

Definitions

- A. Best Management Practices (BMP): What makes a practice “correct?” Why not be consistent and use the same definition from the document Stormwater system, Chapter 29, City of Kalamazoo City?

The definition has been updated to reference a best management practice is determined by either a technical association or state or federal agency.

- B. Ordinary High Water Mark: To be consistent with other definitions associated with an explanatory diagram, consider adding to the definition “refer to figure 50-XX Measuring Wetlands and Water Resources.”

This reference will be added in Draft 3.

50-6.2 C Natural Features Protection Overlay Standards

- A. Wetlands: Consider adding “fens” to the list of commonly used terms for wetlands. Asylum Lake Preserve does have a wetland identified as a fen.

The individual wetlands by type have been deleted to avoid limiting the definition.

- B. (c)[1] Size of Wetland Setbacks: Consider adding language parallel to that used in Water resources. That is, add after the words *parent parcel* “including when wetland is located off of the parcel.”

The regulation applies when any portion of a wetland is within the parcel boundaries. It would be problematic for the City to require an owner to determine or delineate a wetland on an adjacent parcel if they are not the owner.

- C. (c)[3] Permitted Activities:
[b] Restoration activities and [c] Mitigation: Yes, restoration and mitigation are permitted; however, should they not also be required if disturbance has occurred? No time frame has been included (I know “timely” was problematic). However, explaining that both actions must be completed “before a certificate of occupancy is issued” could be a very long time before all construction is completed. Is there any way to indicate that planting and restoration should be completed as soon as possible?

Restoration and stabilization of soils, including timing is outlined in Chapter 30 of the Municipal Code. It reads, once all final earth changes have occurred the site must be restored within 5 business days. Construction soil erosion controls are required at the beginning of earth change work.

- D. (d) Protection during construction: “...according to Chapter 30”? Is it just assumed that everyone knows which book or ordinance this refers to? Moby Dick, perhaps? Please add a title to the Chapter 30.

In Draft 3 we will add Chapter 30 of the Kalamazoo City Code to clarify.

- E. (2)(b) Water Resources Setbacks
[3][a] Permitted Activities: Why the increase from 15% to 20% for semi-pervious surfaces?

We heard from residents that use of the waterfront is important. In looking at parcels throughout the Overlay and consulting the literature, 20% should still be protective and allow for more space for recreation and enjoyment of streams and lakes.

- F. (2)[c][2] Required planting: when not covered in Natural Vegetation: I suggest that reference to 50-6.2 D(8) be included in this section.

We will consider adding this reference in Draft 3 to help clarify the requirement and prohibited species.

- G. Why delete “until plantings are established?” Seems to me that protection measures should remain in place until newly planted materials are established.

Since we changed language to reference Chapter 30 Soil Erosion and Sedimentation Control in the Kalamazoo City Code, the timing will be controlled by those rules, which has similar language.

- H. Why was density of planting deleted? Should some other standard be in place?

The language allows native plant seed mix to be used, in addition to live plant plugs and/or container plants, etc. Since seed can be used, it does not make sense to require specific spacing.

- I. Why delete adherence to “Michigan Low Impact Development Manual?”

We determined that strict adherence to the Low Impact Development Manual could result in less plant diversity since it includes a finite list of plants. This is contrary to the concerns the technical committee expressed, which was to encourage diversity in plant species.

- J. Does restoration require a planting plan that has been developed or approved by an experienced person in shoreline restoration?

When work is done above the high water mark and includes only planting, we wanted to encourage property owners to install buffers that are not cost prohibitive. There are many programs residents can participate in to learn about how to design and plant your own native vegetation, such as those offered through MSU Extension for lakefront property owners, Wild Ones, or Kalamazoo Master Gardeners, among others.

- K. Will you consider requesting the City Commission (at the time of the adoption of this NFP Ordinance) also to authorize the immediate development of floodplain protection within the NFP?

At this time we are not aware of anything that would limit the City from pursuing a review and revision of floodplain regulations immediately following adoption of the NFP Overlay.

- L. (5)(a) Woodland Criteria. [3] Natural Ground Cover. Why remove a wooded area from being a “woodland” because it is mowed? Once mowing ceases, other vegetation will fill in and the wooded area will become a “woodland.” If mowing disqualifies a wooded area from protection under NFP, does this provision provide a convenient “out” for developers? Simply mow the understory and ground cover and the developer has no restrictions to protect trees!

The technical committee emphasized the important of protecting Woodlands that function as such, providing habitat in multiple layers and other ecosystem benefits. If a group of trees does not meet the definition of a Woodland, then the Tree standard applies. The Tree standard could be interpreted as more arduous to meet on-site because of the limits on removal and the replacement requirement.

- M. [4] Understory: Please consider deleting that a shrub must be a least 5 feet in height. Not all native shrubs ever achieve this height. Secondly, with heavy deer browse, hardly any native shrub achieves natural height. A shrub is a shrub based upon its woody multi-stem growth habit and less than 25 feet in height. Actually, in most wooded areas in kalamazoo, shrubs taller than 5 feet are invasive (bush honeysuckle, Russian olive, multiflora rose). Same comment as for natural ground cover. Cutting back or removing shrubs in a wooded area removes it from the NFP protection! Not a desirable outcome.

We will consider ways to revise the shrub and understory definition so as not to exclude true Woodland habitats from protection. Please see answer from (L) above.

- N. (5)(d) Permitted activities: Since trenching is permitted, could you add language to minimize the disruption, such as limiting heavy equipment or using less disruptive methods of trenching?

Language will be changed in Draft 3 to require boring for utilities whenever possible.

- O. (6)(a) Slope Criteria: Why are “Trees” not included along with “Woodland” and “Natural Heritage Area” as a criterion for protecting a slope? Please consider adding trees.

The City and technical committee discussed priorities for slope protection and slopes connected with water resources, wetlands, and woodlands were selected.

- P. (6)(c)[2][f] Permitted Activities in Setbacks – existing structures: I am confused. According to this provision, existing structures in the slope setbacks may expand within the setback but not the Slope Face. However, 50-6.1 D allows expansion if it does not increase non-conformance with NFP standards. Wouldn't expansion into the slope setback be an increase in non-conformance? Or is non-conformance only for standard zoning setbacks?

As you mentioned, buildings can be expanded without any size limits according to 50-6.1 as long as they expansion is not within a setback (e.g., an existing industrial building has a corner of the structure built in the slope setback prior to the passage of the NFP Overlay;

the building can be expanded to any size as long as the new expansion is not within the setback). There is a special exception in Permitted Activities where limited expansion is allowed in the setback or slope face of existing structures, which would increase non-conformance, so it must be included by right. This is a limited expansion because of where it is being built.

- Q. 50-6.2 D. Site Development Standards. Building setbacks: The role of the Review Board has been deleted. Why? Isn't the Review Board supposed to be the group that can best evaluate whether NFP regulations are being met?

The NFP Review Board will still review a project for conformance to NFP standards. This section is referring to underlying zoning district setbacks (such as building setbacks from the parcel boundary). The ordinance allows Site Plan Review staff to modify a building setback in order for a project to conform to the NFP standard.

- R. Landscaping and screening: The role of the Review Board has again been deleted. Why remove the experts from the decision-making process for relief?

Please see answer to (Q) above. The same applies with landscaping and screening requirements.

- S. Lighted Signs: Thank you for adding this section. Would you consider requiring that any new or replaced lighting on the parcel be exclusively downlit?

Bright and flashing signs are included in the draft when located within 300' of a preserve. Other lighting restrictions such as this are in place under the regular zoning regulations, such as down cut-off fixtures and limiting the intensity.

- T. I noticed that installation of utilities and trenching were previously permitted but now are deleted. If utilities are permitted, then there should be language to minimize the impact of trenching and restrict the use of heavy equipment.

This was covered under individual Natural Features standards and appeared to be redundant, so it was deleted under site development standards.

- U. Thank you for adding fill material prohibitions. If giant knotweed is already present on the parcel, will current regulations require complete safe removal of the knotweed?

There is a requirement under Site Development Standards for invasive species removal.

- V. (1)(b) Project Review: When a Site Plan is required, approval by the NFP Review Board is required; however, when a Site Plan and a zoning review are required, no approval by the NFP Review Board is needed. Why this difference in treatment of the two situations?

The NFP Review Board will review and provide a recommendation to the Zoning Review Body (ZBA or Planning Commission, depending on the type of review request). By state law a person is allowed to request review and decision from these review bodies, so we cannot require NFP Review Board approval as a condition.

- W. (1)(c) Project Review: Why was the distance from a Wetland or Water Resource reduced by 400 feet?

The criteria under this section were meant to trigger review of more complicated sites and those most likely to cause an impact. The 500' criterion would catch nearly every NFP parcel, even if the parcel only had a single, straightforward Natural Feature standard applied. The distance was reduced to trigger public notification when parcels were immediately adjacent or within close proximity to water.

- X. Notification of property owners within 300 feet of the proposed project is entirely too narrow. Draft 1 showed notification within 500 feet. Please restore the 500 foot zone.

The 300' public notification requirement aligns with the distance required in the underlying zoning code.

- Y. On multiple occasions at focus groups and in on-line responses to queries about the composition of the NFP Review Board, we were told that there would be six (6) members representing the (then) six Natural Features – one for each. Yet, Draft 2 still contains the very confusing wording that identifies only 3 positions reserved for board members with expertise in the Natural Features!

We will work to clarify the language under this section. The language must be written so as not to be so specific that it limits the number of people who qualify to serve on the board, thus causing too many vacancies.

- Z. Review Process: “must include the NFP Review Bodies” or do you mean “Review Board”?

Yes, it should say Review Board. We will make this correction.

- AA. What is your definition of a stand of large trees? I believe there are still some in Walden Woods (other than the zone that is protected behind the four Enclave lots.)

Woodlands are defined in the Overlay as areas one-half acre and greater with a minimum density of 40 trees, 2" and greater in diameter. Other criteria included in the definition include an understory of small trees and shrubs and natural ground cover with forbs.

- BB. Is this plan concerned about previous issues with Critical Root Zones? The reason I ask is because we had to have four large trees removed behind our condo because there was too much dirt piled on the root zone during construction and they died. And I can currently see that same situation on many trees that were not cut down in Walden Woods near the Phase IV construction.

This ordinance cannot be applied retroactively. Any new construction will have to following the regulations in the NFP Overlay.

- CC. As you know, there is a walking path along Arboretum Parkway in the ANA (much of it in a wooded area). Is that not part of the NFP?

This area does not appear to be part of the NFP Overlay. This should be reviewed as part of the Phase 2 mapping analysis.

DD. Are there any watershed areas in Walden Woods?

There are some limited Water Resources and/or Wetlands around the Walden Woods area. Any new construction would have to follow setback rules.

EE. It appears that our condo residences in Walden Woods, on the Master Plan 2025 page 26, are zoned Residential 3. Not sure I understand why this isn't Residential 2 (vs nearby entities such as Parkway Flats and Drakes Pond which are more dense residences which should be Residential 3). Most of the condos are two units attached. Some of the newer ones being built (but not all of the buildings will be 3-4 units attached).

The future land use is a vision for the community and not the set zoning which are the current regulations. Based on the approved development plan the density is already set for the Walden Woods parcels. I am not aware of the specific parcel level rationale for designations as set on the future land use map.

FF. Can any development take place in the future to the portion labeled 'campus' to the right of Walden Woods near Solon? It is not protected.

The NFP regulations only apply to areas mapped in the NFP Overlay map. It could be considered in Phase 2 mapping analysis.

GG. Lastly, in the Master Plan section on Neighborhoods, I do not see anything about Arcadia Neighborhood which Walden Woods is part of. Did I miss it?

The Master Plan does not address neighborhoods specifically; instead the City is working with all neighborhoods to develop their own plans that will be adopted into the Master Plan.

HH. Thank you for the time and work you are doing. I believe your 2nd draft is a step forward, but still grossly favors development. Has anyone on your team overlayed the proposed development at the Stadium/Drake corner using the guidelines of draft 2 of NFP and how that would impact ALP? I have to also continue to question how that property went from residential to commercial (land use) without any community involvement?

City staff has tested the NFP Overlay District Standards on many different types of properties across the City using only readily available information and/or assumptions. The Future Land Use Map where the parcel is shown as commercial was developed as part of the public outreach process of the Master Planning project. The map was vetted through several public forums and was part of the Master Plan hearings at Planning Commission and City Commission.

II. Are there any requirements that landscaping, replacement trees, and restoration areas must be maintained for a set period of time?

Assurance that restored areas or plantings will survive past initial site construction is addressed under bonding. In Draft 3 the length of time before the full bond is released will be adjusted to 3 years and only occur if the restoration/plantings are still in place and alive.

General Comments:

1. Thank you for the update. My main concern is that places like Asylum Lake and Kleinstuck Preserve be protected from encroachment and contamination from nearby businesses.
2. Several particularly invasive and commonly used ground covers have not been included in this list: *Vinca minor* (also called vinca, periwinkle, myrtle) and *Eunonymus fortune* (winter creeper or climbing euonymus).
3. Do a search for the word “overlay” since sometimes the word is capitalized and sometimes not.
4. THANK YOU FOR INCLUDING FLOODPLAINS AS A NATURAL FEATURE FOR PROTECTION!
5. (4)(b)[2] Tree Protection During Construction: Please correct the reference to the standards. It should be **50-6.2 D(8)** not D(6) which is stormwater management. D(6) was the proper reference in Draft 1.
6. (5)(e) Construction Protection (Woodlands): Please correct the reference for standards from 50-6.2 D(6) to **50.6-2 D(8)**. In Draft 2, D(8) is Protection During Construction, D(6) is Stormwater Management.
7. We need so much more now and not later re: the preservation of asylum lake and environs including birds living there already, same with wildlife and with migrating birds. Let’s not ruin our city.
8. Please ensure that this area is protected from development.
9. A 25’ set back is less than one third the distance between home plate and first base. What will happen to the runoff of pesticides and herbicides a nice new development will use with a measly 25 set back? It should be at least 100 feet.
10. Thank you for all of the work you have put into the Natural Features Protection Overlay! I was very happy to see some changes in areas I was previously concerned about. I am still however concerned that this overlay leaves room for developers to infringe on our most precious natural areas (proximity to preserves & protected lands). I know this was brought up by a few other people, but I wasn’t very clear on if there was a specific reason as to why this couldn’t be included as it’s own natural feature. With less and less undeveloped land being available everywhere, I wish there we could be a bit more bold in that area!

Again to both of you, thank you for all of your work on this, I have been very excited to see how many people are willing to be involved, and all of the organization on the city's end has been wonderful!

11. I have read through the second draft three times and I am impressed by the document and what can happen when a governing body works with their committee to reach a higher standard. Thank you for listening to all of us and working towards a goal that may eventually put Kalamazoo as a standard of excellence for its Natural Feature Protection Ordinance. This document moves us closer to an ordinance that takes a stand for the land around us and the future generations.

That said the work has just begun. The development of the Floodplains component will need careful understanding and yet it is excellent we will take the Federal and State standards and make them personal to Kalamazoo a city rich in heritage of its waterways. Adding the other parcels that need protection will be a welcome relief for those of us with concerns for the natural world around us. The education component will be extremely important and has so many great possibilities. Education will have to be directed to our neighborhood associations and to encourage our public schools to include NFP courses would be stunning.

12. I will continue to haunt you with the following concerns that I hope will be address in the document in the near future.

A. The city of Kalamazoo is graced with three Preserves, two to of which are owned by WMU. Both Kleinstuck and Asylum are the last of the wild places that use to inhabit all of Kalamazoo. They are sanctuaries for both the wild within and those of us that know it is sacred to walk within these properties. The lands that surround these preserves are crucial to their life: the watershed, wildlife sustainability, light and noise pollution and most of all the road salts that are killing the waters within.

If the NFP Ordinance was true to these Preserves there would be a separate listing for Lands Surrounding Preserves in order to address the importance of carefully monitoring the health and well being of the Preserve itself. The Vermulen Property is the perfect storm. With the proposed development the animal wildlife corridor will be truncated, the density of wildlife will be increased, the light pollution will change the preserve in ways yet to be determined and the watershed will continue to increase the salinity of Asylum Lake which is already stressed beyond being sustainable. It is our obligation to find ways to increase the protection around these areas for ourselves and future generations.

B. Light Pollution needs to have much stronger language and definition. We need to talk about what kinds of brilliance is executable and size of signs that will be allowed near NFP areas especially near Preserves. Flashing LEDs are distractive to natural areas and need to be regulated. All lighting street or parking lighting needs to be directed down.

C. With the amount of Japanese Knotweed that is already taken root in Kalamazoo we need to state that if some is located on a property that is being developed what remediation will be required.

Although you have included all the "parts" of a Preserve in the NFPO, you have not included the "whole" entity, the Preserve, in your list of Natural Features to be protected. The whole has different ecological characteristics, environmental interactions, and undeniably important inhabitants who are grossly ignored when only the "parts" are protected.

In Imagine Kalamazoo, you consider the community as a whole, even though you work separately on all the individual parts and pieces. Would you "protect" the children, the houses, the businesses, the streets of an area as separate entities and not "protect" the community created by the interaction of these "parts?" The "parts" make up the community which is a separate entity with different characteristics and needs.

Preserves are a separate entity requiring protection. Please add Preserves of Kalamazoo to the list of Natural Features being protected by the NFPO.

13. We need extra provisions now, not later re: the whole of the preserve including migratory birds and wildlife. Thank you.
14. Thank you for Draft 2 of the NFP Overlay District and the questions raised about the Overlay at public meetings. I shall take a careful look at all.
15. Yeah, OK, I'm more of a tree hugger than a development person. I'm afraid I think that the philosophy of "Develop everything you can" is quite misguided.

First, removal of open space, especially trees, is anathema to the planet. You may not believe in human-induced rises in greenhouse gases, but I sure do, and at this point, any removal of plants and trees will have a negative effect. (Remember, we got here via the accumulation of millions of small actions). The earth has absorbed all the insult it can, and now things are changing.

Second, I firmly believe that people need green space for mental health and for physical health. This intersection has recently had its northwest corner taken over by Costco and innumerable smaller businesses. There is one way in and one way out to this sprawl from Drake. Development of the SE corner will only cause more traffic, congestion and annoyance. This development may very well have adverse effects on the Asylum Lake Preserve, and I wonder if you have adequately provided for protection of the preserve.

I am often amazed at businesses left to rot --- and there are many such parcels in Kalamazoo, and they are all depressing, and shout "urban neglect and decay". Why not focus on the restoration of these already-cleared and already-commercial parcels? You could condemn them as unsightly and give owners 5 years to renovate, or they would be siezed or auctioned for restoration. Or rezone them back to residential or non-commercial and find funding to restore them to their natural state.

I just think you need to think more creatively about achieving two ends - providing spaces for business that wish to exist, and preserving green spaces whose purpose is more touchy-feely, but more important.

16. There seems to be resistance in protecting Asylum Lake and it's surrounding lands, which houses an entire ecosystem of wildlife. Instead I am reading about a carwash, stores, housing and basically a bunch more of the same concrete at the corner of Stadium Drive and Drake Road.

“Did you know of the woods where Costco came in and took over that land? Where do you think all those animals went along with the trees, and wildlife? It’s wrong to tear up the lands for a carwash, etc. when there is so much development at Stadium and Drake already.

We will not miss another carwash, 7-11 or strip mall flavor of the week on that corner if it were to disappear. We will miss a beautiful wooded land and wildlife surrounding Asylum Lake.

There are many that drive over, park and walk their children, dogs and enjoy a lovely walk away from the hustle and bustle of the city.

Please! Please! Please! Put the protections in place to save this area from being destroyed for a stupid car wash. I mean seriously, that is only about some person wanting to make some money and move on to do it again in another treasured area. Stopping them now with serious limitations on the ability to “get around” all the safeguards put in place is so important. Do not make this easy for people like this to pull off some crappie junk strip mall scenario in our city leaving us with nothing but the “paved paradise”.

You might just look back and be proud of helping save some of our beauty which truly makes a city desirable, sought after and where people want to live and that becomes a thriving city people can be proud of.

17. Items not addressed: Remediation of Japanese Knotweed

18. Concerns:

1. How do we secure areas in the NFP that do not require site plans? ONA’s Woods Lake Property if they decided to remove trees...

E. NFP Review Bodies and Processes. (a) Where Site Plan is not required. Administrative Review of the site development or construction permit request shall be completed by the City Planner or designee.

2. Why the City Planner - Change to two members of the NFP review board.

3. NFP Review Board: NFP review team needs to clearly state that representatives needs clear language. “One member with education or experience representing each water resources, wetlands, plants, trees (or woodlands), slopes, flood plains, Preserves and site development or building construction.” (commas not slashes and including flood plains and Preserves). (b) NFP Review Board Members. [1] Board will be comprised of seven (7) members. [a] At a minimum, the Board must have at least one (1) member with education or experience representing each water resources/wetlands, plants/trees, slopes, and site development or building construction.

4. Applications for the Review Team need to be on line now with a deadline soon. Who will review and recommend those applicants to the Mayor?

5. It would be wise for the City to move from approval of NFP Ordinance to the approval of the NFP Review team at the same meeting.

7. Will residents get to review the NFP Board’s by-laws?

8. Include a space in the document for Wildlife Corridors, Preserves, and Parks in order to secure these landscapes for the future and to acknowledge that adjacent lands to these areas must be held to additional standards. (Light and noise pollution, signage, traffic patterns, storm waters, power lines)

9. Timelines and definitions for Phase II and Phase III: NFP Review team in place and educated about the ordinance; NFP Review Team bylaws developed and approved; mapping additional NFP lands; community meeting about the Phase II NFP lands for comments/concerns; defining the protections for Flood Plains and Wildlife Corridors/Preserves within the NFP Ordinance; Community input on the protections of the Flood Plains and Wildlife Corridors/Preserves; what else will Phase II involve and timeline; Phase III what will be done and when; ideas for education and further understanding of human impact on Natural Areas.

10. Page 19 Regarding Slope is still confusing; can you explain it more? [f] In addition to the requirements in 50-6.1.D, existing structures located in the setback may be expanded up to twenty-five (25) percent of the existing building footprint as follows. i. The expansion does not disturb the Slope Face.

11. Page 12 under Woodlands - the height of shrubs should be lowered to 3 feet. [4] Understory. The area supports shrubs attaining a height of at least five (5) feet and/or Forbs.

12. Page 13 minimum required woodland coverages to be preserved of a land with 75-100% Woodland coverage of parent property should be increased from 25%.

13. Page 8 and page 9 is using etc should be changed to “development activities such as: structures, impervious surfaces, parking, driveways.”

[2] Prohibited Activities. The follow activities are prohibited in the setback. [a] Development activities, including structures, impervious surfaces, parking, driveways, etc.

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19. Size of signs need regulation for property around publicly used open space. (5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a parcel publicly used for open space or recreation purposes.

15. Need to include that lighting around parcels of publicly used open space needs to be illuminate towards the ground for parking and buildings.

16. When will we see that including the other living creatures as intrigue to our lands as a measure of their health? Insect loss is at an alarming rate affecting our food chain and pollination. New research finds that most species show empathy and compassion. The Potawatomi didn't differentiate humans from the rest of nature.

20. During last night's conversation Christina reaffirmed twice that the setback for the Vermullen property would be 25 feet. The person asked a couple of times to be clear and yet the NFP Ordinance state:
- (6) Slopes. Slopes associated with Water Resources and other Natural Features are protected by the NFP Overlay.
 - (a) Slope Criteria. Slopes protected by the NFP Overlay are those with a grade of twenty (20) percent or greater and meet at least one of the following.
 - [1] Slope Face contains a Woodland, refer to 50-6.2C(5).
 - [2] Slope Face contains Natural Heritage Area, refer to 50-6.2C(7)
 - [3] Any portion of the Slope Face is within five-hundred (500) feet of a Wetland or Water Resource, refer to 50- 6.2C(1) and 50-6.2C(2).

What will the setback actually be? How what relief(s) might be granted the developer or is the 500 feet the true setback for the slope by the water at this property without relief?

21. I see that a special orchid has been located in the Old Colonial Farms property does that mean there needs to be a special assessment of the Vermullen Property to see if it is also located on this parcel?

22. I attended 21 March meeting that KPL. The presentation was informative, showing much concern and work. I have 2 comments:

A. I suggested at the meeting the evidence for your decisions would be enhanced by specific references to other NFP documents, such as other communities, governmental agency, independent scientific investigations. You did mention Michigan Dept. of Environmental Quality references. However, it is not clear to me, and perhaps, others if those documents were informed by science, developers..... Best Practices is a common term affirming a certain action. However, it is hallow unless one knows by whom, how, what evidence/standard that "best practice" title was given. An independent science-based best practice is for many the gold standard for "current" best practice.

B. I agree with comments of those advocating a special recognition of the Asylum Lake Preserve. The property is owned by WMU, I believe. Comments on other avenues available for the community to pursue might be beneficial to your efforts.

23. This proposal will devalue my property and imposes general restrictions that should be considered on a location basis. There are trees on my property that border Park Street and create a driving hazard; under this proposal they could never be removed. I have witness many serious car accidents on my corner due to the trees restricting the view of on-coming traffic. This ordinance will also make my land completely unusable. As it is the "floodplain" mapping is inaccurate and includes a section of my property that has never been flooded (even with the last to catastrophic floods). The 300' signage rule is a random limit that does not take into account any side street locations or limited view situations. Technically, businesses would not be allowed

to even have a lighted "Open" sign in their window. This proposal is a designed to completely deter any new development in Kalamazoo.

24. Unfortunately, you can't be all things to all people. Do what is reasonable and prudent. I wish you well with that commission- sadly they have too much say in it.... have them write it!
25. I have just become aware of the NFP zones and the drafting of the ordinance. What a fantastic idea to protect our natural sites in the City! I will be attending the Thursday meeting.
26. Today, I received information regarding the Natural Features Protection Overlay project since I own property within 300 feet of property proposed for the protection. The property closest to mine is Kleinstuck Preserve, as indicated on the map as "green". Would these meetings be broadcasted via internet or phone-in listening?

To be honest, the information presented in the notice letter did little to indicate what the project intent is protecting. I know Kleinstuck is owned and protected by WMU, but I don't know who owns the other parcels and whether the City will be trying to implement these Protections to vacant lands owned by private owners.

Would you be able to elaborate more on the scope of the project, what lands are being protected, and whether future projects will be addressing personal property whether vacant or already developed.

27. I received the notice of the proposed Natural Features Protection Overlay in the mail a couple days before the informational meeting on March 21. I was unable to attend due to previous commitments. I wanted to attend to learn which of my properties was identified as being within the Overlay because neither appears to be within the 300 foot limit. The Maple Street property is much more than 300 feet from one of the natural features. The Wall Street property appears to be just over 300 feet from one of the natural features. If the Wall Street property was included in the Overlay for some reason, I am requesting that it be removed.
28. Having attended the majority of the meetings concerning the NFPO, I feel my concerns distilling down. I know this might have been a hard job, or maybe this was simply part of your job that had to get done. I wonder who is to be "pleased" about this overlay, and I have come to realize it is developers. Short term, money driven people who I feel and have witnessed are short sighted and fail to see the long term impact over time, even though the stories abound from all over the world and in this country concerning the impact of climate change how humans interference in, around and through natural resources, habitat and movement corridors have disastrous effects. Mankind is the bull in the china shop, everything has to get out of the way or adapt to how we deem to use these resources.

If you are still reading, this lament may seem ludicrous. However, if you stand back from the future use maps and the NFPO map you will see that what we are fighting for is the "protection" of a very small percentage of land in the map! What makes it critical is that land is becoming

scarce. In the current form, you say you are protecting slopes, but “James Wright” wants to extend his building up to the allowed amount right into the slope. Poof! There goes the protection. Solved that problem. Is that really protection?

We know that road salt is a problem, and yet - we are not demanding that the developers go above and beyond to deal with runoff from the roads that are built by taxpayers to bring the citizens to their business to shop and increase their corporate profits while the public and private land surrounding it gets spoiled - forever.

All the pieces in Asylum Lake Preserve and the other preserves are interdependent and greater than the whole and home to the natural wildlife and vegetation that make it such a beautiful place in Kalamazoo. I wonder after spending a grueling day in your job if you have ever taken yourself for a 30 minute walk around the preserve to take all the agitation and stress from your mind and body before going home? Or taken your kids on a hike around Kleinstuck in the evening before bed? These preserved lands need to be preserved as a whole and with great care. They are already suffering from degradation from man’s development. Stop the degradation here and now. Place Preserves in a reserved position, just like Floodplains, in this first version of the Natural Features Protection Ordinance and actually Protect it! The details can be worked out in Phase 2.

I’ll end with a final wondering. What is behind the resistance to actually truly protecting the preserves.

29. Please have an Editor (with English background) review Draft 2 and the Natural Features Protection Ordinances Standards--particularly the four points. The error in #4 changes the meaning of the words. I've mentioned this before, and it's an important step for a public, legal document.
30. As a citizen of the city of Kalamazoo I thank you for your work as a project manager. I want my voice (email) to be heard and counted as a vote against the rezoning of the land on Stadium and Drake near the Asylum lake preserve. Enough is enough with commercial development that ranks quick profit higher than preserving natural spaces. Thank you for considering my opinion.
- 31.
32. I recently attended the meeting about the Nature Features overlay, which was held at the Kalamazoo Public Library on March 21, 2019. Like many of those in attendance, I was there because of my interest in the Asylum Lake Preserve. First let me say that as a daughter of a former long-time Kalamazoo City Attorney, I am well aware and appreciate the need for taxable lands in the city. I am not at all against development. That said, I came away from that meeting much more concerned than I did going in, and I have two concerns/questions.
 - A. The organizers said a plan was needed that would apply to ALL lands equally in the city. That approach would make analysis and enforcement easier, but that assumes all lands are the same, and of course they are not. Can we not hold some lands to a different standard? Like

those larger parcels in preserves that are designed for thousands of people to peacefully enjoy?

B. There was much talk about the flow of water, the size of trees, and exact setbacks needed for development. I realized as the presentation went on, that while these were important, they were probably not as important to most of the people and even for many of the city's leaders, as an unspoken, intangible aspect of this preserve — the view.

I know the view is important because the image on your very own Natural Features Protection Ordinance page uses this now threatened view as your featured photo. It almost looks as if this view is what this ordinance would protect, but in fact that is a tease and the presenters admitted this view is now threatened.

It sounded as if it was entirely up to the new owner to decide what the view would be. I can understand why he might want a restaurant with a lovely overlook for diners and partygoers. Of course the party noise would not rise to legally objectionable levels, but that, along with the loss of the view would forever destroy the very nature of this preserve. I strongly urge all city leaders to take a walk in this threatened area so you can see what is at stake.

I believe people move to this city for many reasons. Yes, the Promise is very important. But so is the fact that someone in our midst cares so much about our community as to want to give such an amazing gift. I would like our leaders to want to try and protect some intangibles that the loss of which would leave us all much poorer.

Can the City Commission, the City Planners and Development Coordinators, perhaps with some research on the part of the City Attorney, find a way to support a new business while also preserving a truly iconic view for now and future generations. Animals can be reintroduced. Water can be analyzed and restrictions can be placed. But once that view is gone, it is gone forever.

33. In 2017-18 the City and County governments of Kalamazoo gathered citizen input regarding the vision for the City and County in 2025. The County then adopted the County Master Plan, and the City adopted Imagine Kalamazoo 2025, aka IK 2025. IK2025 identified 10 Goals, including
- Inviting public places
 - Environmental responsibility

It also identified 15 projects, one of which is the Development of a Natural Features Protection (NFP) Ordinance, to protect specific areas of woodland, river, and green spaces in the City. Examples are Kleinstuck, The Hull Preserve, Asylum Preserve, and more. More on that in a minute. (Please visit the IK 2025 website to view the NFP.)

The IK 2025 plan dovetails nicely with the Kalamazoo County Master Plan, identifying eight categories of focus, including

- protection of natural resources
- plan for recreation

These goals and protections by IK 2025 and the Master Plan demonstrate that we the people of the City and County of Kalamazoo feel the protection of green spaces and recreation areas are paramount. We citizens count on our City and County planners to watch our community's collective backs, to also hold our quality of life paramount as they cast a wide net while thinking long term considering the health of our town not only economically but geographically as well. Because as the population grows and land mass is swallowed up, it is becoming clear that the value of our present green spaces like Kleinstuck, and the Hull and Asylum Preserves, land, trees, fresh water, and fresh air will, in the future, be as important if not more so, than just tax revenues.

34.

35. The citizen input and both plans suggest our greatest City/County resources are no longer just the potential for increased tax revenue but rather include, among others, recreation areas, fresh water, green space, swales for water purification and arboreal swales for air purification. Not to mention the benefits to one's emotional, psychological, and spiritual health gained from taking a walk in the woods or sitting beside a bubbling brook or listening to the wind in the trees. Once we have given up the land to development, once the hundred year old trees are dead on the ground, it will be too late to see, in hindsight, the error of not preserving our green spaces. I'd hate to see the only undeveloped green spaces of the future be the expanse of green cemeteries.

I applaud the City and County for considering the impacts of their decisions on the geography of our beautiful town in 2025 and beyond, as identified in the IK 2025 and Kalamazoo County Master Plan, particularly as it relates to planning and zoning.

Regarding the IK2025 Natural Features Protection (NFP) ordinance, at present there is a moratorium preventing the Zoning Board from granting variances, to enable time to develop the NFP Ordinance. The moratorium expires on June 3, 2019. I began attending the citizen input meetings in February. At those meetings I learned a developer has purchased of the property at the corner of Drake and Stadium, and plans to build an apartment complex, restaurant, and car wash there. I frequently walk the Asylum Lake Preserve, and am extremely alarmed that the west end of the Lake may soon be destroyed by development.

The second NFP Ordinance draft was presented by the City March 21. The issues involved are numerous, and the scope is wide. When complex issues have been brought up to City Staff their response has been "that exceeds the scope of our project". That is not acceptable! Due to its complexity and finality, I suggest more time is needed for the drafting of the NFP Ordinance. Again, once we have given up the land to development, once the hundred year old trees are dead on the ground, it will be too late to see, in hindsight, the error of not preserving our green spaces. Some of the complex issues are:

The grade of the land from the top of the new Costco development to the proposed Drake and Stadium project runs downhill to Asylum Lake. How will the new proposed development affect

the downstream lakes and waterways? Could the preservation of the Preserve trump the need for the proposed development?

What will be the effect of the runoff from rain on parking lots of the new proposed development, and its effects on the flood plain? We have all recently experienced massive flooding in the Crosstown ponds area. Why is this happening, particularly when it didn't used to? The necessary time needs to be taken to ensure that won't happen at Drake and Stadium or to Asylum Lake.

We citizens need confirmation or clarification of the 'buzz about town' that the runoff from the Costco project has turned out to be greater than the City anticipated, and that it is contributing to decreased health of lower and upper Asylum Lake, as well as Woods Lake.

Were the predictions of the runoff based on 3-5 year flood plan, instead of a 100-year plain? Given the change in climate, were the figures used realistic? I have lived in Oakwood and Winchell for 65 years, yes it is true the weather here has changed. Rain and water, and polluted lakes are real issues.

What is/will be the effect of the salt from the road and parking lots, as well as the 'gunk' from 120 and more automobiles running off to the waters of Asylum and Woods lake?

Again, when complex issues such as these have been brought up to City Staff their response has been "that exceeds the scope of our project". That is unacceptable! If the project needs more time for its enormous scope to be responsibly considered, then the moratorium must be extended. It is irresponsible to make hasty decisions about matters of this import when we have the time and resources available to carry out the proper due diligence to facilitate the drafting of a factual, effective ordinance. There is no rush here.

I propose two things: Asylum Lake Preserve, Kleinstuck, and the Hull Preserve be given a special designation, protecting them from development within at least 200 feet of their boundaries, (or more once the complex issues have been resolved). Second, that the moratorium on the zoning variance request for the Asylum Lake development be extended until City staff has had the time to address the issues "outside the scope" of the NFP ordinance. Again, Once we have given up the land to development, once the hundred year old trees are dead on the ground, it will be too late to see, in hindsight, the error of not preserving our green spaces.

36. We use it all the time! We do not need another car wash or 711. There are plenty of buildings either vacant or available that are already built.
37. Native species. It might clarify if you add the word "introduction": "human introduction, disturbance or intervention."
38. Page 5: Understory [the definition is misleading or inadequate in that "understory" sometimes refers only to shorter tree species that tolerate shade from the canopy of taller, mature trees,

but may also include the shrub layer, but not the groundcover layer of non-woody plants]. Here's a suggested definition: "The layer or layers of woody vegetation—including understory trees and shrubs—that naturally grows beneath a Tree Canopy."

39. Wildlife Habitat Corridor: [my understanding of the term is that it may refer either to the link between larger areas or to the entire "habitat" area thus formed] Here's a suggested phrasing: "A link of wildlife habitat, generally native vegetation, which joins or provides passage between two or more larger areas of wildlife habitat, and the entire corridor thus formed."
40. Vegetated Buffer: "A permanent, maintained strip of vegetation designed to help absorb and slow the velocity of surface Stormwater Runoff, and filter out sediment and other pollutants."
41. Page 7: C. Natural Feature Standards (1) Wetlands: The sentence beginning "It is commonly referred to as . . ." seems to me misleading. Wetlands can also include fens, wet meadows (or wet prairie), vernal pools, and "potholes." Indeed, the definitions at epa.gov specifically mention wet meadows, vernal pools, and potholes. Within city limits we do have vernal pools and degraded remnants of wet meadow or wet prairie, also glacial kettles, a form of pothole. We also have at least one prairie fen. I'm quite illiterate when it comes to state and federal wetland regulations, but I would, at the very least, eliminate the sentence that I've questioned.
42. I remember one development we disputed along Arcadia Creek, near Stadium Drive, where our argument partly depended on the presence not of any particular form of wetland but merely on the presence of Hydric soil. At the DEQ hearing we requested, the DEQ representative ruled in our favor, and the development did not go forward as planned.
43. Vernal pools, wet meadows, and even "potholes" are included in the MNFI inventory of Natural Communities and are thus more or less covered in the Natural Heritage Areas portion of the draft. See p. 20, 7.a.2. Vernal pools can be included in the MNFI category of "Intermittent wetlands" although there would probably be some argument as to whether a particular feature is or is not a "vernal pool."
44. Page 10: Table 6.2-X: To Black Tupelo, near bottom of table, add Black Gum, a more common name for *Nyssa sylvatica*
45. Page 12: (d) Replacement: this inch-for-inch replacement ratio, or even one-for-two replacement ratio—strikes me as rather burdensome and impractical. If several large trees must be taken down, with a total dbh of, for instance, 120 inches, then 30 to 60 (depending on replacement ratio) replacement trees of 2" dbh (or equivalent) must be planted. On many sites that might not make good sense. Would the excess trees then be planted elsewhere in the city, to help restore the overall "urban forest"? I guess I'm OK with that, but we should all, including Public Works, be clear on how that's to be enforced and managed.
46. (a) (4): Agree that understory shrubs often don't attain a height of 5'—that's an arbitrary figure. Perhaps: "The area supports some layering of shorter understory trees and/or shrubs and forbs."

47. Pages 15-16: Table 6.2-X: Hickory, shellbark; Oak, white; and Oak, Swamp white—Cs, not Sc Maple, red—I doubt Red maple should have a 2:1 Replacement Ratio. The species is climate vulnerable to some extent, and there are generally more than enough red maple trees in the world.

48. Thank you for the meeting at the Library Thursday night. The following are my concerns, questions, and suggestions for NFP Draft changes. I would appreciate responses please. I wish time wasn't so short so I could do a better job of supporting my comments.

A. A general request: A separate designation be given for Asylum, Kleinstuck and the Hull preserves, further protecting them as they are special spaces in Kalamazoo. Even if the special designation occurs outside of the NFP ordinance.

B. Any time City staff says one of the concerned citizen's questions or suggestions "exceeds the scope of this project" is completely unacceptable. In order for an ordinance to be accurate, complete, comprehensive and correct, ample time is required for the investigation of ALL relevant issues. It appears it is necessary for the time frame to be extended. Because once we have given up the land to development, once the hundred year old trees are dead on the ground, it will be too late to see, in hindsight, the error of not preserving our green spaces. There is NO rush—the moratorium must be extended. It is irresponsible not to build a comprehensive ordinance.

C. The county master plan shows the zoning of Drake and Stadium to be RM15 as it is now. Our community does not OWE a developer a zoning variance/change just because s/he asks for it. Nor should income to the City for taxes trump the import and scarcity of green space at Asylum. It would be especially egregious if the developer was granted the variance AND given any tax break by the City because if anticipated future tax revenues for the project. (We don't NEED another car wash in that quadrant of the city.)

D. 50.XX Measuring Wetland and Water Resource Setbacks.

[1] The size of the Wetland setback is based on the size of the parent parcel. [a] 25' setback on parcels greater than one (1) acre.

Parcels greater than 1 acre should have a setback of at least 500 feet.

[b] 20' setback on parcels between a half (1/2) acre and up to one (1) acre. [c] 15' setback on parcels less than a half (1/2) acre.

[3] Permitted Activities. The follow activities are permitted in the setback.

[a] Water and sewer lines, utility lines, required infrastructure, bridge abutments or approaches, or semi- pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local, State, and/or Federal agencies.

E. The amount of drainage from nonpervious parking lots needs to be accurately calculated and ALL runoff from the parking lots should be required to be collected BEFORE it reaches the water of adjacent wetlands. (there is a downhill slope from Costco to Asylum Lake. I understand, and would like you to confirm or deny, that the amount of runoff from the Costco development is 1. as the developers anticipated, 2. is NOT draining into Asylum Lake, and 3. Is not contributing to the poor health of Asylum and Woods lakes.

F. Notification of any changes on property adjacent to a publicly used property requiring a site plan should have broad public notification, not just 100 - 300 feet. It should include the neighborhoods adjacent to the NFP zones.

Really, this ordinance is basically the minimum protection for the immediate future, it doesn't look at the bigger picture, and it is about development regardless that these are sensitive and critical places. To further support my suggestions/comments, I am going to send you a letter I've just drafted. It reads more smoothly than the above.

49. Today I walked the north boundary of Asylum Lake from the Winchell trailhead west to Drake.

We're going to have to compromise with the developer—I doubt we'll be able to keep it a wetland/forest/marsh/preserve. I'd like more, but I support setbacks of a NFP zone idea like that which is in place at the Winchell Way apts.

50. I want to start by saying that I was sad to hear the woman at the last meeting speak about her disappointment in the NFP Overlay. I'm not sure if I speak for everyone, but I think I speak for most of us when I say that I am proud to live in a city that values our natural resources, and I very much appreciate the work you and Christina have done to put together this document. You've been faced with a quick-approaching deadline from the start, and you've made great strides with the NFP Overlay so far.

It is my opinion that the current NFP Overlay does a good job of protecting our natural features. There are certainly limits to the protections of a zoning ordinance, and I think you've done a great job of operating within these limits and coming up with effective solutions. I definitely don't think that the NFP Overlay sucks, or that it's "disappointing," but I think there is always room for improvement.

A few thoughts about the inclusion of wildlife corridors in the NFP Overlay: At the meeting I suggested that we reserve a section for further expansion in the next draft (similar to the way floodplains have been reserved in the current draft). Including a section for wildlife corridors would guarantee that the areas could be mapped in the future, as some areas that wildlife move through would not be considered natural features under the current ordinance. My hope is that these areas will be subject to standards for thoughtful development just as the other natural features will be. My thinking is as follows:

- Neighborhoods that wildlife frequent cannot always be considered woodlands, wetlands, or other natural features identified in the overlay.
- For instance, the area between Parkview and Winchell, bordered on the East by Oakland Drive and on the West by Asylum Lake Preserve, is well-populated, and probably doesn't qualify as a woodland, but remains a natural path for wildlife. I think that areas such as these should have some sort of protection by the NFP so that wildlife continues to view them as a "sanctuary."
- If these areas don't fall under one of the natural features identified in the Overlay, they can't be mapped in the future, and they won't be protected by it.
- Standards for development in areas considered "wildlife corridors" should exist to preserve the ability of wildlife to travel through them.
- Wildlife Corridors are absolutely a hard thing to define. I would argue, however, that by using whitetail deer as an indicator species, a definition based on roadside/drone surveys could be created. Whitetail deer are easily spotted, and less tame than other urban animals (i.e. squirrels), so their frequent passage through an area indicates a sort of "safe zone."

I understand it's a bit late in the game for new information, but I'm still curious as to what you think about this. I really believe that the NFP Overlay could serve to protect wildlife, if given enough thought, but you would know better than me. Do you think this would be practical? I know you probably wouldn't be able to flesh an entire section out by the time the document goes to the city, but if you were able to reserve a section I think it could really make a difference.