buffer options.

Purchase of Development Rights

Landowners who want to preserve their land for farming may find an effective way to do that by donating or selling a conservation easement to a qualified government agency or a non-profit land preservation organization.

A conservation easement is a legal mechanism that enables landowners to decide how their land will be used in the future. Landowners decide what uses they want to prohibit or permit, for how long and who will have the responsibility for long-term enforcement. All other landowner rights are retained, unaffected, including the right to lease, sell, or bequeath to heirs or give to others their property.

Conservation easements are a completely voluntary agreement. Each conservation easement is individually designed to protect a property according to the owner's wishes. The individual design is shaped by four steps: (1) landowners determine how they want their land to be used in the future, (2) they negotiate an agreement with a government agency or non-profit land preservation organization to be their agent to carry out their land use wishes, (3) the agreement (a deed) is signed and recorded, and (4) the agent is legally bound for the life of the easement to guarantee that the land is used only as permitted by the agreement, by periodic monitoring and, if necessary, by taking legal action for enforcement.

The life of a conservation easement may be for a specific number of years or "in perpetuity" (i.e., forever). Landowners may place a conservation easement upon their land for a wide variety of purposes, such as wildlife habitat protection, watershed protection, protection of scenic views and open space, and preservation of historic places and structures. An agricultural conservation easement may include some or all of those purposes, but it is essentially designed to keep the land productive and open for agricultural uses and to restrict the development of farmable areas.

Landowners who want to donate an agricultural conservation easement may qualify for significant estate and income tax benefits. Since IRS regulations allow tax benefits only for conservation easements made "in perpetuity," most donated conservation easements are forever. Landowners should plan such a donation with the guidance of a well-informed tax adviser, accountant and/or an attorney.

Landowners may sell an agricultural conservation easement. An easement may be purchased with private or public funds. When purchased with public funds, the transaction was, until recently, called a Purchase of Development Rights (PDR); now the transaction is more accurately called a Purchase of an Agricultural Conservation Easement (PACE).

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The PACE program can be beneficial to both the individual landowner and the community. The landowner benefits by (1) retaining ownership of the property, (2) receiving money for the conservation easement, and (3) keeping the property tax the agricultural value for the duration of the easement. The community benefits by having the land in question remain in open space through agricultural use.

5. RESIDENTIAL, LOW AND MEDIUM DENSITY

Some lands within the township are suitable for year-round family dwellings. Where a combination of factors protect the natural environment and allow for the efficient provision of public and private services and permit variety in the choice of living styles. These are lands where residential living does not conflict with other prime uses of the land.

Most residents in the Township use their land for their year round dwelling, although most of the land is still devoted to agricultural uses. Residential demand continues to grow, due to the increasing mobility of the work force and the attractiveness of the township for semi-rural and resort living.

Township Goals

1. To conserve and create stable residential areas.
2. To protect agricultural lands in the township from conflicts with residential uses.
3. To discourage strip development along rural, non-residential roads.
4. To encourage a pattern of development in which all higher density residential development is in areas adjacent to schools, parks, fire protection, utilities and on regional arterial roads.
5. To provide for a variety of living styles and settings in residential areas.
6. To develop policies to reduce the effects of present and future blight.

Background

The majority of residential uses surround the larger lakes and are concentrated in the northern portion of the Township. Some 48 platted or otherwise organized residential tracts exist. Two are supervisor's plats and 11 are unrecorded. Among the 48, all but three (Frosty Acres, a 58-unit mobile home park, The Vineyards, a 23-unit site-condominium and Whispering Woods, a 47 lot subdivision) are directly associated with the lakes.

The Low Density Residential district is composed of land with a rural residential character where low density single family development has occurred or appears likely to occur. Development is restricted to low density, single family residential use consistent with limited rural type facilities and services.

The Medium Density Residential district is composed of medium density, single family residential developments that has occurred, or appears likely to occur. Development is restricted to medium density, single family residential use where adequate facilities and services can be provided.

The Planning Commission feels that the existing mobile home park facilities are adequate for the needs of the Township. However, on individual sites, some existing mobile homes may not conform fully with ordinance or other regulations. Most are "grandfathered" by long use. Duplexes and similar multiple units have been discussed as well. The Planning Commission believes they are not necessary within rural areas of the Township.

As stated in LAKE RESIDENTIAL, new development in the immediate vicinity of the lakes appears inadvisable until public sewer and related water quality needs are met.

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Outside the lake vicinity plats, many new dwellings are concentrated in sections 1 and 12, near 22nd Street (VanKal). This may be due to the proximity to US-131 and Kalamazoo.

The population of the Township will continue to grow. Limited small splits in agricultural areas will meet some of this demand. If the demand cannot be met, lands further west will come under increasing development pressure causing increased road maintenance and paving expenses, along with the fragmentation of agricultural lands. Residential demand should be guided toward efficient patterns in areas planned and zoned for that use, such as authorized by the Township's Open Space Development ordinance.

Implementation

The Land Use Map changes made in 2006 reflect the recommendations for future residential development. Primary factors to consider include direct access to paved primary roads; proximity to existing services and facilities; absence of agricultural influences or potential; and isolation from sensitive natural features, including wetlands.

Current lot sizes of one acre for Low Density Residential and $\frac{3}{4}$ acre for Medium Density Residential seem appropriate and sufficient. Residential use should remain at a relatively low density, as implied by the district name.

Blight definitions need improvement over time. The Township should consider whether the current definitions are accurate, complete and clearly applicable for each district. For example, they could explicitly permit generally accepted agricultural practices. On the other hand, past problems may suggest more restrictions should be considered.

New residential plats may place new residential uses uncomfortably close to active or potential agricultural areas or recreational uses. To avoid any conflicts, the Township may benefit from improving the review process for new residential uses. Buffers to agricultural operations are of value. Some parcels are impractical to farm or are otherwise out of production; however, they may provide an important buffer between valued farmland and non-farm uses, thus requiring them to remain part of the agricultural use area.

6. RESIDENTIAL, LAKE DISTRICT

These unique lands of Porter Township abut lakes and their ecologically related surroundings. They represent a delicate, changing balance of ecosystems to which incompatible activity can do irreversible damage. They also represent a very limited natural resource for which there is continuing demand.

Township Goals

1. To preserve an equitable balance between the conservation of the natural systems of the lakes and human desires to share in the benefits of their use.
2. To prevent the deterioration of water quality.
3. To prevent damage to wildlife and its habitat.
4. To minimize soil erosion and alterations in the natural flow of the stream and lake systems.
5. To set development standards to ensure health, safety and welfare, as well as public and private convenience.
6. To encourage the stabilization of lake levels.
7. To maintain the natural beauty of the Lakes.

Background

Historically, lake shore land has been of great appeal. Rowland's 1912 History of Van Buren County (p. 598) gives a glowing account of Porter Township being:

...watered almost wholly by numerous small lakes, which in the spring and summer are like gems of crystal set in frames of emerald. The largest and more important of these beautiful sheets of sparkling water are Bankson, Huzzy, Grass, Cedar and Gravel lakes.

Almost 100 years later, we still appreciate this exotic tone, though the "Frames of emerald" are now populated with dwellings or access sites. These have led to greater use and subsequent concern about potential, perceived or actual lake contamination.

Adjacent land uses may contribute to lake contamination or to a more subtle loss of water quality. Many activities can be harmful, including:

1. Use or overuse of lawn or agricultural chemicals in proximity to water.
2. Discharge of auto, animal and other effluent, directly or in storm water runoff.
3. Slow release of nutrients from septic systems or surface applications.
4. Disposal of hazardous materials in septic systems or directly to land.
5. Increased turbidity due to periodic lake access and use.

To their credit, many lake shore owners are active in improving domestic and agricultural practices to protect water quality. The Township encourages these educational efforts and improvements. Township concerns include maintaining public health and safety, as well as, quality of life and recreational benefits from the lakes. The Township is responsible to take steps to assure all lake uses are respectful.

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The table below illustrates the size and depth of the four major residential lakes. The table includes the number of platted lots associated with each lake and a round estimate of the percent of shoreline already platted for residential use.

Characteristics of Major Residential Lakes

Lakes	Approximate Water Area, in acres	Maximum Depth, in feet	Platted lots in Immediate Watershed	Shoreline in Platted Lots, approximate
Bankson	217	42	189	45%
Cedar	269	84	254	75%
Gravel	296	51	578	100%
Huzzy	80	34	164	75%

The larger and/or deeper lakes have attracted the most residential use. Adjacent wetlands are a limiting factor on some shoreline development (the south and east ends of Bankson are an example). Although deep at points, on average Bankson is shallow. Having less than half its shoreline densely platted may be a significant factor in maintaining water quality.

Little Bankson, Little Cedar and Grass lakes are relatively smaller, shallower and subject to annual contour changes. Because much of their shoreline remains in larger tracts with more natural vegetation, they provide wildlife, water quality and recreation benefits long lost by the developed lakes. These are locally valued traits and uses adjacent to these lakes should help to retain these important features.

Implementation

Lakeside land management often includes the use of pesticides, herbicides, fertilizers and other chemicals. Such use may place both surface and ground water resources at risk. While these uses are largely outside municipal control, reduction or elimination of chemical use on lands adjacent to surface water is a reasonable township goal. Site plan review for new all lake vicinity development should address this issue. Retention of natural vegetation and land cover is a priority.

Natural vegetative buffers help maintain the health of a water body. New uses especially should adhere to written guidelines. All new lots should provide a natural buffer at the water's edge--not lawn--being 25 feet deep, across at least 50 percent of water frontage. Lake associations already promote such concepts among members.

Non-conforming uses are common in lake shore areas. Many lots and structures do not meet current minimum size, frontage, or setback requirements. Since they pre-date the ordinance, they are legal. However, they do not conform to the current ordinance.

As seasonal dwellings are converted to year-round use, conflicts may increase. A useful policy may be to encourage or allow only changes that move toward greater conformance.

The Township could define and map both "more" and "less" acceptable non-conforming uses, according to specific criteria. Some uses with septic limitations, insufficient setbacks, inadequate frontage, or other severe constraints could be required to move toward conformance as a condition of certain permits or site plan approval, especially before any major structural changes or rebuilding projects. Such a policy must be clearly documented and carefully defined to permit reasonable use.

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Lake associations provide a means to identify lake needs and opportunities. Many lake uses are associated directly with lake shore residential use. Better enforcement of specific rules may be needed (for example, rules against motorboats harassing wildlife). If necessary, hiring a deputy to police some activities may be more readily handled with lake association participation. These groups relate to the township almost as small villages might, with both common and unique concerns. A stable relationship with them benefits the township.

Public sewer is needed, to varying degrees, throughout the lake shore vicinity. On September 12, 2007 Porter Township formed the Lakes Area Sewer Authority with the intention of providing municipal sanitary sewer services to the residents surrounding Gravel Lake. Discussion has included the potential for privately owned, or neighborhood-size treatment facilities, as well as projects on a larger, more conventional scale.

In any case, the location and dimension of sanitary sewer should respect this Plan's goals and proposed uses. If public sewer were to become available, the Planning Commission then should revisit this Plan to assure it is still applicable. The Township goals outlined in each section of this Land Use Plan should have primary influence in the decisions about sanitary sewer. Consistency with the Land Use Plan should drive any sewer plan, not vice versa.

New second-tier development in the lakes vicinity is generally inappropriate for the foreseeable future. Dwellings immediately behind existing lake shore residences increase the potential for surface and septic system discharge to water features. If and when public sewer becomes available, second-tier use may become an option. If lake use and water quality issues have been addressed at that time, residential use in these areas may be seen as more acceptable.

7. COMMERCIAL

Within the township, businesses offer products and services that promote economic vitality and provide for the stability and convenience of the community. Because of its impact on the community and other uses, through building styles, hours, traffic and other effects, commercial benefits must be balanced against traffic safety, congestion, visibility, convenience and compatibility with other uses.

Township Goals

1. To discourage the cluttering of highways with random strip development and with billboard advertising.
2. To identify strategic locations and encourage optimum commercial use, especially along M-40 and areas served by municipal utilities.
3. To coordinate commercial development and usage with other land uses such that uses of abutting and surrounding properties are protected.
4. To consider Special Permit use under appropriate controls for seasonal or neighborhood conveniences.

Background

Existing commercial districts--Gravel Lake along M-40 near the southern township border, M-40 near CR 352 and M-40 close to Lawton—meet foreseeable needs. The Township has shown great foresight and responsibility by limiting strip commercial use along M-40. This has encouraged a cluster of commercial uses near Lawton. Land here is likely to remain in demand, which should maintain the quality of the facilities. At the same time, agricultural and other lands further south have been spared the tax, traffic and character consequences of commercial over zoning.

In the 1994 Porter Township Public Opinion Survey, respondents agreed (twenty to one) that commercial areas are adequate for township needs in coming years.

Home occupations are evident in the township and many appear successful. These may contribute to the overall economic well being of the community. New and existing occupations should remain consistent with the character of the Neighborhoods in which they are located.

Implementation

Existing commercial uses serve the Township well. If the demand for seasonal or local convenience increases in any pattern, the Land Use Plan should be revised to address the need.

Given the relative saturation of residential use near the lakes, local commercial needs may not change greatly. New residential uses often consider Lawton, Schoolcraft or even Kalamazoo to be "local." This perception may derive from the fact that many new residents travel to work each day outside Porter Township. If properly situated, future residential uses will probably follow this pattern.

If home occupations outgrow their permit or their setting, they should be encouraged to seek properly zoned commercial land. Allowing home occupations to convert to commercial scale, or to rezone their original site, may undermine the goals and objectives of the Land Use Plan. Overall, the business and the community will benefit by proper location, which is more likely in a planned commercial district.

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Rezoning a land use to commercial should consider issues such as the area's general character, potential traffic, access points, lights, signs, or other important effects. Criteria for rezoning must be clear. It is vital to remember that *all* commercial uses are permitted in a commercial district--not just the requestor's current proposal.

Circumstances may suggest that a rezoning inconsistent with the Land Use Plan should occur. If so, the Planning Commission should amend the Plan first, to address the circumstances and the change in use. This process helps reduce community concerns, or legal challenges, regarding spot zoning.

8. INDUSTRIAL AND INDUSTRIAL AGRICULTURE

Some lands within the township are suitable for processing, handling, or manufacturing of products and research and development activities. They rely on physical characteristics, location of compatible uses, availability of utilities, transportation routes and systems plus other patterns of development.

Industrial and Industrial Agriculture activities may differ considerably in building dimensions, outdoor storage, parking, traffic, environmental impact and general incompatibility with surrounding land uses. Little land in the township is currently used for these purposes.

Township Goals

1. To ensure the compatibility of this use with surrounding land uses.
2. To provide control standards to prevent obnoxious effects on the natural environment and on people, including noise, glare, air and water pollution and the dangers from traffic and fire.
3. To identify lands that meet suitable criteria and control standards (such as listed above) and encourage only those uses that meet these criteria and standards.

Background

As detailed in the Agricultural/Farmland Preservation section regarding the townships' agricultural background, most industrial uses are in food processing and related fields. These enterprises are clustered in section 5, along M-40 near Lawton.

The Township is remarkably lucky to have significant industrial uses that are relatively free from typical pollution and environmental concerns. The quality of and availability of groundwater locally is key to their continued success. Some other permitted industrial uses are therefore likely incompatible with food processing. Perception of groundwater quality is itself an asset to the food processing industry.

Another factor is abundant food production in the immediate vicinity. Preservation of agricultural land obviously tends to preserve employment opportunities on the land. In Porter Townships' case, it also tends to preserve employment opportunities in the factory, in the office and throughout the region. Retention of industry, a key component of any economic development plan, demands retention of agriculture.

Implementation

It is important to note that, due to the economic base and character of some large operations, agriculture itself is an industry in the township. In effect, the majority of the township is already planned and zoned for "industry" of this type.

Some uses assume disposal of industrial or other non-agricultural waste materials on or in the ground. These should be discouraged within the Township. They should be prohibited in proximity to any use that relies upon groundwater quality. This limitation would not extend to generally accepted agricultural practices, such as using animal or crop wastes generated on-farm or as a by-product of fruit processing (such as grape pulp or cherry pits).

Rezoning to Industrial or Industrial Agriculture should specify issues to consider, such as the area's general character, potential traffic, threats to groundwater, or other important effects. Criteria for

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rezoning must be clear. It is vital to remember that *all* permitted industrial uses are allowed in an industrial district--not just the requestor's current proposal.

Circumstances may suggest that a rezoning inconsistent with the Land Use Plan should occur. If so, the Planning Commission should amend the Plan first, to address the circumstances and the change in use. This process helps reduce community concerns, or legal challenges, regarding spot zoning.

Public notice of rezoning, according to state requirements, goes to all properties within 300 feet of a proposed site. Given the large parcel sizes in many parts of the township, this may not provide notice to genuinely interested parties. The Township should consider extending notice to all parcels within 500 feet. While this is particularly applicable to proposed industrial use, it must be implemented uniformly in all districts. Most residents will appreciate the courtesy and a sincere invitation for public participation may help the Township in difficult decisions.

9. RECREATIONAL

Certain lands are well-suited to recreational uses by virtue of location, access, beauty, the character of the surrounding lands and overall suitability. Demand for leisure activities and space, suggests that the township retain and expand areas for refreshment of mind and body. This should occur without intruding on prime or unique agricultural land, or injuring lands presently used for recreational purposes.

Township Goals

1. To conserve natural open spaces for active and passive recreation.
2. To accommodate a variety of outdoor recreational uses.
3. To discourage other forms of development on this land.

Background

Each of the four major lakes contains one public access site owned by the Michigan Department of Natural Resources. Continued demand for lakefront property and resulting values, may limit expansion of these sites. Also, overuse of the lakes in general is already a concern for some residents. The 1994 Porter Township Public Opinion Survey revealed agreement (by over fifteen to one) that access to lakes for recreation was adequate for the next few years.

Other than these public access sites, most locally recognized "recreation" areas are privately owned. Most are adjacent to the Bankson Lake complex.

The Township supports measures intended to prevent the loss of existing recreational uses due to conflicts with adjacent development. The Planning Commission recognizes at least two arenas in which this may arise: snowmobiling and hunting.

Snowmobile trails--"designated" by local groups--provide practical and recreational benefits. New residents may be more concerned about noise or liability than were previous landowners. If they withhold permission, snow vehicles may move to roadways, presenting safety hazards and loss of recreational aspects.

Michigan law provides for a 450-foot "no-hunt" zone around a private dwelling or associated outbuilding. While the homeowner can grant permission to hunt the area, it must be presumed off limits. For some land, utility could be lost (US Fish and Wildlife land north of Grass Lake, intended in part for hunting, is a good example).

Municipalities must often pay dearly (sometimes through the Michigan Natural Resources Trust Fund) to replace such recreational lands. Adjacent development that limits current recreational uses may also increase land prices. Expansion of recreational land is likely to be more expensive or difficult later than it is now.

Implementation

The Planning Commission recommends that some uses now permitted by right in the Recreation district be listed as special uses instead. In particular, golf courses, shooting preserves and driving ranges should be made special uses, since they are likely to be of a somewhat commercial nature. "Passive" uses, especially at no charge, such as hiking areas or nature preserves, would be permitted by right. (These

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recommendations apply only to the Recreation district. None limit an owner's ability to hunt, boat, camp or make other recreational use of their own land in any district. None would stop an owner from inviting others to enjoy the land at no charge, or even to lease property for such use. The Recommendations would affect only recreational operations of a more organized, substantial character.)

Public lake access should be fair and adequately available, without infringing on riparian interests. However, it is potentially controversial among lake residents.

Public recreation needs in small rural communities often seem far in the future. Everyone still has a place to hunt, or walk, or fish. However, demand will only grow. Eventually, the Township supports efforts to preserve and secure public recreational land.

Private recreation "anchors" exist in the form of major campgrounds. Adjacent lands also may be suitable. Since specific expansions are not foreseen, the future land use map may indicate larger areas-- but zoning would not change now. The map simply makes a suggestion, where it best meets community goals. Over time, landowners and other agencies may be attracted to take advantage of the opportunity.

Retaining recreational uses (such as hunting) that may conflict with new development should be addressed during site plan review and in guidelines for new lot splits. Local conservation or recreation groups may have informal maps of favored areas or corridors. The Township may wish to become more aware of these resources and consider the benefits they may offer to the general public.

10. ENVIRONMENTAL OVERLAY

Certain lands are not readily suited to agricultural use, or present severe limitations to building because of drainage, soil type, load-bearing capacity, topography, steep slopes, or potential ecological damage. Some of the lands are commonly recognized as wetlands, marshlands, swamps, floodplains, or recharge areas; others contain unusual natural features; still others provide buffers between conflicting land uses.

Some lands are covered by lakes or historic beds, marshes, wetlands, streams and other watercourses. These areas provide economic benefits from tourism, resort living, recreation, agriculture and wildlife habitat. They add economic and social benefits for residential use. Accelerated development surrounding them, or intensive use of these areas, offers dangers to their continued quality and wholesome use.

Conservation of these lands is justified by their positive contribution to the natural environment in providing wildlife habitat, or maintaining natural surface water flows. By destroying ecological balances, or by hasty development of such land, the health or safety of the township could be endangered and its public resources strained.

Township Goals

1. To prevent development on those lands where the natural characteristics of the land are such that damage to the natural environment can reasonably be expected.
2. To preserve the natural barriers and buffer strips between differing land uses.
3. To support the scientific management of wildlife.
4. To support programs of scientific water quality research and action.
5. To encourage responsible groups and organizations to study, publicize their findings and join in programs for improving water quality and citizen usage.
6. To explore the need for reasonable regulation of the use of these areas.
7. To cooperate with intergovernmental bodies in research, problem identification and needed action programs.

Background

Within Porter Township, the Michigan Natural Features Inventory documents over a dozen occurrences of rare and protected plant and animal species. Most exist within the Bankson Lake complex, including the wetlands south of the lake, beyond CR 652. As a rule, conservation land focuses around surface water features and hydric soils.

The vast majority of respondents to the 1994 Porter Township Public Opinion Survey felt that a revised plan should encourage maintaining open space, wetland and natural land in its current use and that these lands improve quality of life.

Most wetland areas were once, or are seasonally, open water. They fulfill specific roles for adjacent land, responding to unyielding influences of hydrology and topography. They provide flood control, water quality and wildlife benefits irreplaceable at any price. Such systems respond poorly to external manipulation.

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Lakes and streams constitute a specific category of conservation use, with extreme practical limitations. Residential use should not occur in these areas, but will be in demand at their very edges. The areas may be seen as either "deep" or "shallow" water bodies.

Recent Michigan case law reveals that townships have authority to regulate certain uses of surface water. Use of watery "lands"--the deep open lakes--is presumed to be addressed by keyhole provisions in Lake Residential. These provisions should extend to all surface water and all wetlands with potential to provide open water.

"Shallow", wet, more natural areas merit attention. Larger wetlands, although similar to small lakes, can not support Lake Residential uses. Some do not enjoy protection under current law. Those now protected depend on legislative and administrative functions outside the Township's control. Features the Township seeks to preserve should be described in ordinance.

"Environmental Overlay" is not a zoning district. The intent of this region is to provide a level of protection to environmentally sensitive areas beyond that which is required in the underlying zoning district. The Township has identified these sensitive areas through the use of an overlay classification. With this method, underlying land use classifications aid in determining uses and densities, but the overlay indicates that the area is in need of special site plan and development considerations. Among these considerations are shoreline buffers, deeper setback limits and the need for additional site specific studies during site plan review.

Future development should be planned in consideration of the natural and aesthetic environment. Minimizing impervious surface area, establishing shoreline buffers and setback areas, instituting regular septic system inspection and limiting the application of landscape chemicals are suggested mechanisms for conserving the quality of Porter Township's inland waters.

All proposed land uses in the Environmental Overlay district, except single family residences located on a private lot, shall be subject to site plan review by the Planning Commission and approval by the Township Board.

Implementation

New residential lots should follow the guidelines established in the Agriculture/ Farmland Preservation or Residential, Lake District section, with criteria focused on natural features rather than farming. Contiguous wetlands, mature woodlands, wildlife corridors and natural communities should be preserved when feasible. If land has farm and natural value, both criteria should be weighed.

11. FUTURE LAND USE PLAN IMPLEMENTATION

As stated in the Introduction, the recommendations established in this Future Land Use Plan must be a key consideration in daily decision making. It will provide information to landowners and prospective developers and provide assurance of stability to property owners and residents.

The following will establish implementation mechanisms, or strategies, which are specific, targeted courses of action devised to apply the Township policies:

Plan Monitoring Program

The planning process, in order to be effective, must be continuous. The Future Land Use Plan represents the Township's policies for the future. It should be used as the official reference for discussions and decisions on many different matters and must be kept up to date. A regular review program assures that issues requiring further examination will be studied, at proper levels of detail, at appropriate times and that policy changes resulting from these studies can be made swiftly. A review of the Plan at regular intervals will broaden and deepen the Planning Commission's and the Township Board's knowledge of the Plan and help to identify its shortcomings.

The program has two objectives:

1. Determine the extent to which the Township is actually implementing the policies of the Future Land Use Plan.
2. Determine whether the Future Land Use Plan's policies are still desirable and appropriate in light of changing circumstances.

The program will consist of a five year review scheduled by the Planning Commission, the results of which will be transmitted to the Township Board in a report. Such a review may result in a recommendation to change a portion of the Plan.

Enhance Agricultural Value and Profitability

The Township will work with other agencies (County Planning Department and MSU Extension, for example) to explore ways to improve the value and profitability of the agricultural operations in the Township. Such mechanisms may include buffering between agricultural uses and residential uses, assisting in regional efforts to promote local markets, value added agricultural operations and local farm awareness. The Township also supports the development of regional agricultural production and preservation with adjacent townships.

The Township will study innovative zoning techniques for agricultural production and preservation. One of which, the sliding scale, has been adopted and described in our Agriculture/ Farmland Preservation section of this document.

Special Districts

A special zoning district may be created using an area plan, indicating the areas that will be permitted to have specific uses. A special zoning district may be used for the following purposes:

1. To create a compatible mixture of uses on a site where such a mixture is desirable and consistent with the adopted policies.

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2. To fit a proposed use into an existing developed area in a compatible manner.

The Township's current Zoning Ordinance has three special districts, although additional districts may be created in the future:

1. Planned Unit Development (PUD) (See Zoning Ordinance).
2. Agriculture/ Farmland Preservation: intended to preserve farmland and prevent fragmented farmland (Section 4 – Future Land Use Plan).
3. Overlay Zones: intended to regulate the use of a specific part of a parcel of land. The regulations of the overlay district are in addition to the regulations of the underlying basic zoning district. These Overlay Zones are used to protect wetlands, woodlands or other features (Section 10 – Future Land Use Plan).