

Kalamazoo County Park Preservation and Natural Resources Protection Policy

Adopted by Park Commission 12/5/2019

Adopted by Board of Commissioners 12/17/2019

I. INTRODUCTION:

The Kalamazoo County Park and Recreation Commission was established in 1968 and has a history of providing resource oriented regional parks for Kalamazoo County residents and visitors. The Kalamazoo County Park Commission works under the authority of and in partnership with the Kalamazoo County Board of Commissioners. The Park Commission was established by the Board of Commissioners under Michigan Public act 261 of 1965. The Kalamazoo County Parks Rules and Regulations Ordinance regulates the activity and use of Kalamazoo County Park Property.

The Mission of Kalamazoo County Parks is to provide responsible stewardship and preservation of our green space and historic resources with recreation, relaxation, and learning opportunities for everyone.

The Kalamazoo County Parks are a unique and valuable resource and they represent Kalamazoo County's commitment to the preservation of open space, natural features, natural resources, local history, and provide outdoor recreational opportunities to the residents and visitors of Kalamazoo County. It is in the best interest of Kalamazoo County to manage, operate, and protect all Kalamazoo County Park land and manage Kalamazoo County Parks in such a way that they may be maintained and preserved for present and future generations.

According to the National Recreation and Park Association (NRPA), the mission of public parks and recreation at all levels should support the conservation and stewardship of land, water, and natural resources. Parks serve an essential role in preserving natural resources and wildlife habitat, protecting clean water and clean air, and providing open space for current and future generations. Clean, green, accessible parks and open space improve the quality of life for every person in Kalamazoo County.

The Kalamazoo County Park Commission considers its responsibilities to the citizens of Kalamazoo County to be in the nature of a public trust, requiring commitment to the preservation and protection of natural, cultural, horticultural and recreation resources located on parklands.

This policy is designed to provide guidance to the Kalamazoo County Board of Commissioners and the Kalamazoo County Park Commission in arriving at decisions in accordance with the goals, purposes, objectives and policies of the County, and to the staff of Kalamazoo County Parks in determining appropriate procedures for implementing those decisions.

II. Goals of the policy:

1. Protect and preserve significant and sensitive natural and cultural resources in accordance with the adopted policy so that these resources may be handed on to future generations.
2. The public and governing bodies have trust in the stewardship responsibility of Kalamazoo County.
3. Protect the natural environment and historical resources.
4. Ensure the long term protection, preservation, and sustainability of park resources.
5. Protect park lands and facilities from non-park uses, encroachments, vandalism and other unauthorized uses of parklands including removal of, or damage to, archaeological artifacts, plants, shrubs, trees and/or animal species.
6. Decisions impacting the future of County Park Property are transparent and are made with complete details and information available to the public, Kalamazoo County Park Commission, and the Kalamazoo County Board of Commissioners.

III. Park Purposes:

This policy does not limit or restrict the management, development, maintenance or operation of Kalamazoo County Parks for park purposes and public uses. The Park Commission will plan, develop, preserve, administer, maintain and operate park and recreation places and facilities. This includes:

1. Development, construction, reconstruction, updating and renewing buildings.
2. Installation of utilities and utility infrastructure for park purposes.
3. Management of natural resources, habitat preservation or management, invasive species removal, and hazard mitigation.
4. Management of historical and cultural features.
5. Development and installation of Barrier Free facilities and amenities.
6. Design and development of facilities that are appropriate with the natural and historical features of each site.
7. Development and implementation of park master plans at each county park location.
8. Development and improvement of regional, nature based activities. Provide park and recreation facilities that meet the need of County residents and visitors.
9. The Park Commission may adopt, amend, or repeal rules for the protection, regulation and control of its facilities and areas only with the approval of the County Board.

The Kalamazoo County Park property policy may be superseded by existing recorded easements, deed restrictions, mineral rights ownership, grant obligations, state law, or other state or federal requirements.

The Commission and County Board reserves the right to manage, develop, and maintain or operate the Kalamazoo County Parks for park purposes and public purposes. Nothing herein shall be construed as restricting the County use and development of park property for the purpose of operating, improving or developing park facilities. The Kalamazoo County Park property policy may be superseded by existing recorded easements, deed restrictions, mineral rights ownership, grant obligations, state law, or other state or federal requirements.

IV. Kalamazoo County Parks Non-Park Use Restrictions:

The non-park uses of Kalamazoo County Parks are divided into two categories, Prohibited and Restricted Non-Park Uses. Prohibited Non-Park Uses are not permitted and Restricted Non-Park Use requests are only considered for approval if all required conditions are met.

Prohibited Non-Park Uses: Kalamazoo County and the Park Commission shall resist by all appropriate means, including legal action, any attempt by any public agency, company, group or individual to destroy or encroach upon any park land or natural area under the control of the Park Commission for all items covered in Prohibited Non-Park Uses.

V. Prohibited Non-Park Uses – Not permitted

1. Use of County Park Property for non-park related commercial purposes.
2. Exploration, production, or extraction of oil, minerals, soil, sand, gravel, or other surface or subsurface natural resources.
3. Cell phone towers or telecommunications sites.
4. Timber harvest or commercial firewood harvest excluding resource management practices or storm damage removal.
5. Solar panels, windmills, or other electrical generation facilities for non-park purposes.
6. Overhead electric lines.
7. Sale of County Park property.
8. Diversion of County Park property for non-park purposes (public or private).
9. Non park use of surface or sub-surface water resources.
10. Encroachments (temporary or permanent).
11. Removal or destruction of historical artifacts or features.

VI. Restricted Non-Park Uses: All requests submitted that qualify as Restricted Non-Park Uses, must be approved by Board of Commissioners upon recommendation by the Park Commission.

VII. Restricted Non-Park Uses

1. Underground utilities.
2. Road construction projects.
3. Storm water projects.
4. Environmental clean-up activities.
5. Natural, environmental, or other emergency activities.
6. Drive or utility easements across linear trail right-of-way or property.

VIII. The Kalamazoo County Park Commission shall consider a recommendation for approval by the Board of Commissioners for Restricted Non-Park Uses only if the conditions following are met:

1. All other possible locations have been exhausted by the applicant and no feasible and prudent alternative site exists.
2. Proposed uses are deemed public in nature and are determined by Kalamazoo County to be in the best interest of Kalamazoo County residents.
3. Proposed use creates no hazard to the public or legal exposure/liability to the Park Commission or County.
4. The proposed location or use does not adversely affect significant natural or cultural resources, including environmentally sensitive areas such as wetlands, wooded areas, or native prairies.
5. In the sole determination of the Park Commission and the Board of Commissioners, the proposed location or use does not displace and is compatible with existing or planned park facilities.
6. In the sole opinion of the Park Commission and the Board of Commissioners, the proposed location, use and construction does not detract from the character of the park or have any negative impact.

7. The proposed facility location and use does not adversely affect park operations or maintenance.
8. Clear demonstration is given that impact to adjacent uses and property owners are minimal.
9. The applicant accepts full responsibility and costs for all staff evaluation and review, plan preparation, and procurement of all necessary permits and other approvals from the appropriate governmental agencies.
10. The Board of Commissioners shall require adequate compensation for use of parkland for other than park purposes based on the extent of the impact and may require monetary assurances (bonding, escrow, or deposit) from the requesting agency, corporation or individual to ensure compliance and restoration requirements.

IX. Restricted Non-Park Purposes Application Process:

1. Application or request must be made a minimum of 180 days prior to the date requested to the Kalamazoo County Parks Director. The application request time frame may be reduced at the discretion of the Kalamazoo County Parks Director and Kalamazoo County Administrator for emergency activities.
2. Temporary Emergency Approval may be granted by the Kalamazoo County Administrator and County Parks Director for environmental, public safety, or public health emergencies. Applications must still be submitted and emergency authorization will need confirmation by the Park Commission and County Board.
3. Applications that do not meet the definition or all conditions for Restricted Non-Park Purposes will not be considered or reviewed by the Park Commission or Board of Commissioners.
4. All applications that meet the definition and conditions for Restricted Park Purposes will be sent by the Director to the County Board Chairperson and Vice-Chairperson, County Administration, and the Kalamazoo County Park Commission Chairperson and Vice-Chairperson at the time of application.
5. Applications must include complete written information on what is being requested and the impact to the site. Request must include the following items in writing:

- a. Site plans, proposed use, limits of impact, distances to all park facilities, neighboring parcels, and environmentally sensitive areas.
 - b. Details of all other possible locations, feasible and prudent alternative sites.
 - c. Impact and benefit related to County residents and public nature of proposed use.
 - d. Impact on proposed location including natural resources, historical and cultural aspects, environmentally sensitive areas, and all other park property and facilities.
 - e. Information that enables Kalamazoo County to evaluate impact on existing or planned park facilities, impact on the character of the park location, impact on park operations or maintenance, impact to adjacent uses and property owners.
 - f. Project schedule with detailed dates for start, impact and completion.
 - g. Details and evaluation on long-term impacts of the request.
 - h. Details and evaluation on the risks associated with the request and all other safety related concerns.
 - i. Proposed compensation for use.
6. County Park Administration will complete a preliminary review and may request additional information or details related to the requested use.
 7. The Park Commission will review the request at a regularly scheduled Kalamazoo County Park Commission Meeting. Action will be considered at the second following regularly scheduled Kalamazoo County Park Commission Meeting. The Park Commission will have authority limited to making a recommendation to the Kalamazoo County Board of Commissioners.
 8. All application materials provided, review documentation by the County Parks Director, and the recommendation from the Park Commission will be sent to the Board of Commissioners.
 9. The Board of Commissioners have final authority to approve or deny all non-park uses recommended by the Kalamazoo County Park Commission at a regularly scheduled meeting.