

**Syndicate Park Subdivision,
South Haven Township**
*Study of Van Buren County Owned
Parcels*

Complied by: Southwest Michigan Planning Commission
Commissioned by: Van Buren County Board of Commissioners

December 1, 2012

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Introduction/Study Purpose

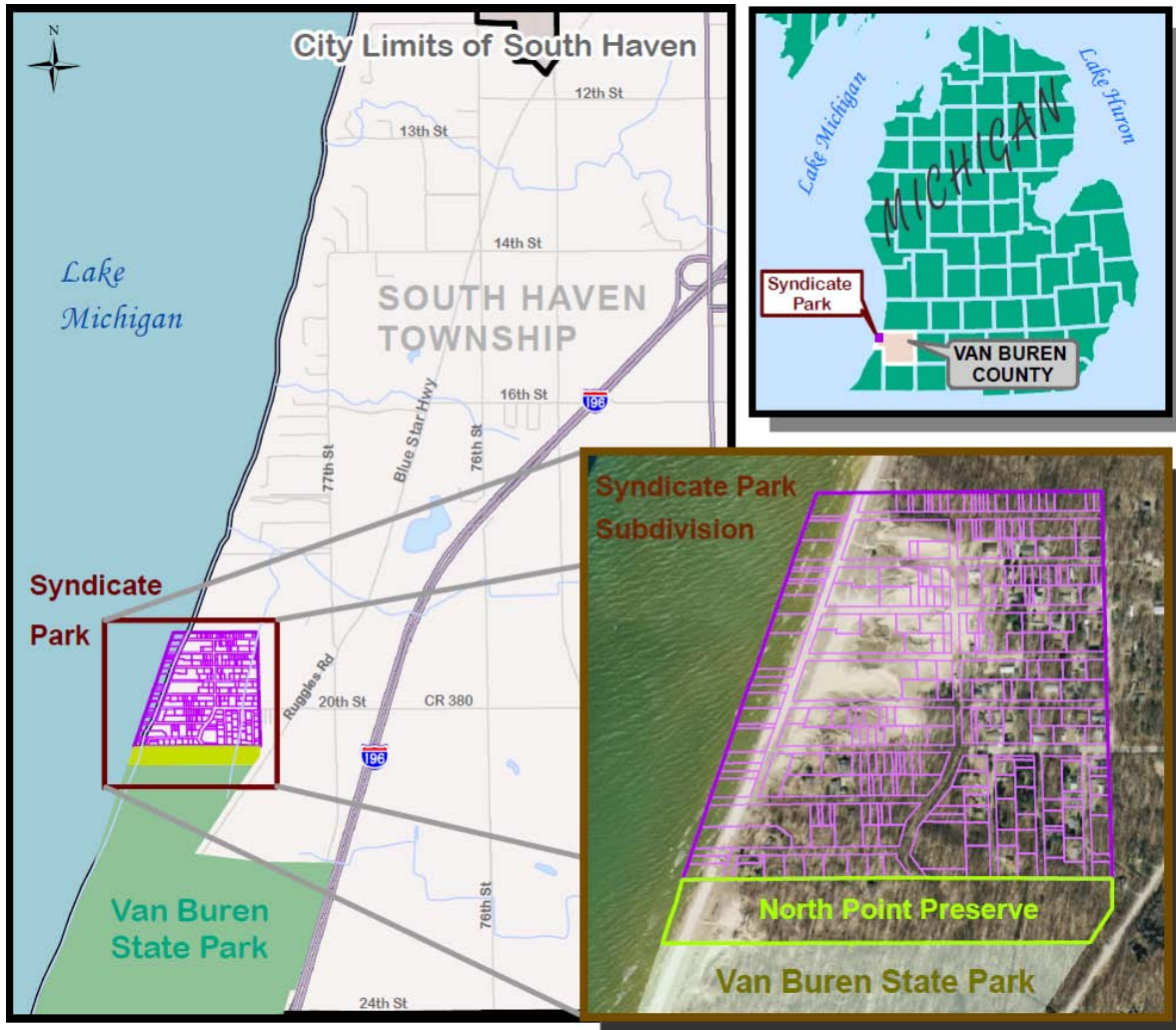
The Van Buren County Board of Commissioners established a committee to develop a recommendation for the future of county-owned land in Syndicate Park that: 1) recognizes the property's unique features and the constraints and opportunities associated with these features; and 2) incorporates the public's desires.

The most significant feature of Syndicate Park study area is the large sand dune. In Michigan, along the shores of Lake Michigan, a rare combination of glacial history, wind, water, and vegetation came together to create the largest accumulation of freshwater coastal dunes in the world. These extraordinary dune features set the stage for a distinctive mix of ecological communities that support rare and endangered species, irreplaceable habitats and dynamic biological interactions. The sand dunes are valued by many for their aesthetically pleasing backdrop to the lakeshore, for the ecological communities which they support, and for the recreational potential they provide. No one knows this better than those that live and vacation within the coastal dune communities on the west coast of Michigan. Yet it is this desire to live, work and play in the sand dunes that have slowly degraded natural communities, altered topography and sometimes destroyed these unique features. The complex series of events that created the largest of these sand dunes do not exist today, and once lost, these dunes may never be replaced.

Of the 275,000 acres of sand dunes in Michigan, 70,000 acres were designated as "critical dunes" (PA 146 & 147 in 1989; Part 353 of Act 451 in 1994). These Critical Dune Areas (CDAs) were recognized as a "unique, irreplaceable and fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this state and to people from other states and countries who visit this resource." ("How to Protect Critical Dunes: Practical Guidelines for Site Development and Management in Michigan's Critical Dune Areas") In Michigan, about half of the 70,000 acres of designated critical dunes are in public ownership and the other half are in private ownership.

History of Syndicate Park

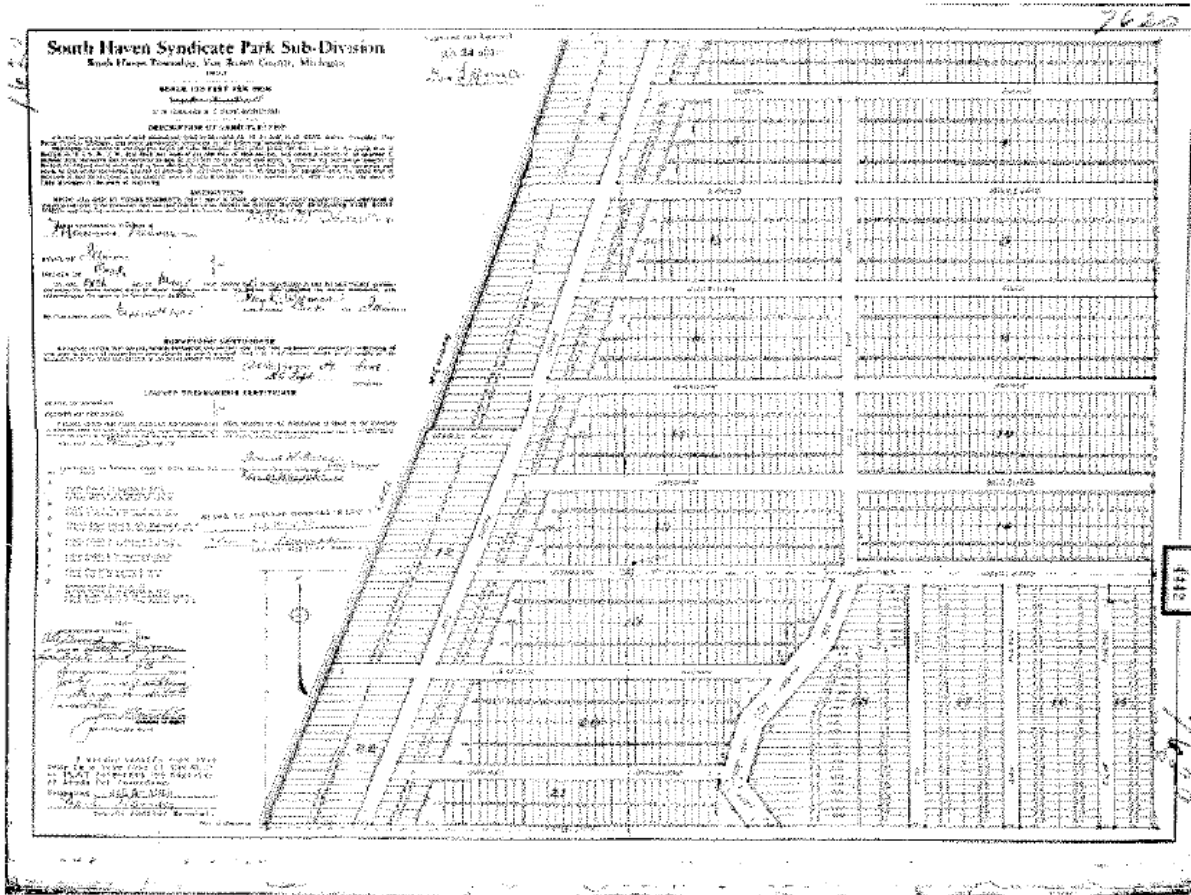
Syndicate Park is a subdivision located along the shores of Lake Michigan in South Haven Township, south of the City of South Haven and north of the county-owned North Point Preserve and state-owned Van Buren State Park.



The Syndicate Park Subdivision is the result of a marketing scheme in 1910 by the Syndicated Press based in Chicago. With a subscription to the Chicago Tribune, you could own a lot on the shore of Lake Michigan in South Haven (Van Buren County Register of Deeds, 1910). The original plat map for Syndicate Park Subdivision included 80 acres divided into 1,233 lots that were approximately 20 feet by 100 feet. Since 20 feet is not very wide, a multi-year subscription purchase would be needed to obtain multiple lots. However, many owners did not receive contiguous parcels of land that could be combined to create larger lots for building residences.

Some of these lots are now underwater and more than half of the planned roadways are either undeveloped or under the sands of the Syndicate Park sand dune. Additional access roads were developed through use and neighbor agreements and residents pay for improvements and maintenance. One of the roads is an original fire lane cut by the state to access the forest to fight potential forest fires. This road has been kept open by continued use and maintenance by homeowners.

Illustration 3: This is the original plat map for Syndicate Park Subdivision where 80 acres is divided into 1233 lots of approximately 20 feet by 100 feet.



The Syndicate Park Subdivision pre-dates the adoption of zoning in South Haven Township and most of the lots are now considered non-conforming. Many of the lots pose significant constraints for building due to the unstable dune, zoning laws and sanitary regulations (the area is not served by public sewer or water). Over the years, several of the parcels are now owned by the county as property owners failed to pay taxes.

The large sand dune (mostly owned by Van Buren County) along Lake Michigan has large blowout areas that are mostly devoid of stabilizing vegetation due to continued human impact. Human impact includes off- road vehicle use and foot traffic from residents and boaters who anchor off the shore. Law enforcement has been increased, but continues to be problematic because of the difficulty to access portions of the property. Further, the unstable dune is shifting at an increasing rate and as it moves inland, sand is encroaching upon several residences. Multiple beach homes have been lost to Lake Michigan, two have been buried by sand and more are threatened to be buried by the unstable, shifting sand dunes. The analysis of historic aerials photos on the following page shows the movement of the sand dune from 1938 to 2010.

A few years ago, Van Buren MSUE wrote a grant proposal to re-vegetate the moving sand dune, barricade off some of the paths that off-road vehicles are using and educate residents about sand dunes. However, this proposal was not funded.

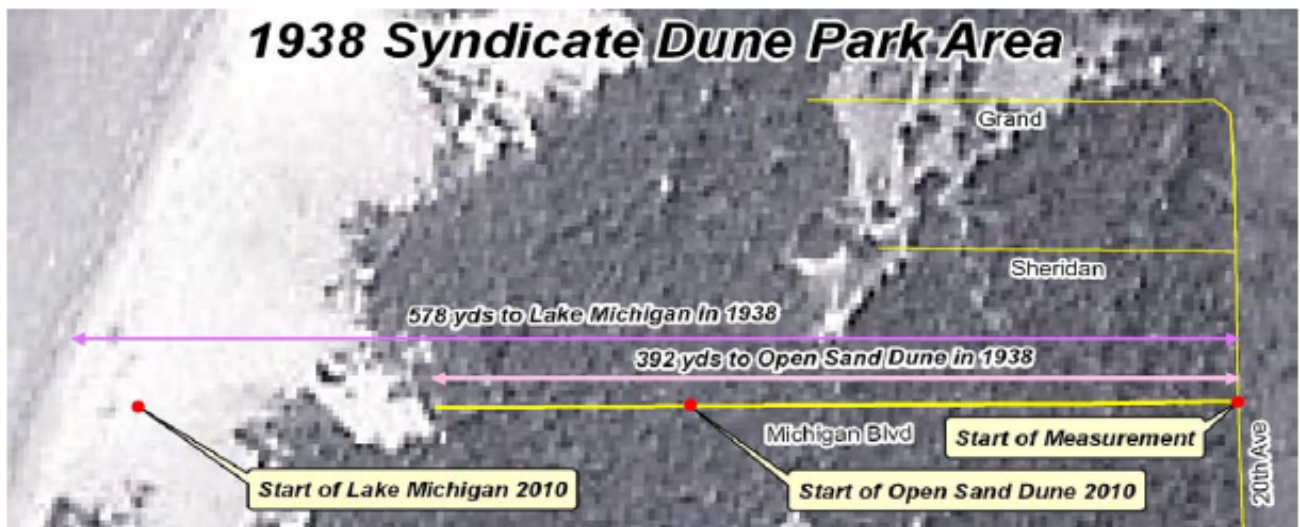


Measurements from Aerial Photos in Syndicate Park Area

All measurements taken in yards from the intersection of "Michigan Blvd" and the north/south "20th Ave" to:

	<u>1938</u>	<u>1950*</u>	<u>1955</u>	<u>1967</u>	<u>2005</u>	<u>2010</u>
Start of open sand dune	392	390	380	323	266	263
Start of Lake Michigan	578	574	549	563	535	532
Change in distance to sand dune	N/A	2	10	57	57	3
Open Sand Distance:	186	184	169	240	269	269

*Average Distance - there were two photos for 1950 and there was about a 7 yard difference to the start of the sand and a 2 yard difference to Lake Michigan between the two photos



Existing Conditions – Opportunities and Constraints

Parcels

There are 260 parcels in Syndicate Park Subdivision and a total of 81.66 acres. The public right-of-way (developed and undeveloped roads) equals 15.94 acres and the remaining lots equal 65.71 acres. Of the 260 parcels, 197 parcels are undeveloped and scattered throughout the subdivision (45.5 acres) and 63 parcels have residences (20.25 acres). Van Buren County owns 87 parcels in Syndicate Park Subdivision ranging from 0.04 to 2.6 acres.

- County owned property totals 25 acres or 31% of the total land in the subdivision (38% of the land excluding right-of-ways).
- All of the parcels owned by the County are undeveloped and scattered throughout the subdivision.
- Only three of the County’s 87 parcels are greater than one acre in size. However, if adjacent parcels were combined, the County has seven lots that would be greater than one acre.
- Two of the combined contiguous parcels owned by the County are greater than three acres and two of them are greater than two acres.
- According to research done by the County’s Land Services office, the County has clear title to only three of the 87 parcels.
- The State of Michigan owns two parcels totaling 0.09 acres and the Boy Scouts own five parcels totaling 1.45 acres.
- The remaining 165 parcels are in private ownership and total 39.13 acres.

Table 1: Parcels by Ownership

Owner Name	Number of Parcels	Total Acreage
Van Buren County	87	25.00
No Tax Information	1	.04
State of Michigan	2	.09
Boy Scouts	5	1.45
All Other Ownership (Private) may own multiple parcels	165	39.13
Total	260	65.71

Table 2: Undeveloped Parcels

Owner Name	Number of Parcels	Total Acreage
Van Buren County	87	25.00
No Tax Information	1	.04
State of Michigan	2	.09
Boy Scouts	5	1.45
Private Owners (parcel may be adjacent to developed parcel of same owner)	102	18.92
Total	197	45.50

Table 3. Summary of County Owned Parcels

Number of Parcels	Size of Parcel (acres)	Total Acreage
4	0.04	0.17
39	0.10	3.55
10	0.20	1.96
10	0.30	2.87
11	0.40	4.44
4	0.50	1.91
3	0.60	1.75
1	0.70	0.65
2	0.80	1.67
1	1.5	1.53
1	1.9	1.92
1	2.6	2.57
Total – 87		25.00

Table 4. Summary of County Owned Contiguous Parcels Combined Area

Number of Contiguous Parcels Combined	Acreage of Combined Parcels
2	.27
3	.14
2	2.25*
3	.22
2	.71
7	3.07*
9	2.11*
2	1.01*
3	1.31*
2	.65
4	.44
3	.25
4	.35
3	3.21*
3	1.22*
4	.37
3	.50
4	.50
2	.69
65 Total Parcels	19.27total Acreage

**Seven contiguous county-owned parcels greater than 1 acre in size.*

Zoning

South Haven Township's current zoning of the subdivision is low density residential (LDR) with a minimum lot size of one acre with 150 feet road frontage requirement (excluding right of way) and setbacks as follows: 35 feet front; 50 feet rear and 15 feet each side. Most of the lots in the subdivision do not comply with current zoning requirements. Since the lots are pre-existing non-conforming, most new buildings and upgrades to existing structures require variances from South Haven Township. **There are only eleven parcels (when combined by common owner) that are equal to or greater than one acre (four are privately owned and seven are owned by the county).**

Roads

Many of the roads in the original plat were never developed and the platted rights of way are only 40 foot wide (county road standards are 66 feet). Only the first quarter mile of 20th Avenue leading into the Syndicate Park Subdivision is certified and maintained by the County Road Commission. **All of the other platted roads/right-of-ways are not certified by the County Road Commission and are not maintained by the County.** Fire Lanes N and R are not within the platted subdivision area. The roads in the subdivision are maintained by the landowners mostly by informal arrangements. Just recently, the Township and County approved the vacation of Lakeshore Drive. Further, an outcome to a lawsuit regarding the gate to access North Point determined that the County did have access and use of this gate.

Sewer and Water

There is no public sanitary sewer or water servicing the area. All of the homes utilize on-site disposal systems (septic systems) and wells for drinking water. The closest sanitary system is located at the corner of 77th and 18th Avenues approximately 0.7 miles away from the northeast corner of the subdivision. **All of the soils in the subdivision according to the USDA Soil Survey are severe to poor for septic tank absorption fields.** With this fact coupled with the small lot sizes, there should be great concern about failing septic systems and the distances between existing and future septic systems and drinking water wells.

Designated Critical Dunes

The western portion of the Syndicate Park Subdivision is designated as critical dune by the State of Michigan. The Michigan Legislature in 1976 passed the Sand Dune Protection and Management Act (Act 222). This act gave authority to local units of government and the State of Michigan to undertake specific steps to ensure the wise use and protection of Michigan's designated critical sand dunes. In the Syndicate Park Subdivision, 143 total parcels (totaling 43.34 acres) contain designated Critical Dunes. **Out of the 87 county owned parcels, 55 contain designated critical dunes (totaling 20.54 acres of designated critical dune owned by the county). The County owns 47% of the designated critical dune area at the Syndicate Park Subdivision.** Permits are needed from Michigan Department of Environmental Quality for contour changes, building or any "use" defined as a physical alteration to the critical dune area that significantly alters its physical characteristics. The Van Buren Conservation District is available to assist homeowners with critical dune issues and vegetation recommendations to control erosion and ensure non-native plants are not introduced.



Sign between beach area and dune. Sign says "Erosion Area Keep Off." However, it is not effective as you can see indications of heavy use. (Summer 2012)



The crest of dune looking south from the main traffic area over the dune (at the end of Grand Boulevard). Pedestrian and ORV trails are evident throughout the dune area. (Summer 2012)



Main pedestrian and ORV access to Lake Michigan Beach (approximate continuation of Grand Boulevard).



Forested dune looking north from main access point to beach (approximate continuation of Grand Boulevard).



This picture was taken in early 2012. Dune has migrated closer to this home along the County owned dune property.



This picture was taken in 2008.

Water Features

A county drain called the Dyckman Swamp Drain runs through the eastern edge of the Syndicate Park Subdivision. Seventeen private parcels and two county owned parcels are intersected by the county drain. Further, several parcels are partially in Lake Michigan (15 private parcels and 11 county owned parcels).

The 2009 FEMA Floodplain maps indicate that there is a designated floodplain along the Dyckman Swamp Drain (approximately 50 feet on each side). The FEMA designated floodplain area along Lake Michigan is mostly within the public designated right-of-way (called Lakeshore Drive). Four of the county owned parcels have land in designated floodplain (total of 0.64 acres). There are nine privately owned parcels totaling 1.74 acres with land in the designated floodplain. (FEMA Floodplain map # 26159C0131C) There are no wetlands in the Syndicate Park Subdivision according to the National Wetlands Inventory.

Steep Slopes

The western portion of the Syndicate Park Subdivision has extremely steep slopes. Steep slopes are indicated by the soil survey (class 36E) and are not conducive to building. The eastern portion of the subdivision does not have steep slopes. Eighty-six privately owned parcels (totaling 19.99 acres) and 57 county owned parcels (17.14 acres) have slopes greater than 25%. Slopes greater than 18% are generally considered unsuitable for building.

Soils

According to the USDA Soil Survey, the entire subdivision has soils that are mostly unsuited for building site development and septic tank absorption fields. The western dune portion of the site is 36E- Oakville Fine Sand with 25 to 60 percent slopes. This soil is well drained and found on dunes and beach ridges. The soil is generally unsuited to cropland, building site development and septic tank absorption fields. The soil is poorly suited for most recreation uses. The major management concerns are slope, the soft loose sand surface layer and the hazard of erosion. Paths and trails can be designed so that they conform to the natural slope of the land. Plant cover is generally too sparse to withstand heavy foot traffic.

On the eastern portion of Syndicate Park, the soils consist of the following soil classes:

8A – Morocco loamy sand with 0 to 2 percent slopes

17A – Brems sand with 0 to 2 percent slopes

45B – Covert sand with 0 to 4 percent slopes

48A – Pipestone – Kingsville complex with 0 to 3 percent slopes.

The Morocco loamy sand and Brems sand are poorly suited for building site development and septic tank absorption fields because of wetness (high water table) and poor filtering capacity which can result in pollution of ground water. Covert sand is only fairly well suited to building site development because of wetness. It is poorly suited to septic tank absorption fields because of wetness and poor filtering capacity. Pipestone-Kingsville complex is also generally unsuited for building site development and septic tank absorption fields because of wetness and ponding.

Table 5. Soil Classifications and County Owned Parcels

Soil Classification	# of County Owned Parcels*	County Owned Acreage	Building Site Development	Septic Tank Field Absorption
36E	55	16.91	Severe (slope)	Severe (slope, poor filter)
8A	8	1.86	Severe (wetness)	Severe (wetness, poor filter)
17A	10	1.44	Moderate – Severe (wetness)	Severe (wetness, poor filter)
45B	None		Moderate – Severe (wetness)	Severe (wetness, poor filter)
48A	3	0.54	Severe (wetness)	Severe (wetness, poor filter)

*parcel counted if at least half is located in the soil class.

Assessed Value

The assessed values of the parcels similar in size to the County's parcels may give an indication of value. However, to obtain a realistic value, the County should have appraisals completed.

Table 6. Comparative Assessed Values

Number of County owned Parcels (total acreage)	Parcel Size	Number Undeveloped Private Parcels	Minimum Assessed Value (\$)*	Maximum Assessed Value (\$)*	Average Assessed Value (\$)*
4 (0.17)	0.04	5	1,000	1,000	1,000
0	0.05	7	1,000	1,000	1,000
0	0.08	1	8,300	8,300	8,300
0	0.09	27	1,000	2,900	2,185
39 (3.55)	0.1 -0.14	14	1,200	56,000	15,180
10 (1.96)	0.2 (0.15-0.24)	21	2,100	9,500	5,019
10 (2.87)	0.3 (0.25-0.34)	9	6,000	5,500	14,300
11 (4.44)	0.4 (0.35-0.44)	1	1,180	1,180	1,180
4 (1.91)	0.5 (0.45-0.54)	5	1,700	22,500	11,200
3 (1.75)	0.6	0			
1 (0.65)	0.7	0			
2 (1.67)	0.8 (0.75-0.84)	1	8,300	8,300	8,300
0	1.41	1	5,000	5,000	5,000
1 (1.53)	1.5	0			
1 (1.92)	1.9	0			
1 (2.57)	2.6	0			

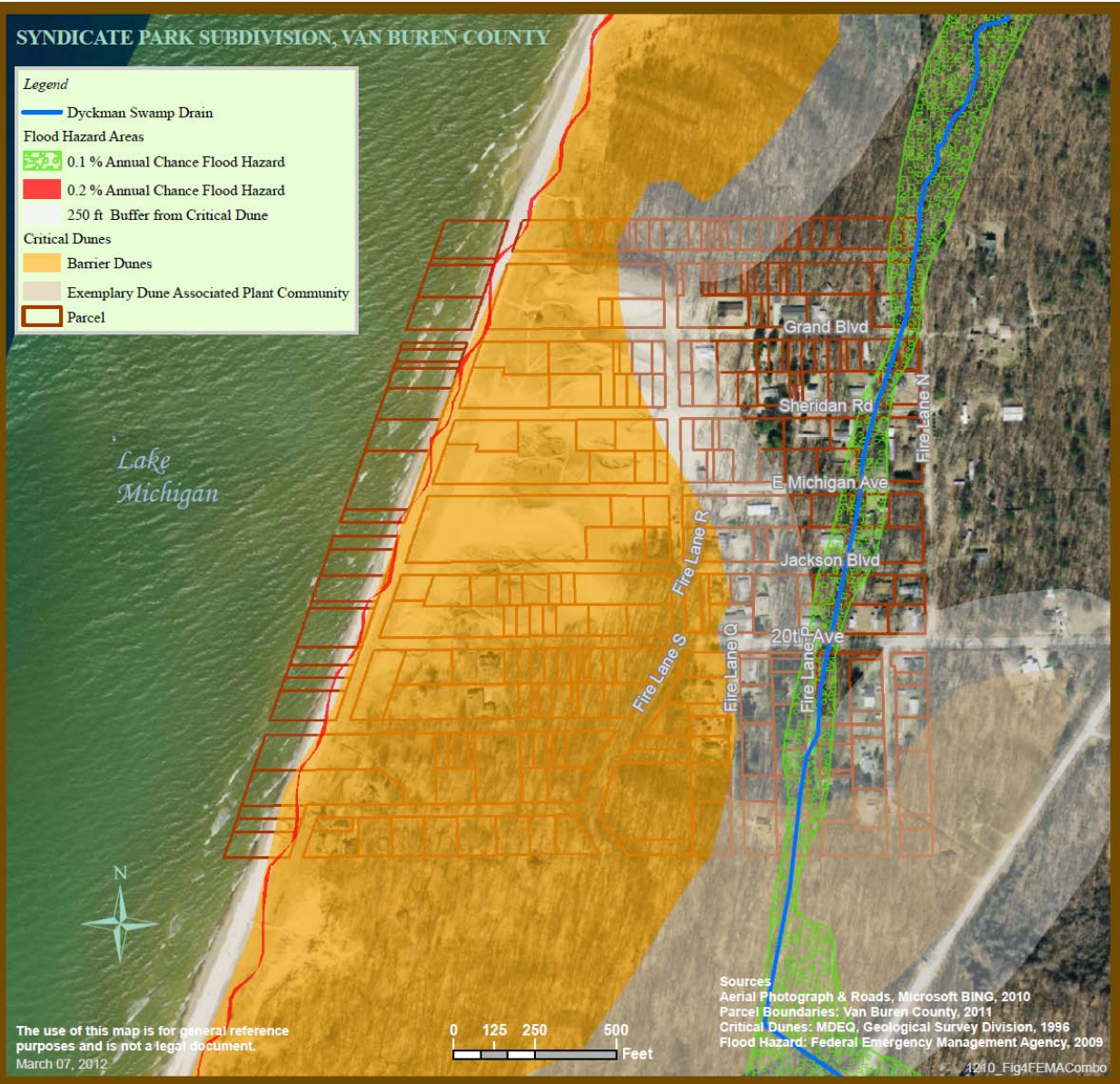
*Assessed values are for privately owned parcels of similar acreage in the Syndicate Park Subdivision.



SYNDICATE PARK SUBDIVISION, VAN BUREN COUNTY

Legend

- Dyckman Swamp Drain
- Flood Hazard Areas**
- 0.1 % Annual Chance Flood Hazard
- 0.2 % Annual Chance Flood Hazard
- 250 ft Buffer from Critical Dune
- Critical Dunes**
- Barrier Dunes
- Exemplary Dune Associated Plant Community
- Parcel



The use of this map is for general reference purposes and is not a legal document.
March 07, 2012



Sources
Aerial Photograph & Roads, Microsoft BING, 2010
Parcel Boundaries: Van Buren County, 2011
Critical Dunes: MDEQ, Geological Survey Division, 1996
Flood Hazard: Federal Emergency Management Agency, 2009

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SYNDICATE PARK SUBDIVISION, VAN BUREN COUNTY

Legend

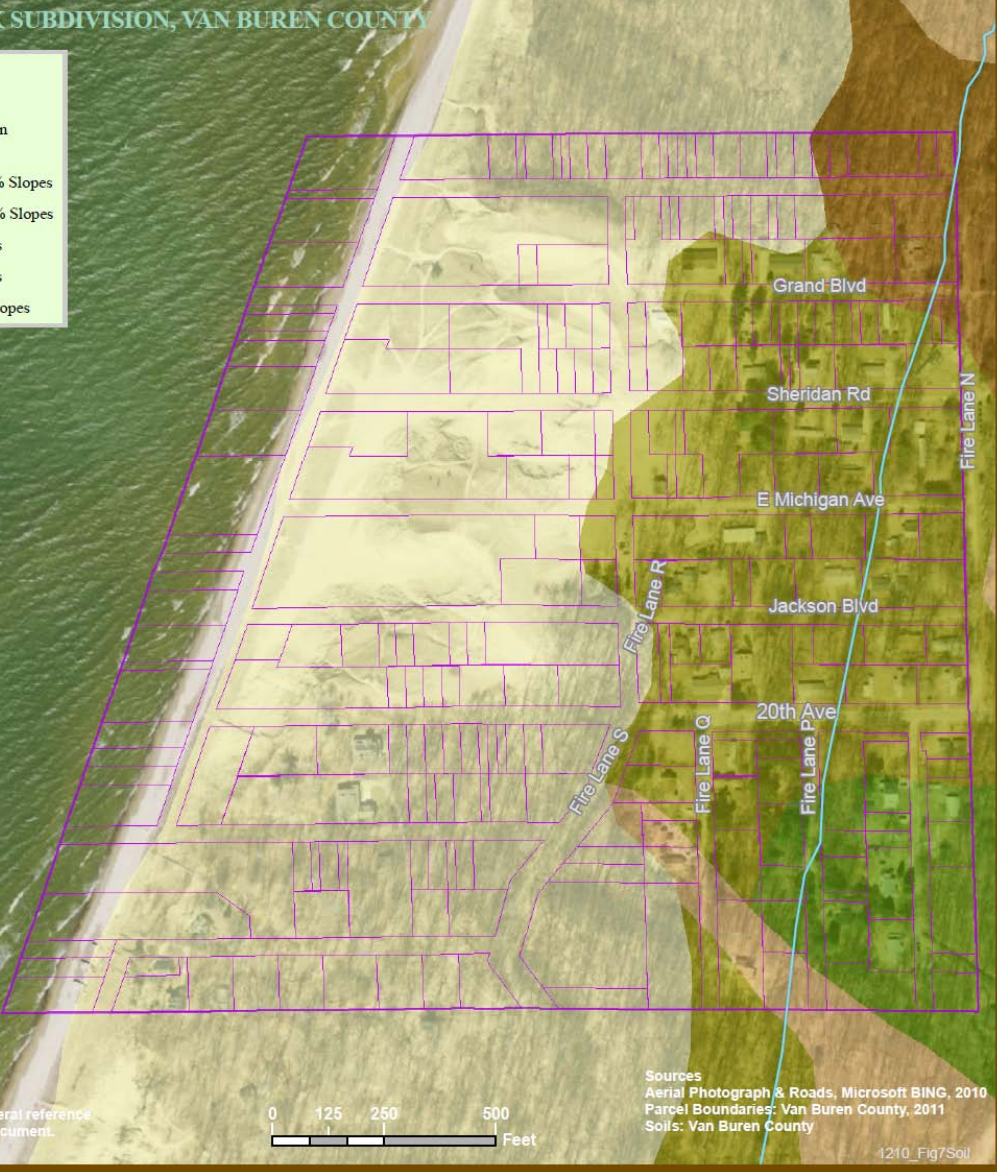
-  Parcel
-  Dyckman Swamp Drain

Soil & Slope

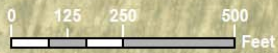
-  Fine Sand with 25-60% Slopes
-  Loamy Sand with 0-2% Slopes
-  Sand with 0-2% Slopes
-  Sand with 0-4% Slopes
-  Complex with 0-3% Slopes



Lake Michigan



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March 07, 2012



Sources
Aerial Photograph & Roads, Microsoft BING, 2010
Parcel Boundaries: Van Buren County, 2011
Soils: Van Buren County

1210_Fig7Soil

SYNDICATE PARK SUBDIVISION, VAN BUREN COUNTY

Legend

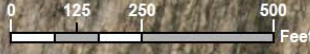
- Developed Residential Parcel

Property Tax Assessment

- 0
- \$1,000 - \$5,000
- \$5,000 - \$10,000
- \$10,000 - \$20,000
- \$20,000 - \$50,000
- \$50,000 - \$100,000
- \$100,000 - over



The use of this map is for general reference purposes and is not a legal document.
 March 07, 2011



Sources
 Aerial Photograph & Roads, Microsoft BING, 2010
 Parcels & Tax Information: Van Buren County, 2011
 1210_Fig9Tax

County Owned Property

The following table highlights characteristics of the 87 parcels owned by Van Buren County which range in size from 0.04 to 2.6 acres. All of the parcels owned by the County are undeveloped and scattered throughout the subdivision. Only three of the County's 87 parcels are greater than one acre in size. However, if adjacent parcels were combined, the County has seven properties that would be greater than one acre. All 87 county-owned parcels have soils which have severe limitations for building site development and septic tank absorption fields. Out of the 87 county-owned parcels, 55 contain designated critical dunes (totaling 20.54 acres of designated critical dune owned by the county). The County owns 47% of the designated critical dune area at the Syndicate Park Subdivision. Two county-owned parcels are intersected by the county drain and several parcels are partially in Lake Michigan (15 private parcels and 11 county-owned parcels). Four of the county-owned parcels have land in a designated floodplain (total of 0.64 acres). Fifty-seven county-owned parcels (17.14 acres) have slopes greater than 25%.

Table 7. Summary of County Owned Properties (constraints highlighted)

PARCEL NUMBER	PROPERTY ADDRESS	AREA (ACRE)	> 1 ACRE	ADJACENT COUNTY PROPERTY	Potential Constraints			
					SEPTIC FEASIBLE	CRITICAL DUNE	STEEP SLOPE (>25%)	FLOODPLAIN/SURFACE WATER PRESENT
80-17-221-001-00	NORTH AVE	0.09144	no	no	No	no	no	Floodplain 0.1%
80-17-225-001-00	GRAND BLVD	0.08837	no	no	No	no	no	Floodplain 0.1%
80-17-230-012-00	MICHIGAN AVE	0.27941	no	no	No	no	no	Floodplain 0.1%
80-17-221-005-00	NORTH AVE	0.36334	no	no	No	no	no	Floodplain 0.1%
80-17-236-049-00	OAK AVE	0.13428	no	yes	No	no	no	Floodplain 0.1%
80-17-236-045-00	OAK AVE	0.18468	no	yes	No	no	no	Floodplain 0.1%
80-17-227-001-00	ST JOSEPH AVE	0.08596	no	no	No	no	no	In Lake Michigan
80-17-222-013-00	ST JOSEPH AVE	0.45928	no	no	No	no	no	In Lake Michigan
80-17-222-001-00	NORTH AVE	0.54231	no	no	No	no	no	In Lake Michigan
80-17-235-004-00	ELM AVE	0.08934	no	no	No	no	no	No
80-17-225-047-00	SHERIDAN RD	0.13839	no	no	No	no	no	No
80-17-237-020-00	PINE AVE	0.36191	no	no	No	no	no	No
80-17-229-032-00	SHERIDAN RD	0.04591	no	yes	No	no	no	No

PARCEL NUMBER	PROPERTY ADDRESS	AREA (ACRE)	> 1 ACRE	ADJACENT COUNTY PROPERTY	Potential Constraints			
					SEPTIC FEASIBLE	CRITICAL DUNE	STEEP SLOPE (>25%)	FLOODPLAIN/SURFACE WATER PRESENT
80-17-229-042-00	MICHIGAN AVE	0.04591	no	yes	No	no	no	no
80-17-236-010-00	ELM AVE	0.09383	no	yes	No	no	no	no
80-17-236-012-00	ELM AVE	0.08906	no	yes	No	no	no	no
80-17-229-033-00	SHERIDAN RD	0.13772	no	yes	No	no	no	no
80-17-229-043-00	MICHIGAN AVE	0.13772	no	yes	No	no	no	no
80-17-224-032-00	NORTH AVE	0.04722	no	no	No	no	yes	no
80-17-224-037-00	ST JOSEPH AVE	0.04318	no	no	No	no	yes	no
80-17-221-031-00	NORTH AVE	0.09167	no	no	No	no	yes	no
80-17-225-038-00	SHERIDAN RD	0.092	no	no	No	no	yes	no
80-17-224-021-00	NORTH AVE	0.04463	no	yes	No	no	yes	no
80-17-221-031-00	NORTH AVE	0.04396	no	yes	No	no	yes	no
80-17-221-032-00	NORTH AVE	0.04761	no	yes	No	no	yes	no
80-17-221-031-00	NORTH AVE	0.04392	no	yes	No	no	yes	no
80-17-226-001-00	ST JOSEPH AVE	0.09181	no	yes	No	no	yes	no
80-17-224-019-00	NORTH AVE	0.08928	no	yes	No	no	yes	no
80-17-226-057-00	ST JOSEPH AVE	0.09182	no	yes	No	no	yes	no
80-17-224-022-00	NORTH AVE	0.09044	no	yes	No	no	yes	no
80-17-221-025-00	NORTH AVE	0.13587	no	yes	No	no	yes	no
80-17-221-022-00	NORTH AVE	0.13768	no	yes	No	no	yes	no
80-17-237-020-00	PINE AVE	0.27125	no	no	No	yes	no	Floodplain 0.1%
80-17-221-053-00	NORTH AVE	0.41816	no	no	No	yes	yes	Floodplain 0.2%
80-17-232-003-00	ST JOSEPH AVE	0.36482	no	no	No	yes	no	In Lake Michigan
80-17-232-025-00	ST JOSEPH AVE	0.43081	no	no	No	yes	no	In Lake Michigan
80-17-232-011-00	ST JOSEPH AVE	0.09226	no	yes	No	yes	no	In Lake Michigan
80-17-227-027-00	ST JOSEPH AVE	0.18194	no	yes	No	yes	no	In Lake Michigan
80-17-227-005-00	ST JOSEPH AVE	0.26726	no	yes	No	yes	no	In Lake Michigan
80-17-227-008-00	ST JOSEPH AVE	0.44417	no	yes	No	yes	no	In Lake Michigan

					Potential Constraints			
PARCEL NUMBER	PROPERTY ADDRESS	AREA (ACRE)	> 1 ACRE	ADJACENT COUNTY PROPERTY	SEPTIC FEASIBLE	CRITICAL DUNE	STEEP SLOPE (>25%)	FLOODPLAIN/SURFACE WATER PRESENT
80-17-232-012-00	ST JOSEPH AVE	0.5577	no	yes	No	yes	no	In Lake Michigan
80-17-227-018-00	ST JOSEPH AVE	0.82669	no	yes	No	yes	yes	In Lake Michigan
80-17-235-028-00	ELM AVE	0.19681	no	no	No	yes	no	no
80-17-236-028-01	ELM AVE	0.43624	no	no	No	yes	no	no
80-17-235-016-00	ELM AVE	0.44947	no	no	No	yes	no	no
80-17-238-009-00	PINE AVE	0.11007	no	yes	No	yes	no	no
80-17-239-032-00	20TH AVE	0.39853	no	no	No	yes	yes	no
80-17-239-012-00	20TH AVE	0.05007	no	yes	No	yes	yes	no
80-17-239-076-00	20TH AVE	0.04888	no	yes	No	yes	yes	no
80-17-239-013-00	20TH AVE	0.05374	no	yes	No	yes	yes	no
80-17-226-008-00	ST JOSEPH AVE	0.04589	no	yes	No	yes	yes	no
80-17-239-070-00	20TH AVE	0.05144	no	yes	No	yes	yes	no
80-17-233-018-00	ST JOSEPH AVE	0.08801	no	yes	No	yes	yes	no
80-17-233-024-00	ST JOSEPH AVE	0.08627	no	yes	No	yes	yes	no
80-17-233-065-00	ST JOSEPH AVE	0.08746	no	yes	No	yes	yes	no
80-17-226-006-00	ST JOSEPH AVE	0.09178	no	yes	No	yes	yes	no
80-17-228-066-00	ST JOSEPH AVE	0.09181	no	yes	No	yes	yes	no
80-17-239-071-00	20TH AVE	0.09846	no	yes	No	yes	yes	no
80-17-226-051-00	ST JOSEPH AVE	0.09185	no	yes	No	yes	yes	no
80-17-239-068-00	20TH AVE	0.09707	no	yes	No	yes	yes	no
80-17-228-063-00	ST JOSEPH AVE	0.13772	no	yes	No	yes	yes	no
80-17-226-003-00	ST JOSEPH AVE	0.13769	no	yes	No	yes	yes	no
80-17-238-048-00	20TH AVE	0.15003	no	yes	No	yes	yes	no
80-17-233-037-00	ST JOSEPH AVE	0.18393	no	yes	No	yes	yes	no
80-17-233-020-00	ST JOSEPH AVE	0.17697	no	yes	No	yes	yes	no
80-17-238-032-00	20TH AVE	0.23	no	yes	No	yes	yes	no
80-17-239-077-00	20TH AVE	0.19785	no	yes	No	yes	yes	no

PARCEL NUMBER	PROPERTY ADDRESS	AREA (ACRE)	> 1 ACRE	ADJACENT COUNTY PROPERTY	Potential Constraints			
					SEPTIC FEASIBLE	CRITICAL DUNE	STEEP SLOPE (>25%)	FLOODPLAIN/SURFACE WATER PRESENT
80-17-228-003-00	ST JOSEPH AVE	0.27544	no	yes	No	yes	yes	no
80-17-238-050-00	20TH AVE	0.23757	no	yes	No	yes	yes	no
80-17-231-005-00	ST JOSEPH AVE	0.22377	no	yes	No	yes	yes	no
80-17-233-072-00	ST JOSEPH AVE	0.26283	no	yes	No	yes	yes	no
80-17-233-032-00	ST JOSEPH AVE	0.28131	no	yes	No	yes	yes	no
80-17-228-009-00	ST JOSEPH AVE	0.27544	no	yes	No	yes	yes	no
80-17-233-078-00	ST JOSEPH AVE	0.30622	no	yes	No	yes	yes	no
80-17-223-041-00	ST JOSEPH AVE	0.32714	no	yes	No	yes	yes	no
80-17-228-056-00	ST JOSEPH AVE	0.32135	no	yes	No	yes	yes	no
80-17-226-041-00	ST JOSEPH AVE	0.36762	no	yes	No	yes	yes	no
80-17-231-064-00	JACKSON BLVD	0.41666	no	yes	No	yes	yes	no
80-17-228-024-00	ST JOSEPH AVE	0.43861	no	yes	No	yes	yes	no
80-17-238-024-00	PINE AVE	0.45801	no	yes	No	yes	yes	no
80-17-226-009-00	ST JOSEPH AVE	0.55051	no	yes	No	yes	yes	no
80-17-233-001-00	ST JOSEPH AVE	0.64813	no	yes	No	yes	yes	no
80-17-226-009-00	ST JOSEPH AVE	0.6425	no	yes	No	yes	yes	no
80-17-233-041-00	ST JOSEPH AVE	0.84087	no	yes	No	yes	yes	no
80-17-223-001-00	ST JOSEPH AVE	1.92563	yes	yes	No	yes	yes	Floodplain 0.2%
80-17-228-015-00	ST JOSEPH AVE	1.53354	yes	yes	No	yes	yes	no
80-17-231-010-00	ST JOSEPH AVE	2.56874	yes	yes	no	yes	yes	no

Future Information

There may be some additional information needed to best determine the future of the County's property. The health department could give a preliminary determination if septic systems would be approved on the properties through a soil evaluation request. The cost for this service is \$70.00 per property. It also might be helpful to have a better idea on the location of all current septic systems and drinking water wells. Having a survey and appraisals for the county's properties to determine value will also be beneficial.

Public Input

Van Buren County Michigan State University Extension conducted a survey of the property owners in and adjacent to Syndicate Park Subdivision in 2010. The survey results indicated that most of the residents use the county-owned property and the beach for mostly passive recreational uses such as hiking, swimming, wildlife and bird watching, picnicking and watching sunsets. The use of quads/off road vehicles was the lowest ranking activity, with 32% of the respondents indicating this use. Fifty seven percent of the respondents feel that damage from ORV use is high to very high; 24% feel damage is low and 10% feel there is no damage from ORV use. A correlation of the results indicates that the people who use ORVs also indicate low to no damage due to ORV use. **Eighty four percent of the respondents prefer a nature preserve or keeping the undeveloped open space area as mostly unimproved and access only on approved right-of-ways.** Only 16% of respondents are in favor of a more developed park with parking, trails, restrooms, picnic areas and playground. **Sixty three percent of the respondents are in favor of supporting local efforts to preserve the dune from erosion; 21% responded maybe and 16% responded no.**

Stakeholders

Moving forward with any solution, it will be important to involve the people, organizations and agencies that have a stake in the outcome. The following potential stakeholders have been identified:

- County Board of Commissioners
- Property Owners in and near Syndicate Park
- South Haven Township Board and Zoning Administrator
- State of Michigan – MDNR – Van Buren State Park (Roland Johnson)
- Van Buren County Sheriff's Office
- South Haven Police Department
- Van Buren County Road Commission/Parks Board of Trustees
- Van Buren County Drain Commissioner
- Van Buren County Planning Commission
- Southwest Michigan Land Conservancy
- MDEQ – Critical Dunes staff
- Van Buren Conservation District
- Van Buren Michigan State University Extension
- General Public

County Appointed Committee

The Van Buren County Board of Commissioners appointed a committee to oversee this study.

The members include:

Mike Henry, County Commissioner

Chris Randall, County Commission Chairman

Richard Godfrey, County Commissioner

Doug Cultra, County Administrator

Ted Thar, County GIS Specialist

Wayne Hammond, County Building and Grounds Director

Larry Hummel, County Road Commission Manager
Joe Parman, County Drain Commissioner
Dale Gribler, County Sheriff or his representative
Ross Stein, South Haven Township Supervisor or his representative (Mel Jessup)

The first meeting of the committee was held on March 9, 2012. The second meeting was held on March 30, 2012. A third meeting was held in April 2012. A fourth meeting was held on August 17, 2012 and a final meeting on October 19, 2012.

Goals and Important Issues

The committee presents the following goals to the County Board of Commissioners to be considered when making decisions about county-owned property in Syndicate Park. The committee also felt it was important for the county to contribute toward a global solution for Syndicate Park which will include these specific goals:

- 1) **converting appropriate county properties to their highest and best uses**
- 2) **stabilizing the dune**
- 3) **improving public health and safety for current and future conditions**

Other important issues to consider:

Increasing Harmony with Local Zoning: Currently, most of the lots in Syndicate Park do not conform to current zoning. This creates issues with the provision of adequate fire, police, sanitary and water services for existing and future households. Any solution which could resolve at least some of the zoning issues would lessen the burden of developing additional parcels and ultimately improve the marketability of lots within the development.

Stabilizing the Dune: The committee agrees that the unstable dune should be stabilized to protect the present and future tax base of the area. Dune stabilization might be an intensive and expensive effort. The reality is that dunes move; however studies have shown that dunes stabilization is possible if appropriate management plans are implemented.

Since human impact is known to destabilize dunes, a long term education and management effort will be needed along with any physical measures to stabilize the area. For example, it might be especially difficult to effectively communicate with and change the behavior of the boaters using the area from the beach. A good plan will need to also include continuing enforcement to limit damage to existing and future structures.

Current ownership of the unstable dune area is mostly public (county), but there are some private lots interspersed. It might be easier to accomplish restoration/stabilization if all of the land was under common ownership. It might be easier to finance the stabilization effort if the land is public or county-owned for 2 reasons:

- The stabilization effort will be intense, long term and may need to happen on the entire unstable site to be effective, so if a landowner within the area isn't willing, a stabilization effort could fail.

- Grants are available for engineering, planning and implementation, but most grants will require that the property is in public ownership (not to be developed in the future because these are critical dunes (only 70,000 acres of dune in Michigan are designated as critical). Dune stabilization of this scale will be a very expensive endeavor and it might be difficult to find private funding at that level.

Disposing of County-Owned Lots on the Eastern Part of the Development: The committee did not see much value in retaining the lots in the eastern end of the development. These properties could be offered for sale to adjacent landowners. There might be opportunities to swap lands with owners that have land on the unstable dune area to accomplish the goal of public ownership of the dune for stabilization efforts. This process has begun by the County hiring a lawyer to obtain clear title to the properties owned by the County. The County Board of Commissioners will determine an appropriate process for the sale of properties. Recognizing that many of the landowners in Syndicate Park are not full-time residents, it was recommended that the County at least notifies the property owners regarding the sale of the properties when it takes place. The committee believes that since most of the County parcels are too small to meet zoning requirements for residential development, they will be most valuable to surrounding landowners to make their current parcels larger.

Preserving (public and/or subdivision) Access to Lake Michigan and the Critical Dune Area. The committee felt that this was necessary to maintain/improve the marketability of the subdivision. Current property owners in Syndicate Park support retaining a dedicated access through the dune area to Lake Michigan. From aerial photos and county parcel boundaries, it appears that some landowners to the south may have built stairs to the beach on County-owned property. Currently, many residents access Lake Michigan by foot and Off Road Vehicles (ORV). It is beneficial for many reasons to preserve public access to Lake Michigan. There is the question of whether access will be for residents of Syndicate Park only or also open to the general public. It should be noted that if the county utilizes state or federal grants to stabilize the dune and build a trail, there might be requirements that trails be open to the public.

The landowners desire to continue to use ORVs to access Lake Michigan. They currently use the approximate location of the continuation of Grand Boulevard. There are two major issues that will need to be determined for the continued use of ORVs. One is if the ORV use can be controlled so that any investment in stabilizing the dune is not in jeopardy. This would be best determined by the consultant/engineer developing the stabilization plan for the dune area. The second major issue will be the legalities of ORV use on a critical dune. Preliminary discussions with the Department of Environmental Quality indicate that the development of a state designated ORV trail would be difficult if not impossible to achieve. There might be an option available where the county, as a property owner, could grant permission for ORV use on its property without a state designated trail. Again, the issue about this potential trail being accessible and open to the public or just to the residents of Syndicate Park needs to be evaluated when the decision about ORV use is being made. The increased potential for ORV use may make it more difficult to control users and keep the dune stabilized.

Preserving Access (at least for foot traffic) to North Point/Van Buren State Park along Lake Michigan: This could be important in securing interest from the State in purchasing the dune property at Syndicate Park someday. Currently there is access along Lake Michigan below the high water mark for people to walk the beach. Another option is to provide pedestrian access at the gate from Syndicate Park to North Point. The gate and road to North Point is only used for emergency, maintenance and approved users such as the Boy Scouts or other youth groups. A recent lawsuit ensured the County's use of this gate to access North Point.

Alternatives and Best Course of Action

Before the alternatives are presented. Here is a brief summary of the county-owned properties within Syndicate Park.

- Of 260 parcels, Van Buren County owns 87 ranging from 0.04 to 2.6 acres.
- Of the 81.66 acres, Van Buren County owns 25 acres or 31% of the total land in the subdivision (38% of the land excluding right-of-ways). *(All of the parcels owned by the County are undeveloped and scattered throughout the subdivision.)*
- Only three of the County's 87 parcels are greater than one acre in size. However, if adjacent parcels were combined, the County has seven lots that would be greater than one acre.
- All 87 county-owned parcels have soils which have severe limitations for building site development and septic tank absorption fields.
- A municipal sanitary system is almost one mile away. *(Due to the small size of most of the lots, there should be concerns about distances between septic systems and drinking water wells.)*
- Out of the 87 county-owned parcels, 55 contain designated critical dunes (totaling 20.54 acres of designated critical dune owned by the county). The County owns 47% of the designated critical dune area at the Syndicate Park Subdivision.
- Two county-owned parcels are intersected by the county drain. Further, several parcels are partially in Lake Michigan (15 private parcels and 11 county owned parcels). Four of the county-owned parcels have land in designated floodplain (total of 0.64 acres).
- 57 county-owned parcels (17.14 acres) have slopes greater than 25%.
- Similar sized private undeveloped parcels are assessed from \$1,000 to \$56,000.

Alternatives

The following three courses of action were also considered during the development of this report:

1. Do nothing and keep all county owned property. The County has decided that to meet the goals above, this option is not feasible.
2. Keep all county owned property and develop and implement a management plan* for county owned property. This option is not likely to be feasible. For a successful dune stabilization effort, it must be comprehensive. If one of the current landowners does not participate in the restoration, the effort could fail.
3. Dispose of all county owned property.
 - 3a. An option would be to sell all of the county owned land through a public bidding process. Most of the dune land that the County owns does not appear to have much value for residential development. (See letter from Bosgraff in Appendix.) Further, this option does not meet the goals above unless the new private landowner implemented the goals. This option would probably result in additional lawsuits between landowners and public entities.
 - 3b. Another option would be to give or sell the county-owned property to the MDNR or the Southwest Michigan Land Conservancy. This option is probably not feasible since the MDNR and Southwest Michigan Land Conservancy have not expressed interest in owning and managing the land because of the complex issues associated with it.

Best Course of Action

The committee decided that the following course of action best meets the goals and address the major issues presented in the previous section.

- 1. Dispose of county-owned property on the east side of the dune.**
- 2. Develop a management plan to stabilize the dune. To accomplish the stabilization effort, the county may need to acquire privately held property in the dune area.**

This strategy best addresses the goals in the previous section. See the Recommendations and Implementation section for additional information regarding a management plan, selling and acquiring properties and other related issues.

Recommendations and Implementation

The following are suggestions and ideas for implementing the best course of action which is to **dispose of county-owned property on the east side of the dune and develop a management plan and acquire property as needed to stabilize the dune.**

Increase the Knowledge of the Dune and Use of the Area: During the report development, a Calvin College professor, Deanna van Dijk, came and spoke to the committee about dunes, human impacts and stabilization efforts. Professor van Dijk and her students have been studying these issues for years. They have done many of these studies in Ottawa County where stabilization and education efforts have reduced dune movement from 0.67 meters/year from 2004-2011 to 0 meters in 2012. Ottawa County Park Director, John Scholtz may be a good resource for understanding what measures have worked on their properties as Van Buren County

embarks on its efforts. Contact John at ocparks@miottawa.org or (616) 738-4810. In addition, Calvin College is available to do characterization and use studies during the summer. This would be a 10 week study and would cost about \$5,000. For more information, the County can contact Professor van Deanna Dijk.

Department of Geology, Geography and Environmental Studies, Calvin College
North Hall, 1740 Knollcrest Circle St., Grand Rapids, MI 49546-4403
tel: 616-526-6510 e-mail: dvandijk@calvin.edu

Develop and Implement a Management Plan: The County could develop a Request for Proposals that includes the following objectives: dune stabilization with re-vegetation; erosion control measures; educational efforts for landowners and boaters; enforcement measures; and development of a dedicated public access area (or areas) to the beach. The firm hired could work with the county, landowners and other stakeholders to develop a plan to stabilize the dunes, take measures to reduce the erosion and provide access that will not jeopardize any investment in the stabilization efforts. The firm could be asked to provide opinions and costs for a phased approach to spread costs over time. However, if grant funds are used, it is often necessary to implement a project in one or two major phases due to timing of the grant cycles.

Provide Access to Lake Michigan: The platted, but undeveloped roads through the dune area do not follow any natural topography and would be very costly to build and maintain due to the extremely steep slopes. It may be beneficial to abandon these undeveloped roads to allow for the stabilization/restoration effort to be implemented on these areas. In conjunction with this, it will also be important to provide a designated public access to the beach to limit the area being impacted by human use. Some homeowners have expressed that the approximate continuation of Grand Boulevard to the beach is the path that has the most use for residents accessing the beach on foot and with ORVs. As part of the stabilization plan, it would need to be determined where and what kind of public access could be supported (foot and/or ORV use) without destabilizing the dune and if any improvements such as boardwalks and stairs would be needed to accomplish this. Signs and temporary fencing will be critical and could be installed along the beach at the base of the dune to inform residents and visitors that the critical dune area is being restored and where to find designated paths. Since boaters are not invested in the area as much as the residents, erosion control and education strategies will need to be well thought messages and appropriately placed to be effective with these users.

Stabilize the Dune: According to MDEQ, the best course of action to save the houses being threatened would be to construct a five to eight foot tall retaining wall to hold the “toe” of the dune, and then continually manage vegetation (dune grass) to aid in the capture of blown sand. As for the dune stabilization, the following actions are needed a) restrict foot and vehicular access at least temporarily; b) install snow fencing to catch sand, and c) install dune grass on un-vegetated areas, and potentially some other plants that would thrive in those conditions. With this approach, the dunes may be managed while protecting the privately owned structures at risk.

Costs: Two preliminary estimates were obtained for developing a management plan and for implementing dune stabilization efforts.

Planning/Design/Permitting

Estimate #1 - \$53,910 (does not appear to include surveying)

Estimate #2 - \$40,000 (plus an additional \$5,000 - \$10,000 for surveying)

Implementation (Very Preliminary)

Estimate #1 – Total - \$214,500

Details - earthwork \$6,000; planting 6-12 inches on center depending on slope \$150,000; site fixtures (fencing, ATV barriers, signs) \$58,500. The estimate did not include retaining walls or extensive trail.

Estimate #2 – \$400,000 to plant 35 acres; 1 plant per square foot (very conservative because different densities would be used for different slopes and probably much less than 35 acres would be needed); \$50 - \$350/foot for access trail depending on size and design; \$5,000 - \$10,000 for potential retaining walls depending on height and length; (signs and barriers were not included in estimate).

The Van Buren Conservation District is willing to partner with the County to preserve and stabilize the county-owned dune area. VBCD potentially has money available that could be used to help fund this effort (see funding section).

Sell County Properties: The small county-owned parcels to the east of the dune could be offered for sale to adjacent landowners. The County could sell the properties through a public bidding process and inform the landowners in Syndicate Park about the sale by sending a letter to all residents.

Acquire Properties: The committee felt that acquiring properties on the unstable dune area and under/along Lake Michigan might be necessary for a successful restoration effort. The county has several options. They could send landowners a letter asking for donation of land to the county for restoration of the critical dune area. They could also utilize eminent domain and/or purchase the properties with grants and/or county funds.

Contribute to a Global Solution: The County could work with the Township and landowners to re-plot the subdivision or create a Planned Unit Development (PUD) (with or without Transfer of Development Rights). The County could also assist the property owners with creating a homeowners association for the continued maintenance and improvement of roads in the subdivision. There will be significant costs to survey the properties and develop a site plan that demonstrates that this new plan meets Township standards for protecting public health and safety. Additional costs of this effort greatly depends on if the action to vacate the plat is fought by property owners and to what extent. If this option is pursued, it will be imperative to be transparent and work closely with property owners to ensure the County, Township and landowner issues are addressed.

The road system could be reconfigured and this could be accomplished with a replat, Supervisor's plat or by dissolving the existing plat and developing a PUD or condominium with a new road system. The Township Zoning Administrator believes the PUD is the best option because it may be the only option in the Township that allows for roads to be less than county standards (all currently developed roads do not meet county standards).

Create a PUD: A general process to create a PUD is as follows. The current plat would be vacated through the court system. This action could be initiated by a landowner, the Township or the County. Every landowner would be notified by mail. The landowners would have a specified timeframe to answer the letter. The judge would make the final determination to vacate

the plat. Once the plat was vacated, the Township's Special Use process would be followed to create the PUD. A landowner would need to also apply simultaneously for a site condominium. This would include the preparation of a preliminary site plan. Once the site plan is reviewed by the Planning Commission, a public hearing would be held on the final site plan and then approval would be needed by the Township Board.

Maintain Roads: A major issue is and will continue to be the maintenance of the roads. Currently, 20th Avenue is maintained by the County Road Commission and there is no apparent reason to change this. Since the other roads do not meet County standards, they could, as part of the PUD process and the formation of an owners' association, become the responsibility of the landowners. Of course the County is and might continue to be a major landowner in the development. A question to be answered would be if the county would be included in the owners' association and share in the cost of the road maintenance with the other landowners. If not, the County may need to have an easement through the subdivision to maintain access and potentially the public's access to its property.

Provide Education on Human Impacts and Dune Management: The County or the Van Buren Conservation District could work with landowners and officials to increase awareness of Off-Road Vehicle (ORV) laws, reduce impacts to the critical dune and coordinate and improve enforcement efforts. According to the South Haven Police Department's inquiries with state employees, current law prohibits ORV use in this area because there is not a state designated trail, unless there is permission from landowner(s). MDEQ believes it would be cost prohibitive to build a public designated trail that meets state standards. The South Haven Police Department is currently not enforcing the ORV laws unless someone is being destructive. The landowners reported that the County officers are enforcing the law. If MDNR were to come to the area, they could issue tickets for ORV use in this area. There was a discussion about the County allowing for landowners to use their property for restricted ORV use on a trail with a sticker system. Any management plan for the area would need to determine if ORV use could be supported and at what level to ensure that any dune restoration/stabilization efforts are not compromised. If ORV use is allowed in restricted areas/manner, then heightened enforcement, signage and education would be critical.

Provide Education on Building Responsibly in the Dunes: With over 70,000 acres of critical dunes along the lakeshore, the idea that an individual action could determine the future and quality of the landscape is almost unimaginable. Yet it is the individual lot and single management activity that will truly determine protection of these rare and fragile ecological systems. The County and Township could offer education about dune ecosystems to landowners and also to builders/developers/landowners focusing on Best Practices for Building in critical dunes. Resources can be found at www.swmpc.org/dunes.asp. A publication describing best management practices to use for site planning and during construction to minimize impacts to critical dunes from development activities - **"How to Protect Critical Dunes: Practical Guidelines for Site Development and Management in Michigan's Critical Dune Areas."** A new publication called **"Homes in the Dunes: Designed to Preserve"** is now available which outlines best management practices for five areas of design. The five areas are building location, driveways, building design, landscaping and terrain changes. These publications can be downloaded at <http://www.swmpc.org/dunes.asp>.

Potential Funding Sources

The costs associated with designing plans and implementing a project to stabilize a large dune and build an access to the beach that will not jeopardize the stabilization efforts will be great. The good news is that there are some grant opportunities that could assist with property acquisition for recreational use and the cost associated with designing and implementing a plan. Further, the Van Buren Conservation District has about \$60,000 that might be available for planning and implementing dune stabilization and education efforts. This money might be available as local match for the grants listed below. There will still need to be local match and the source(s) of these funds will need to be determined. Possibilities include local foundations, county general funds and cost share from residents.

Some of the actions recommended in this plan may not be eligible for grant funding, such as surveying properties, selling properties and developing a new site plan (basically any work outside the future stabilization/recreation area). Grant funding is usually restricted to only being utilized on the areas that are in public ownership. For these actions outside this publicly owned area, options may include an assessment of property owners, bonds and/or the formation of a special district. Ed VanderVries, the County Economic Development Director is a resource for more information on this.

Below is a brief summary of three potential grant opportunities that would potentially fund the recommended actions in this plan.

Coastal Zone Management Program – Michigan Department of Environmental Quality

All of the approximately 300 shoreline communities that are located within the coastal boundary are eligible to participate in the program. Michigan's coastal zone boundary generally extends a minimum of 1,000 feet inland from the Ordinary High Water Mark of the Great Lakes and connecting channels, or further to include coastal lakes, river mouths and bays, floodplains, coastal wetlands, designated sand dune areas, public parks, recreation and natural areas and urban areas. Each year, Office of Great Lakes sends a notice to each coastal community inviting them to apply for grants. **An estimated 40 projects are approved for funding each year, ranging up to \$50,000 of federal funding.**

Section 306 and 306A of the Coastal Zone Management Area are the two most common types of grants available through the Coastal Program and **require match in an amount equal to the grant.** Project selection is competitive and is based on how well each project meets Coastal Program objectives. Section 306 funds are used for **planning activities, site design, engineering,** feasibility and natural features studies, historic preservation projects, coastal education materials, developing portions of local zoning ordinances, master planning of coastal significance, and waterfront redevelopment studies. Section 306A funds are used for low-cost construction projects such as **resource protection, trails, boardwalks, scenic overlooks, education and/or interpretive displays,** restoration of historic coastal structures, and barrier-free retrofitting.

Michigan has a legacy of managing and protecting its valuable Great Lakes coastal resources and benefits substantially through implementation of the Michigan Coastal Management Program. The coastal program has allowed the MDEQ to improve the administration of state coastal regulatory programs and provide financial and technical assistance to local units of government to address shoreline issues and improve their coastal resources.

Michigan Natural Resources Trust Fund – Michigan Department of Natural Resources

The Michigan Natural Resources Trust Fund (MNRTF) projects provide for natural resource protection and outdoor recreation. By law, no more than 25 percent of the Trust Fund revenues available for appropriation each year can be used for development, therefore the majority of funding is allocated for acquisition projects.

Local units of government must have a DNR-approved 5-year recreation plan on file with the Department prior to application. Applications are accepted annually and must be postmarked on or before April 1. Local units of government must provide at least 25% of the project's total costs as local match. Development project minimum/maximum grant amount: \$15,000 to \$300,000. No minimum/maximum limits on land acquisition grants. Approximately \$30 - 35 million is available for grants each year. Available funds are dependent on revenue, investment earnings and interest accruing to the Trust Fund in a particular Fiscal Year.

Recreation Passport Program – Michigan Department of Natural Resources

PA 32 of 2010 created the Local Public Recreation Facilities Fund to be used for the development of public recreation facilities for local units of government. Money for this fund is derived from the sale of the Recreation Passport which replaces the resident Motor Vehicle Permit (MVP), or window sticker, for state park entrance.

The grant program may only be used for local development projects. The program is focused on renovating and improving existing parks, but the development of new parks is eligible. Applications are due April 1, 2013. The minimum grant amount is \$7,500 and the maximum grant amount is \$45,000. The maximum grant amount is expected to increase in future years as revenue from sales of the Recreation Passport increase. The grantee must fund at least 25 percent of the total project cost. This local match can include donations of services and materials and also labor of charges for local government-owned equipment and labor performed by the applicant's employees if the applicant specifies the nature and value of the items or services (In-kind/ Force Account).

An entrance sign identifying the site as a public outdoor recreation site open to all users must be prominently displayed. The recreation site must be open to all users – resident and non-resident. If a fee is charged, the non-resident fee shall be no greater than twice the resident fee.

Conclusion

The Syndicate Park subdivision presents some very challenging issues for all of the property owners. The development of this report has started a much needed and beneficial conversation of property owners and other stakeholders. The report also offers detailed information about the county-owned properties so that local officials can make more informed decisions as this process moves forward. It will be imperative that the property owners continue to work together in a transparent and cooperative manner to implement a solution that is amenable and affordable to all those involved.

Attachments

Letter from Developer

Soil Evaluation Request Form - Health Department

Letter from Attorney Representing Some Landowners



April 19th, 2012

Mr. Patrick Hudson
South Haven Township Zoning Administrator

RE: Syndicate Park Subdivision

Dear Mr. Hudson,

Pursuant to your request, I conducted a site evaluation of the Syndicate Park Subdivision in South Haven Township, Van Buren County. The site evaluation was conducted to determine the feasibility of developing a road up into the dunes, and then through the dune to service potential building sites.

All five of the east/west streets terminate at the sand dune. At all five locations, the grade is too steep and the dune too unstable to build a road. Once in the dune, it would not be possible to build or maintain a road; the grades are too severe and too steep. During my inspection on Monday, April 16th, 2012, I encountered strong winds. In a matter of one hour, I witnessed dramatic changes. Anywhere that the vegetation was disturbed by the 4 x 4's or people, the sand was moving.

The marketability of vacation homes in this harsh environment would be questionable. If you have any questions regarding this site evaluation, please contact me at your convenience.

Sincerely,

Brian Bosgraaf
President, Cottage Home

**VAN BUREN/CASS COUNTY
DISTRICT PUBLIC HEALTH DEPARTMENT**

Van Buren Co. Office
57418 CR 681, Suite A
Hartford, MI 49057
(269) 621-3143
Fees Payable to: VBCHD

Mike W. Laufer, R.S., Chief Sanitarian
Director Environmental Health Division

Cass Co. Office
201 M-62 North
Cassopolis, MI 49031
(269) 445-5280
Fees Payable to: CCHD

SOIL EVALUATION REQUEST FORM
\$70.00

DIRECTIONS TO PROPERTY:

OWNER OF PROPERTY: _____

TOWNSHIP: _____, **SECTION:** _____, **SIZE OF PROPERTY:** _____

PROPERTY ADDRESS: _____
(Street or Avenue or CR)

SOIL EVALUATION REQUESTED BY:

CONTACT Number(s):

(Provide complete address)

Prior to this department performing any site evaluation that involves disturbing the ground surface, (i.e., auger borings, probing, etc.) the property owner(s) must contact MISS DIG to clearly identify any/all underground utilities. If the property owner(s) fails to notify MISS DIG, then the local public health department assumes no liability in the event of any damage occurring and the property owner(s) shall bear all cost of repairs.

(Signature)

(Below For Health Department Use Only)

Soil Evaluation Request # _____, Received on _____, Receipt # _____

Please note: This is not a permit; however, it may be used to provide basic information regarding the soil profile at the specific site.

GEORGE S. DUNN

Member of Michigan Bar
Member of Florida Bar

Attorney and Counselor
401 Center Street
South Haven, Michigan 49090
Telephone: 269-637-8405
Fax: 269-637-7243

October 17, 2012

Ms. Marcy Colclough, Senior Planner
Southwest Michigan Planning Commission
185 E. Main Street
Benton Harbor, MI 49022

Sent via US Mail and email:
colcloughm@swmpc.org

Dear Ms. Colclough:

I represent a group of over 30 property owners in Syndicate Park and they have asked me to let you know their thoughts and hopes for the area.

They are in agreement that the critical dunes should be stabilized as much as possible with consideration for the cost of the project. They believe that the county and private owners in Syndicate Park can work together to reach that goal. They also believe establishment of a platted and dedicated Syndicate Park resident access pathway to the beach is a critical part of the stabilizing effort. They would suggest that the existing Grand Boulevard be used as that beach access pathway as this is the way most property owners and the police agency now use to get to and from the beach. They believe that the county should represent all Syndicate Park owners and approach the DEQ and all other governing bodies for establishment of this beach access pathway as part of the stabilizing plan. They also request that the rest of the roads in Syndicate Park, except 20th Avenue, all platted as part of Syndicate Park but never accepted by the local governmental entities, be returned to the owners of property in Syndicate Park as private roads and the plat revised so all the owners of property in Syndicate Park will have access to their properties via the existing roads. These roads would be accessible to all resident walkers and ATVs and maintained as they are now by the residents. 20th avenue should be maintained and plowed as a county road, as it is now, for emergency use.

The reason this group believes that resident access to the beach for pedestrian traffic, as well as ATVs are needed, are for continuing full enjoyment of the benefits of owning property in Syndicate park and to maintain and increase their property values. Many of the owners purchased their property in Syndicate Park believing that they had access to the beach via the platted roads and existing pathways over the dune and have used Grand Boulevard and other platted roads to go to and from the beach. If access to the beach is denied for pedestrian traffic and ATV traffic, they believe the rights that they have had all these years will be greatly diminished or completely taken away and the value of their property will be seriously jeopardized. This would also detract from the value of the property the county owns in Syndicate Park and decrease the potential proceeds from sale of those properties in the future.

They believe that if the county and the property owners work together they should be able to have pathway access for pedestrian and ATV traffic while protecting and stabilizing the dunes. They believe that a well established and protected pathway access to the beach is beneficial to all parties involved. Once on the beach, the ATVs would be restricted to designated areas.

This group of owners are interested in maintaining, protecting and stabilizing the dunes, while not severely restricting their use of the platted roads and existing pathways to go to and from their property to the beach. Much like Silver Lake Dunes area, also a critical dune, the parties can get together and agree on a course of action that would be beneficial to everyone now and in the future.

This group would welcome and appreciate having discussions to attain our mutual goals of protecting and stabilizing the critical dunes area while at the same time continuing the enjoyment of the use of their properties and protecting the value of their property.

Sincerely,

A handwritten signature in black ink, appearing to read "George S. Dunn", written over a horizontal line.

George S. Dunn
Attorney at Law

GSD/ldf