

Agenda

Natural Features Protection

Review Board



City of Kalamazoo

Tuesday, May 28, 2024

4:00 PM

City Commission Chambers at City Hall - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

1. **(Action: Motion to Excuse Absent Members)**

B. ADOPTION OF AGENDA

(Action: Motion to approve the agenda)

C. APPROVAL OF MINUTES

1. **(Action: Motion to approve the February 29th, 2024 meeting minutes as presented)** Approval of the minutes from the Natural Features Protection Regular Review board meeting on February 29th, 2024.

D. PUBLIC COMMENTS

E. BOARD MEMBER COMMENTS

F. NEW BUSINESS

1. **(Action: Motion to approve the recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope and Slope Setback Standards)** Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope and Slope Setback standards for the Bow in the Clouds Trail project at 3401 Nazareth Road.
2. **(Action: Motion to appoint NFP Board Members to serve on an NFP Nominating subcommittee)** Motion to appoint NFP Board Members to serve on an NFP Nominating subcommittee
3. **(Action: Motion to approve the Appointment of an NFP Phase 3 subcommittee)** Motion to Appoint NFP Board members to an NFP Phase 3

subcommittee

G. UNFINISHED BUSINESS

H. STAFF REPORTS AND UPDATES

1. NFP Board Applications

I. COMMUNICATIONS AND ANNOUNCEMENTS

J. ADJOURNMENT



Minutes
Natural Features Protection Review Board
February 29, 2024
Regular Meeting

Held at City Hall, Commission Chambers

4:00 p.m.

- A. Call to Order: Director Martin called the meeting to order at 4:00 p.m.

Members absent: None.

- B. Adoption of Agenda

Mr. Bergstrom stated that there were two amendments to the agenda. Both new business cases should state that they are seeking relief from the Zoning Board of Appeals for the NFP Slope Preservation Standard and Slope Setback Standard.

Motion to adopt the agenda as amended made by Director Fuller, supported by Director Glasser, motion passed unanimously.

- C. Approval of the Meeting Minutes

Motion to approve the minutes from the January 23, 2024 NFP Review Board Meeting made by Director Fuller, supported by Director Bassett, passed unanimously.

- D. General Citizen Comments

There were no general citizen comments, either in person or by phone.

- E. Board Comments

None.

- F. New Business

- 1. Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Preservation Standard and Slope Setback Standard for the Angling Road Realignment Project at 4100 Oakland Drive.**

Laurie Davis, a landscape architect with Hurley & Stewart, gave a brief presentation. The request is regarding the new clubhouse for the Kalamazoo Country Club. The entrance drive will come out on Oakland Drive across from Angling Drive. The intent is for the new entry drive for the Country Club to be across from Angling Drive with a new signal at that intersection. The city has requested that the Angling Road would be re-aligned to come in at a 90 degree angle, which is



safer for all forms of traffic. A site map of Angling Road was shared. Slope setbacks are shown. The only place where slope setbacks are entered is at the corner, where the road will be re-aligned to a 90-degree angle. This plan minimizes slope impact.

The demolition plan was shared, showing the removal of existing pavement and the maximum footprint of construction. A final layout was also shared with grading information.

Mr. Bergstrom shared the staff report for the project. He stated that there is a portion of the property that is also going before the tree committee on March 5th for tree removal approval. As stated, the current angle of Angling Road makes it difficult to not impact that area to make the intersection improvements. Some pedestrian amenities will also be added to the area. The staff recommendation, based upon the development of the site, will be to provide the variance so that the work can continue. He noted that there is not an alternative recommendation to squaring the intersection without impacting the slope and slope setbacks.

Public Comments:

- Sue Schultz
 - o Ms. Schultz stated that lives across the street on Ridge Drive, and she is worried about how this will protect the properties across the street and the church. She noted that there are wetlands on their side of the street. She questioned whether handicap access could be added. There are no sidewalks and many bicycles. She noted that the boulevard may not be necessary in favor of making the road safer. She stated that her sister is blind and it needs to be safe for her to walk to the bus stop.
- There were no phone-in comments.

Director Fuller asked how the slope would be stabilized after construction. Ms. Davis noted that the slope will be graded and established with grass and plantings. Once the grass is established, the slope will be stable.

Director Lettow asked if any alternatives were considered. He affirmed the comments by the public regarding the swale and boulevard. Ms. Davis stated that she was not involved in the design of that aspect. Mr. Bergstrom stated that this was designed by the traffic engineer who was on the site plan committee. He stated that we follow-up with the traffic engineer would need to happen to understand the feature.

Director Lettow asked about the sidewalk and the small bike lane that currently exists. Ms. Davis stated that there would be a signal to make it a safer crossing. Sidewalks on the east side of the road would be restored after the project.

Director Fredrickson asked if there were any plans to install new trees? Ms. Davis stated that there is a meeting with the Tree Committee in the near future. They are removing 8 trees, 6 of them are healthy. It is yet to be determined if they will request understory trees or plantings in another location. She asked if why the NFP Board was not reviewing landscape. Mr. Bergstrom noted that the Tree Committee handles landscaping in the public right of way. The development on the Oakwood Bible Church site will involve some woodland impacts but they are meeting their preservation impacts.

Director Fuller asked about ownership. It was noted that some of this work is done on the right of way and some on a grading easement that has been obtained by the church.



Director Glasser stated that boulevard medians are aesthetically pleasing, however, it is unclear what the impacts are on walking and biking. He noted that if removing the central median would allow better walking and biking, this should be considered.

Director Lettow asked about the removal and impact of oak trees and stated that Oak wilt is a possible issue with April 15 – July 15 being the high risk period. He stated that best case scenario for this tree work is late fall or winter. He noted that Oak wilt can transmit to the entire stand, far beyond the site. He encouraged them to do this work in the dormant season.

Director Hollander asked if the entire width of the easement will be used, and this was affirmed and discussed.

Mr. Bergstrom stated that this case will be a recommendation from the NFP Board which will then move this case to the Zoning Board of Appeals on March 14, 2024, which will have its own public comment period as well.

Director Fuller motioned to approve the recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Preservation and Slope Setback standards, supported by Director Hollander. Vote was taken by roll call and passed unanimously.

2. Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Preservation and Slope Setback standards for the addition of an upgraded pump house at 1609 Whites Road.

Mr. John Fulling gave a presentation. He noted that they will be moving from an 1800-gallon to a 3000-gallon pump station. The new location is just to the north of the new property. He explained that this will replace the existing pump station. The current pump station is undersized, old, and inefficient. The old unit is also located directly inside a future golf hole. It is also too far from a future power source. The new pump station is closer to the new property, the correct size and closer to the new power source. It is located out of golf play and has minimal tree disruption. There will be some minor disruption to an unnatural slope. He presented three possible placements. The ideal placement location was shared. Mr. Fulling shared details of slope disturbance. This will disturb approximately 1500 sq ft, which is 0.5% of the total slope disturbance. Woodland disturbance is 0.0%. Tree disturbance is 0.5%. It is unlikely that they will cut any trees down. There is limited disturbance to the critical root zone. Mr. Fulling shared a graphic of critical root zones and how the three placement locations would affect this. It was noted that the most northern option affects the trees the least.

Mr. Fulling shared an elevation of how the pump station would work. The intake pipe is approximately 18 feet below the top of the water, which will not affect tree roots. There will be no disturbance to the shoreline.

A picture of the sloped area was shown at the proposed location. This will be inset into the hill, not obtrusive or extremely visible. Neighbors will not see the building. He noted that there will also be landscaping around the building. Mr. Fulling stated that water draw will not be an issue.

Mr. Bergstrom shared a staff report for this project. Both he and Pete Eldridge, Zoning Administrator, met with the applicant to discuss site selection for the pump house. Due to the size of the trees in that area, and the fact that they are protected trees, and due to the fact that the



20% sloped areas were likely regraded when the golf course was originally developed, the stronger case is for minimizing effects to the trees and recommending a dimensional variance to the slope preservation and slope setback standards. Staff recommendation is to move forward with the recommendation to the Zoning Board of Appeals to grant the slope preservation and setback variance request.

Ryan Heystek stated that she has concerns about the lake. She is concerned about possible damage to the lake due to pumping and questioned whether this has been ___.

Public Comments:

- Ryan Heystek
 - o Ms. Heystek stated that lives nearby and has concerns regarding the lake. She is concerned about possible damage to the lake and surrounding area. She questioned the amount of water leaving the lake due to pumping and questioned whether the effects of this have been considered/studied.
- There were no phone-in comments.

Director Bassett had questions regarding water quality, erosion, the impact of the installation, and how the use of water would impact the lake and area. He asked for a description of the efforts to prevent erosion and runoff both during construction and after. Mr. Fulling stated that they will take every measure for erosion. They do not expect any construction erosion issues reaching the lake. From a use standpoint, they are going from 1800 to 3000 gallons, however, he noted that this doesn't necessarily mean that they will use more water. He stated that they are also putting in a new irrigation system that is very efficient. He noted that their goal is to use less water, which requires more controls in the irrigation system. They expect to use 15-20% less water on the 210 acres than they did with 150 acres. Mr. Fulling stated that the irrigation system will not impact quality. It pulls water out and then is filtered back to the lake through the grass. No chemicals are run through the system. He noted that there will be no impact to water quality. They will continue annual testing to verify this. It is anticipated that they will use approximately 30-40 billion gallons, which will not impact lake volume.

Director Bassett asked if they had permitting requirements through EGLE. Mr. Fulling stated that they are coming to the NFP Board first, but are working with EGLE to accomplish this. Director Fuller asked if there was a cap on gallon withdrawal. Mr. Fulling stated that there is no cap. He stated that they report to the State each year on their water usage.

Director Lettow asked about the placement of the pump house. He questioned whether the east side placement was done to avoid the 20% slope. He questioned whether moving it to the west would offer any options to be fully outside the critical root zone. Mr. Fulling stated that the further west it goes, the deeper it would have to go as the pad needs to be at a certain level from the top of the water line. He noted that adjustments can be made, but would require more digging. Mr. Fulling stated that anywhere in that area would work for the pump house. Adjustments may need to be made to the depth of concrete in the walls depending on depth. Director Lettow stated that as the slope is artificial that he would advocate for slope disturbance rather than tree disturbance. He noted that work should be done outside of the oak wilt time frame. Mr. Fulling stated that the goal is do the work in late fall. Director Fredrickson stated that she appreciates the directional boring and the efforts that they are taking.

The distance from the lake to the pump house is around 200 feet. An erosion and sediment control permit will also assist in addressing any erosion concerns. Director Fuller asked if their



landscape plan would come before the NFP Board. Mr. Bergstrom stated that this project will require site plan review.

Director Fuller stated that her concern is the relative proximity to the lake and run-off erosion. She wanted to make sure that there is consideration on how to handle run-off and stated that native plantings will assist with this. Mr. Fulling stated that a portion of the roof will be covered. They cannot do the entire building as roof access is needed to get pumps in and out. There will be turf or plants, with the goal to have as little impervious as possible.

Director Fuller questioned if tree disturbance were to happen, they would need to come back to the NFP Board. Mr. Bergstrom affirmed that they are protected trees and encouraged slope disturbance rather than disturbance of the critical root zone.

Director Bassett motioned to approve a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Setback and Slope Preservation Standards, supported by Director Fredrickson. Vote was take by roll call and passed unanimously.

G. Unfinished Business

None.

H. Staff Reports and Updates

1. In 2024 staff will be compiling and tracking NFP project information to include in an annual report to NFP Board members at the end of each year. Director Fredrickson asked if status and project can be included in this tracking. Mr. Bergstrom stated that he is working to expand the fields of data. This data will also allow for presentation to showcase statistics. Director Fredrickson stated that the public would be interested in comments on if they are approved and why.

I. Communications and Announcements

1. Mr. Bergstrom stated that tomorrow is the last day for the Community Engagement Feedback survey. Information was included in the packet. Mr. Bergstrom asked them to pass this along to others.
2. Director Fuller stated that a previous discussion was had about an education phase to the NFP Board. She noted that this would help developers and help the general public understand what the Board is doing. Mr. Bergstrom stated that there has been some discussion around an NFP Guide. If the NFP Board would like to form a committee to address this, this can be discussed at the next meeting. He noted that this could also tie into the annual report work at the end of the year.

J. Adjourn Meeting

Director Martin adjourned the meeting at 5:00 p.m.



NFP Review Board Staff Report

City of Kalamazoo

TO: The Natural Features Protection Review Board

FROM: Nolan Bergstrom, NFP Board Liaison

DATE: May 28, 2024

SUBJECT: **(Action: Motion to approve the recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope and Slope Setback Standards)** Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope and Slope Setback standards for the Bow in the Clouds Trail project at 3401 Nazareth Road.

RECOMMENDATION:

Staff are in support of the Natural Features Protection (NFP) Review Board approving the recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope and Slope Setback standards for the Bow in the Clouds Project at 3401 Nazareth Road.

BACKGROUND:

Currently, the subject property is located in the Burke Acres Neighborhood in the Northeast area of Kalamazoo at 3401 Nazareth Road and is known as Bow in the Clouds Preserve. The property is owned and maintained by the Southwest Michigan Land Conservancy. There is a neighboring parcel in the Township that is apart of the Bow in the Clouds Preserve. The parcel is zoned RM-36 (Residential, Multi-Dwelling) where the number 36 denotes the number of dwelling units permitted. The site consists of existing recreational trails, underground utilities, and multiple Natural Features (Slopes, Woodland, Wetlands, and Water Resources) and requires Rare Species Review. The site is approximately 118 Acres and accessible to the public.

The applicant is proposing to add portions of non-motorized, aggregate surfaced trail development to connect to the existing trail system. This includes the addition of a steel boardwalk at 2 stream crossings and in wetland, and installation of benches. New trails will be universally accessible as well as provide access to the existing sanitary collector sewer traversing the property for City of Kalamazoo Public Services Dept. for future service and maintenance. These utilities are currently not accessible or difficult to access.

The project has not started the Site Plan Review process and is seeking approval of a recommendation from the NFP Review Board to grant relief from the NFP Slope and Slope Setback standards. Following the NFP meeting, this item will be presented to the Zoning Board

of Appeals on Thursday, June 13th from 7 - 9pm in the City Hall Commission Chambers. Note: The result of this meeting will not result in any action until the Site Plan Review Process is completed.

FINDINGS:

Currently, the subject property is located in the Burke Acres Neighborhood in the Northeast area of Kalamazoo at 3401 Nazareth Road and is known as Bow in the Clouds Preserve. The property is owned and maintained by the Southwest Michigan Land Conservancy. There is a neighboring parcel in the Township that is apart of the Bow in the Clouds Preserve. The parcel is zoned RM-36 (Residential, Multi-Dwelling) where the number 36 denotes the number of dwelling units permitted. The site consists of existing recreational trails, underground utilities, and multiple Natural Features (Slopes, Woodland, Wetlands, and Water Resources) and requires Rare Species Review. The site is approximately 118 Acres and accessible to the public.

The applicant's design team evaluated the site to identify all protected natural features on the property. The site was placed in the NFP Overlay District for the following reasons:

Michigan [Natural Features Inventory \(MNFI\)](#) Rare Species Review required (meaning: Rare Species as defined by Law with observations of Rare Species having been reported for the subject property)

1. Primary Natural Feature: Natural Preserve
2. Secondary Natural Feature: Hydrology or Water Features exist on-site (including Wetlands)
3. Tertiary Natural Feature: Protected Slopes greater than or equal to 20% Grade

The site has woodland area that coincides with the water resources and slopes. The design team is working with the applicant to complete a Woodland Assessment. The applicant has been approved and provided a permit for work impacting water resources and wetlands from the Michigan Department of Environment, Great Lakes, and Energy Water Resources Division (EGLE) which expires on August 24, 2025. This permit includes Part 301 (Inland Lakes and Streams), Part 303 (Wetlands Protection), and Part 31 (Water Resources Protection [Floodplain Regulatory Authority]).

The project came before the NFP Board on July 22nd, 2020.

Since the project is located within the NFP Overlay District, the following standards were reviewed and applied in the following way:

- **Water Resources Standard** – The project is approved for work by EGLE through August 24, 2025. Permitted activities within the water resource setback or on the water resource itself include: *Water and sewer lines, utility lines, bridge abutments or*

approaches, or semi-pervious, nonmotorized trailways, may be developed and maintained within a water resource setback with approval from all applicable local, state, and/or federal agencies. As stated in [§ 50-6.2D\(2\)\(c\)](#) of the NFP Ordinance.

- **Protected Slope and Slope Setback Standards** - Areas of the parcel have slopes greater than or equal to 20% grade. To keep the new non-motorized trails as accessible as possible, impacts to slopes and slope setbacks are suggested. The applicant is asking for relief from these standards to complete the project as proposed. Variances are reviewed and voted on by the Zoning Board of Appeals. The applicant is asking for a recommendation to the Zoning Board of Appeals to grant relief from these NFP standards from the NFP Review Board.
- **Wetland Standard** – The project is approved for work in delineated wetlands by EGLE through August 24, 2025. Due to the size of the parent parcel, the normal setback from Wetlands is 25ft. However, permitted activities within this setback include: *Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, nonmotorized trailways, may be developed and maintained within a wetland setback with approval from all applicable local, state, and/or federal agencies. As stated in [§ 50-6.2C\(3\)\(c\)](#) of the NFP Ordinance.*
- **Protected Tree Standard** – Due to the size of the parcel and the woodland delineation occurring, this standard does not apply.
- **Woodland Protection Standard** – A woodland delineation and assessment is being completed by the applicant and design team. The percentage of woodland covering the site will determine the preservation requirement as stated in [§ 50-6.2G\(3\)\(a\)](#) of the NFP Ordinance. Any impacts to CRZ of the woodland would require a management plan.
- **Stormwater Management** – This is a low intensity development. Stormwater requirements will be monitored and applied during the Site Plan Review Process.

SUPPLEMENTAL SITE PLAN REVIEW APPLICATION FOR NATURAL FEATURES PROTECTION

For projects located within the Natural Features Protection (NFP) Overlay District, separate site plan approval is required before the full site plan can be approved. This review is done either by the NFP Review Board or administratively by staff to verify conformance with NFP Overlay District zoning code ([Chapter 50, NFP](#)). The NFP Overlay District map can be found on the [City's GIS mapping website](#) (select "Planning & Zoning" layer and make sure "NFP Overlay" is clicked on).

The NFP Supplemental Application must be completed and submitted with the regular Site Plan Review Application and checklists. The NFP Review Board meets monthly to review and approve applications. City staff can assist in scheduling a project at an upcoming NFP Review Board meeting. While the review process offers some flexibility, projects often seek NFP approval between the Pre-Application meeting and regular Site Plan Review meeting.

Section I. Project & Applicant Information

All projects must complete Section I. If the project will not impact any natural features on the site, and does not trigger additional stormwater controls or treatment, applicants should sign and submit Section I only. Staff will review and determine if the application can be approved administratively.

Section II. Natural Features Checklist & Attachments

For projects proposing improvements or changes to the site that impact natural features, change grading, or involve work in or near NFP setbacks, Sections II and III must be completed. Section II identifies which natural features are present and standards apply. Section III will assist you in determining what documentation and additional plan sets are needed for a complete application. Once a complete application is submitted to the City, the project will be scheduled for the next available NFP Review Board meeting and an application fee of \$110 will apply.

QUESTIONS

Contact the NFP staff liaison with any questions about your NFP Supplemental Application at (269) 337-8045 or development@kalamazoocity.org.

SECTION I. PROJECT AND APPLICANT INFORMATION

Please provide all of the project and applicant information requested below. Include the date of your regular site plan review meeting, if one has been scheduled or already taken place.

APPLICANT NAME:	(first) (last)		
APPLICANT ADDRESS:	(number) (street name)		
	(city)	(state)	(zip)
APPLICANT EMAIL:		PHONE:	()
PARCEL ADDRESS/PIN:			
PROJECT DESCRIPTION:			
OWNER NAME: (if different)	(first) (last)		
HAS REGULAR SITE PLAN REVIEW MEETING OCCURRED?	☐ Yes ☐ No	DATE OF SITE PLAN REVIEW MEETING:	

NFP APPLICATION REQUIRED?

Is the project limited to interior work <u>only</u> with no exterior ground changes or increase in impervious coverage?	
YES	If YES , Sections II & III of this application are not needed. Sign below & submit only this page with your site plan review or permit application.
NO	If NO , proceed to Sections II & III. Do NOT sign below.

By signing below, the applicant certifies that no natural features will be disturbed as part of this project.

Print name: _____

Signature: _____

Date: _____

SECTION II. NFP SITE PLAN CHECKLIST & ATTACHMENTS

Use the checklist to determine what documentation and additional plans sets must be prepared for this application. All plan sets, maps, and additional information must be attached to this application to be considered complete. If you checked “no” to certain NFP items in questions 1-7 in Section II, record “N/A” on the checklist.

REQUIRED: NFP SITE PLAN SET

All applications must include separate sheets in the plan set showing the following:

1. Existing conditions map showing an inventory of all protected natural features and any associated natural features setbacks with distances (use checklist below)
2. Future development plan overlaid onto the existing conditions and natural features inventory; indicate where and to what extent protected natural features will be disturbed, removed, altered, or impacted in any way and which natural features will be protected during and after construction

Future development plan must include:

- **Boundary with extent of re-grading**, construction, or site preparation activities
 - **All existing and new building footprints** (mark whether existing buildings will be removed or maintained)
 - **New and existing parking** surfaces or structures, sidewalks, trails, and other impervious or semi-impervious surfaces including decks, patios, viewing platforms, etc. (list proposed surface materials and whether existing surfaces will be maintained or removed)
 - **Proposed location of fencing and screening**, whether permanent, natural, or construction silt fencing and/or natural feature protection fencing (with specifications)
 - **Stormwater facilities** showing boundary of ground disturbance, grading or construction activities, if located near natural features
 - **New utilities** and/or relocation of existing utilities showing corridors that could impact natural features
3. Landscape plan detailing the minimum elements needed to meet zoning code requirements and all proposed additional landscaping elements or features (include table with species name)
 4. Any additional plans or tables detailing which natural features will be restored or replaced after construction, if required (e.g., riparian buffer installation or slope restoration plan may be required under certain circumstances when the ordinance allows changes within these protected areas)

WETLANDS	Present:	Included on page #:	Notes:
Mark existing wetland boundaries with notes about wetland conditions. <i>Attach a copy of EGLE permit or permit application for work impacting Part 303 wetlands regulated by the State.</i>	☐ Yes ☐ No		
WATER RESOURCES	Present:	Included on page #:	Notes:
Mark the location of all water resources on the parcel and those within 25 feet of the parcel boundaries. <i>Attach a copy of EGLE permit or permit application for work impacting Part 301 waters regulated by the State.</i>	☐ Yes ☐ No		
Show required setbacks with dimensions; describe existing or future ground cover within riparian setbacks.			
TREES	Present:	Included on page #:	Notes:
Mark the location of all “protected” trees that are proposed to be removed and those that will remain and require protection fencing.	☐ Yes ☐ No		
Include a table with species name, size (DBH and height), and condition of “protected” trees that are proposed to be removed and list replacement tree information.			
Provide a note with justification for removal.			
WOODLANDS	Present:	Included on page #:	Notes:
Delineate the boundary of all woodlands on the parcel noting where woodlands likely extend onto adjacent parcels.	☐ Yes ☐ No		
Mark all areas of woodland that will be retained and removed (i.e., cleared).			
Include a table or note with the required preservation ratio (based on existing woodland coverage), percentage proposed to be removed, and rationale for selecting area for removal.	Woodland Assessment to be provided		
SLOPES	Present:	Included on page #:	Notes:
Provide a slope analysis that shows the boundaries of all “protected” slopes and mark the required setback(s).	☐ Yes ☐ No		
Include a note with co-existing feature that triggers “protected” slope status (e.g., wooded, within 500 ft of water resource).			

NATURAL HERITAGE AREAS	Present:	Included on page #:	Notes:
Is an MNFI* rare species review required? <i>Parcels can be pre-screened using the City's GIS website, click on the "Planning & Zoning" layer and "NFP Overlay" layer; then click on parcel and see MNFI status.</i>	☐ Yes ☐ No		
If an MNFI rare species review is required, attach the resulting report.	Rare Species Review has been requested		

*Michigan Natural Features Inventory (MNFI) Rare Species Reviews can be requested at:

<https://mnfi.anr.msu.edu/services/rare-species-reviews>

ACCEPTED DATA SOURCES & ANALYSIS

All data sources, analysis, and professionals are subject to approval by the City Planner according to Chapter 50-6.2. The following guidance may be useful when selecting a professional or methodology for inventorying natural features.

1. WETLANDS

- Wetland delineation report performed by a qualified consultant including a map denoting delineated boundary of all wetlands, OR
- Most recent US Fish & Wildlife Service's National Wetlands Inventory boundary (State of Michigan mapper: <https://www.michigan.gov/egle/about/organization/water-resources/wetlands/inventory-maps>)

2. PROTECTED TREE IDENTIFICATION

- May be performed by an qualified professional (including ISA Certified Arborist or similar); a full tree inventory is not required if all necessary information can be obtained and communicated using another survey, inventory, or site assessment methodology

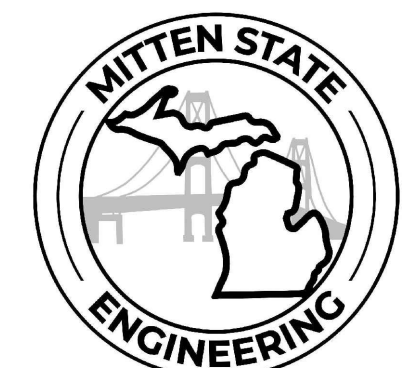
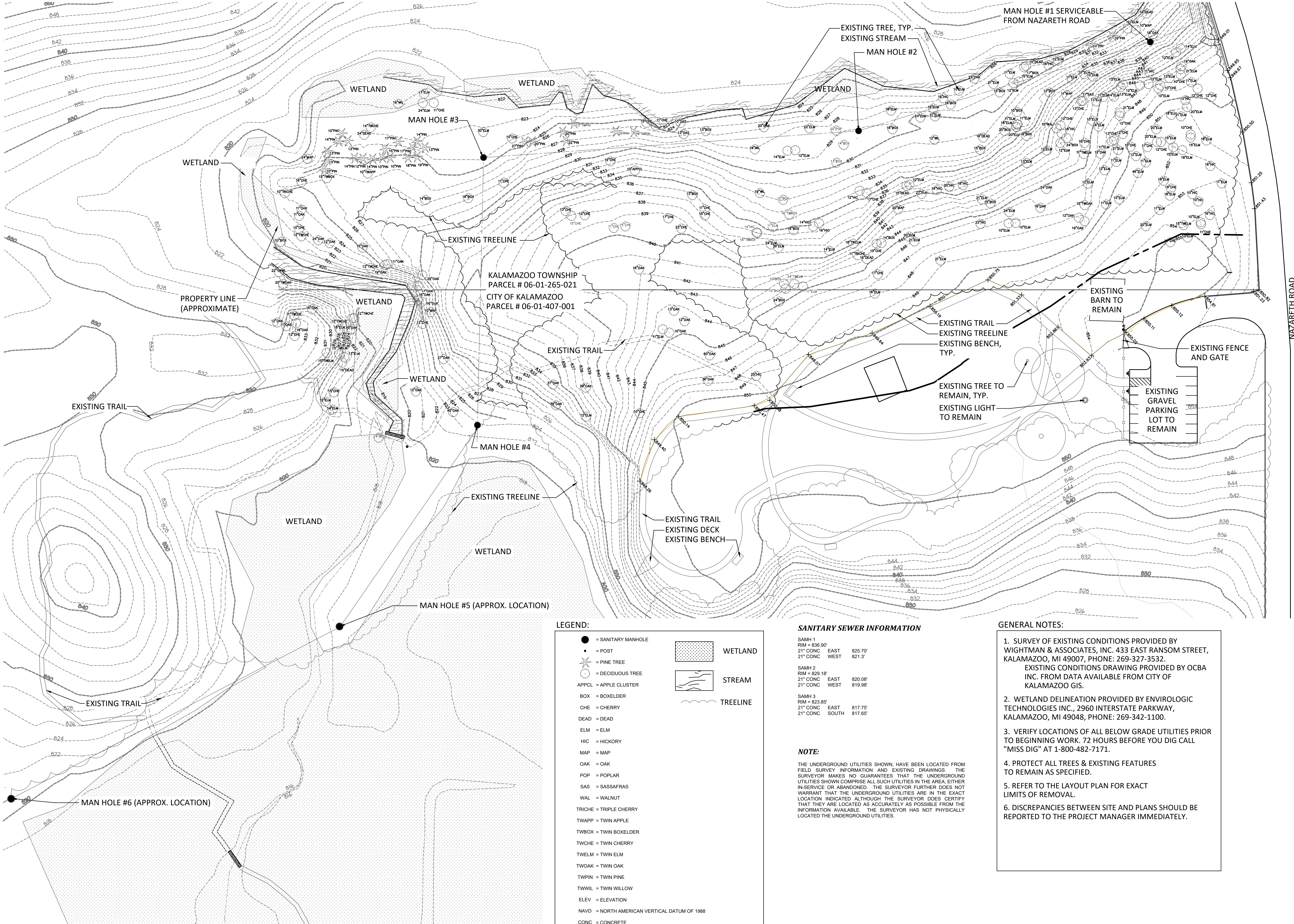
3. WOODLANDS

- A qualified professional, such as an ISA Certified Arborist, landscape architect, or license engineer may perform a desktop analysis or field survey to delineate woodlands
- When a variances is being requests to remove more woodland cover than is allowed under the preservation ration, the following is required
 - Woodland assessment report with determination that the Trees per Area (TPA) meets the NFP definition of a woodland and mapped delineation of woodland
 - Woodland assessment report with a determination that Basal Area is equivalent to the TPA in the NFP definition and meets definition of a woodland and mapped delineation of woodland
 - In addition to determination of whether stand of trees meets NFP definition of a woodland, assessment must include information on general species diversity,

composition of species, any notable trees (either notable species or size), invasive species composition, and general health and age observations of tree stand

4. PROTECTED SLOPES

- Topographic survey performed in the field by a qualified consultant to delineate areas of a slope with grade of 20% or greater
- Desktop analysis performed using U.S. Geological Survey digital topographic maps, LIDAR, digital elevation map, or equivalent data showing 2' intervals or finer resolution, performed by a qualified consultant or engineer



For Review Only –
Not For Construction

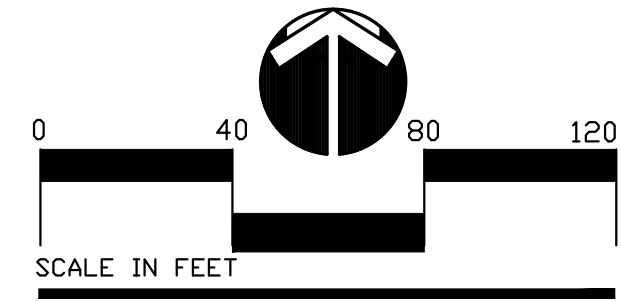
HARD COPY IS INTENDED TO
BE 24"X36" WHEN PLOTTED.
SCALE(S) INDICATED AND
GRAPHIC QUALITY MAY NOT
BE ACCURATE FOR ANY
OTHER SIZES.

Issued For: Date
NFP REVIEW 05-14-2024

Project:
**BOW IN THE CLOUDS
SWMLC
PHASE 2
IMPROVEMENTS**

KALAMAZOO, MI

Sheet Title
**EXISTING
CONDITIONS PLAN**



Job No. Sheet No.

052367 C1.0

LEGEND:

● = SANITARY MANHOLE	WETLAND
• = POST	STREAM
☆ = PINE TREE	TREELINE
○ = DECIDUOUS TREE	
APPL = APPLE CLUSTER	
BOX = BOXELDER	
CHE = CHERRY	
DEAD = DEAD	
ELM = ELM	
HIC = HICKORY	
MAP = MAP	
OAK = OAK	
POP = POPLAR	
SAS = SASSAFRAS	
WAL = WALNUT	
TRICHE = TRIPLE CHERRY	
TWAPP = TWIN APPLE	
TWBOX = TWIN BOXELDER	
TWCHE = TWIN CHERRY	
TWELM = TWIN ELM	
TWOAK = TWIN OAK	
TWPIN = TWIN PINE	
TWWIL = TWIN WILLOW	
ELEV = ELEVATION	
NAVD = NORTH AMERICAN VERTICAL DATUM OF 1988	
CONC = CONCRETE	
= SPOT GRADE	
= APPROXIMATE SANITARY SEWER LOCATION	

SANITARY SEWER INFORMATION

SAMH 1
RIM = 836.90'
21" CONC EAST 825.70'
21" CONC WEST 821.3'

SAMH 2
RIM = 828.18'
21" CONC EAST 820.08'
21" CONC WEST 819.98'

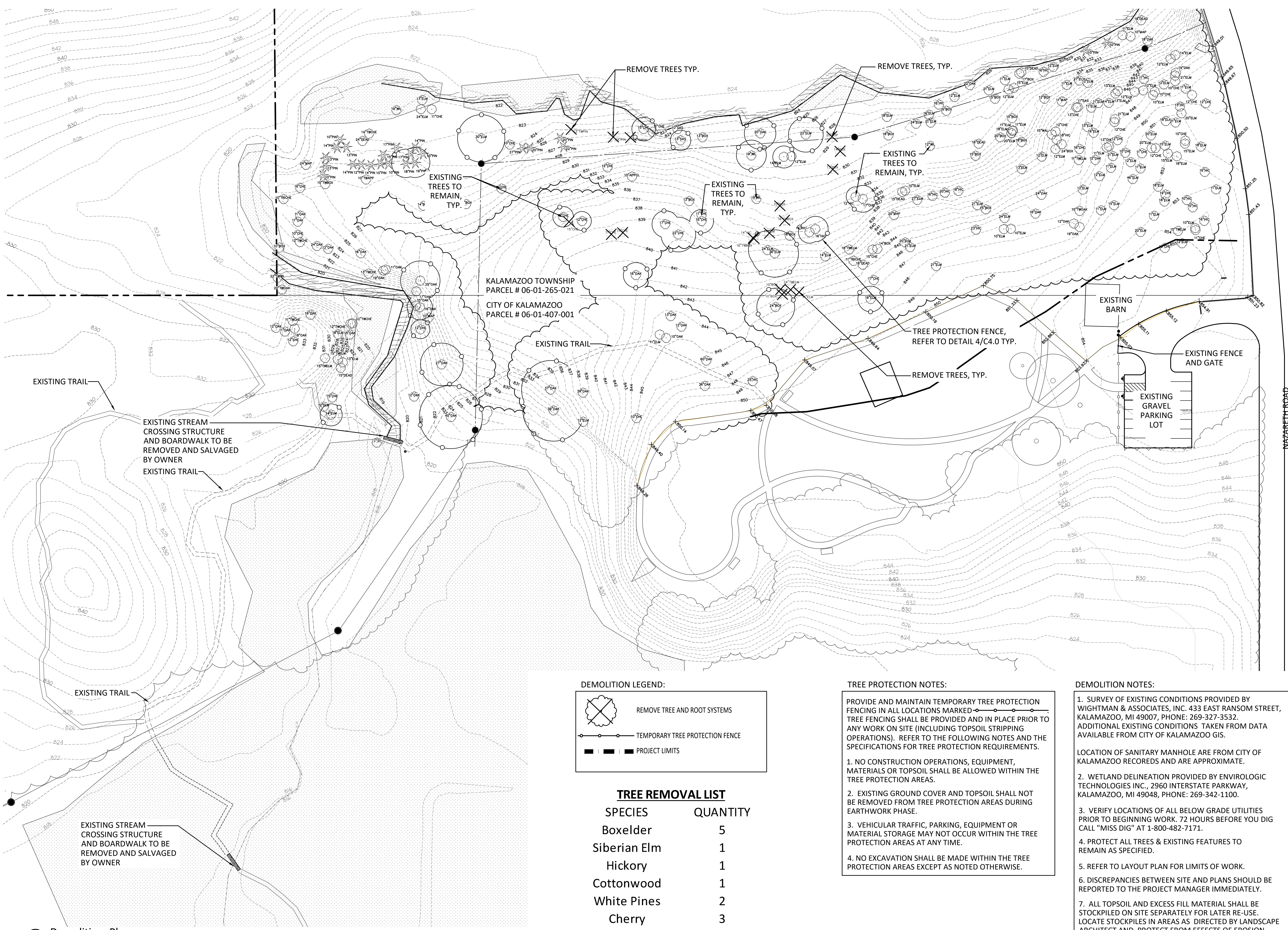
SAMH 3
RIM = 823.85'
21" CONC EAST 817.75'
21" CONC SOUTH 817.65'

NOTE:

THE UNDERGROUND UTILITIES SHOWN, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

GENERAL NOTES:

1. SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC. 433 EAST RANSOM STREET, KALAMAZOO, MI 49007, PHONE: 269-327-3532. EXISTING CONDITIONS DRAWING PROVIDED BY OCBA INC. FROM DATA AVAILABLE FROM CITY OF KALAMAZOO GIS.
2. WETLAND DELINEATION PROVIDED BY ENVIROLOGIC TECHNOLOGIES INC., 2960 INTERSTATE PARKWAY, KALAMAZOO, MI 49048, PHONE: 269-342-1100.
3. VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171.
4. PROTECT ALL TREES & EXISTING FEATURES TO REMAIN AS SPECIFIED.
5. REFER TO THE LAYOUT PLAN FOR EXACT LIMITS OF REMOVAL.
6. DISCREPANCIES BETWEEN SITE AND PLANS SHOULD BE REPORTED TO THE PROJECT MANAGER IMMEDIATELY.



DEMOLITION LEGEND:

- REMOVE TREE AND ROOT SYSTEMS
- TEMPORARY TREE PROTECTION FENCE
- PROJECT LIMITS

TREE REMOVAL LIST	
SPECIES	QUANTITY
Boxelder	5
Siberian Elm	1
Hickory	1
Cottonwood	1
White Pines	2
Cherry	3

TREE PROTECTION NOTES:

PROVIDE AND MAINTAIN TEMPORARY TREE PROTECTION FENCING IN ALL LOCATIONS MARKED . TREE FENCING SHALL BE PROVIDED AND IN PLACE PRIOR TO ANY WORK ON SITE (INCLUDING TOPSOIL STRIPPING OPERATIONS). REFER TO THE FOLLOWING NOTES AND THE SPECIFICATIONS FOR TREE PROTECTION REQUIREMENTS.

- NO CONSTRUCTION OPERATIONS, EQUIPMENT, MATERIALS OR TOPSOIL SHALL BE ALLOWED WITHIN THE TREE PROTECTION AREAS.
- EXISTING GROUND COVER AND TOPSOIL SHALL NOT BE REMOVED FROM TREE PROTECTION AREAS DURING EARTHWORK PHASE.
- VEHICULAR TRAFFIC, PARKING, EQUIPMENT OR MATERIAL STORAGE MAY NOT OCCUR WITHIN THE TREE PROTECTION AREAS AT ANY TIME.
- NO EXCAVATION SHALL BE MADE WITHIN THE TREE PROTECTION AREAS EXCEPT AS NOTED OTHERWISE.

DEMOLITION NOTES:

- SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC. 433 EAST RANSOM STREET, KALAMAZOO, MI 49007, PHONE: 269-327-3532. ADDITIONAL EXISTING CONDITIONS TAKEN FROM DATA AVAILABLE FROM CITY OF KALAMAZOO GIS.
- LOCATION OF SANITARY MANHOLE ARE FROM CITY OF KALAMAZOO RECORDS AND ARE APPROXIMATE.
- WETLAND DELINEATION PROVIDED BY ENVIROLOGIC TECHNOLOGIES INC., 2960 INTERSTATE PARKWAY, KALAMAZOO, MI 49048, PHONE: 269-342-1100.
- VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171.
- PROTECT ALL TREES & EXISTING FEATURES TO REMAIN AS SPECIFIED.
- REFER TO LAYOUT PLAN FOR LIMITS OF WORK.
- DISCREPANCIES BETWEEN SITE AND PLANS SHOULD BE REPORTED TO THE PROJECT MANAGER IMMEDIATELY.
- ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE STOCKPILED ON SITE SEPARATELY FOR LATER RE-USE. LOCATE STOCKPILES IN AREAS AS DIRECTED BY LANDSCAPE ARCHITECT AND PROTECT FROM EFFECTS OF EROSION.

1 Demolition Plan
SCALE : 1" = 40'-0"



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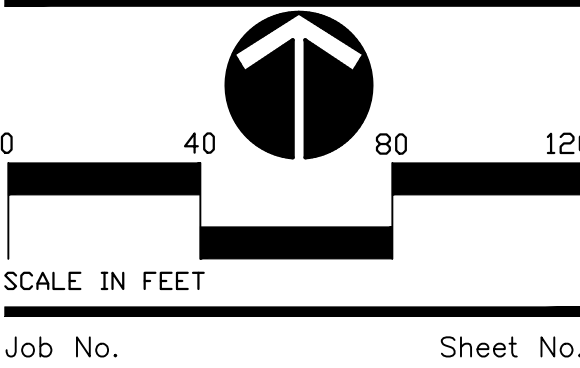
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Project:
**BOW IN THE CLOUDS
SWMLC
PHASE 2
IMPROVEMENTS**

KALAMAZOO, MI

Sheet Title

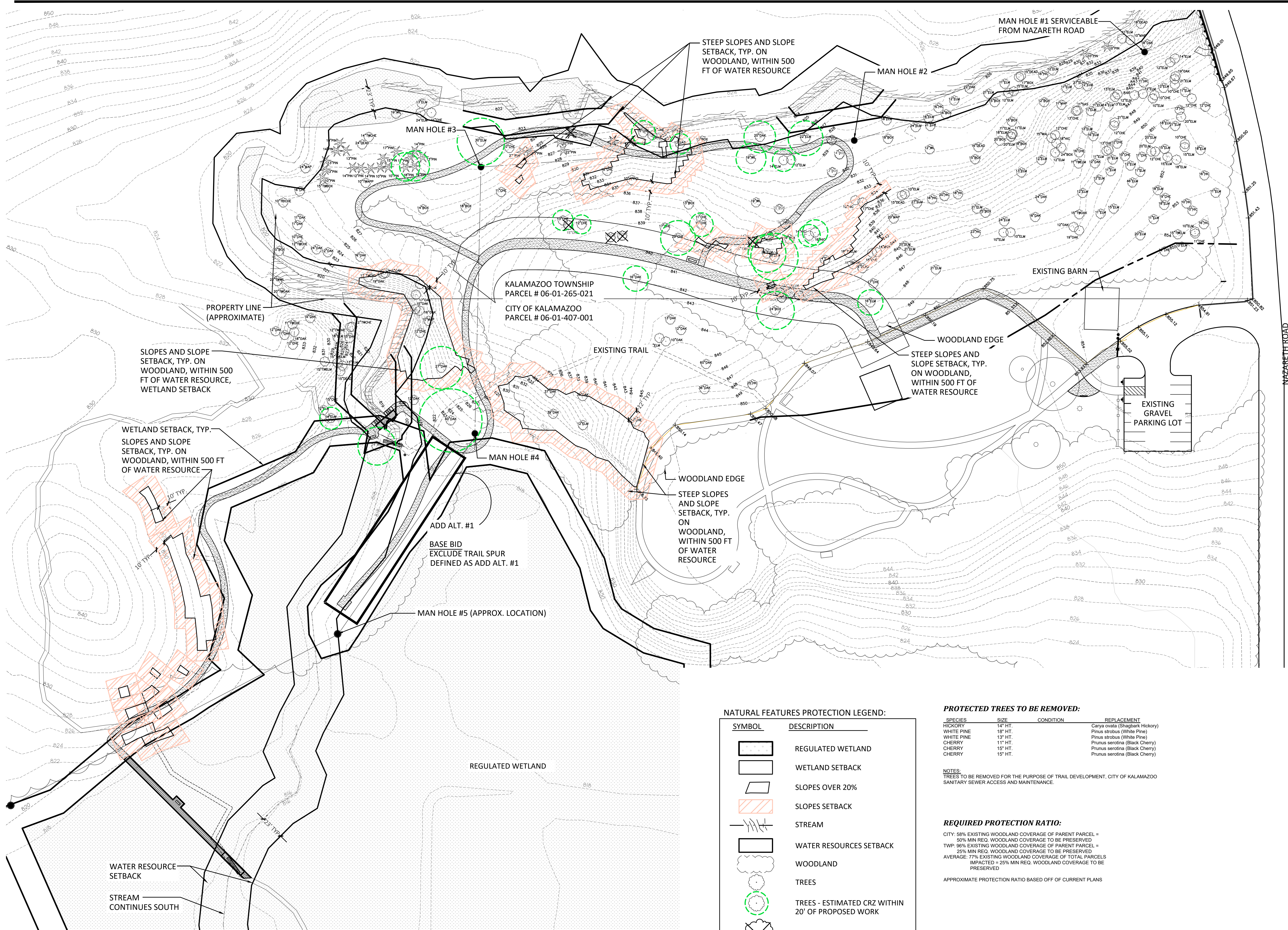
DEMOLITION PLAN



Job No. _____ Sheet No. _____

052367

C1.1



1 Layout and Materials Plan
SCALE : 1" = 40'-0"

NATURAL FEATURES PROTECTION LEGEND:

SYMBOL	DESCRIPTION
	REGULATED WETLAND
	WETLAND SETBACK
	SLOPES OVER 20%
	SLOPES SETBACK
	STREAM
	WATER RESOURCES SETBACK
	WOODLAND
	TREES
	TREES - ESTIMATED CRZ WITHIN 20' OF PROPOSED WORK
	PROTECTED TREE SPECIES TO BE REMOVED

PROTECTED TREES TO BE REMOVED:

SPECIES	SIZE	CONDITION	REPLACEMENT
HICKORY	14" HT.		Garya ovata (Shagbark Hickory)
WHITE PINE	18" HT.		Pinus strobus (White Pine)
WHITE PINE	13" HT.		Pinus strobus (White Pine)
CHERRY	11" HT.		Prunus serotina (Black Cherry)
CHERRY	15" HT.		Prunus serotina (Black Cherry)
CHERRY	15" HT.		Prunus serotina (Black Cherry)

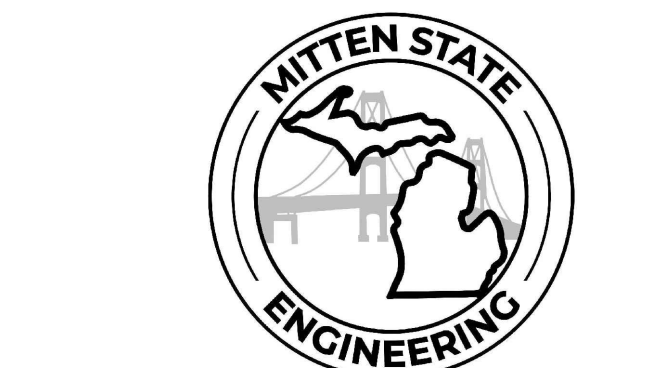
NOTES:
TREES TO BE REMOVED FOR THE PURPOSE OF TRAIL DEVELOPMENT, CITY OF KALAMAZOO
SANITARY SEWER ACCESS AND MAINTENANCE.

REQUIRED PROTECTION RATIO:
CITY: 58% EXISTING WOODLAND COVERAGE OF PARENT PARCEL =
50% MIN REQ. WOODLAND COVERAGE TO BE PRESERVED
TWP: 96% EXISTING WOODLAND COVERAGE OF PARENT PARCEL =
25% MIN REQ. WOODLAND COVERAGE TO BE PRESERVED
AVERAGE: 77% EXISTING WOODLAND COVERAGE OF TOTAL PARCELS
IMPACTED = 25% MIN REQ. WOODLAND COVERAGE TO BE
PRESERVED
APPROXIMATE PROTECTION RATIO BASED OFF OF CURRENT PLANS



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Kalamazoo Michigan 49007
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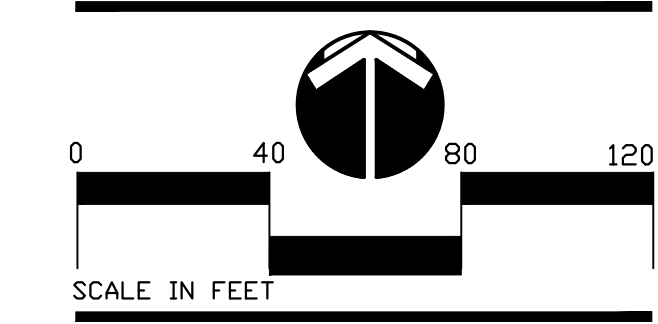
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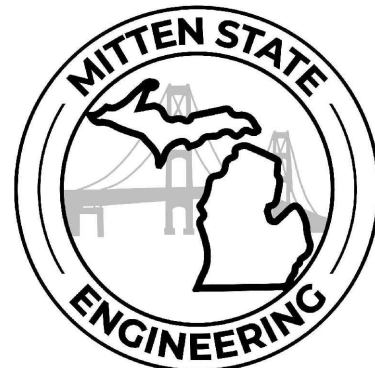
Project:
**BOW IN THE CLOUDS
SWMLC
PHASE 2
IMPROVEMENTS**

KALAMAZOO, MI

Sheet Title
NATURAL FEATURES



Job No. Sheet No.
052367 C1.2



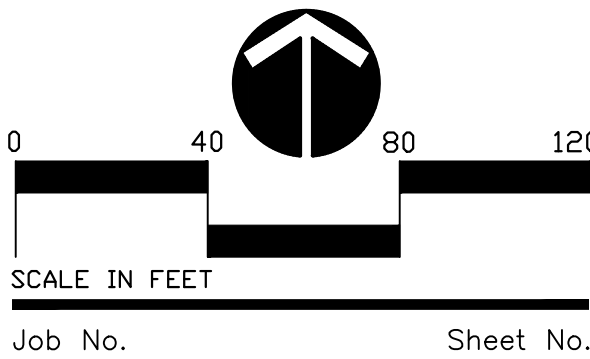
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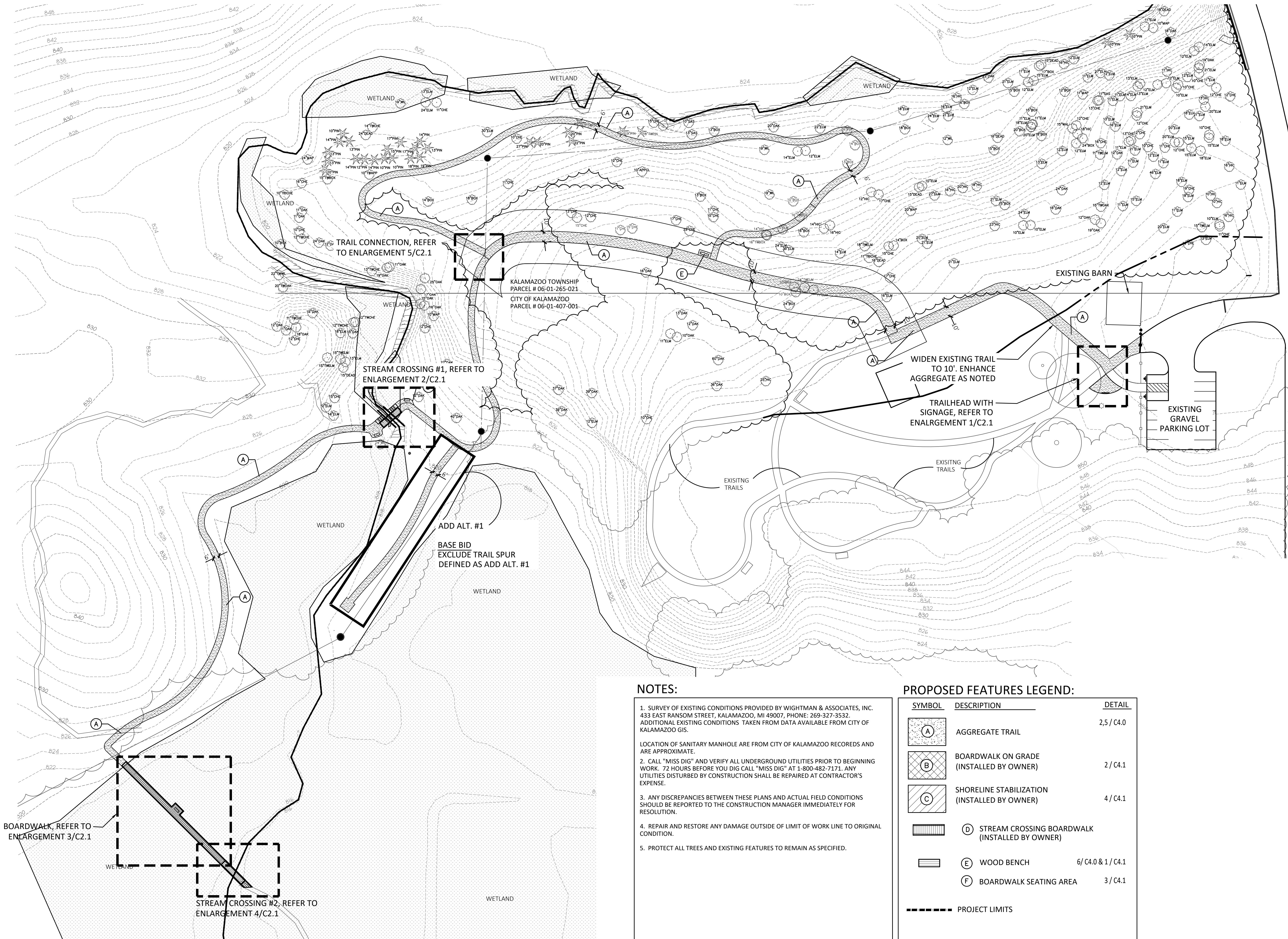
Project:
**BOW IN THE CLOUDS
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PHASE 2
IMPROVEMENTS**

KALAMAZOO, MI
Sheet Title
**LAYOUT & MATERIALS
PLAN**



Job No. Sheet No.

052367 C2.0



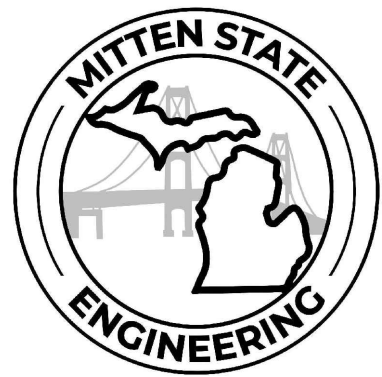
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2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
3. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE CONSTRUCTION MANAGER IMMEDIATELY FOR RESOLUTION.
4. REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
5. PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.

PROPOSED FEATURES LEGEND:

SYMBOL	DESCRIPTION	DETAIL
	AGGREGATE TRAIL	2/5 / C4.0
	BOARDWALK ON GRADE (INSTALLED BY OWNER)	2 / C4.1
	SHORELINE STABILIZATION (INSTALLED BY OWNER)	4 / C4.1
	STREAM CROSSING BOARDWALK (INSTALLED BY OWNER)	
	WOOD BENCH	6 / C4.0 & 1 / C4.1
	BOARDWALK SEATING AREA	3 / C4.1
	PROJECT LIMITS	

1 Overall Layout Plan
SCALE: 1" = 40'-0"



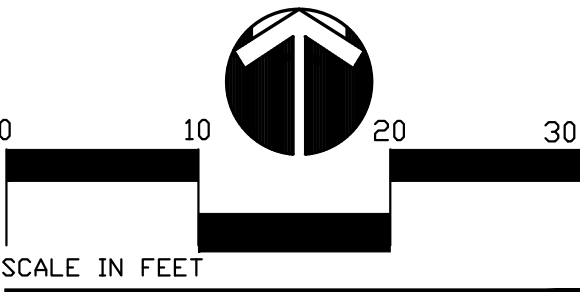
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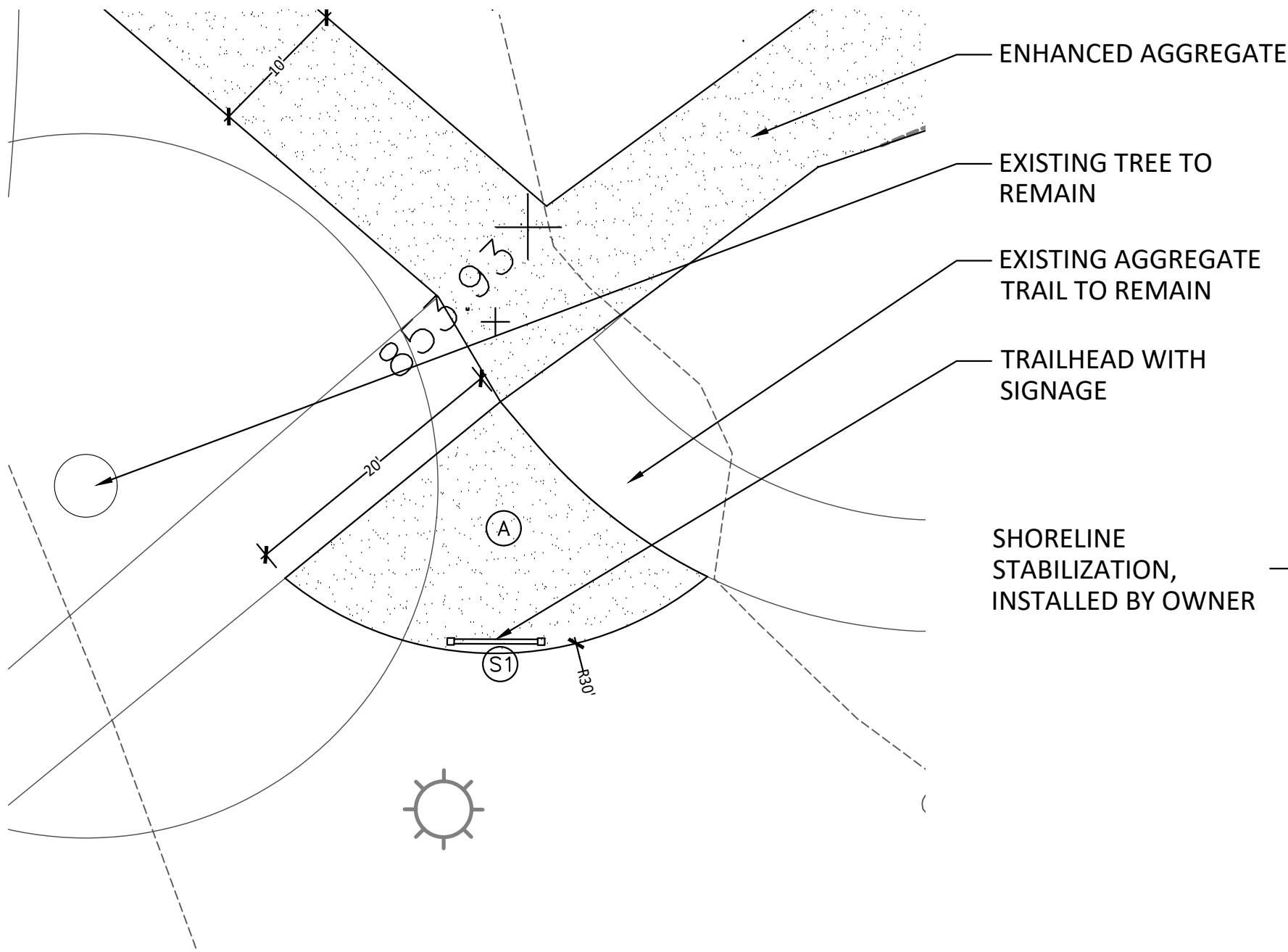
Project:
**BOW IN THE CLOUDS
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IMPROVEMENTS**

KALAMAZOO, MI
Sheet Title
**LAYOUT & MATERIALS
ENLARGEMENTS**

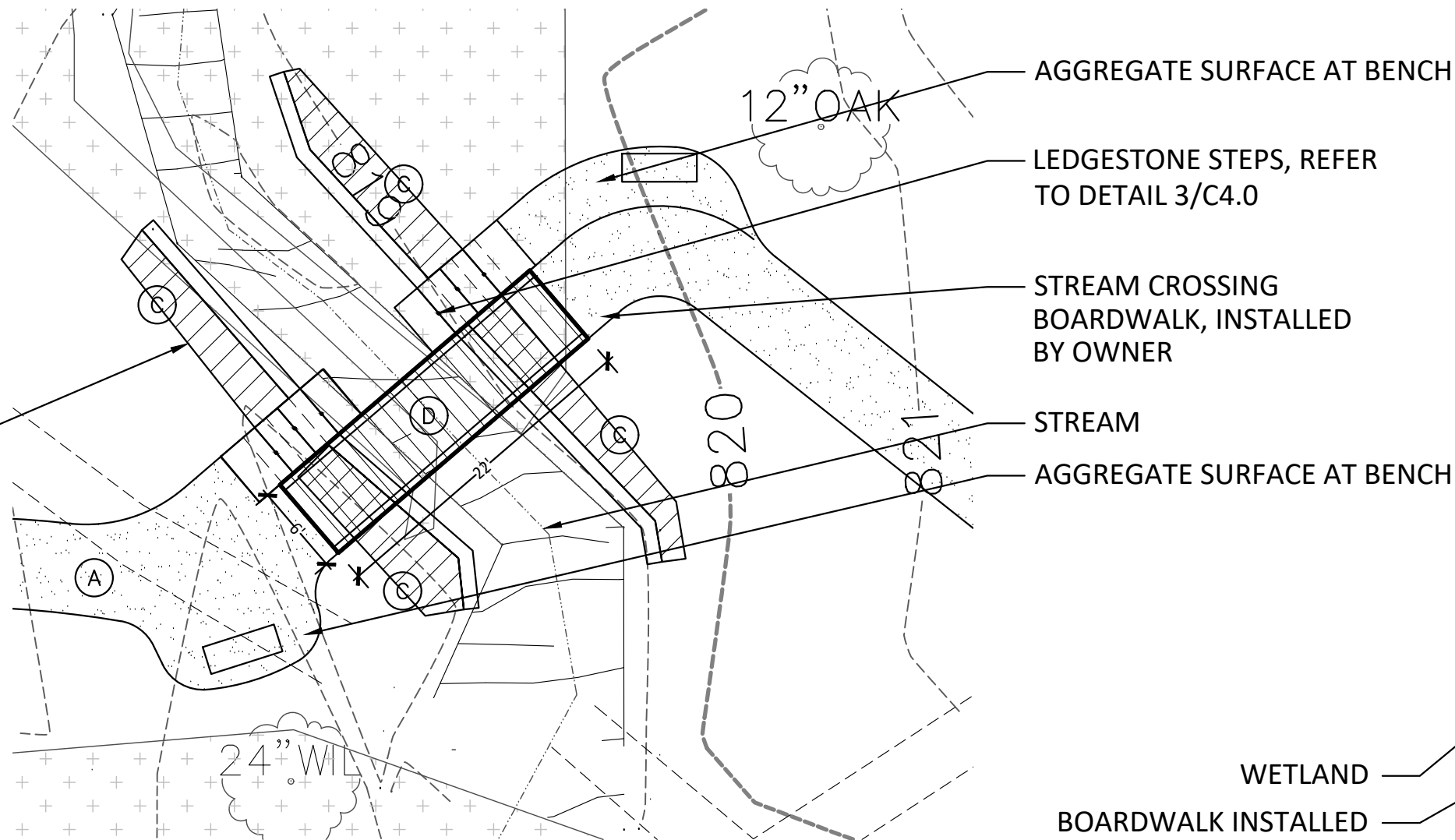


Job No. Sheet No.

052367 C2.1

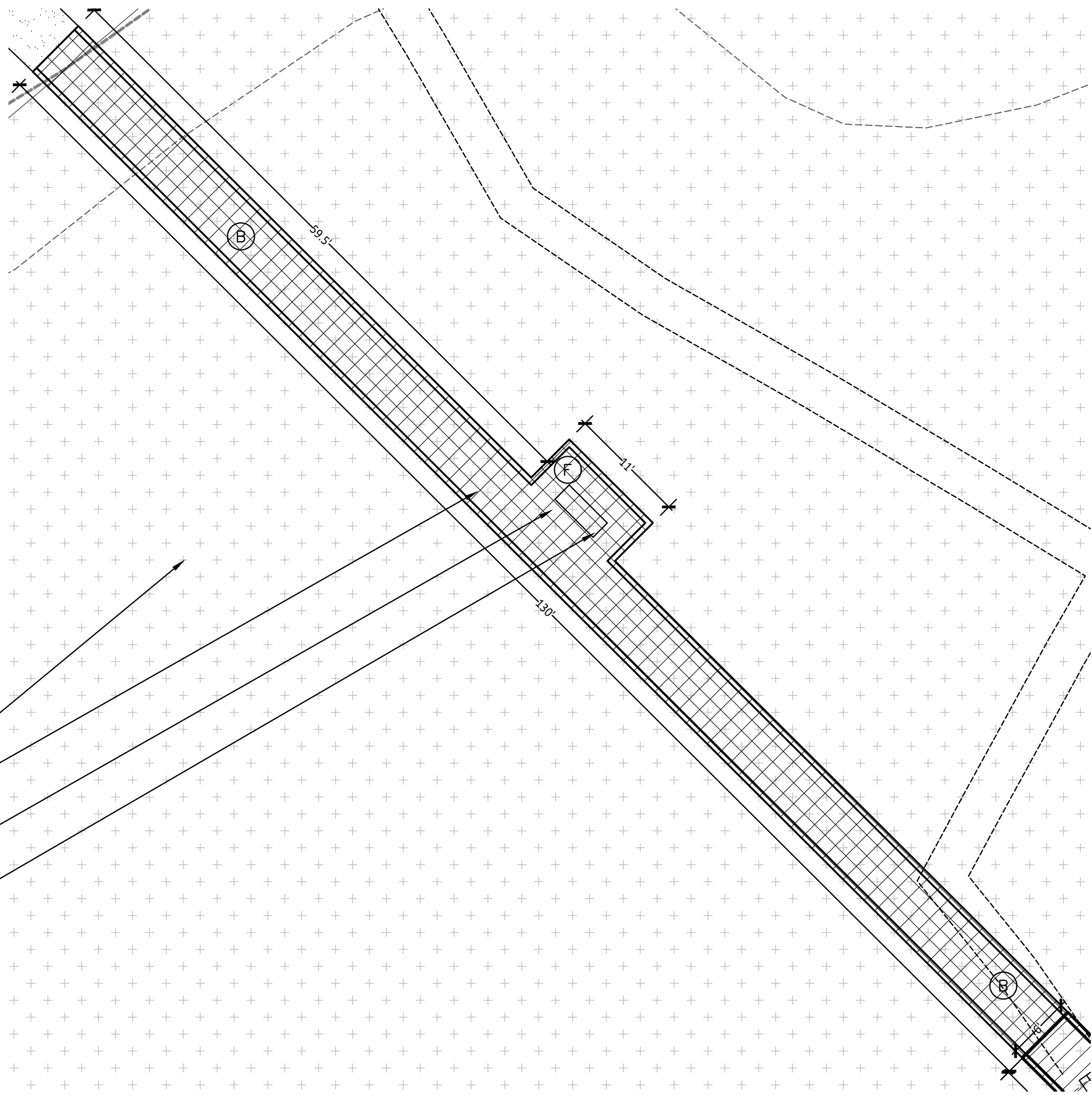


1 Trailhead Enlargement Plan
SCALE : 1" = 10'-0"

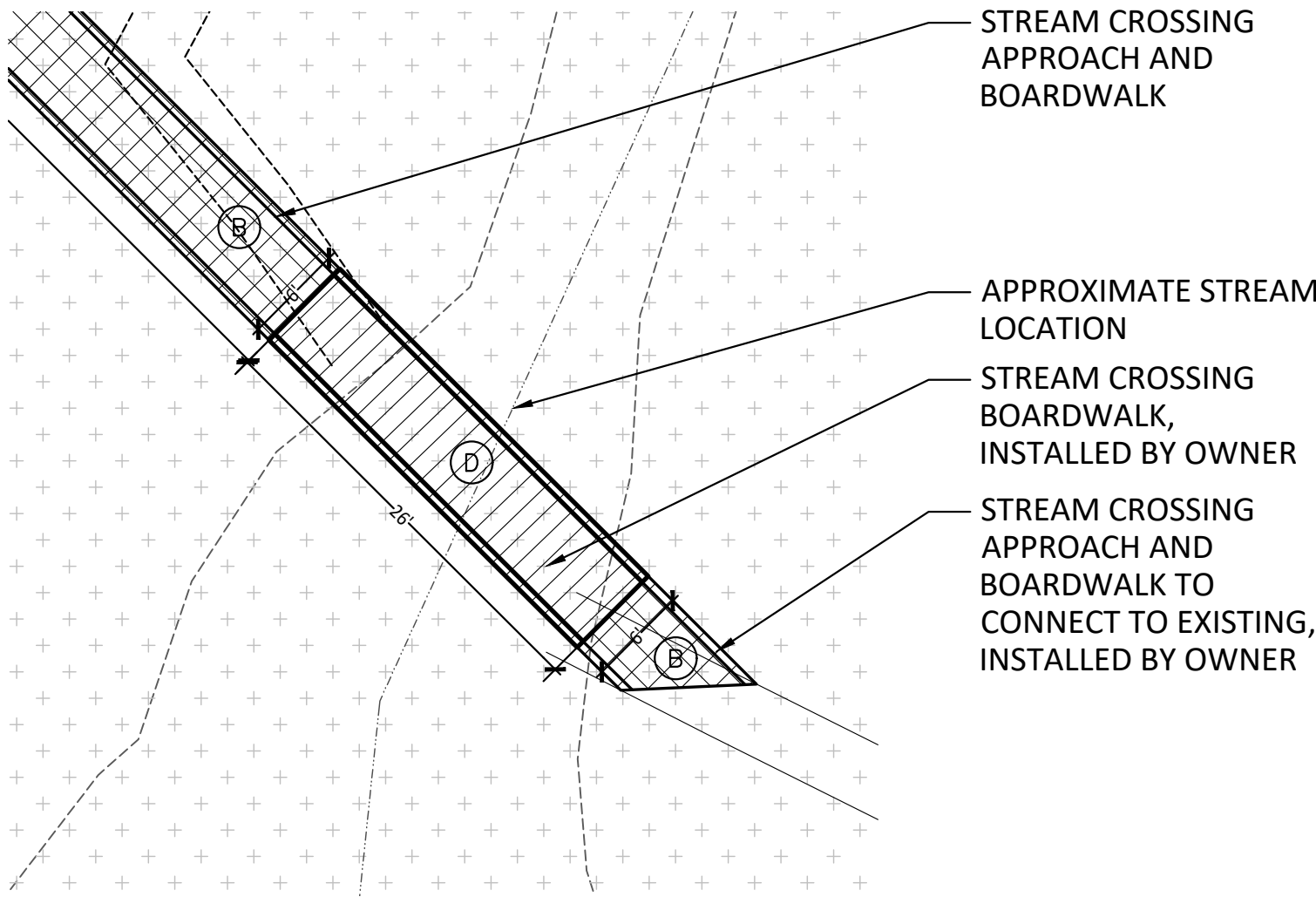


2 Stream Crossing #1 Enlargement Plan
SCALE : 1" = 10'-0"

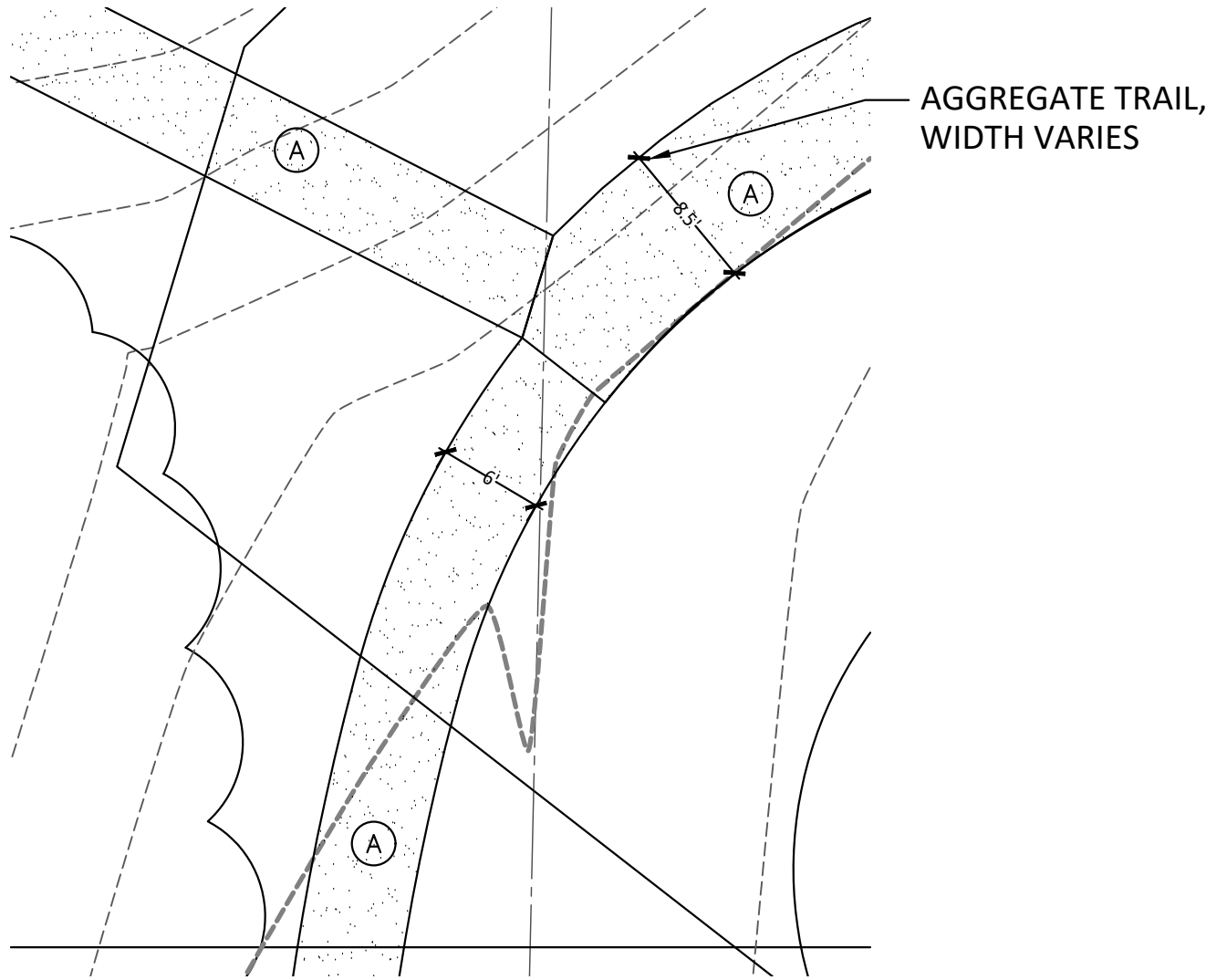
WETLAND
BOARDWALK INSTALLED
BY OWNER
BENCH SEATING AREA
BENCH



3 Boardwalk Enlargement Plan
SCALE : 1" = 10'-0"



4 Stream Crossing Boardwalk #2 Enlargement Plan
SCALE : 1" = 10'-0"



5 Trail Enlargement Plan
SCALE : 1" = 10'-0"

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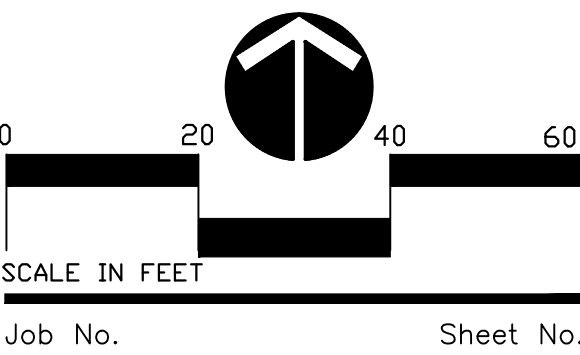
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KALAMAZOO, MI

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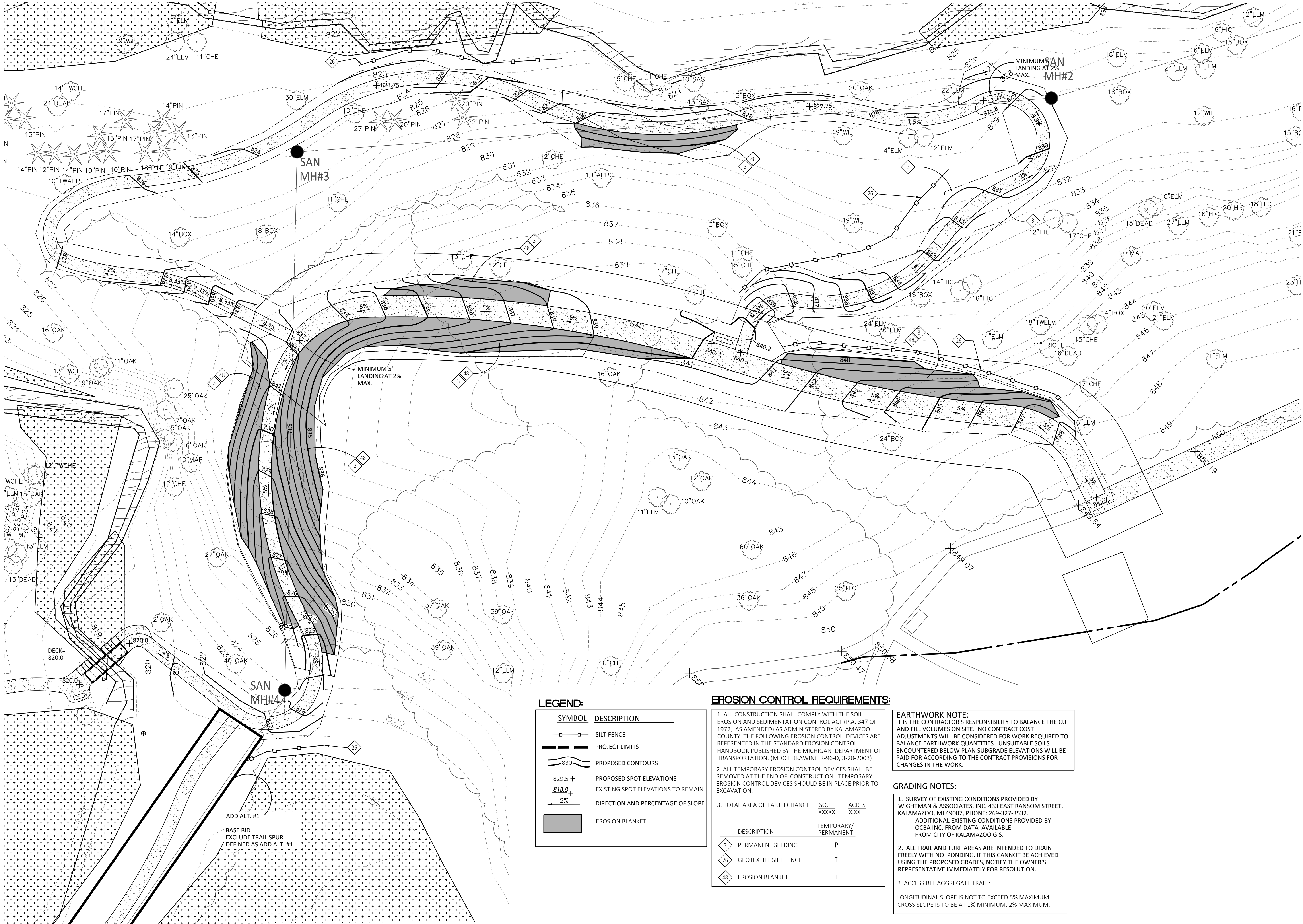
**NORTH GRADING AND
SESC PLAN**



Job No. Sheet No.

052367

C3.0



LEGEND:

SYMBOL	DESCRIPTION
	SILT FENCE
	PROJECT LIMITS
	PROPOSED CONTOURS
	PROPOSED SPOT ELEVATIONS
	EXISTING SPOT ELEVATIONS TO REMAIN
	DIRECTION AND PERCENTAGE OF SLOPE
	EROSION BLANKET

EROSION CONTROL REQUIREMENTS:

- ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 347 OF 1972, AS AMENDED) AS ADMINISTERED BY KALAMAZOO COUNTY. THE FOLLOWING EROSION CONTROL DEVICES ARE REFERENCED IN THE STANDARD EROSION CONTROL HANDBOOK PUBLISHED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION. (MDOT DRAWING R-96-D, 3-20-2003)
- ALL TEMPORARY EROSION CONTROL DEVICES SHALL BE REMOVED AT THE END OF CONSTRUCTION. TEMPORARY EROSION CONTROL DEVICES SHOULD BE IN PLACE PRIOR TO EXCAVATION.
- TOTAL AREA OF EARTH CHANGE

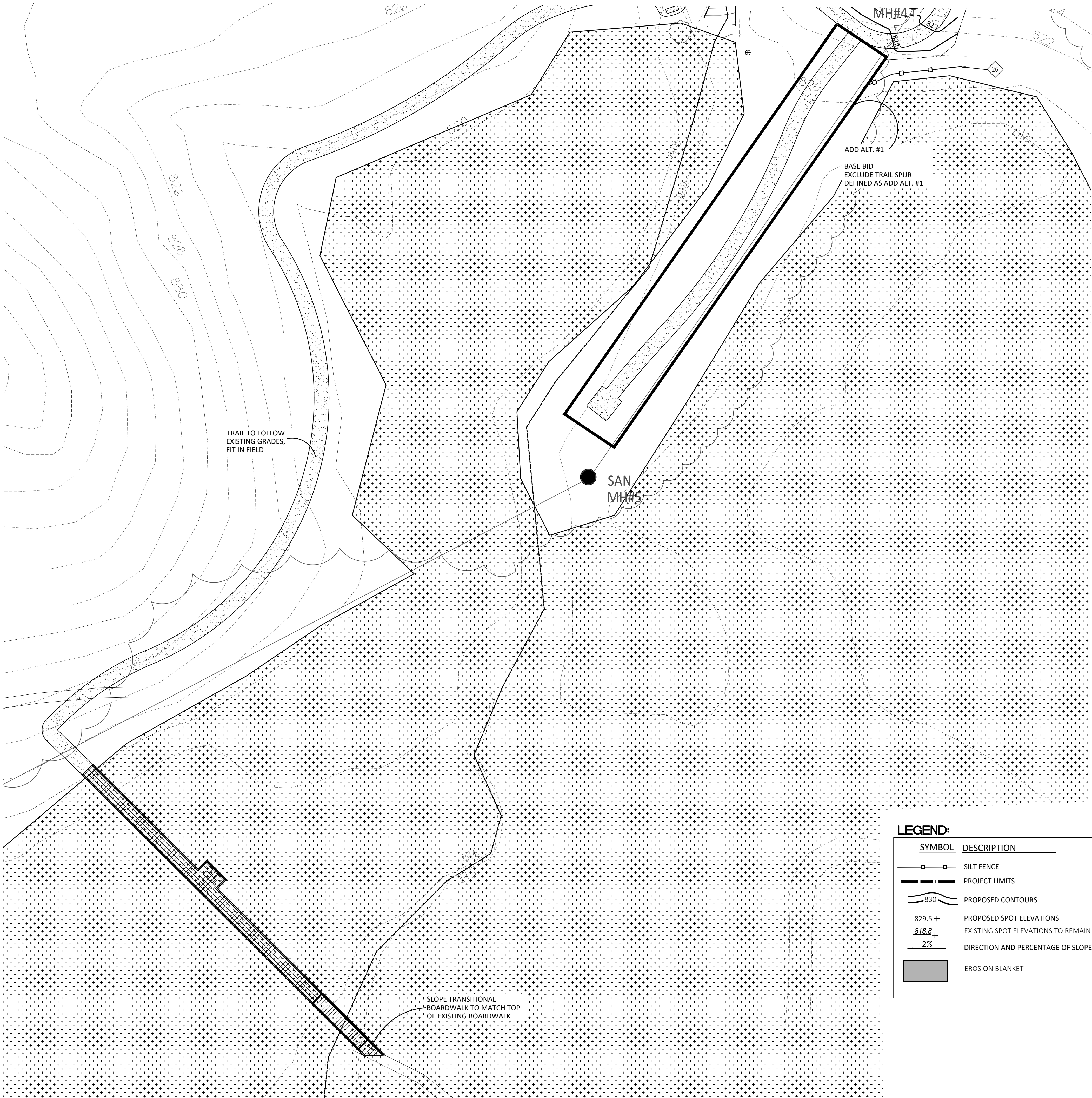
DESCRIPTION	SO.FT XXXXX	ACRES X.XX
PERMANENT SEEDING		P
GEOTEXTILE SILT FENCE		T
EROSION BLANKET		T

EARTHWORK NOTE:

IT IS THE CONTRACTOR'S RESPONSIBILITY TO BALANCE THE CUT AND FILL VOLUMES ON SITE. NO CONTRACT COST ADJUSTMENTS WILL BE CONSIDERED FOR WORK REQUIRED TO BALANCE EARTHWORK QUANTITIES. UNSUITABLE SOILS ENCOUNTERED BELOW PLAN SUBGRADE ELEVATIONS WILL BE PAID FOR ACCORDING TO THE CONTRACT PROVISIONS FOR CHANGES IN THE WORK.

GRADING NOTES:

- SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC. 433 EAST RANSOM STREET, KALAMAZOO, MI 49007, PHONE: 269-327-3532. ADDITIONAL EXISTING CONDITIONS PROVIDED BY OCBA INC. FROM DATA AVAILABLE FROM CITY OF KALAMAZOO GIS.
- ALL TRAIL AND TURF AREAS ARE INTENDED TO DRAIN FREELY WITH NO PONDING. IF THIS CANNOT BE ACHIEVED USING THE PROPOSED GRADES, NOTIFY THE OWNER'S REPRESENTATIVE IMMEDIATELY FOR RESOLUTION.
- ACCESSIBLE AGGREGATE TRAIL :
LONGITUDINAL SLOPE IS NOT TO EXCEED 5% MAXIMUM.
CROSS SLOPE IS TO BE AT 1% MINIMUM, 2% MAXIMUM.



1 Grading Plan
SCALE : 1" = 20'-0"

LEGEND:	
SYMBOL	DESCRIPTION
	SILT FENCE
	PROJECT LIMITS
	PROPOSED CONTOURS
	PROPOSED SPOT ELEVATIONS
	EXISTING SPOT ELEVATIONS TO REMAIN
	DIRECTION AND PERCENTAGE OF SLOPE
	EROSION BLANKET

EROSION CONTROL REQUIREMENTS:

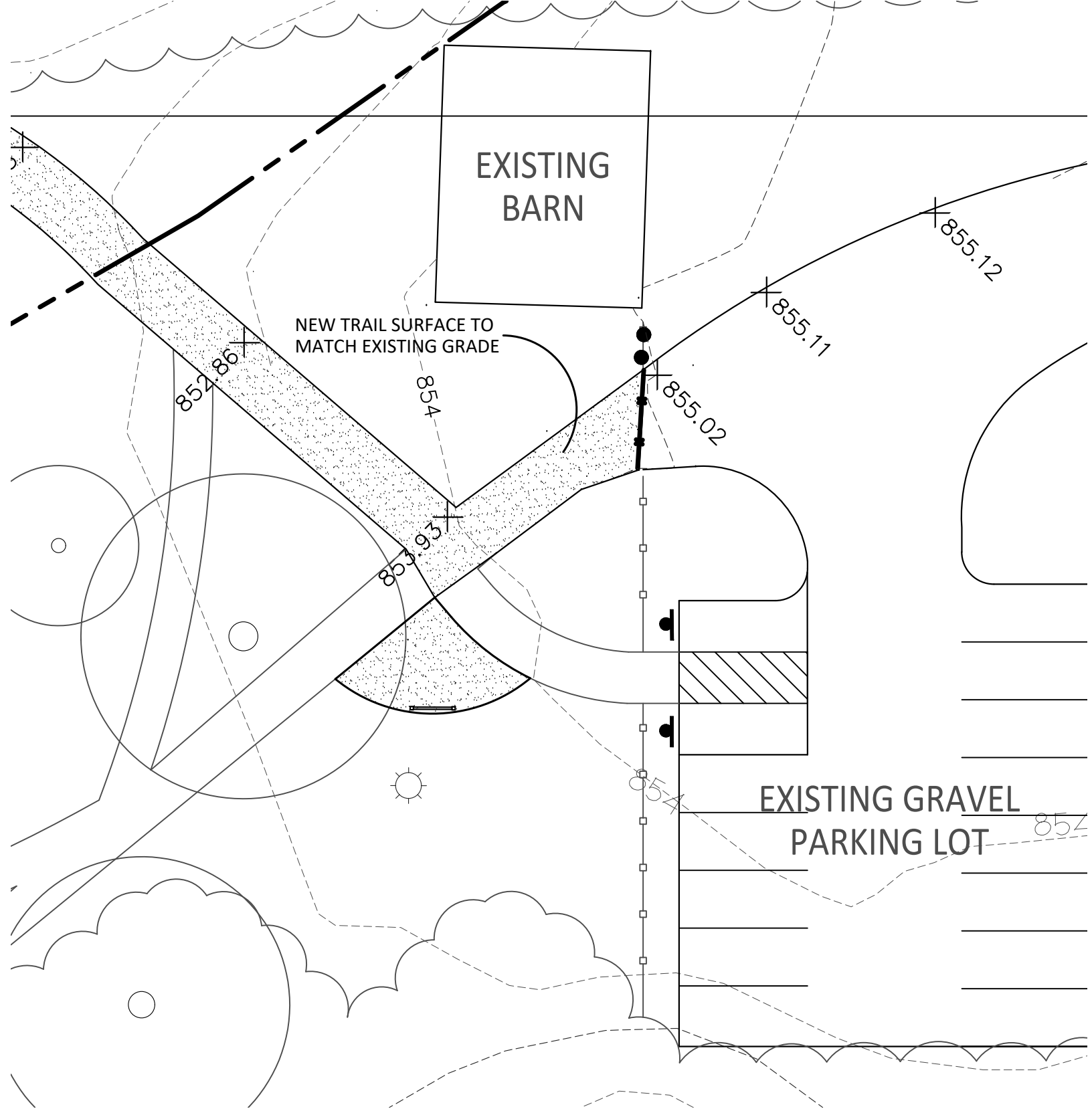
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- ALL TEMPORARY EROSION CONTROL DEVICES SHALL BE REMOVED AT THE END OF CONSTRUCTION. TEMPORARY EROSION CONTROL DEVICES SHOULD BE IN PLACE PRIOR TO EXCAVATION.
- TOTAL AREA OF EARTH CHANGE

	DESCRIPTION	SQ.FT XXXXX		ACRES X.XX	
		TEMPORARY/ PERMANENT			
3	PERMANENT SEEDING	P			
26	GEOTEXTILE SILT FENCE	T			
48	EROSION BLANKET	T			

EARTHWORK NOTE:
IT IS THE CONTRACTOR'S RESPONSIBILITY TO BALANCE THE CUT AND FILL VOLUMES ON SITE. NO CONTRACT COST ADJUSTMENTS WILL BE CONSIDERED FOR WORK REQUIRED TO BALANCE EARTHWORK QUANTITIES. UNSUITABLE SOILS ENCOUNTERED BELOW PLAN SUBGRADE ELEVATIONS WILL BE PAID FOR ACCORDING TO THE CONTRACT PROVISIONS FOR CHANGES IN THE WORK.

GRADING NOTES:

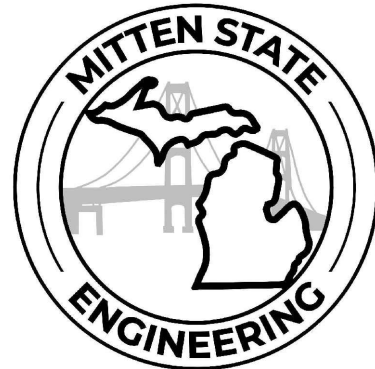
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- ACCESSIBLE AGGREGATE TRAIL :
LONGITUDINAL SLOPE IS NOT TO EXCEED 5% MAXIMUM. CROSS SLOPE IS TO BE AT 1% MINIMUM, 2% MAXIMUM.



2 Trailhead Grading Plan
SCALE : 1" = 20'-0"

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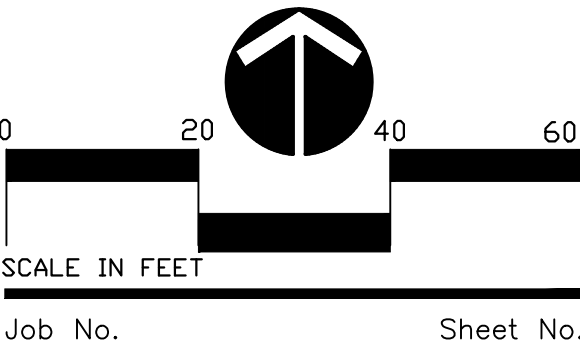
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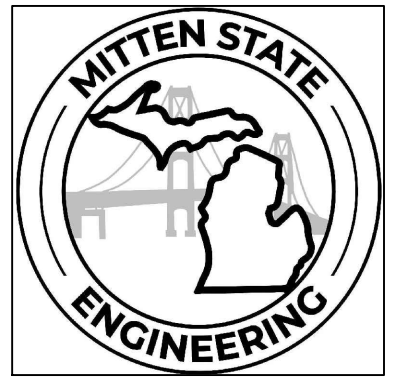
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Sheet Title

**SOUTH GRADING AND
SESC PLANS**





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PHASE 2
IMPROVEMENTS**

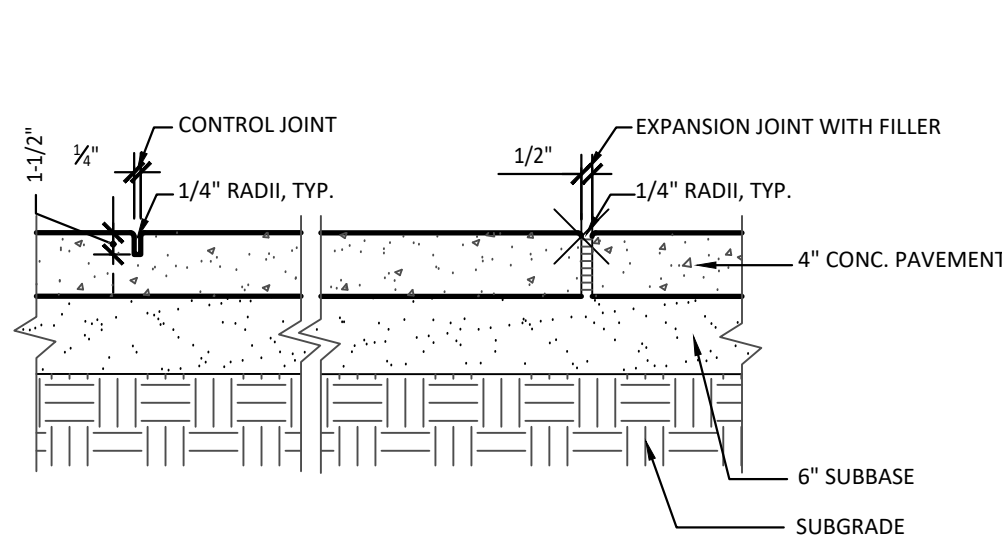
KALAMAZOO, MI

Sheet Title

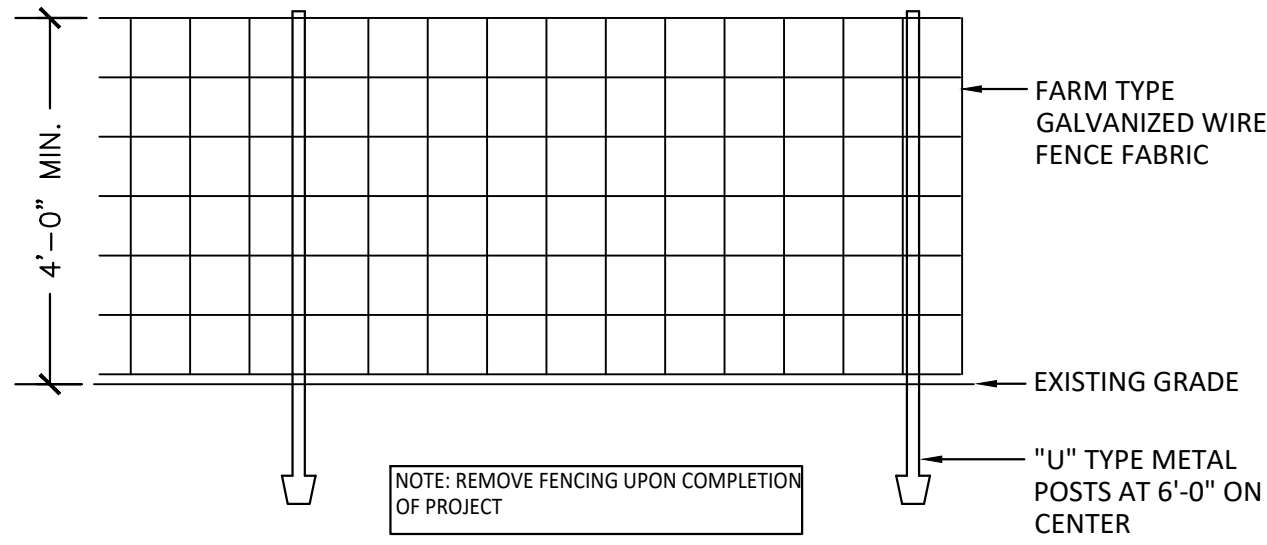
SITE DETAILS

Job No. Sheet No.

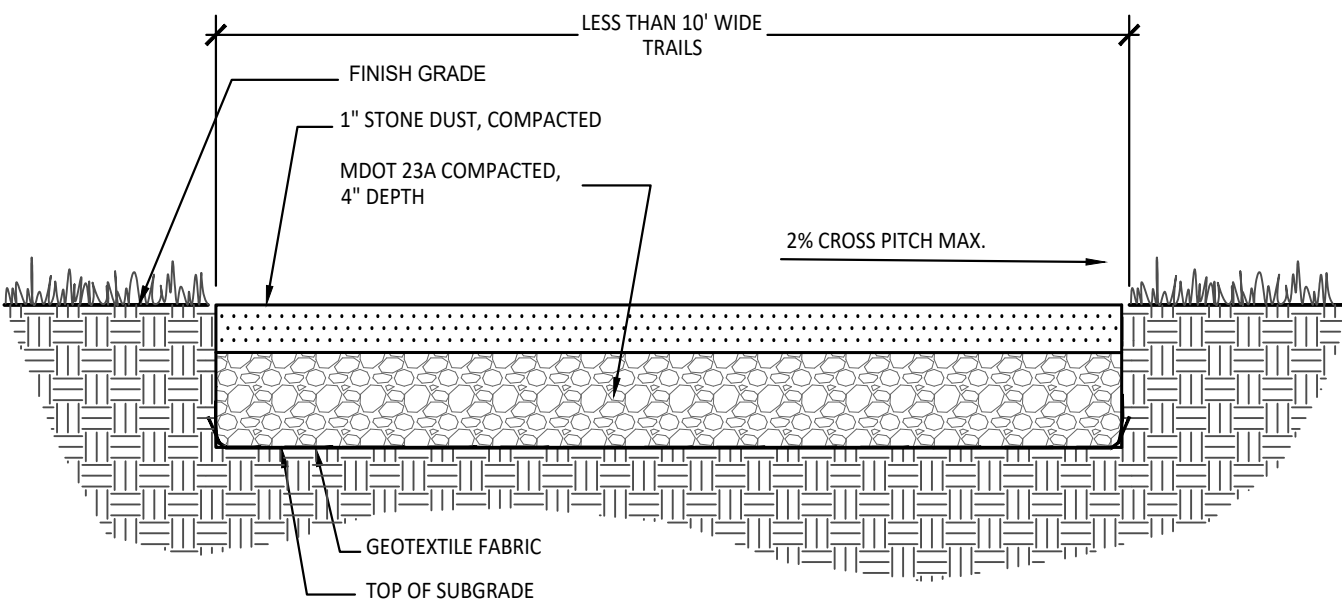
052367 **C4.0**



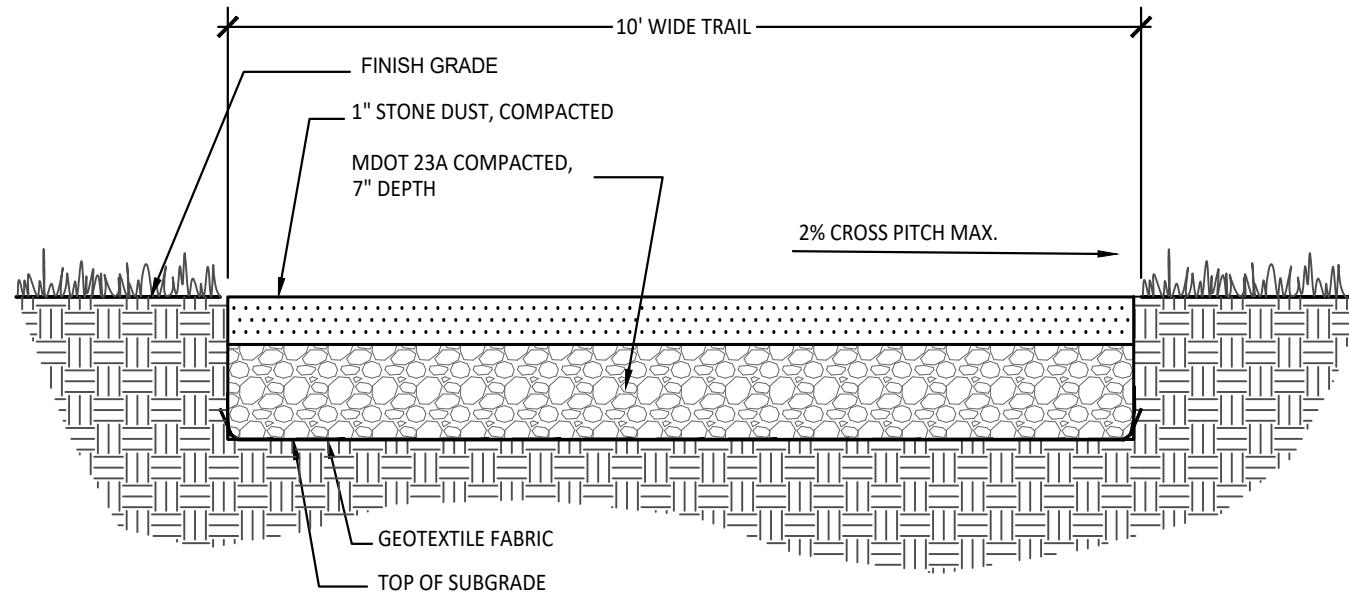
1 Section - 4" Concrete Pavement
NOT TO SCALE



4 Tree Protection Fencing
NOT TO SCALE

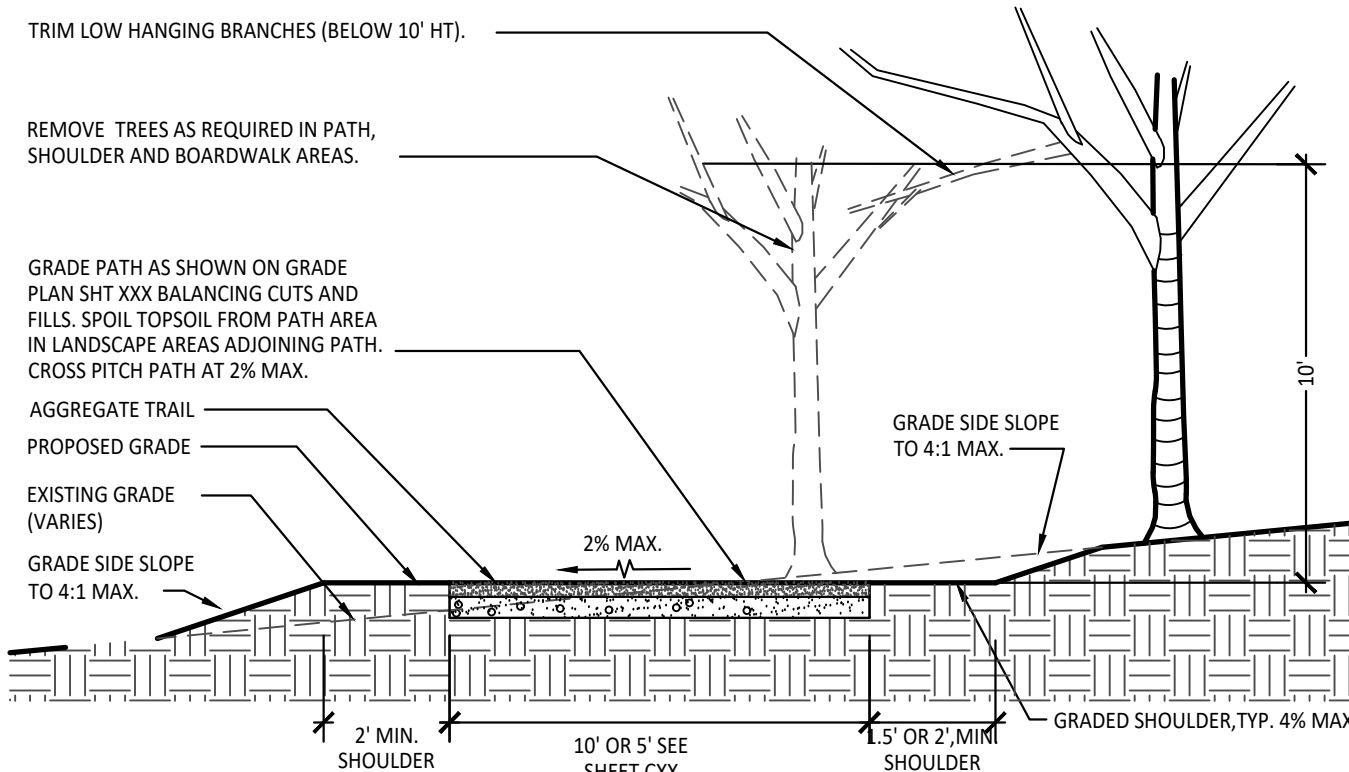


Section Detail



Section Detail

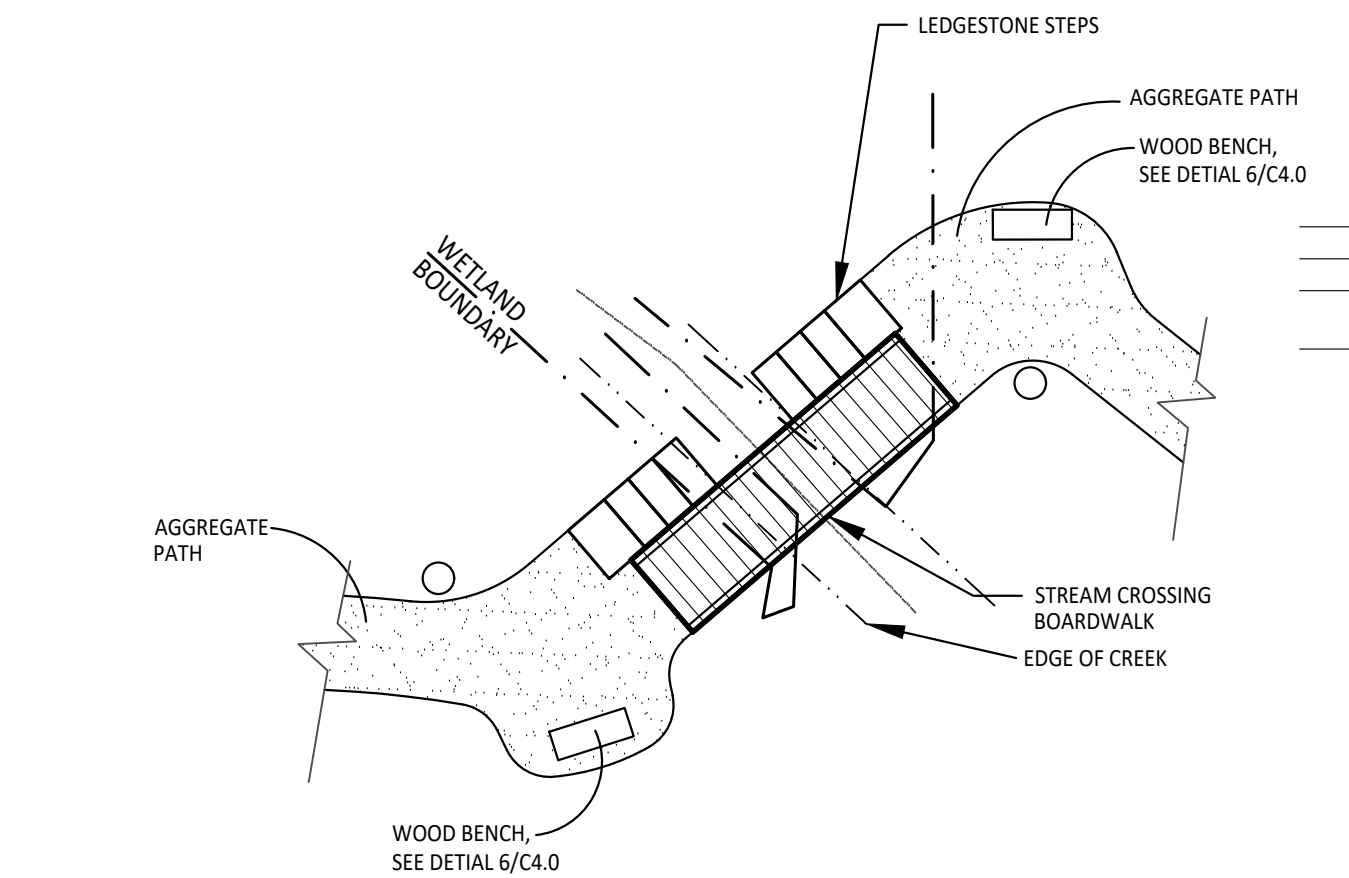
5 10' Wide Aggregate Trail
NOT TO SCALE



Section - Typical

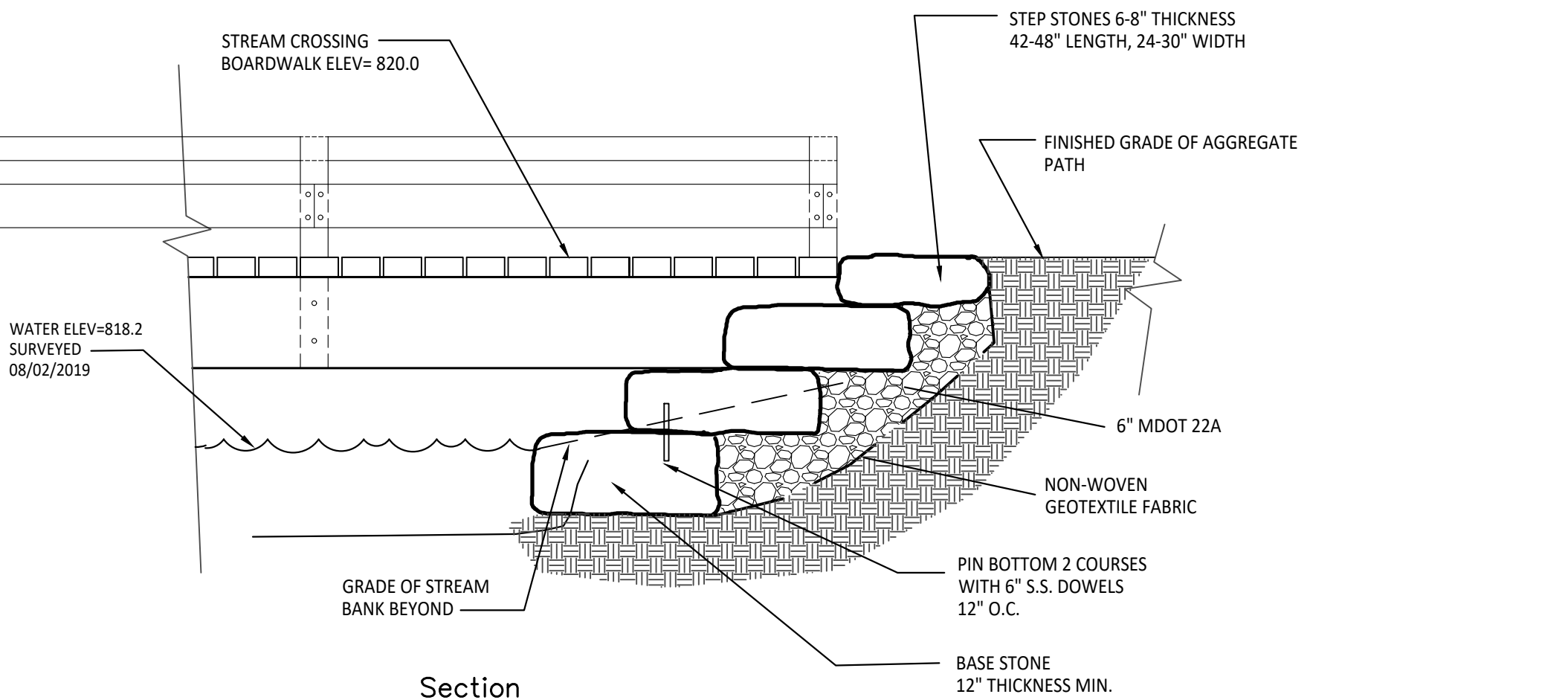
2 Aggregate Trail
NOT TO SCALE

6 Bench on Aggregate Trail
NOT TO SCALE

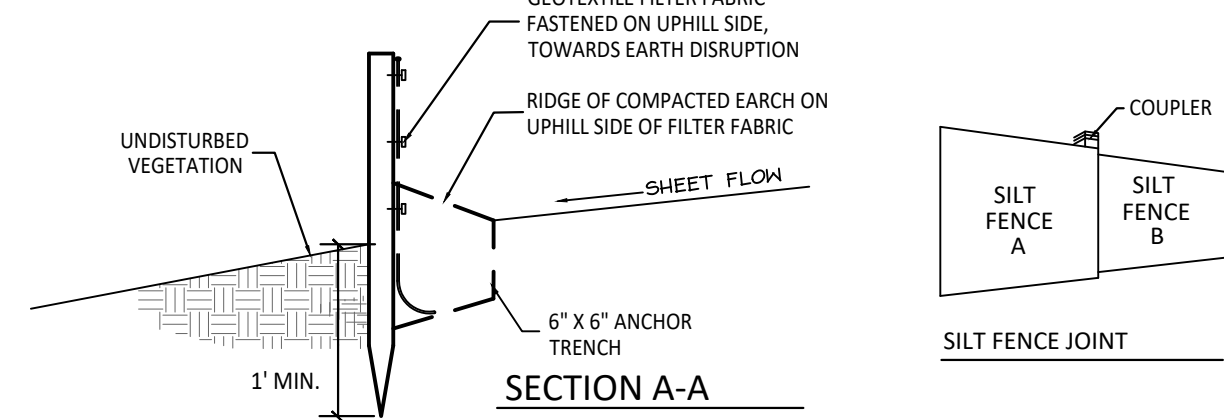
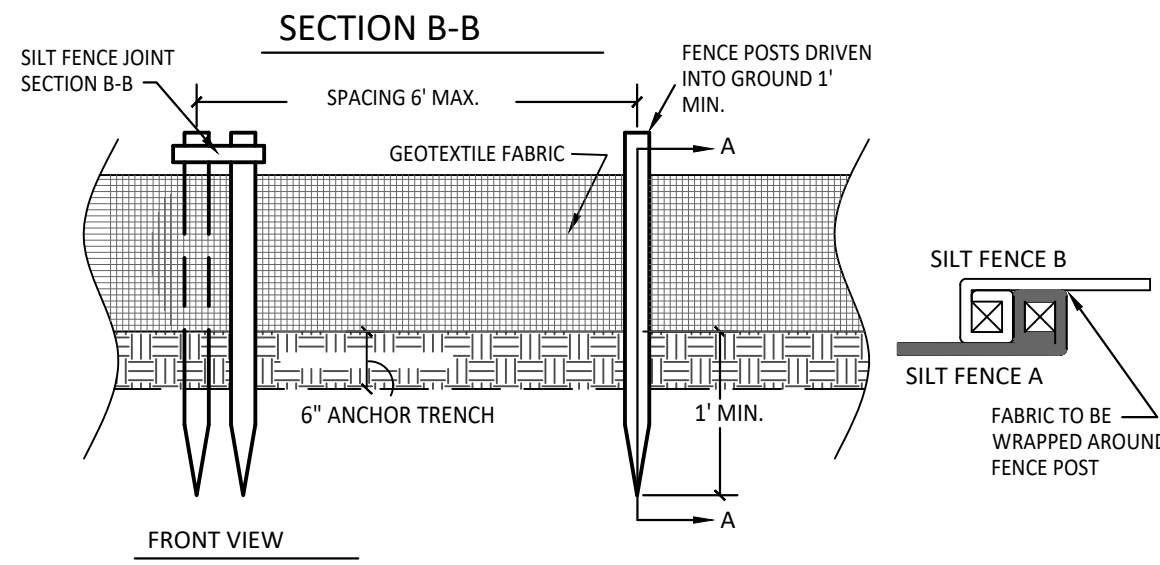


Plan
NOT TO SCALE

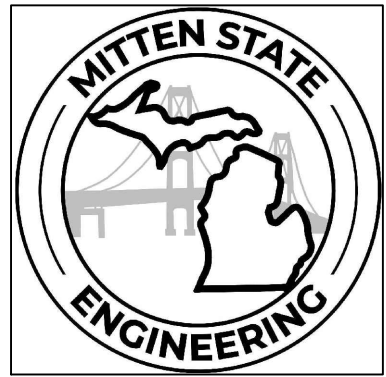
3 Ledge stone Steps
NOT TO SCALE



Section
NOT TO SCALE



7 Silt Fence Detail
NOT TO SCALE



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SWMLC
PHASE 2
IMPROVEMENTS**

KALAMAZOO, MI

Sheet Title

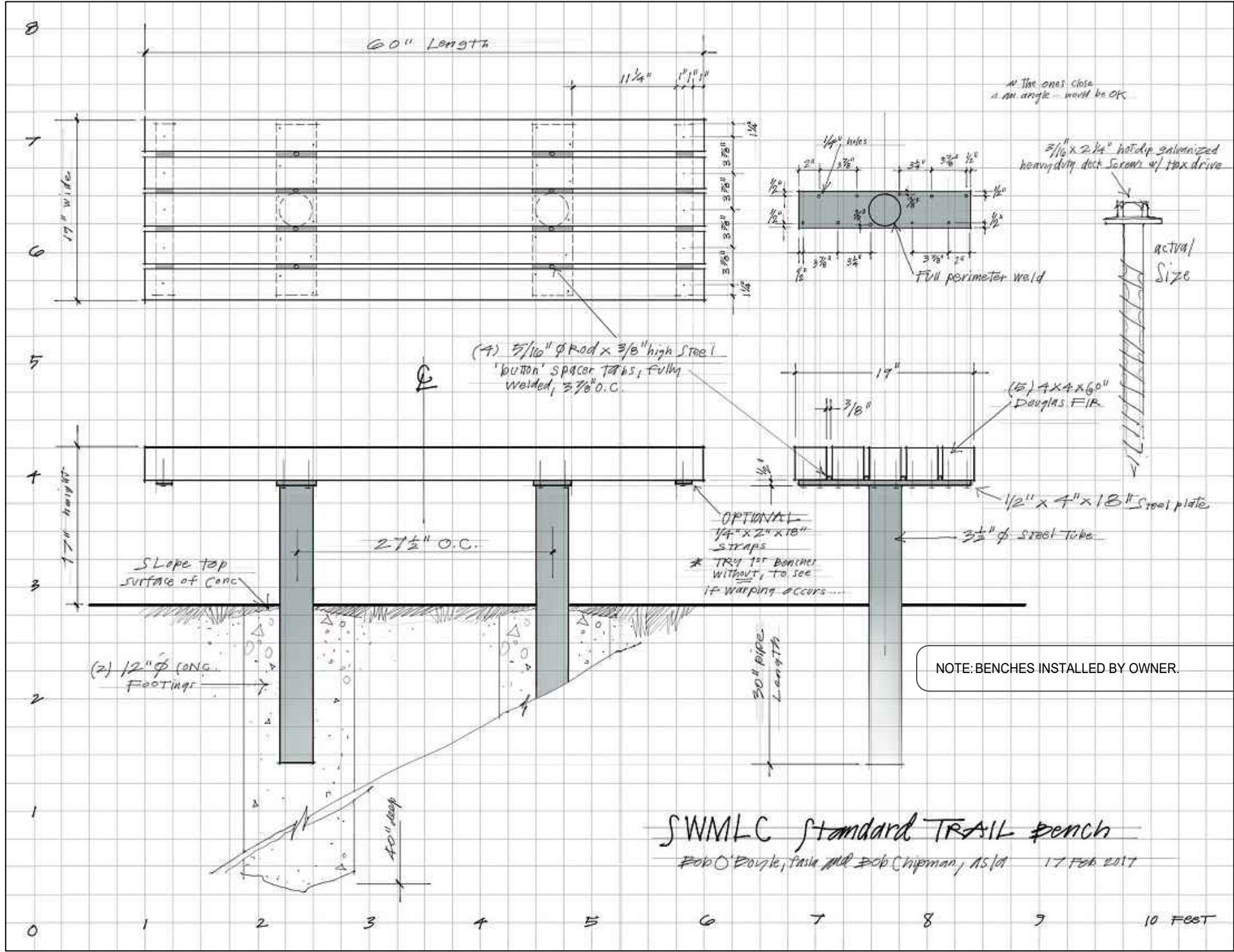
SITE DETAILS

Job No.

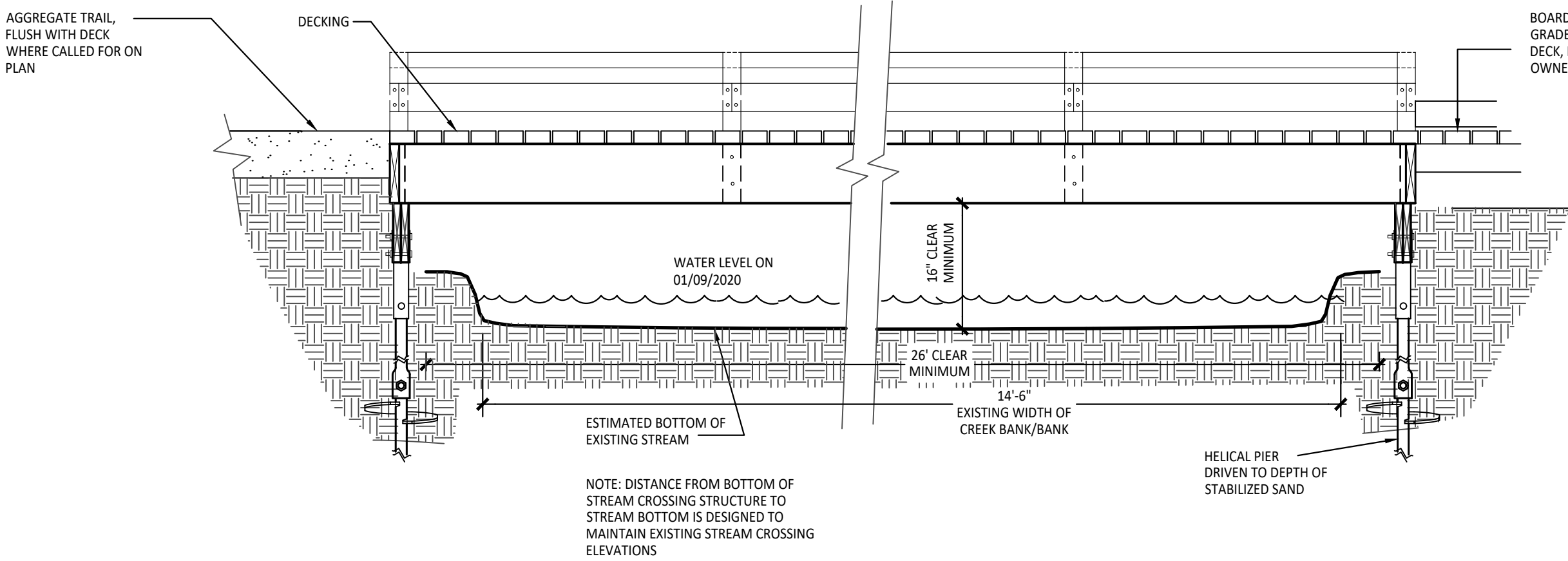
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052367

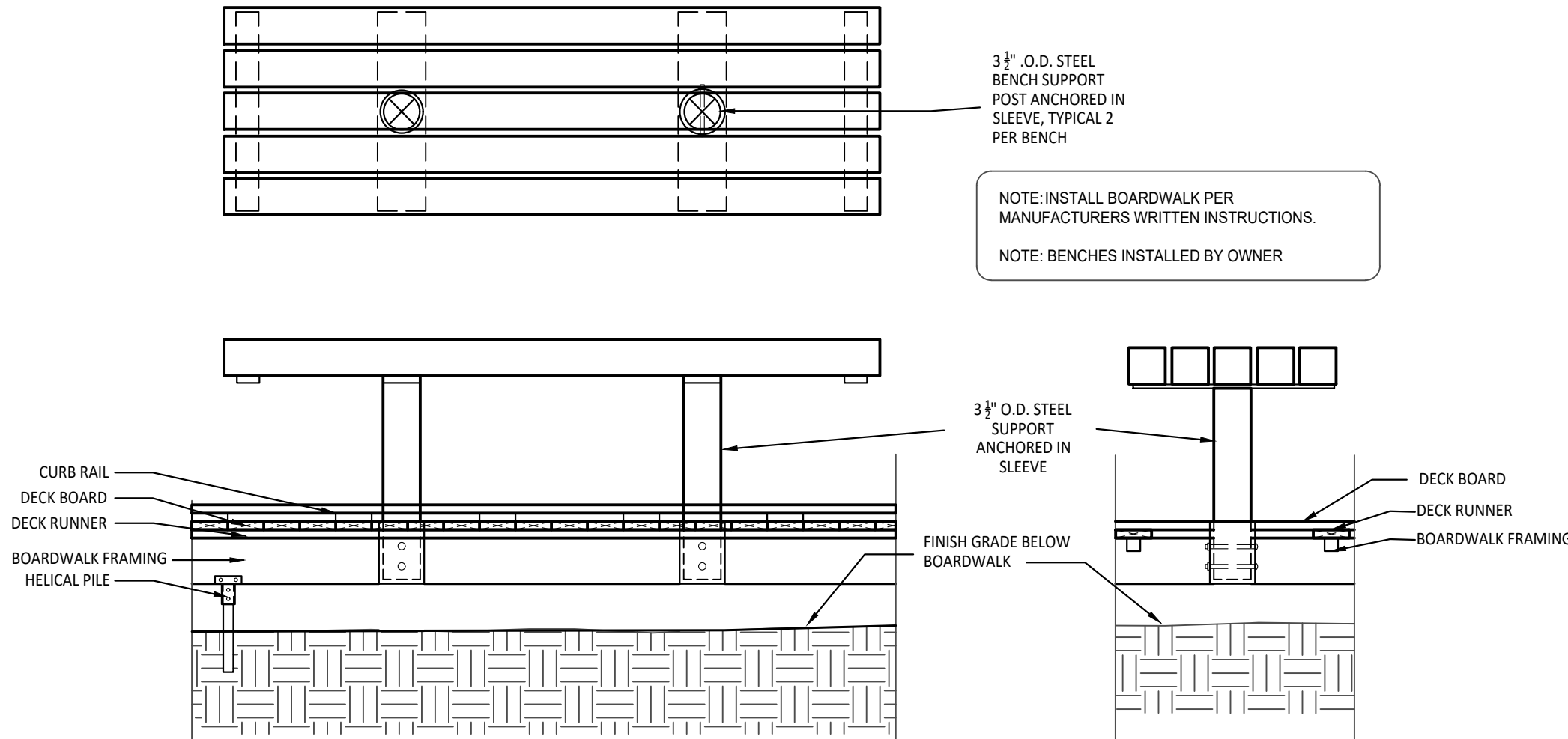
C4.1



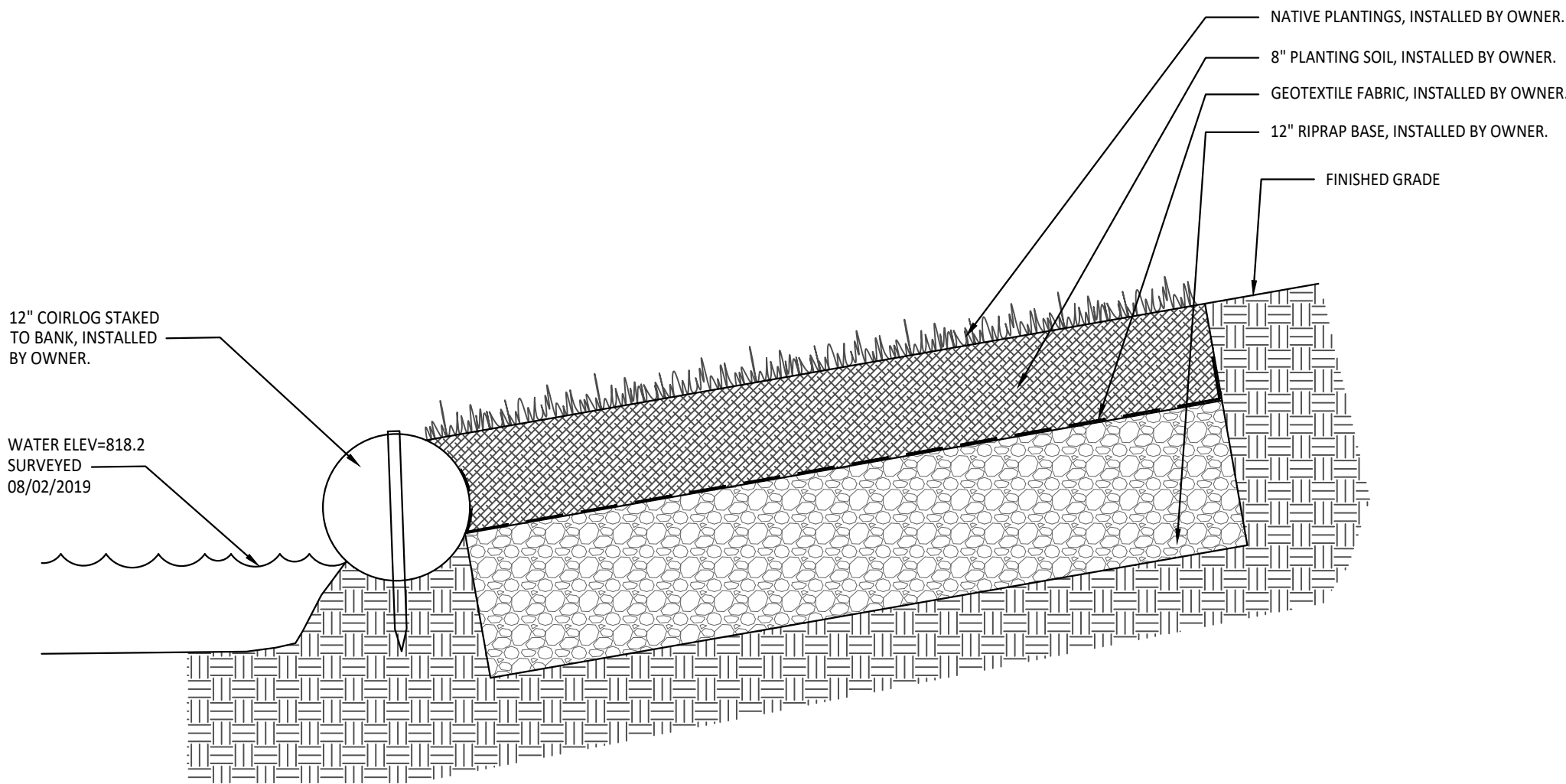
1 Wood Bench
NOT TO SCALE



2 Stream Crossing Boardwalk Section
NOT TO SCALE



3 Bench on Boardwalk - Typical
NOT TO SCALE



4 Shoreline Stabilization
NOT TO SCALE



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

**Mitch Lettow
Southwest Michigan Land Conservancy
8395 E. Main St.
Galesburg, MI 49053**

**Permit No: WRP024430 v.1
Submission No.: HNZ-WXA1-2H29M
Site Name: SWMLC-Bow in the Clouds WRP-Kalamazoo: 13-39-0036-P
Issued: August 24, 2020
Revised:
Expires: August 24, 2025**

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- | | |
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| ☒ Part 301, Inland Lakes and Streams | ☐ Part 323, Shorelands Protection and Management |
| ☒ Part 303, Wetlands Protection | ☐ Part 325, Great Lakes Submerged Lands |
| ☐ Part 315, Dam Safety | ☐ Part 353, Sand Dunes Protection and Management |
| ☒ Part 31, Water Resources Protection (Floodplain Regulatory Authority) | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Replace 2 existing clear span footbridges and part of an on-grade boardwalk and install new universal access boardwalk and seating areas over wetland which connect to new upland trails. On-grade boardwalk shall impact approximately 0.07 acre of emergent wetland, and measure approximately 560 feet long and 6 feet wide. Three diamond shaped seating areas shall be constructed along the boardwalk, each measuring approximately 12 feet per side. Two timber clear-span bridges shall each measure approximately 18 feet along the stream, and 6 feet in width, and include removal of two existing narrower bridges. Installation of stone steps at stream crossing #1 shall also include removal and replacement of approximately 1 cubic yard of floodplain wetland with new stone steps at each end of the new bridge. All work shall be in accordance with the attached plans and permit specifications.

Waterbody Affected: Spring Valley Creek and wetlands
Property Location: Kalamazoo County, City of Kalamazoo, Town/Range/Section 02S11W01
Property Tax No. 06-01-407-001

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete

documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.

- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources (MDNR), Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit https://www.michigan.gov/documents/deq/wrd-sesc-agency-list_539870_7.pdf
 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
 3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
 5. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.

6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
7. Prior to the initiation of any permitted construction activities, a sedimentation barrier shall be constructed immediately down gradient of each construction site. Sedimentation barriers shall be specifically designed to handle the sediment type, load, water depth, and flow conditions of each construction site throughout the anticipated time of construction and unstable site conditions. The sedimentation barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland (non-wetland, non-floodplain) site and stabilized with seed and mulch. The sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
8. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
9. All raw earth within 100 feet of a lake, stream, or wetland that is not brought to final stabilization by the end of the active growing season shall be temporarily stabilized with mulch blankets in accordance with the following dates: September 20th for the Upper Peninsula, October 1st for the Lower Peninsula north of US-10, and October 10th for the Lower Peninsula south of US-10.
10. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
11. If the project, or any portion of the project, is stopped and lies incomplete for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap, temporary seed and mulch, or other acceptable temporary protection.
12. No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.
13. This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that associated lake, stream, wetland or floodplain areas can be developed and serviced by the structures authorized by this permit.
14. The project is located within a community that participates in the National Flood Insurance Program (NFIP). As a participant in the NFIP, the community must comply with the Michigan Building Code (including Appendix G and listed supporting materials); the Michigan Residential Code; and Title 44 of the Code of Federal Regulations, Part 60, Criteria for Land Management and Use. The community is also responsible to ensure that its floodplain maps and studies are maintained to show changes to flood elevations and flood delineations as described in 44 CFR, Part 65, Identification and Mapping of Special Hazard Areas.
15. All structures constructed within the floodplain or floodway shall be firmly anchored to prevent flotation or lateral movement.
16. Any other filling, grading, or construction within the 100-year floodplain will require a separate EGLE permit before starting the work.

17. No work should be conducted in the water from March 1 through June 30 to protect fish spawning.



Issued By:

Michelle DeLong
Kalamazoo District Office
Water Resources Division

cc: City of Kalamazoo Clerk
Comstock Township Clerk
Kalamazoo County Drain Commissioner
Kalamazoo County Clerk
Kalamazoo CEA
Brad Yocum, Agent
Matthew Diana, MDNR, Fisheries Division