

**PEAINE TOWNSHIP AND ST JAMES TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN
CRITICAL SAND DUNE AREA ZONING PERMIT APPLICATION**

To construct a project within the designated Critical Sand Dune Area (CSDA) of Beaver Island Archipelago's within Charlevoix County, this CSDA zoning permit application must be completed and approved prior to starting any construction, including clearing and excavation. This Critical Sand Dune (CSD) Area permit application is to be completed in accordance with the applicable Township's CSDA Ordinance(s) and State of Michigan CSD Area legislation.

The CSDA on Beaver Island were identified on July 5, 1989, and includes 880 acres in Peaine Township and over 5.11 miles of shoreline and 766 acres in St James Township and over 2.9 miles of shoreline. The regulated area is a barrier dune defined as "the first landward sand dune formation along a shoreline of a Great Lake or a sand dune formation designated by the Department of Natural Resources." These critical dune areas are unique, irreplaceable, and a fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefit of the townships and to people from the State of Michigan and from other states and countries who visit this resource.

THIS CSDA PERMIT APPLICATION MUST BE ACCOMPANIED BY ALL REQUIRED DOCUMENTATION AND SUBMITTED TO THE ZONING ADMINISTRATOR. The required documentation is noted below. This CSD Area Zoning Permit is required in lieu of the Township's Zoning Permit.

The property owner or their agent agrees that by initiating the preparation of this CSDA permit application that they are giving approval for township, state, and federal employees and their agents to enter onto their property for purposes of investigating and reporting on the elements related to this CSDA permit application approval.

This CSDA Permit will be issued by the Township Zoning Administrator once the CSDA Permit Application is determined to be following the below applicable ordinance(s) as reviewed/approved by the Township's Planning Commission, and in some cases, by the Zoning Board of Appeals:

- **For Peaine Township property: Ordinance 02 of 2017 and Ordinance 03 of 2017 which cover CSDA Ordinances 6.15 and 11.9** These ordinances may be found at <https://www.peainetwp.org/Codified%20Ordinance%20Amendments.pdf>.
- **For St James Township property: Ordinance 1 of 2023 which covers CSDA Ordinances 6.14, 11.08, and 12.10.** This ordinance may be found at https://webgen1files1.revize.com/stjamestwpmi/Ordinance_1_of_2023.CSDA.Effective080323.pdf

These ordinances were developed in accordance with the State of Michigan's legislation Part 353, Sand Dunes Protection and Management of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). NREPA's Part 365, Section 36505 prohibits "taking" a Threatened and Endangered Species is also covered by the ordinances and is discussed herein.

In addition, the zoning permitting requirements (e.g., dimensions) of each township are listed within this application. For Peaine Township, this information is found in Ordinance No. 18, which was adopted on November 8, 2017, and any successor or amendments. For St James Township, this

information is found in Ordinance No. 24, which was adopted on April 7, 2004, and any successor or amendments.

Contact information for the sources for the required information described herein are listed in the Application for CSDA Permit which begins on page 5.

CSDA Permit Applications - All CSDA permit applications must be accompanied by the following issued permits and plans:

1. Part 91, Soil Erosion and Sedimentation Control permit, or waiver, of the Natural Resources and Environmental Protection Act 451 of 1994. This permit is issued by the Charlevoix County Department of Building Safety (CCDBS), Soil Erosion and Sedimentation Control Officer.

This permit or waiver is required if the project is within 500' of a lake or stream or you are disturbing more than one acre of land. The waiver acknowledges the project is beyond the 500' limit or any disturbance is less than one acre of land. This permit is obtained at the time any building plans are submitted and approved by the CCDBS.

2. Septic System Permit approval, if applicable. This permit is issued through the Health Department of Northwest Michigan.

3. A Vegetation Assurance Plan (VAP) is required to be prepared by the owner/agent or others who are engaged by the owner/agent to prepare this plan. The plan is to cover tree and vegetation assurance as described below. The VAP is to include this statement, "The property owner will be responsible for monitoring the growth of new vegetation for a two-year period. Any plants that fail to become established within the two-year growing seasons will be replaced." Refer to a sample Vegetation Assurance Plan included within the CSDA Permit Application package.

- a. Assurances that the cutting and removal of trees and other vegetation will be performed in accordance with the "Forest Management Guidelines for Michigan", prepared by the Society of American Foresters in 1987, as revised in 2010. These assurances may include a program to provide mitigation for the removal of trees or vegetation by approving assurances that the applicant will plant on the site more trees and other vegetation than were removed by the proposed use.
- b. Threatened and Endangered Species Permits covering federal and state species as issued by the Michigan Department of Natural Resources and the U.S. Fish and Wildlife Services, respectively. Contact the Beaver Island Terrestrial Invasive Species (TIS) Administrator who will perform a preliminary review and assist the applicant with their engagement with the MDNR and USFWS. Letters would be required from both agencies if such permits are not needed.
- c. A description on how the owner/agent plans to prevent the establishment of invasive species plants. A TIS Treatment Plan will be created by the Beaver Island Terrestrial Invasive Species (TIS) Administrator. The administrator may issue a letter stating a TIS Treatment Plan is not needed. This plan or letter is to be included within the permit application.

4. A driveway/roadway permit as issued by the Charlevoix County Road Commission (CCRC) is required for this work if located on a county road. A new driveway/roadway in a critical sand dune area, regardless of being connected to a county road, needs the following:

- a. The proposed driveway/roadway needs to be shown on the site plan with a scaled drawing as well as a cross-section(s). Only a 16-ft wide or narrower driveway is allowed in a critical sand dune area. Any existing driveway also needs to be shown.

- b. If the driveway/roadway is to be constructed within areas of slopes with a 1-foot vertical rise and 4-foot horizontal plane, or greater, a licensed professional engineer must prepare this site plan. A registered architect may prepare the site plan if the slopes are between 1-foot vertical rise and 4-foot horizontal plane and a 1-foot vertical rise and 3-foot horizontal plane. Only one driveway is allowed per these special criteria. An additional driveway may be allowed but only through a variance due to unique situations as issued by the zoning board of appeal.
 - c. If the driveway/roadway is to be constructed within an area of slopes at 1-foot vertical rise in a 3-foot horizontal plane or greater, the engineer is to certify under their seal that the accessibility measures are not likely to increase erosion or decrease stability.
 - d. All of the architect or engineer developed site plans must include:
 - i. Provisions for storm water drainage that provides for disposal of storm water without serious erosion.
 - ii. Methods for controlling erosion from wind and water.
 - iii. Restabilization, by design elements including vegetation, cut-and-fill, bridges, traverse, and such other elements as are required in the judgement of the architect or engineer to meet these requirements.
5. Project site plans must include a cross-section showing the depth of the greatest impact between the existing grade and proposed grade. Plans must note existing and proposed grades. The site plans must also include a plot plan, giving accurate dimensions on a scaled drawing for all structures and a north arrow. A rough sketch is acceptable for projects not involving a structure. Scaled drawings shall contain the following information:
- a. Existing or intended use of the structure.
 - b. Lines and dimensions of the lots to be used.
 - c. Location on the lot of all existing and proposed structures and streets.
 - d. Location and type of trees and note major areas with the type of vegetation.

Site plans must be sealed by a licensed professional engineer or registered architect and provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water (MCL 324.25316(1)) if:

- a. The project is within 100' of the sand dunes crest on the landward side.
- b. The project impacts slopes that exceed a 1-foot vertical rise in a 4-foot horizontal plane.

Approval of a project that would impact slopes that exceed a 1-foot vertical rise in a 3-foot horizontal plane is prohibited unless a variance is approved by the Zoning Board of Appeals. For these projects, the site plans must be sealed by licensed professional engineer and provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water (MCL 324.25316(1)). The Planning Commission must first review and sign off on the permit application relative to the completeness of the documentation, dimension issues, and all other issues other than the variance issue. Note that there are other activities which would require a variance, for example, placing a structure on the lakeward side of the crest due to site constraints. Work with the zoning administrator to determine if a variance is necessary.

6. CSDA permit applications must be accompanied by:
- a. Proof of ownership of the property.
 - b. The property address. If the address is needed, contact the Charlevoix County Equalization Department (CCED) to obtain a street number.
 - c. Other permits issued by other local jurisdictions, if this work is part of the project, need to be applied for, but not necessarily be accompanied with this application.

7. Other requirements:
 - a. The property corners need to be identified for the zoning administrator to evaluate the lot lines and determine available set-back allowances. A survey may be required by the zoning administrator.
 - b. Other information with respect to the proposed structure, use, lot, and/or adjoining property may need to be provided as required by the zoning administrator.

CSDA Permit Application Submittal Timeline - Each CSDA permit application must be submitted to the zoning administrator as follows:

CSDA Permit Applications must be submitted to the zoning administrator at least **two weeks*** prior to a regular meeting of the Planning Commission (PC). Prior to the meeting of the PC, the chair of the Township PC along with the zoning administrator and TIS official will perform a site visit to consider the application and confirm there appears to be no significant issues.

CSDA Permit Applications that are subject to the Zoning Board of Appeals (ZBA) review/approval, regardless if the applicant is appealing a Planning Commission (PC) rejected permit or a variance is required from the ZBA, shall be sent to the ZBA by the zoning administrator within eight days after the review of the PC. A special ZBA meeting will be set within 30 days of the PC meeting which shall include a site visit prior to any decision on the part of the ZBA. The ZBA will base their approval decision by considering if a practical difficulty would occur to the owner of the property if the variance was to be denied. Primary consideration given to assuring that human health and safety are protected.

Fee Schedule - The fees associated with the issuance of this permit are as follows:

1. A \$500 permit fee is required, payable to the applicable township. This fee amount is subject to change as determined by the Townships' Boards.
2. A \$250 permit fee is required, payable to the applicable township, for the township to develop the Vegetation Assessment Plan (VAP), including processing the T&E and TIS review.
 - a. A \$150 permit fee is required, payable to the applicable township, If the property owner/agent uses another party to develop the VAP. This fee is for the T&E and TIS work.
 - b. If permits are needed from the USFWS and/or MDNR, the property owner or agent will be responsible for these permit fees.

Application for CSDA Permit

The following pages need to be complete along with preparing/receiving the related information for submittal to the Zoning Administrator, either at the office at 37830 King's Highway during office hours or via e-mail at zoningadmin.bi@gmail.com. If you have questions regarding this permit, contact the Zoning Administrator at 231-448-2000 or 231-448-2830 (an alternative office) or via office hours.

***Special Note: Peaine and St James Township are undergoing an audit mitigation action with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) such that all CSDA permits which are to be issued by either township between **August/September 2023 and August/September 2024** require the review by officials from EGLE prior to the approval of the township. Please be aware that additional time will be required to review all CSDA permits during this time period.**

Official Use Only

Permit No: _____ ZA Review Date: _____ PC Appr/Deny Date: _____

Date Recvd: _____ ZA Aprv/Deny Date: _____ ZBA Aprv/Deny Date: _____

Denial Reason: _____ Issued Date: _____

APPLICATION FOR CSDA PERMIT

Application Notes:

- 1) To construct a project within the designated Critical Sand Dune Area (CSDA) located on the Beaver Island Archipelago of Charlevoix County, this CSDA permit must be completed and approved prior to starting any construction.
- 2) This permit is good for one year from the approval date; a second year may be approved if reasonable progress is made on the project.

1. Project Location Information

Project Address:		
County:	Zip Code:	Township:
Property Tax Identification Number:		
Name of Nearest Intersection and Direction from Project:		
Subdivision Plat and Lot Number:		
Date Lot was Recorded:		

Street addresses (not a requirement for this permit application) and date lot was recorded are obtained from the Charlevoix County Equalization Department at:
www.equalization@charlevoixcounty.org

2. Applicant and Agent Information

If an agent completes this application, it is understood that the Owner has given this permission to do so.

Owner/Applicant:		
Mailing Address:		
City:	State:	Zip Code:
Contact Phone Number:		
E-Mail Address:		
Agent/Contractor:		
Mailing Address:		

City:	State:	Zip Code:
Contact Phone Number:		
E-Mail Address:		

Check if Yes:	Check if No:	Is the applicant (incl spouse) the sole owner of all project property? If no, attach letter(s) of authorization from all property owners.
Check if Yes:	Check if No:	Is property part of an Association? If yes, name of Association:
Check if Yes:	Check if No:	Have you obtained all permits required from this Association?

The Port of St James Association is a residential subdivision. It is NOT the same entity as St James Township.

3. Project Description

If the proposed project property is within 500' of a Lake or Stream, report:

Inland Lake/Stream Name:	Lake Michigan (yes/no):
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Check applicable proposed use:	Residential	Multi-Family	Commercial:
Public/Govt:	If other, what type?		

Date Property Corners and Project Corners are staked:
Estimated month/year of project start:
Estimated month/year of project completion:

Summary of all proposed activities (Attach a separate statement if more room is needed):

4. Property Information

Size of Parcel (Acres):	Size of area being impacted (Sq ft):
Height of proposed structures (List separate heights for each structure):	
Does any portion of the construction area have slopes that are greater than 25% (or 1-foot vertical rise over 4-foot horizontal plane) – yes or no:	

Does any portion of the construction area have slopes that are greater than 33% (or 1-foot vertical rise over 3-foot horizontal plane) – yes or no:
Provide Proof of Ownership: Attach a copy of a Notice of Assessment or the Charlevoix County Parcel Information which is found at: https://www.charlevoixcounty.org/online_services/

5. Site Plan

The project Site Plan is to be developed as indicated within the directions. The Site Plan is to be attached to this application.

6. Permits that are required to be included with this Application

Type of Permit (If Applicable)	Source of Information	Approved (Y/N)	ID Number	Letter, if deemed not applicable
Part 91 Soil Erosion and Sedimentation Control	Charlevoix County Dept of Building Safety, Soil Erosion Officer. https://www.charlevoixcounty.org			Yes/No:
Threatened & Endangered Species	Terrestrial Invasive Species Administrator at: invasivespadm.bi@gmail.com or 231-330-0422			Yes/No:
Septic System	https://www.nwhealth.org			NA
Driveway/Road Permit	https://www.charlevoixroads.org			NA
Well Permit	https://www.nwhealth.org			NA
The below permits are NOT required to be included with this Application but are required by other entities. These contacts are provided for information only. The building permit needs to be posted at the site.				
Building Permit	Charlevoix County Dept of Building Safety https://www.charlevoixcounty.org	NA	NA	NA
Association	https://theportofstjamesassociation.org or another association as needed	NA	NA	NA

7. Vegetative Assurance Plan

<p>A Vegetative Assurance Plan must be attached and is required to address:</p> <ol style="list-style-type: none"> Cutting and removal of trees and other vegetation – in accordance with the current version of the Forest Management Guidelines for Michigan. A review of Threatened and Endangered Species and attached applicable state and/or federal permits or letters stating permits are not required. The owner/agent is responsible to pay for these permit fees directly to the issuing agency. A review of Terrestrial Invasive Species (TIS) and attached report describing the findings and treatment plan. <p>Note: The Beaver Island TIS Administrator is available, for a fee payable to the applicable township, to assist the property owner/agent in creating this plan and connecting the owner/agent with the applicable state/federal authorities. The TIS Administrator must perform the T&E and TIS Reviews. Contact the TIS Administrator at invasivespadm.bi@gmail.com or 231-330-0422.</p>

APPLICANT AUTHORIZATION

I hereby authorize the State of Michigan, County, and/or Township Officials to inspect the site of this project. Further, I certify that the information provided in this application is true and accurate.

Applicant's Signature: _____

Print Name:	Address:	
City:	State:	Zip Code:
Phone number where you can be contacted during the day:		

RETURN APPLICATION/ATTACHMENTS, ALONG WITH FEE PAYMENT(S) TO THE APPLICABLE TOWNSHIP, TO:

Zoning Administrator, via zoningadmin.bi@gmail.com, or P.O. Box 85, Beaver Island, MI 49782.

If you have questions regarding this permit, contact the Zoning Administrator at:

- 231-448-2000 or 231-448-2830 (an alternative office), or
- Via office hours or by appointment

Official use only: (Same check, payable to the applicable township may be used for any combination of these fees)

Application Fee Amount	\$500	Check No:
Vegetation Assurance Plan (VAP) Fee Amount (if requested)	\$250	Check No:
VAP by others; but T&E/TIS review Fee Amount	\$150	Check No: