

# Three Oaks Township

*Berrien County, Michigan*



## MASTER PLAN

### 2011 Update and Supplement

Approved by the Planning Commission November 22, 2011

Adopted by the Township Board December 12, 2011

THREE OAKS TOWNSHIP  
TOWNSHIP BOARD OF TRUSTEES  
BERRIEN COUNTY, MICHIGAN  
(Resolution No. 11-12)

At a regular meeting of the Three Oaks Township Board held on December 12, 2011, at the Three Oaks Township Hall, the following Resolution was offered for adoption by Board Member Mitchell and was seconded by Board Member Block.

**A RESOLUTION ADOPTING THE PROPOSED  
THREE OAKS TOWNSHIP MASTER PLAN UPDATE**

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3801 *et seq.* ("MPEA") authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared an amended Master Plan and submitted such plan to the Township Board for review and comment; and

WHEREAS, on August 8, 2011, the Three Oaks Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on November 22, 2011 to consider public comment on the proposed Master Plan, and to further review and comment on the proposed Master Plan; and

WHEREAS, after the public hearing was held, the Planning Commission voted to approve the amended Master Plan on November 22, 2011, and recommended adoption of the proposed Master Plan to the Township Board; and

WHEREAS, the Township Board finds that the proposed Master Plan is desirable, proper, and reasonable and furthers the use, preservation, and development goals and strategies of the Township;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

**1. Adoption of 2011 Master Plan Update.** The Three Oaks Township Board hereby approves and adopts the proposed Master Plan Update, including all of the chapters, figures, descriptive matters, maps and tables contained therein.

**2. Distribution to Notice Group.** Pursuant to MCL 125.3843, the Township Board approves distribution of the amended Master Plan to the Notice Group.

**3. Findings of Fact.** The Township Board has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, and input received from the Planning Commission and the public, as well as the assistance of a professional planning group. The Township Board also finds that the amended Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands within the Township of Three Oaks.

**4. Effective Date; Repeal.** The Master Plan Update shall become effective on the adoption date of this resolution.

Yeas: Osburn, Cummings, Block, Mitchell, Sittig

Nays: None

Absent/Abstain: None


**RESOLUTION DECLARED ADOPTED.**

**CERTIFICATION**

I hereby certify that the above is a true copy of a resolution adopted by the Township of Three Oaks Township Board of Trustees at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: Dec 13, 2011

By   
Elizabeth Cummings  
Township Clerk

THREE OAKS TOWNSHIP PLANNING COMMISSION  
BERRIEN COUNTY, MICHIGAN  
(Resolution No. 22-11)

At a regular meeting of the Three Oaks Township Planning Commission held on November 22, 2011, at the Three Oaks Township Hall, the following Resolution was offered for adoption by Planning Commission Member Bardusk and was seconded by Planning Commission Member Klute:

A RESOLUTION RECOMMENDING APPROVAL OF THE AMENDED  
THREE OAKS TOWNSHIP MASTER PLAN TO THE TOWNSHIP BOARD  
AND CONSTITUTING PLANNING COMMISSION APPROVAL OF SUCH  
MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3801 *et seq.* ("MPEA") authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared an amended Master Plan and submitted such plan to the Township Board for review and comment; and

WHEREAS, on August 8, 2011 the Three Oaks Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on today's date to consider public comment on the proposed amended Master Plan, and to further review and comment on the proposed amended Master Plan; and

WHEREAS, the Planning Commission finds that the proposed amended Master Plan is desirable, proper, and reasonable and furthers the use, preservation, and development goals and strategies of the Township;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. *Approval of 2011 Master Plan.* The Planning Commission approves the proposed Master Plan, including all of the chapters, figures, descriptive matters, maps and tables contained therein.

2. *Distribution to Township Board.* Pursuant to MCL 125.3843, the Township Board has asserted by resolution its right to approve or reject the proposed Master Plan and therefore, the approval granted herein is not the final step for adoption of the plan as provided in MCL 125.3843. In addition, the Planning Commission hereby approves distribution of the proposed amended Master Plan to the Township Board. The Planning Commission respectfully recommends to the Township Board that the Township Board give final approval and adoption of the proposed Master Plan.

3. *Findings of Fact.* The Planning Commission has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, and input received from the Township Board and at the public hearing, as well as the assistance of a professional planning group. The Planning Commission also finds that the amended Master Plan will accurately reflect and implement the Township's goals

and strategies for the use, preservation, and development of lands within the Township of Three Oaks.

4. *Effective Date.* The Master Plan will be effective upon the date that it is approved by the Three Oaks Township Board.

YEAS: Bardusk, Jackson, Klute, Kramer, Mangold, Mitchell and Seifert

NAYS: None

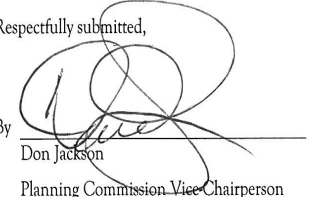
ABSENT: Khoury and Snyder

RESOLUTION DECLARED ADOPTED.

Respectfully submitted,

Dated: Tuesday, November 22, 2011

By

  
Don Jackson

Planning Commission Vice Chairperson

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Three Oaks Township Master Plan, Adopted July 26, 2005

## Acknowledgements

### Three Oaks Township Planning Commission

Kathy Snyder, Chairperson  
George Mangold, Secretary  
Don Jackson, Vice Chairman  
Chris Mitchell, Trustee  
Bob Khoury  
Sally Klute  
John Kramer  
Joe Bardusk  
Karen Seifert

### Three Oaks Township Board of Trustees

Chuck Sittig, Supervisor  
Elizabeth Cummings, Clerk  
Kathy Osburn, Treasurer  
Chris Mitchell, Trustee  
Ellen Block, Trustee

With Professional Planning Assistance from

Brian Wegener, AICP, PCP

**Williams & Works**

## SECTION 1. INTRODUCTION

### Purpose of Update

Prior to the adoption of this document, Three Oaks Township had been implementing the Master Plan written in 2005. Constant social, economic and other changes justify periodic review and maintenance of a master plan, so the plan reflects current trends, objectives and challenges. In addition, the Michigan Planning Enabling Act, being Act 33 of 2008, as amended, stipulates that a master plan be reviewed at least once every five years and revised accordingly as needed.

As part of the process to complete this 2011 Update to the 2005 Master Plan, the policy elements of the 2005 document were scrutinized by the Township Planning Commission for relevance given today's specific issues, trends and potential challenges. The Township reviewed the 2005 plan for areas where it could be strengthened, corrected, updated, clarified, or otherwise changed to meet the current needs and desires of the community, without undermining the policy foundations set in the 2005 document.

The Township found that the plan approved in 2005 reflects many current trends and conditions facing the Township today, as not much has changed in the Township since that time. Therefore, this update does not entirely replace the existing 2005 document. Instead, this 2011 Update serves both as a supplement to, and an update of, the 2005 Master Plan. It reflects the community's concern for economic vitality, quality of life, rural character, agricultural viability, and natural feature preservation, without replacing the 2005 plan. While

the goals, objectives, future land use component, and other elements of this update (specifically Sections 1, 2 and 3) supersede those of the former plan, both documents may be utilized because they together form the complete planning policy structure of Three Oaks Township and provide background information and set the guidelines for an attractive, livable rural community. The effort to complete this update represents the Township's commitment to implementing an up-to-date plan that reflects current needs and meets statutory requirements.

### The Relationship of Planning to Zoning

Understanding the relationship between land use planning and zoning is important. Planning is essentially the act of planning the uses of land within a community for the future from a policy standpoint, while zoning is the act of regulating the use of these lands by law or ordinance. The laws of the State of Michigan require that a community engage in land use planning activities, including the preparation of a Master Plan, prior to the initiation of a zoning ordinance in a community.

Land use planning is the process of guiding the future growth and development of a community. Generally, a document known as the Master Plan is prepared, which addresses the various factors relating to the growth of a community. Through the processes of land use planning, it is intended that a community can preserve, promote, protect, and improve public health, safety, and general welfare. Additional

considerations include: comfort, aesthetics, convenience, fire protection, community character, facilitating the adequate and efficient provision of transportation and utility services, walkability, recreation, and conservation of natural resources within the community.

- State law requires that a plan be reviewed and updated at least once every 5 years.
- This 2011 Update is both a supplement to, and an update of, the 2005 plan.
- Zoning is one instrument which implements the policies of the plan.

Zoning is one of the instruments, along with capital improvements programming and the administration of local subdivision regulations or other ordinances, which implements the goals and policies of a plan. The enactment and administration of the zoning ordinance are legislative and administrative processes conducted by local units of government relating to the implementation of the goals and policies of the plan.

## Community Description

Three Oaks Township is a rural community located near the southwestern corner of Michigan, defined by rolling farm fields, rivers and streams, open spaces, and proximity to Lake Michigan. LaPorte County, Indiana is adjacent to the south, and the Village of Three Oaks, a municipality politically distinct from the Township, is situated in the center of the Township and occupies approximately one square mile. The Village, while separate, is considered the center of the community and includes a quaint, walkable downtown.

The Township is comprised of 23 square mile sections, compared to the 36 sections common in most Michigan townships. The community is strategically situated approximately 6 miles east of New Buffalo, 25 miles from both the Saint Joseph/Benton Harbor area and South Bend, and about 65 miles or so from both Chicago and Kalamazoo.

Increasingly, the Three Oaks community is being discovered by tourists from Chicago and elsewhere, as people seek to enjoy the country charm of Three Oaks and the surrounding vicinity. The Township's proximity to Lake Michigan, a growing local arts scene and nationally-recognized bicycling events help to define the

community's character. The Three Oaks Spokes Bicycle Club, a non-profit organization formed to promote bicycling, sponsors the Apple Cider Century (ACC), which is an annual, one-day bicycle tour of up to 100 miles through southwest Michigan's popular wine country. The ACC is the largest of such events in the Midwest.

Despite this interest in the community, the Township has remained rural and has not experienced considerable demand for development, including suburban-scale residential subdivisions or chain retailers. While some commercial and light industrial uses are located along US-12, these uses generally serve the employment and service needs of the local community and do not have a regional draw. An overall objective of this Plan Update is to maintain the small scale of development in the community.

Another overall objective of this Master Plan Update is to maintain the community's character. The 2005 Plan and this Update support the concept of directing growth to and near the Village to preserve the farmland in the outlying areas of the Township. Over 10,200 acres, or 69% of the Township's land area, is classified as being agricultural, based on property classification information; and the community seeks to maintain its agricultural character.



The community seeks to maintain its agricultural character.

## SECTION 2. UPDATE OF COMMUNITY PROFILE

Sections 2 and 3 of the 2005 Master Plan present the “profile” of Three Oaks Township. Data and analysis on population trends, housing, transportation, land use and other matters are discussed in enough detail to offer a “snapshot” impression of the community.

This Chapter provides updates to that information, where such information is available and necessary to evaluate the relevancy of the 2005 Plan’s policies in 2011.

### Population Change

With some 2010 Census figures being recently published, it is appropriate to review the overall trends in population change. Population and demographic changes are among the most important measures to express growth or decline and its likely impact on existing and planned land uses in a community.

Since 1970, the Census indicates that the population of Three Oaks Township has generally declined from 2,894 people to 2,574 people in 2010, an 11% decrease over the 40-year period. Figure 1 illustrates that the Township experienced sizeable influxes of residents in the 1950s and 1970s, and grew by about 4.3% and 5% during the respective decades. Between 2000 and 2010, however, the Township lost about 12.7% of its population.

Figure 2 compares the population change in Three Oaks Township between 1970 and 2010 to that of neighboring communities. All neighboring communities experienced a similar spike in population in the 1970s, except for Weesaw Township. In addition, all neighboring communities have seen an overall decrease in residents since 1970.

Figure 1. Population Change in Three Oaks Township, 1950-2010

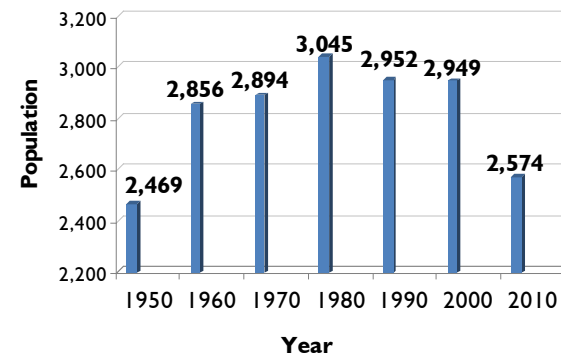


Figure 2. Comparative Rates of Population Change

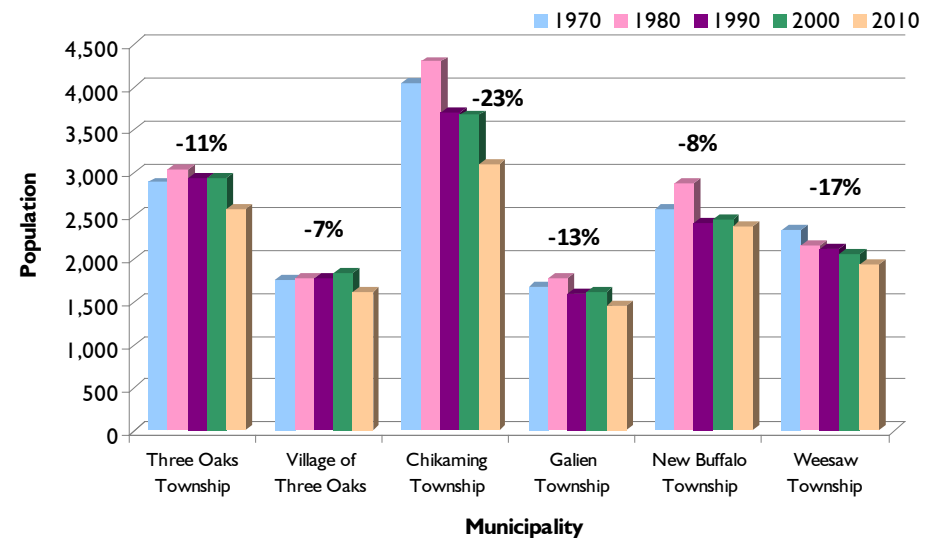




Table 1. Population Change, Berrien County Communities

<b>Jurisdiction</b>	<b>2000</b>	<b>2010</b>	<b>% Change</b>
Berrien County	162,455	156,813	-3.5%
Bainbridge township	3,132	2,850	-9.0%
Baroda village	861	873	+1.4%
Balance of Baroda township	2,019	1,928	-4.5%
Benton charter township	16,256	14,749	-9.3%
Benton Harbor city	11,330	10,038	-11.4%
Berrien Springs village (pt.)	1,862	1,800	-3.3%
Eau Claire village (pt.)	472	436	-7.6%
Balance of Berrien township	4,437	4,644	+4.7%
Bertrand township	2,380	2,657	+11.6%
Bridgman city	2,428	2,291	-5.6%
Buchanan city	4,681	4,456	-4.8%
Buchanan township	3,510	3,523	+0.4%
Chikaming township	3,678	3,100	-15.7%
Coloma city	1,595	1,483	-7.0%
Coloma charter township	5,217	5,020	-3.8%
Galien village	593	549	-7.4%
Balance of Galien township	1,018	903	-11.3%
Hagar township	3,964	3,671	-7.4%
Lake charter township	3,148	2,972	-5.6%
Stevensville village	1,175	1,142	-2.8%
Balance of Lincoln charter township	12,774	13,549	+6.1%
New Buffalo city	2,207	1,883	-14.7%
Grand Beach village	221	272	+23.1%

Michiana village	200	182	-9.0%
Balance of New Buffalo township	2,040	1,932	-5.3%
Niles city (pt.)	12,201	11,599	-4.9%
Niles township	13,325	14,164	+6.3%
Berrien Springs village (pt.)	1,862	1,796	-3.5%
Balance of Oronoko charter township	7,981	7,397	-7.3%
Eau Claire village (pt.)	184	189	+2.7%
Balance of Pipestone township	2,290	2,123	-7.3%
Royalton township	3,891	4,766	+22.5%
St. Joseph city	8,789	8,365	-4.8%
Shoreham village	860	862	+0.2%
Balance of St. Joseph charter township	9,182	9,166	-0.2%
Sodus township	2,139	1,932	-9.7%
<b>Three Oaks village</b>	<b>1,829</b>	<b>1,622</b>	<b>-11.3%</b>
<b>Balance of Three Oaks township</b>	<b>1,120</b>	<b>952</b>	<b>-15.0%</b>
Watervliet city	1,843	1,735	-5.9%
Watervliet township	3,392	3,102	-8.5%
Weesaw township	2,065	1,936	-6.2%

To further compare Three Oaks Township to other communities in the area, Table 1 lists Berrien County municipalities and shows population change in those areas between 2000 and 2010. Table 1 indicates that, despite the strong growth rate in a handful of communities, declines in most areas of the County resulted in an overall decline of 3.5%. Royalton Township experienced the greatest percentage growth in the county for a township, likely due to its character as a desirable St. Joseph suburb; while Grand Beach experienced the greatest percentage growth overall.

Some of the population loss in the region may be attributed to a shift in housing ownership from year-round residents to vacationers, as the southwest Michigan region is well-known as a vacation destination. Moreover, Census figures likely do not account for the swell in seasonal summer residents, and such seasonal residents may potentially skew some Census counts (Table 2 includes data on seasonal dwelling trends). Nevertheless, many communities in Michigan, and the State overall, have experienced population decline over the last decade, which is primarily attributed to the recent economic downturn.

It is also important to note population shifts in LaPorte County, Indiana, south of Three Oaks Township. The unincorporated townships of Galena and Hudson abut Three Oaks Township and grew slightly from 2000 to 2010. Overall, LaPorte County grew by 1.2%. A growth rate of 5.6% in all unincorporated areas of LaPorte County over the past decade offsets declines in the County's incorporated urban communities.

## Housing Change

Despite overall population declines, Table 2 illustrates that the number of housing units in the Township increased in the past decade, from 1,284 units to 1,304 units, according to the Census. Paradoxically, as the number of total dwelling units was increasing, the number of vacant housing units was also increasing.

This is likely in part because of the state of the economy and the national "foreclosure crisis" of the late 2000s. However, the number of vacant/seasonal units in the Township increased by 232% between 2000 and 2010, from 34 units to 113 units. This represents 8.7% of the Township's housing stock in 2010, and reinforces the notion that

Three Oaks Township is increasingly a tourist destination or seasonal community.

Table 2. Housing Characteristics

	2000	2010	% Change
Total housing units	1,284	1,304	1.5%
Occupied housing units	1,181	1,080	-8.5%
Vacant housing units	103 (8%)	224 (17%)	117%
Vacant / seasonal units	34 (2.6%)	113 (8.7%)	232%

## Population Projections

To estimate future population change, statistical averaging techniques were employed to project the Township's likely population to the year 2030. These techniques may be helpful and offer one perspective, but are intended to provide a very general sense of future change.

The number of vacant/seasonal housing units in the Township increased by 232% between 2000 and 2010, from 34 units to 113 units, representing 8.7% of the Township's housing stock.

Future growth trends may not parallel historical statistical trends in communities such as Three Oaks Township that have experienced varying rates of growth and decline. The following generalizations are limited in scope and are based on past trends documented by the United States Census Bureau and Three Oaks Township staff. These projections can help evaluate planned future land uses, the demand for various

public services and capital improvements.

### Growth Rate Method

This model assumes that the population will change at a constant rate based on past trends. Three Oaks Township grew at an annualized rate of .06% each year between 1950 and 2010. Under this method, the population would continue to grow at this rate in the future with the following result:

	Average Annual Growth Rate 1950 - 2010	2010 Population	Projection 2020	Projection 2030
Three Oaks Township	.06%	2,574	2,589	2,605

### Arithmetic Method

This method assumes that the growth experienced in previous decades will continue into the future. From 1950 to 2010, the Township gained 105 persons or about 1.75 people per year. Using this annual increase, it is possible to extrapolate the following:

	Average Annual Increase (Number of Persons)	2010 Population	Projection 2020	Projection 2030
Three Oaks Township	1.75	2,574	2,592	2,610

### Ratio Method

This model assumes that Three Oaks Township will maintain the same percentage of Berrien County's population in future years, which was 1.64% in 2010. According to estimates prepared by Woods & Pool Economics, the County's population is forecasted to be 158,581 in 2020 and 158,582 in 2030. Using this method, if the Township continued to account for 1.64% of the County, it would have the following population:

	2010 Population	Projection 2020	Projection 2030
Berrien County	156,813	158,581	158,582
Three Oaks Township	2,574	2,601	2,601

### Building Permit Method

The building permit method projects population trends based on current building permit data. It was determined that the Township has issued an average of about 1 residential building permit annually since 2001. Using this average rate, and utilizing the Township's average household size of 2.38 persons (2010 U.S. Census), future population figures can be estimated. The table below also includes projections for the Township and Village combined, based on permits issued in both jurisdictions.

	Average No. of Permits/ Year <sup>(1)</sup>	Pph <sup>(2)</sup>	2010 Population	Projection 2020	Projection 2030
Three Oaks Township	1	2.38	2,574	2,598	2,622
Township and Village	2.5	2.38	2,574	2,634	2,694

<sup>(1)</sup> Based on building permit data provided by the Township.

<sup>(2)</sup> Pph - Persons per household as per 2010 U.S. Census data.

To overcome some of the limitations of each of the projection techniques, the results from the four tables may be averaged. The following table presents the average of each of the four techniques with a resulting average set of projections. Primarily because of undulating statistical trends, the projections reveal that the Township's population should remain fairly stagnant in the coming years.

Table 3. Population Projection Summary

	2010 <u>Population</u>	Projection	
		<u>2020</u>	<u>2030</u>
Growth Rate Method	2,574	2,589	2,605
Ratio Method	2,574	2,601	2,601
Arithmetic Method	2,574	2,592	2,610
Building Permit Method	2,574	2,634	2,694
<b>Average</b>	<b>2,574</b>	<b>2,604</b>	<b>2,628</b>

## Forest Lawn Landfill

The Forest Lawn Landfill, an area of about 319 acres, which began receiving refuse in the 1960s, is a former airstrip that ultimately evolved into a legitimate landfill. It is anticipated that the proprietor will submit an application for a final construction permit for the last phase of development, which the Michigan Department of Environmental Quality would need to approve. It is also further expected that the landfill will be functioning for another five to ten years; however, this is contingent on the level of refuse received in the future and the exact date of cessation is uncertain. It is likely that the site will ultimately be capped and recovered as open space and used for recreational purposes. Map 1 illustrates the location of the landfill and other properties of local importance.

## Traffic Patterns

Table 4 illustrates that daily traffic counts in the area have generally decreased between 2002 and 2009. This is consistent with Census figures that indicate a declining population in much of the region. According to the Michigan Department of Transportation, the only segment of roadway in the immediate vicinity to experience increasing traffic counts between 2002 and 2009 was US-12 between the villages of Three Oaks and Galien. However, the opening of the Four Winds Casino Resort in New Buffalo, west of Three Oaks, has noticeably increased traffic in the vicinity of the casino facility and along US-12.

Table 4. State Traffic Counts

	1992	1997	2002	Change 92-02	2009	Change 02-09
US-12 bet. Three Oaks and Galien	4,300	4,500	4,900	14%	5,100	4%
US-12 east of Galien	5,200	5,900	6,600	27%	5,900	-10.6%
US-12 west of Three Oaks	4,100	5,000	6,600	61%	5,800	-12%
I-94 north of US-12	29,000	29,100	38,600	33%	35,000	-9.3%
I-94 south of US-12	24,000	30,600	39,700	65%	35,100	-11.6%

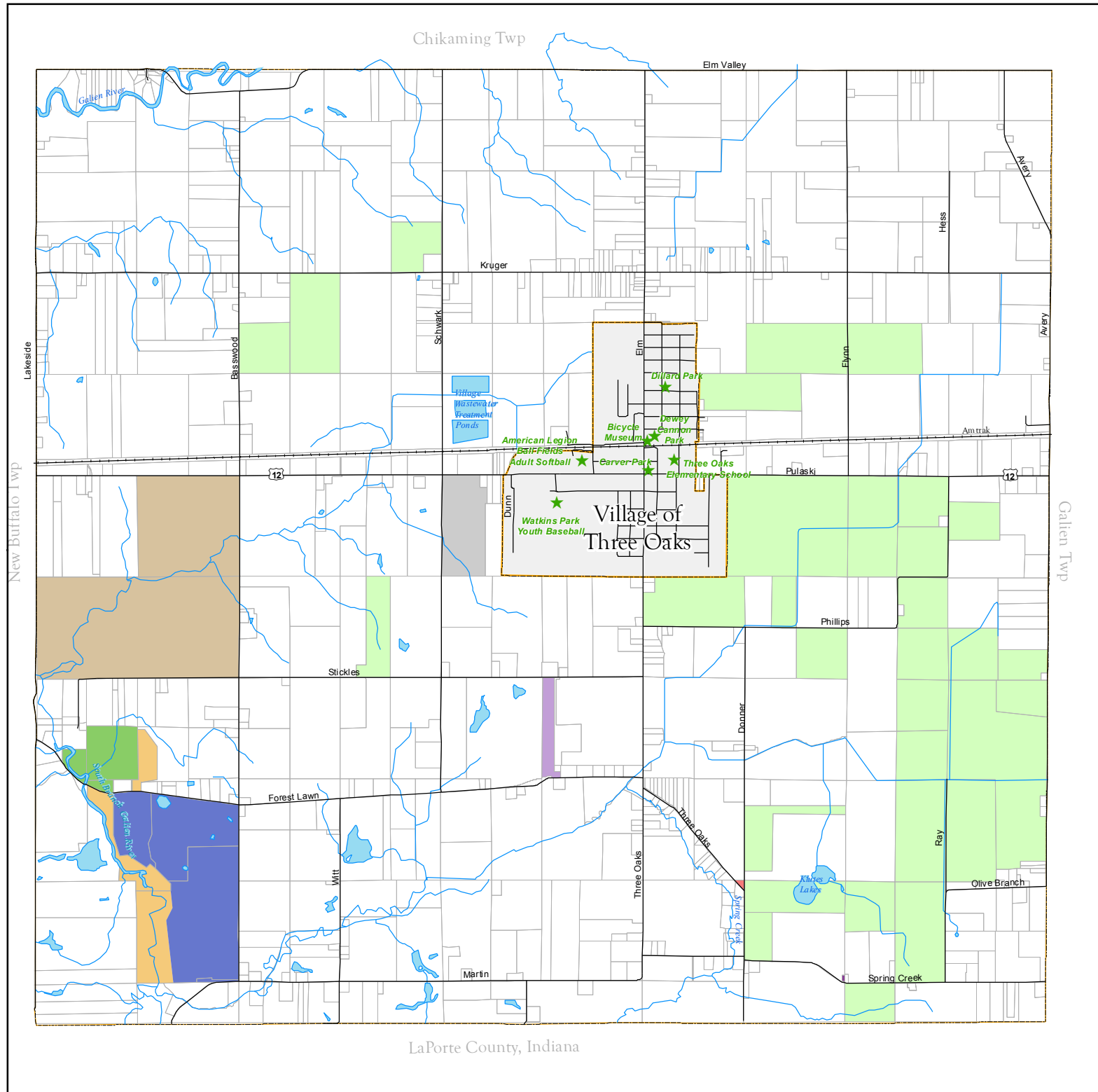
# Three Oaks Township

Berrien County, Michigan

## Master Plan

### Map 1

### Properties of Local Importance



#### Legend

- Farmland Preservation Program (formerly P.A. 116) properties
- Kesling Nature Preserve (SW MI Land Conservancy)
- Three Oaks Township Conservation Area (Township)
- Spring Creek School (Township)
- Deer Creek Hunt Club (Private)
- Forest Lawn Cemetery
- Shedd Cemetery
- Forest Lawn Landfill
- Planned Industrial Park



0 1,750 3,500 7,000 Feet

**Williams & Works**

Source: Berrien County and the Michigan Center  
for Geographic Information

## SECTION 3. GOALS AND OBJECTIVES

A result of the effort to update the Master Plan is a series of goal statements, each supported by more specific objectives. This Plan is rooted in the goal statements, which form the policy foundation of the Plan. The goals are intended to describe the desirable end state of the Township within about a 10-year period, or so. While the goal statements are intentionally general, they are thought to be attainable if the more specific objectives are achieved.

The goals define the values and vision the Plan must support. The goal statements define a desired end, are stated in positive terms, are bold but realistic, and reflect a consensus. The objectives are milestones along the way to achieving the goal, and can be thought of as action steps.

Section 5 of the 2005 Master Plan lists goals and strategies. Those statements have been reviewed, strengthened and refined with the following goals and objectives, which supersede those in the 2005 document.

### Tourism

#### Goal I

The Three Oaks community will be home to an increased tourism industry rooted in the unique rural and small-town character of the area and a growing recreation culture.

#### Objectives:

1. Support the efforts of the US-12 Heritage Trail Council, nearby casinos, the Berrien County Community Development Department, the Harbor Country Chamber of Commerce, the library, the theaters, museums, and other entities in the promotion of the community, local events and amenities.
2. Facilitate a discussion among local farmers and business owners to define needs and to foster leadership and capacity in expansion of local agricultural tourism offerings and to link potential rural attractions in the Township with other amenities in the Village.
3. Review the Zoning Ordinance and amend it, as appropriate, to remove obstacles to land uses that may bring visitors to the community, such as bed and breakfasts, museums, art studios, period hotels, unique agricultural tourism establishments, etc.
4. Implement the objectives and Action Program of the Five-Year Parks and Recreation Plan, which includes plans for local and regional trails, restoration of the Spring Creek School, and other initiatives, in an effort to improve non-motorized mobility and increase connections to natural features.
5. Work with the Village and bicycle advocacy groups in constructing additional trail staging areas, which may include benches, water fountains, bike racks, and other elements.

**Economic Development****Goal 2**

The Three Oaks community will strike a balance between the area's cherished rural character and a variety of employment opportunities, primarily centered in the Village and along US-12.

**Objectives:**

1. Work with neighboring communities and possibly an area college (so students can perform the work) in the completion of a market study to determine service gaps.
2. Perform a similar market study for the proposed industrial park to define its feasibility, identify practical and potential tenants, outline strategies for its success, and to consider other possible alternative uses.
3. Explore the Michigan Certified Business Park Program and join the program, if deemed beneficial, to promote the proposed industrial park.
4. Review existing available development incentives and potential grants geared toward assisting small businesses and develop systems to promote their use locally.
5. Encourage an evaluation of the re-use and rehabilitation of existing industrial and commercial buildings before new structures are built on green-field sites.
6. Continue to monitor infrastructure needs and to evaluate the need for water and sewer in areas planned for commercial and industrial use.

**Farmland Preservation****Goal 3**

Three Oaks Township will feature productive and economically viable farmland for years to come.

**Objectives:**

1. Publicize, and serve as a resource for landowners interested in, the Berrien County Farmland and Open Space Preservation Program, a purchase of development rights program; and other methods to preserve farmland, such as easements and Farmland Development Rights (formerly PA 116) Agreements.
2. Investigate enacting a local transfer of development rights program, which would preserve designated agricultural land and open space while facilitating development in certain areas. Work with legislators to craft legislation to promote transfer of development rights as an effective and practical means to preserve open space and farmland while facilitating economic development in certain areas.
3. Explore alternative zoning solutions that protect farmland from the encroachment of development and minimize the fragmentation of agriculturally-productive land. Approaches may include fixed area ratio zoning, which allows one dwelling unit at a density standard with a maximum lot area to allow a farmer to sell lots while minimizing the impact on farmland; and sliding-scale zoning, which allows comparatively more nonfarm dwellings to be subdivided from smaller parcels than larger parcels, to help keep the integrity of larger farms intact.

**Open Space Preservation****Goal 4**

Three Oaks Township will boast vast open spaces and natural features that contribute to the rural character of the community.

**Objectives:**

1. Revise the Zoning Ordinance to permit approval of a planned unit development with open space that is non-contiguous with the developed portion of the planned unit development, where appropriate, to foster the permanent protection of contiguous tracts of open space.
2. Amend the Zoning Ordinance to permit conventional subdivisions via special land use in the residential districts, and include design standards for the retention of open space along main roadways.
3. Continue efforts to acquire or protect critical natural features, and explore approaches to raise funds for protection of open space from public and private sources, such as conservancies, corporations and higher learning institutions.
4. Explore the possibility of joint open space planning, including multi-jurisdictional transfer of development rights programs.
5. Evaluate the need for a river overlay zoning district and other natural feature preservation techniques; and incorporate into the Zoning Ordinance if appropriate.
6. Establish and maintain an ongoing dialogue with regional conservancies and other entities in an effort to create programs which assist landowners with incentives to permanently preserve critical features.

**Community Character****Goal 5**

Three Oaks Township will be a preferred community in which to live, work, and play by maintaining and enhancing its unique identity.

**Objectives:**

1. Encourage policies that strengthen and continue to foster the small-town and rural feel of the area.
2. Strengthen ordinance enforcement to promote high-quality, well-maintained and attractive commercial and industrial areas.
3. Amend the Zoning Ordinance to incorporate more specific landscaping standards for commercial and industrial uses and to stipulate that certain outdoor lighting be turned off when not needed, to maintain the community's night skies.
4. Work with MDOT and other entities in crafting an access management plan and subsequent zoning language that requires adjacent properties to share driveways and service drives, to avoid the proliferation of curb-cuts along US-12.
5. Encourage the installation and maintenance of meaningful and effective gateways into the Township, incorporating attractive landscaping and a "theme" which capitalizes on the unique identity of the area.
6. Install high-quality interpretive plaques and educational markers throughout the Township to highlight unique, historic or important sites or facts about the community.



**Communication and Cooperation****Goal 6**

Three Oaks Township will benefit from nurturing cooperative and productive communication within the community and with neighboring jurisdictions for the advantage of the overall region.

**Objectives:**

1. Continue and strengthen joint service delivery and the consistent means of communication with the Village of Three Oaks. Explore the formation of a joint planning committee to address issues of mutual interest and establish such a committee if feasible and helpful.
2. Continue and strengthen inter-governmental dialogue and cooperation with neighboring communities on pertinent matters by sponsoring community issue forums.
3. Communicate with River Valley school district on emerging land use and infrastructure needs issues.
4. Promote the establishment of stronger connections with area churches, businesses, school districts, and other entities to develop and support programs that advance children and young adults.

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**SECTION 4. FUTURE LAND USE AND ZONING PLAN**

The future land use framework is a compilation of descriptions and recommendations for future development and conservation in Three Oaks Township. It serves as an overall framework for the management and regulation of future development and also serves as the basis for evaluating rezoning requests.

The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, specifically gives a Township Planning Commission the authority to prepare and officially adopt a Plan. When prepared, officially adopted, and maintained, the Plan should provide an advisory guide for the physical conservation of certain areas and for the development of other areas into the best possible living environment for present and future residents.

This section of the Plan update builds upon the goals and objectives and translates the Township's vision into a future land use plan for physical development, improvement and open space preservation. In addition, a zoning plan is provided, which relates the future land use categories to the current zoning districts of the Township, as required by the Michigan Planning Enabling Act.

Planning is guiding land uses from a policy standpoint, while zoning is the act of regulating the use of land by ordinance or law. The future land use map, Map 2, and the supporting narrative below, is meant to be a guide for the Township as it contemplates rezoning and development applications. Map 2 is not a zoning map; but it will guide rezoning decisions along with the zoning plan. The future land use map is to be used in conjunction with the following narrative descriptions of each future land use designation.

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**Future Land Use Designations****Agricultural Residential**

Agricultural operations are a primary land use in the Township. The public input exercises revealed that these operations are viewed positively, as farms establish a strong rural character and help to define the community. It is well documented that farms and non-farm uses can conflict with each other, for a variety of reasons. It is further recognized that non-farm development in transitional agricultural areas tends to have a domino effect, undermining the economies of scale in agricultural production that is afforded with relative size and contiguity of highly productive or unique soil classifications. Land use decisions in the Agricultural Residential areas, especially near areas of highly productive farmland, should be mindful of these considerations.

The Agricultural Residential future land use designation is meant to accommodate farming activities and agricultural uses. Agriculture is an important component to the character of the Township and this designation seeks to encourage farmers to continue operating in the community. Non-farm development within these areas should be small-scale and relatively limited.

Future extension of water and sewer into these areas is not contemplated over the life of this Plan, and these areas are characterized by heavy soils and severe septic limitations. Densities should therefore be low. Residential densities should be no greater than one dwelling unit per acre. Furthermore, development that does occur should be considerate of natural features and should maintain rural views along roadways. Home sites that are clustered to maintain open space on the balance of a development site are encouraged,

while home sites and driveways strung along country roads are discouraged.

It should be recognized that several prominent non-agricultural and non-residential uses exist within the Agricultural Residential future land use classification, and they should not encroach further into agricultural areas to maintain farmland. The Forest Lawn Landfill is located within the Agricultural Residential area, as well as the Deer Creek Hunt Club.

#### Medium Density Residential

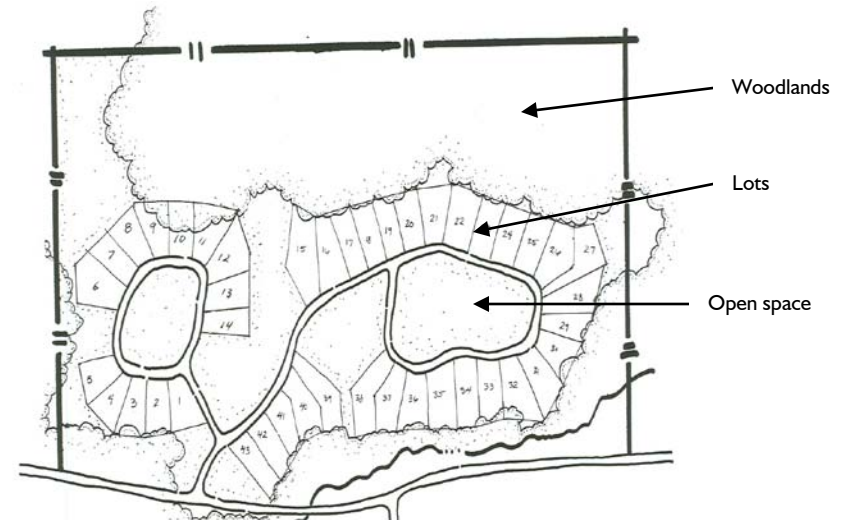
This Master Plan update is intended to preserve the rural and agricultural character of the community, but must recognize that demand for new residential development may increase in the future. The Medium Density Residential designation has been prepared in recognition of historic zoning and development patterns and the probable long-term future demand for family-oriented, single-family neighborhoods. It is anticipated that new development in these areas will result in attractive, walkable and inviting single-family communities of lasting value.

New development should be mindful of natural features, such as large expanses of woodlands and scenic vistas. This Plan encourages new developments to be designed as open space communities, with single-family lots gathered around large expanses of green space. Open space communities can protect valuable environmental and aesthetic features which support the rural character of the Township. Conventional subdivisions that do not preserve open space may be permitted as special land uses, with standards that require landscape buffers to filter the view from major roads. Additionally, new development should provide sidewalks and walking trails to promote pedestrian safety, walkability and interconnection between

neighboring developments. New developments should extend from existing street networks in the Village, where possible, and provide functional connections.

Medium Density Residential areas have been planned adjacent to the Village to protect outlying areas of the Township from development, and are located in areas that may be most conveniently served with any extended water and sewer service. Moreover, Medium Density Residential areas are primarily planned for lands not currently being farmed or areas not considered prime farmland, and located adjacent to the Village.

The predominant land use in the Medium Density Residential land use designation will be single-family dwellings at a density of approximately three dwelling units per acre.



Residential developments should be designed around the natural features and scenic open spaces of a site.

**High Density Residential**

The High Density Residential designation encourages open space developments that preserve natural features, designed in such a manner as to retain those features as a buffer along the main roadway. Overall densities should be no greater than approximately two to five dwelling units per acre. Open space should be positioned to preserve pastoral views along roadways and to protect the most significant natural features within the development site. Pedestrian amenities and street trees should be incorporated into any developments.

The High Density Residential classification primarily accommodates single-family homes, but two-family, multiple-family and manufactured housing communities may also be contemplated. This designation also recognizes that a manufactured housing community exists. The Township is not served by water and sewer and intense developments generally require such services. The Township seeks to protect groundwater quality and public health, and accordingly, additional multiple-family, manufactured housing or other intense developments are not appropriate at this time without public utilities. Nevertheless, if a comprehensive utility system is provided at some time in the future, the Plan will be updated and such residential uses may be found to be suitable at that time in appropriate locations near similar development.

**Commercial**

The Commercial future land use designation represents the desire to enhance existing commercial properties along US-12. Commercial areas have not been expanded because the Township is not served with water and sewer and because the Township does not wish to plan for competing suburban commercial developments in relation to downtown Three Oaks.

The purpose of the Commercial future land use designation is to perpetuate accommodation of establishments offering goods and services to residents. Desired uses include retail, personal service establishments, restaurants, financial institutions, professional offices and similar uses. Developments should generally be of a smaller scale with more design orientation focused on pedestrians, with amenities including substantial window coverage, sitting benches, shallow front yard setbacks, and sidewalks. Large-scale commercial developments are not appropriate or anticipated, as regional shopping destinations exist in nearby metropolitan areas in Michigan, Illinois and Indiana.

In addition, architectural details are paramount in the Commercial areas. Development should reflect the community's unique rural character and should depart from chain-store "box" styling and avoid a strip commercial appearance. Building facades should be constructed of high-quality materials to portray an aesthetic of permanence. Usable pedestrian amenities, attractive landscaping, ground-mounted and low-profile signage, and efficient site illumination are encouraged.

Large expanses of front yard parking area should be avoided, with some parking placed to the side or rear of buildings. Site access should be coordinated with neighboring properties to minimize traffic conflict points and to foster a safe environment for vehicular turning movements. This may be accomplished with shared access and connected parking lots and by requiring relatively large distances between street intersections and commercial driveways.

**Light Industrial**

Light industrial land uses are a part of the community's history and the Light Industrial designation reflects the Township's desire to promote these areas as generators of employment for area residents.

Light Industrial areas will be characterized by low-impact land uses, such as professional offices, research and development facilities, warehousing and distribution centers, light manufacturing, etc. Development in the Light Industrial designation should be clustered in business park settings, or otherwise master planned and configured to foster shared driveways and coordinated access; individual curb-cuts to US-12 for each site, as an example, is not suitable. Low-impact land uses will be coupled with generous landscaping to help buffer the uses from any adjacent residential or agricultural uses. Properties will be well-maintained and free of visible outdoor storage, debris and clutter.

The planned industrial park located at the southeast corner of Schwark Road and US-12 is owned by the Township and has been planned for industrial use for some time. While the land is designated as Light Industrial, the Township will be exploring other possible alternative uses for the site and the planned future land use may therefore change in the future.

#### **Commercial/Light Industrial**

Redevelopment of existing commercial and industrial properties is recognized as a more economically and environmentally sustainable alternative to green-field development in outlying areas of the Township. Downtown Three Oaks is embraced as the center of the overall Three Oaks community and planning for large areas of commercial and industrial development away from the Village may undermine the synergy already established in the downtown and in areas of the Township adjacent to the Village. Therefore, this Plan supports the development of commercial and industrial uses in areas shown as such on the future land use map and as described in the paragraphs above.

This split designation recognizes that both commercial and industrial uses may be appropriate east of the Village. While classifying a specific land use recommendation in this area is not important, the character and appearance of the US-12 corridor is critical. Therefore, development in areas shown as Commercial/Light Industrial may occur in accordance with either the Commercial descriptive narrative or the Light Industrial descriptive narrative.

#### **Zoning Plan**

Section 33, (2), (d), of the Michigan Planning Enabling Act requires that Master Plans adopted after September 1, 2008 include a zoning plan to explain how the future land use categories in this Plan relate to the zoning districts incorporated in the Township's Zoning Ordinance. The following table relates the more general future land use categories with the zoning districts and discusses features and factors to be considered in reviewing requests to rezone lands in the Township consistent with this Plan.

In considering a request to rezone property in Three Oaks Township, the Planning Commission must consider the future land use map and the future land use descriptive narrative of this Plan. The succeeding table should be used to evaluate the degree to which the proposed rezoning is, or may be, consistent with this Plan together with an evaluation of the specific request. The proposed rezoning decision shall also consider whether the proposed site may be reasonably used as it is currently zoned, whether the proposed site is an appropriate location for any and all of the land uses that might be permitted within the requested zoning district, whether there may be other locations in the community that are better suited to accommodate such uses and any potential detrimental impact on the surrounding property that could result from the proposed rezoning.

In all cases, this zoning plan should be applied as a guideline for the Planning Commission subject to the appropriate application of the discretionary authority permitted to the Planning Commission and Township Board by statute, case law and good planning practice. Nothing in this zoning plan will preclude the Planning Commission and Township Board from considering amendments to this Plan to better serve the public interests of the community.

Table 5. Zoning Plan

<b>Future Land Use Categories</b>	<b>Supporting and Compatible Zoning Districts</b>	<b>Additional Potentially Compatible Zoning Districts</b>	<b>Evaluation Factors and Features to Determine Eligibility for Additional Potentially Compatible Zoning Districts</b>
Agricultural Residential	AG/RR, Agriculture/Rural Residential	None	
Medium Density Residential	R-1, Single Family Residential	R-2, Two Family Residential	If public water and sewer is provided
High Density Residential	R-2, Two Family Residential	R-3, Multiple Family Residential	If public water and sewer is provided and new development includes open space and pedestrian amenities and is formed into a walkable community; and if compatible with and similar to adjacent land uses
		R-4, Mobile Home Residential	
Commercial	C-1, Commercial	None	
Light Industrial	I, Industrial	None	
Commercial/Light Industrial	C-1, Commercial and I, Industrial	None	

# Three Oaks Township

Berrien County, Michigan

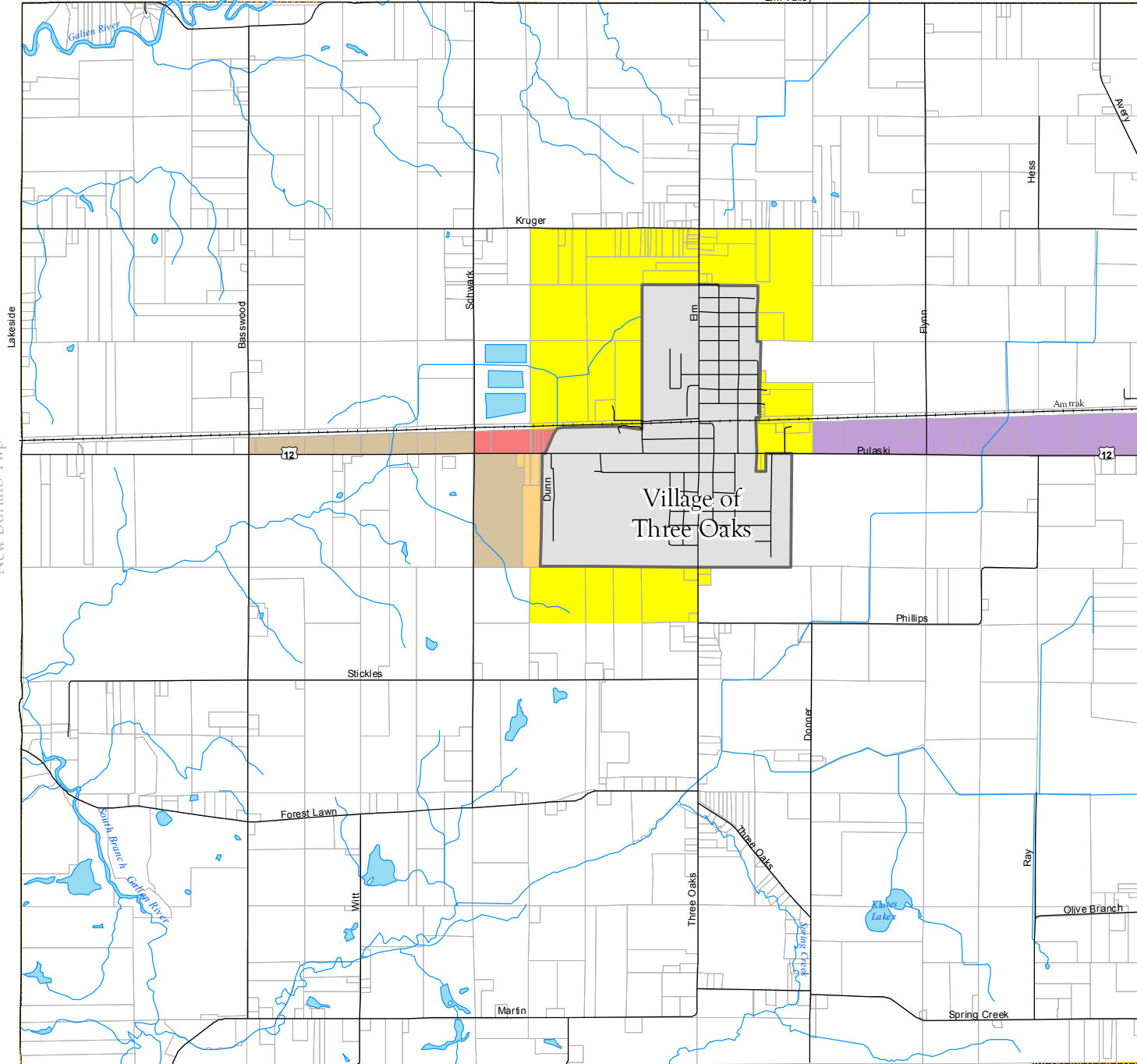
## Master Plan

### Map 2 Future Land Use

New Buffalo Twp

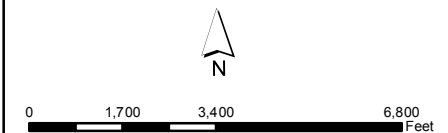
Chikaming Twp

Elm Valley



#### Legend

- Agricultural Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Light Industrial
- Commercial/Light Industrial



**Williams & Works**

Source: Berrien County and the  
Michigan Center for Geographic Information

LaPorte County, Indiana

## SECTION 5. IMPLEMENTATION SUMMARY

The Master Plan update must be implemented if it is to serve as an effective guide for the Township. Primary responsibility for implementing the Plan rests with the Three Oaks Township Board, the Planning Commission, and Township staff. The Plan can be implemented through ordinances and administrative procedures and other policy frameworks. This section describes the most important steps to take in implementing this Plan and should be used in conjunction with the goals and objectives.

Many of the strategies presented in this Section will be long-term in nature and in many instances, entities in addition to Three Oaks Township will need to cooperate in order to fully implement it. In other instances, Three Oaks Township's role is that of facilitator, marketer, or coordinator. Some of the approaches outlined below will require public and private expenditure. While a few of the Plan's policies are challenging and ambitious, they will be feasible with the commitment of the Township, property owners, residents, businesses, and regional entities.

### Farmland and Open Space Preservation

The Michigan Department of Agriculture's Farmland and Open Space Preservation Program includes several instruments that the Township can help to promote. The program also authorizes the Township to participate in several methods to encourage the continuance of agricultural operations. Following are tools that should be endorsed and advertised by the Township, to the extent possible:

A. Transfer of Development Rights. A transfer of development rights program would identify "sending zones" or areas to be preserved – such as agricultural lands and sensitive environmental areas – and "receiving zones" or planned development areas. The

sending zones are areas where farmland and open space preservation is most important and the receiving zones are areas where development is appropriate, and may include other municipalities such as the Village of Three Oaks. A program would permit a landowner to dissolve development rights from a property in a sending zone, and sell the rights to someone seeking to increase density in a development in a receiving zone.

Legal authority to establish a transfer of development rights program is unclear, as State enabling legislation has not been enacted. The Township may work with legislators to craft such legislation to promote transfer of development rights as an effective and viable means to preserve open space and farmland. As the Township explores the possibility of creating a program, procedures and regulations that govern the transfer of rights should be aligned to meet local objectives.

- B. Farmland Development Rights Agreements. This is a temporary, voluntary restriction on the land between the property owner and the State; which protects the agricultural use of the land in return for tax benefits and special assessment exemptions. This tool is commonly known as P.A. 116.
- C. Purchase of Development Rights. This is a permanent, voluntary restriction on the land between the property owner and the State that preserves the land for farming in exchange for a cash payment. This State program is currently not funded, but may be in the future.
- D. Local Open Space Easement. These are also voluntary and temporary, but represent an agreement between the landowner and the Township; where certain tax benefits and exemptions from various assessments are made possible.



- E. Conservation Easement Donation. Conservation Easement Donations are permanent restrictions voluntarily entered into by the landowner between the same and the State; preserving the land for either farmland or open space.
- F. Designated Open Space Easement. This is a temporary, voluntary restriction on the land between the property owner and the State; which maintains the land as open space in return for tax benefits and special assessment exemptions.

### **Zoning Ordinance Amendments**

This Plan recommends a review of the Zoning Ordinance to identify zoning requirements inconsistent with the policies herein. The Zoning Ordinance will be the primary implementation mechanism to achieve the land use goals of the Plan. Other ordinances that influence the physical environment should also be reviewed with regard to the goals, objectives and future land use framework. The Township's Zoning Ordinance was rewritten in 2008, and because the last rewrite was fairly recent, a comprehensive audit will not be necessary. The following summarizes many of the changes that may need to be contemplated, although other amendments to the Zoning Ordinance may also be helpful. The following recommendations, at a minimum, should be explored:

- A. Conventional subdivisions can be permitted as a special land use, with standards in place that require a specific amount of open space be kept free from development along the roadway to maintain a natural vegetative buffer. Standards should encourage developers to take vegetation, topography and other features into consideration during site layout.
- B. Given the promising tourism potential of the community, the Zoning Ordinance should be combed to identify any potential unreasonable restrictions on tourist-related land uses, to further encourage tourism-related activity. Examples include bed and breakfasts, museums, art studios, period hotels, unique agricultural tourism establishments and other uses. Uses should, however, be compatible with the rural character of the Township.
- C. The Zoning Ordinance should be revised to allow approval of a planned unit development with open space that is non-contiguous with the balance of the planned unit development. This flexibility can result in larger, connected areas of protected open land.
- D. Ordinances governing subdivisions, site condominiums and possibly other forms of development should be amended to require installation of sidewalks and street trees, to enhance walkability, aesthetics, and pedestrian safety.
- E. The Zoning Ordinance may be amended to incorporate fixed area ratio zoning and sliding-scale zoning, in an effort to minimize farmland fragmentation.
- F. The need for a river overlay district should be evaluated, and said district should be included in the Ordinance if necessary to help protect critical features.
- G. The landscaping provisions of the Ordinance may be strengthened with more detailed requirements.
- H. Access management standards should be contemplated, in conjunction with MDOT, for US-12 to maintain traffic flows, avoid the proliferation of driveways, and to help minimize car crashes.

### Complete Streets

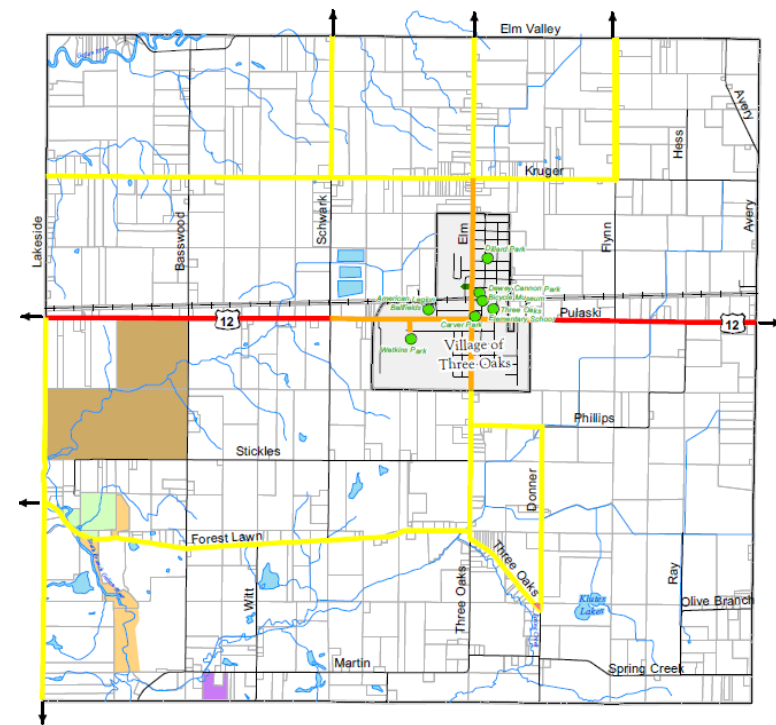
This Plan supports complete streets policy. Complete streets are thoroughfares that are planned, designed and constructed to allow access to all legal users safely and efficiently, without any one user taking priority over another. Users in Three Oaks Township include pedestrians, bicyclists, motorists, users of assistive devices, snowmobilers, and truck-drivers. Complete streets can result in increased safety for non-motorized users, improved public health, a cleaner environment, mobility equity and enhanced quality of life through increased modal choices and more inviting streets. The popularity of major bicycling events in the community further reinforces the need for policy.

Another key motivation to enact complete streets policies is that Michigan law may encourage MDOT to give additional consideration to enhancement and other grant applicants with such policies. The Michigan Planning Enabling Act has also been amended to stipulate that transportation improvements be respectful of the surrounding context, further ensuring that more equitable and attractive streets become reality.

The Township's objective will be to implement the Five-Year Parks and Recreation Plan and to work jointly with surrounding communities to promote healthy lifestyles for people of all abilities through the development of a non-motorized network. Suggested design elements may include sidewalks on both sides of a roadway; pedestrian signals and signage; bike lanes; local and regional multi-use trails, such as those planned for in the Five-Year Parks and Recreation Plan; and other features. Even though Three Oaks Township is a rural community, these amenities are feasible in some areas of the Township. More urbanized pedestrian features are not likely to occur in the community at this time and may not be needed. Nonetheless,

the prevalence of the seasonal bicycle culture will help to impel the Township toward its goal of establishing a non-motorized network.

Some features may be accomplished through simple road restriping and the addition of signage. Other projects may be more involved and may only be practicable when coordinated with major roadway reconstruction. The Township should work with neighboring communities, the Berrien County Road Commission, MDOT, and other pertinent agencies in implementation of complete streets.



The planned non-motorized network, as presented in the Five-Year Parks and Recreation Plan.

**Proposed Industrial Park**

As a part of the Township's efforts to determine additional potential uses of the proposed industrial park, it should complete a market study to determine the feasibility of the proposed industrial park and other likely uses. A market study will help minimize risk and identify opportunities. In addition, a market study can define specific uses (industrial, commercial, recreational, senior housing, etc) that would be viable in that location.

If the Township determines to continue marketing the proposed industrial park for industrial use, the Township may consider the Michigan Certified Business Park Program as a means to promote the facility. Business or industrial parks must meet certain criteria to receive the certification, and the certification can serve as advertisement of the facility by ensuring prospective tenants that the site will be a solid investment. Certified parks are also marketed by the Michigan Economic Developers Association to prospective tenants. Requirements of certification include without limitation:

- Site plan or plat approval from the Township for the development.
- Water and sewer infrastructure are required, unless a geological engineer certifies that such service is not geologically possible. It will therefore be important to continue to evaluate the need for such services as they relate to a successful industrial park.
- Protective covenants must be prepared governing building materials, compatibility of uses, signage, landscaping, screened outdoor storage, loading dock location, and other aesthetic and functional elements.

- Other requirements include telephone, gas and electric service, continuous management of the park, improved paved parking, and enclosed storm sewers.

**Adhere to the Future Land Use Framework**

The Township should strive to make decisions that are in harmony with the future land use framework. Nevertheless, the policies of this Plan update should be viewed as flexible, and they should be revised as the character of the community changes over time. The Plan should be reviewed and periodically updated at least once every five years to remain current and to meet statutory provisions. As stated in the description of the zoning plan on pages 16 and 17, proposed land uses should be consistent with the future land use designations. However, the Planning Commission may determine that a proposed land use would not be consistent with the applicable future land use designation, but would not be incompatible with the underlying policies of the Plan, and would represent a logical extension of land use. It may therefore be a preferred alternative to the Plan, and the Plan may be amended accordingly.