

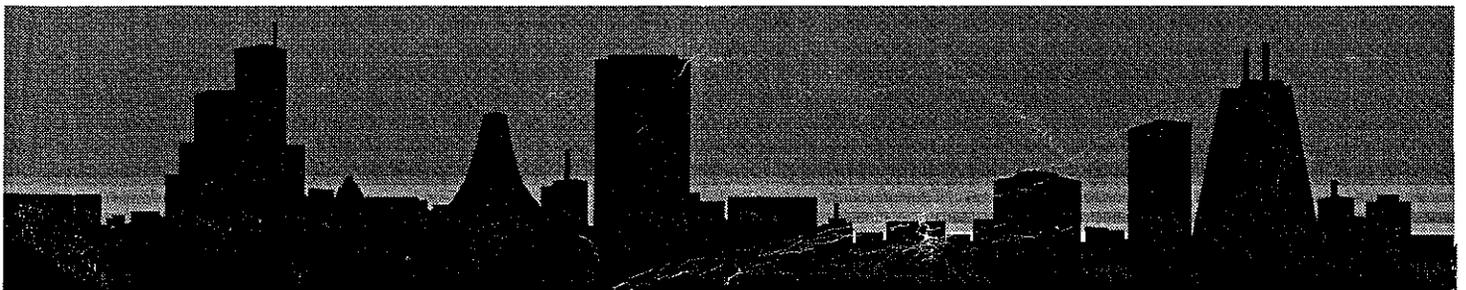
Toward Integrated Land Use Planning



Report to the Michigan Natural
Resources Commission

Integrated Land Use Task Force
Marlene Fluharty, Chair
August 1996

Environmental Administration Division
Michigan Department of Management and Budget
Lewis Cass Building
P.O. Box 30026
Lansing, Michigan 48909



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Manufactured in the United States of America

*Copies of this report may be obtained free of charge by writing to
Environmental Administration Division
Michigan Department of Management and Budget
320 S. Walnut, PO Box 30026
Lansing, Michigan 48909*

*1st Printing August 1996: 200 Copies \$530.00
(Cost per Copy: \$2.65)*

Printed by Authority of Public Act 431 of 1984 and Public Act 17 of 1921

Correct Report Citation:

Integrated Land Use Task Force. 1996. *Toward Integrated Land Use Planning, Report to the Michigan Natural Resources Commission*, August, 1996. Environmental Administration Division, Michigan Department of Management and Budget, Lansing. vi + 78p.



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TOWARD INTEGRATED

LAND USE PLANNING

(REPORT TO THE MICHIGAN NATURAL RESOURCES COMMISSION)

TOWARD INTEGRATED LAND USE PLANNING

INTRODUCTION

THE PAST

In 1992, the Michigan Department of Natural Resources (MDNR) report entitled, "*Michigan's Environment and Relative Risk*" report was submitted to Governor John Engler. The report identified the "absence of land use planning that considers resources and the integrity of ecosystems" as among the greatest risks facing Michigan's future. According to the report, the absence of land use planning was ranked in the high/high category because:

"Land use, by and large, determines the future. The land in Michigan has a fundamental role in sustaining our state for the long haul. Despite this, Michigan lacks a statewide planning system that encourages appropriate land use with consideration for sustainable resources and long-term ecosystem health. This threatens Michigan's quality of life. The lack of integrated land-use planning is a broad issue with far-reaching effects.

In Michigan, and elsewhere, state and local agencies manage the resources under their statutory jurisdiction as individual commodities. For example, within the MDNR, the Wildlife Division focuses on deer, grouse, and pheasants, the Forest Management Division focuses on economic returns from the sale of fiber, the Fisheries Division focuses on fish species that support a strong recreational industry, the Surface Water Quality Division focuses on clean water, and so on. Other state agencies concern themselves with agriculture, urban development, human health, and transportation at various government levels. A multitude of land-use authorities and interests express their control and power at the local level. Little attention is paid to coordinating the goals of these various entities to lay the foundation for integrated land-use planning. Ramifications of this lack of coordination are numerous. The natural landscape pattern and its associated natural habitats and biota generally are unprotected and exposed to alteration; some renewable resources are not being managed in a sustainable fashion; a burgeoning deer herd threatens the regeneration of economically important tree species and many herbaceous plants in our forests; wetland degradation robs us of valuable ecosystem functions; urban sprawl supplants prime agricultural land; and the unnatural appearance of our landscape (including poorly planned residential and industrial parks) offends human sensibilities.

It should be a high priority for Michigan to develop a land-use plan that optimizes wood production, resource extraction, biological diversity, clean water, cultural cohesion, human health, housing, and other societal goals. Not adopting this priority poses a severe, long term risk to the sustainability of resources, integrity of ecosystems, and human health and existence. Current science and technology is sufficient to allow us to undertake integrated land-use planning now."

Absence of land use planning that considers resources and the integrity of ecosystems is an issue which involves broad changes in the landscape that affects environmental quality. This issue has many aspects, including farmland, the Great Lakes and other shorelines, habitat modification, inefficient use of public money, lack of an integrated state land use plan, loss of open space, multiple jurisdictions, soil erosion, timber management, urban sprawl/urban flight, and wetlands (*Michigan Environment and Relative Risk*, July 92, pg. 13).

As a consequence of the report, Governor Engler directed the Michigan Natural Resources Commission (NRC) to establish a process to review current state programs and to provide recommendations which would reduce the risks identified in the report to acceptable levels.

The Task Force on Integrated Land Use was created by the NRC in the spring of 1994 and assigned the following charges:

1. Document by example the current problems that preclude integrated planning for the 1,800 local units. Determine the incentives needed for integrated land use planning;
2. Review the regulations/laws identified by the Environmental Code Commission that address this issue and make recommendations for change. Review shall include public finance laws;
3. Review, evaluate and provide examples when cooperation between local units of government has worked and when and where it hasn't worked;
4. Determine what short term government actions could result in the changes necessary to produce long term impacts; and
5. Determine what data are currently available and what data are lacking to enable local governments to create sound management plans.

The Task Force members did not wish to duplicate the work of others but rather to build on the research and findings of many other groups currently involved in this issue. Charges #1 and #3 are well documented in the *Michigan Trend Future Report*,

Institutional Structure for Land Use Decision Making in Michigan (MSPO, 1995). Charge #2 is covered in the same report, plus the recommendations of this Task Force in regard to current subsidies and taxes that tend to favor greenfield development and contribute to sprawl. Charges #4 and #5 compose the bulk of this report.

DEFINITIONS

"Integrated Land Use Planning" refers to the development and implementation of land use plans for every level of government that are compatible and coordinated with one another. It is based on the premise that present and future land use decisions should result in *"Sustainable Communities"* - communities that provide an adequate job base to support families without polluting or wasting the environment while maintaining a maximum number of choices for future generations. A definition of *"Community"* is found in *The Geography of Nowhere*, Howard James Kunstler, 1993, *"It is a living organism based on a web of interdependencies - which is to say, a local economy. It expresses itself physically as connectedness, as buildings actively relating to one another, and to whatever public spaces exist, be it the street, or the courthouse square, or the village green... "*. Most important, Wendell Berry writes, *"...[A community] must be generally loved and competently cared for by its people, who, individually, identify their own interests with the interest of their neighbors... "*

THE PRESENT

In the summer of 1994, the Task Force members were selected. The design was to keep the group small enough for detailed work and yet have perceptions from numerous stakeholder groups. Because of the complexity of the issue, individuals with an existing record of involvement in relevant issues were chosen. The members agreed that their participation was not to represent a specific group but to provide their knowledge and expertise to the discussions. The group functioned on a modified consensus basis; not everyone had to agree totally with a recommendation. However, where there were strong differences or concerns, the group agreed to make the concerns part of the report.

The list of Task Force members (see Appendix A) identifies group association but the recommendations contained in this report are neither representative of any member's group nor currently endorsed by any group.

As the Task Force began its work investigating policy, laws, information needs and current problems, many other projects were underway at the local and regional levels as other stakeholder groups began to recognize the role each played in land use decision making. Various stakeholder groups have held futuring and visioning workshops to identify goals and directions for the key problem areas and necessary changes that could reduce the risk. The ideas and concepts from statewide groups (e.g., Michigan Society of Planning Officials - MSPO, the Economic and Environmental

Roundtable, the Governor's Agricultural Lands Task Force), together with local and regional groups (e.g., Northwest Regional Council of Governments, Southeast Michigan Council of Governments, Saginaw Bay Watershed Council, Grand Traverse Bay Watershed Initiative, Washtenaw County, Grand Rapids Metro Council, Huron River Watershed Council) have added public perception and validation to the points and concerns raised in the relative risk report and have developed common themes for Michigan's future. Not all stakeholders and their respective groups have gone through this process. Few of the top leaders of the state have been actively involved. However, the common themes are pulled together here as a starting point for expanding the discussions needed to develop a clear mission and set goals for Michigan.

THE FUTURE

If, as a group of individuals each making land use decisions, we continue to do as we have in the past, our quality of life and personal choices will be greatly reduced. The *Michigan Trend Future Report* (MSPO, 1995) gives us a clear picture of our likely future:

“Considerably more land will be used to house relatively small population increases due to very low average density of new development.

More people will commute long distances.

More land use conflicts (and hence greater time and costs involved in completing projects).

Greater renewable resource loss (and the income derived from it).

Fewer areas with scenic qualities that attract strong tourist activity (and hence declining tourist income as a proportion of total state income).

Significant increase in the cost of public services because they will have to be provided over larger areas to a lower density population.

Greater difficulty in achieving sustainable economic development as fewer land resource options remain and infrastructure provision problems mount.

Inequitably priced municipal services with too many disparities between those who use the services and those who must pay for them.

Continued urban disinvestment.

Growing social justice and equity issues for those left behind in large central cities or those who are unable to live anywhere else.

Fewer options for future generations.

Continued erosion of community institutions and structures which have traditionally served to strengthen families and neighborhoods."

Our individual and collective decisions for land use have placed Michigan in the high-high risk category. The risks are clearly not just environmental and human health related, they are risks that have the potential to undermine our economic viability. We have the opportunity to change our direction, to focus on a new vision for our future and to insure that future generations have viable options.

Mr. David Crockett, Councilman for the City of Chattanooga, in a speech at the Michigan Economic and Environmental Roundtable conference stated that, "*Vision without action is a daydream, but action without vision is just meaningless activity.*" If Michigan is to move forward to improve the integration of the decisions we make in regard to land use, we must focus on a shared vision, a goal for our future, so individual decisions, proposed changes and actions can insure that we will travel toward the same objective in a manner that insures the state's economic and environmental health.

The following mission statement attempts to incorporate the basic principles identified by these groups. This statement and the accompanying goals could be used as the basis for what land use planning and zoning should incorporate at every level of decision making.

THE MISSION AND GOALS OF INTEGRATED LAND USE PLANNING

Michigan's land, air and water are irreplaceable resources upon which are founded the well-being of public health, economic viability and the environment. Land use decisions at all levels of government should consider the needs of the present as well as the options that are to remain for future generations.

The goals of integrated land use planning are to:

- Conserve and protect the natural and cultural resources and scenic beauty of the state;
- Improve the competitiveness of the state's economy while enhancing the employment opportunities for Michigan citizens and the profitability of the state's business and industry;
- Encourage development and improvements of the agricultural land base as a valuable resource and to insure that agriculture is a component of the economic diversity of the state;

- Maintain programs of acquisition, protection and use of our lands and waters because of their beauty, wildness, native biodiversity, ecological, geographical and historical significance and contribution to the basic functions of our ecosystems;
- Consider and evaluate the consequences of land use decisions across broader landscapes, such as watersheds, to avoid adverse impacts to adjacent communities and larger ecosystems;
- Provide an adequate land base for diverse recreational opportunities within urban centers and throughout the state;
- Provide adequate, safe and efficient transportation facilities and services for all of Michigan's citizens;
- Insure support for revitalization of urban centers and communities especially where infrastructure is in place or can be upgraded; and
- Develop mechanisms for encouraging inter-governmental cooperation from the federal to the local levels and among adjacent communities.

In the fall of 1995, a series of reports under the heading of the "*Michigan Trend Future Report*," produced by the MSPO, identified the ramifications of our continuing to operate with land use decisions as we have for the past twenty years. Its Executive Summary and multiple volumes cover the trends in agriculture, natural resources and the environment, tourism and recreation, minerals, public lands and forestry and land use. Two of the volumes on land use have presented a thorough review of the current problems and a review and evaluation of examples of cooperation between local units of government. The MSPO has produced a video, "*Growth Management: A Question of Balance*," which also shows examples of successful cooperation and growth management tools for use by local governmental units. The Task Force did not feel it was necessary to duplicate these studies and reports and the reader is encouraged to review and utilize them.

Many additional organizations and associations are looking closely at Michigan's future and integrated land use planning. The findings of the *Fate of Agriculture Trend Future* report and the Governor's Agricultural Lands Task Force have come together and stimulated discussions for changes in policy and laws in Michigan. The Michigan Economic and Environmental Roundtable has sponsored sessions to focus on the need to rebuild our urban centers. Local government leaders are learning and discussing better ways to direct the growth within their jurisdictions.

THE TASK FORCE REPORT

The members of the Task Force remind the reader that the recommendations here will not radically change the system or basic structure of the governmental entities in Michigan today. They are recommendations that we hope will change some of the behaviors and processes in which land use decisions are made, plans are constructed and implemented by our local officials and coordinated with neighboring jurisdictions and regional growth management plans.

For these efforts to be successful in reducing the high-high risk to Michigan's future, the leaders of government must express their commitment to these issues and agree to endorse the basic concept of the importance of "integrated land use planning that considers resources and the integrity of ecosystems," now and well into the future. At the very least, leaders must shape a vision, developed with the participation of others, that can be used as our focus for the future.

INTEGRATED LAND USE TASK FORCE REPORT

EXECUTIVE SUMMARY OF RECOMMENDATIONS

INTEGRATED LAND USE TASK FORCE REPORT

EXECUTIVE SUMMARY OF RECOMMENDATIONS

I. PLANNING AND ZONING LAWS

A. COMPREHENSIVE PLAN

1. Every unit of government in Michigan should be required to have a master plan, because a master plan ultimately gives the local legislative body responsibility for the plan and provides the base support for its decisions. All three of Michigan's zoning enabling acts, as well as other statutes related to land use decisions, should be amended to require that local land use decisions be based upon a single master or comprehensive plan that has been prepared by a local planning commission and formally adopted by the local legislative body. Ultimately, all land use related plans for a local community (parks and recreation, sewer and water, downtown development, tax increment financing, transportation, etc.) should be integrated and consistent with the master plan.

2. The phrase "master plan" should be consistently defined in all land use statutes and include the requirement for periodic review and/or updating of the plan by the local legislative body.

B. REFERENDUM ON ZONING

The referendum provisions in the Township Rural Zoning Act and the County Rural Zoning Act should be amended so that the number of signatures required under both Acts to call a referendum election would be increased to 25 percent of the registered voters in the last gubernatorial election. This would be consistent with the procedures for recall of local officials.

C. CODIFICATION OF PLANNING AND ZONING LAWS

The following three groupings of laws should be codified and changed, and should include a clear definition of "legislative intent" for environmental protection:

1. Planning Acts - Concurrent with the codification process, the four local planning enabling acts should establish consistent authority for all decision making entities and provide comparable procedures and timetables. These should also be coordinated with planning authority exercised by state agencies that have programs and projects impacting land use decisions.

2. The Twelve Economic Development Statutes - The twelve economic development acts should be refined in a way that encourages integrated land use planning and decision making and specifically addresses environmental protection while economic development objectives are being met.

During the codification and revision process, the effectiveness of these laws should be evaluated to insure a comprehensive and coordinated approach to economic development and redevelopment. An additional requirement within these acts should be the approval of the plans by the local planning commission.

3. Zoning Acts - Concurrent with codification, the zoning acts should be amended to provide consistency of board composition, authorities, and procedures of the various local units of government. The requirement that local zoning should be consistent with an adopted local comprehensive plan should be clearly stated.

D. NEW GROWTH MANAGEMENT TOOLS

The Legislature should specifically authorize the following growth management tools, as proposed by the House Republican Task Force, for use by local units of government. All are currently authorized in many other states:

1. Purchase of Development Rights - compensates the landowner for the value of development rights in exchange for maintaining the property at a desired use and density.

2. Transfer of Development Rights - voluntary sale of the zoned density designations. Allows a property owner to be compensated for the transfer of a portion of the development capacity of a parcel he or she owns to another parcel owned by another individual.

3. Urban and General Service Districts - phases or limits the provision of urban services according to a "master" or "comprehensive" plan.

4. Concurrence of Services and Facilities - a requirement that an adequate infrastructure be provided simultaneously as development proceeds.

5. Development Agreements - contract arrangement between a community and a developer or property owner which describes the land, the regulations and conditions to which development of the property will be subject.

6. Special Assessment Districts - though authorized for other purposes in several existing statutes, these could be used to fund implementation of watershed based programs such as aquifer recharge protection, stormwater management, and consultations for projects with potential for impact to other communities.

7. Review of Developments with Regional Impact - a process of regional coordination which maintains local authority over future development decisions, but provides a key role for abutting jurisdictions and other authorities in reviewing the regional impacts of projects and negotiating the outcomes before final development approval is given.

In addition to the above legislative changes, the Task Force recommends:

8. Authorization for Impact Fees - authorization for local units of government to charge impact fees to cover the cost of infrastructure that is directly related to new or expanded development projects.

II. CHANGES TO CURRENT LAND USE LAWS AND POLICY

A. MICHIGAN DRAIN CODE

Revise the Drain Code to assign Drain Commissioners responsibility for developing and promulgating rules for stormwater management for all development as they currently do for subdivisions under Act 288. Require Drain Commissioners to review stormwater impacts of all new development.

Enhance the Drain Code as a tool to undertake proactive comprehensive stormwater management "master planning" at the watershed level prior to development and, in addition, to manage impacts of existing development.

Authority to establish districts for watershed planning should be more explicitly stated and consideration should be given for specific language in the Code that clearly identifies watershed planning and implementation activities as legitimate functions of a Drain Commissioner under the Code.

Amendments to the Drain Code of 1956 should identify environmental protection as an authorized purpose of the Drain Code and require that all drainage projects be evaluated for their environmental impacts. The Drain Code should be clarified so that mitigation of adverse environmental impacts related to drainage projects can be funded under the Code. New resources will be needed to supplement funding of environmental enhancement components of drain projects so that costs are spread equitably to the benefiting population.

Revisions to the Drain Code should allow counties to link stormwater management and soil erosion permitting activities at the County level.

B. SUBDIVISION CONTROL ACT/SITE CONDOS

The Task Force supports comprehensive revision of the Subdivision Control Act to expedite the platting process and narrow the current exemptions which are contributing to suburban sprawl and fragmentation of prime farm and forest land.

The Task Force also recommends that the issue of site condominiums be addressed by the Legislature to subject this form of development to the same degree of scrutiny as afforded by the Subdivision Control Act.

C. FARM AND FOREST ROADS

The Michigan Department of Environmental Quality (MDEQ) should issue either an interpretive statement or a promulgated rule amendment to the existing wetland administrative rules to clarify what the terms "forest, farm and temporary roads" mean and specify which construction activities are exempt from regulation.

D. CORRECTION OF CERTAIN EXCLUSIONS FROM PLANNING PROCESS

1. School Districts - The Department of Education should require documentation from the local planning commission that the school district has complied with the Planning Enabling Act regarding the location, character and extent of any new school facilities. In addition, the requirement for conformance with site plan review of all school facilities by the local unit of government with zoning authority should be restored. If the school board and the planning commission cannot agree, the statute should require mediation, fact finding or binding arbitration to resolve the issue.

The Task Force also recommends that responsibility for school facility site plan review be returned by statute to local jurisdictions, who can best assess the compatibility of site plans with neighboring properties and determine the community health and safety implications resulting from new facilities.

2. Mobile Home Commission Act - Required site plan review by the local unit of government in which a mobile home park is proposed to be located should be restored in addition to the review done by the Mobile Home Commission. This review must consider avoidance of exclusionary practices while looking at the total impact of this type of development on a community's infrastructure and abutting development.

3. Road Commission Act, PA 51 of 1951 - The infrastructure decisions of the Michigan Department of Transportation (MDOT) and the county road commissions must periodically and substantively become part of the coordination mechanism between transportation plans and local unit land use development plans.

4. Siting of State Facilities - Because siting of state and state supported facilities has historically been outside the decision making and planning authorities of local units and yet have a significant impact on them (prisons, airports, harbors), it is important that there be a process for notification of and participation by the local planning commissions and elected officials when new state facilities are proposed. This will permit local governments to incorporate proposed facilities within their planning and growth management processes and to minimize the adverse impacts of the facilities.

5. Oil and Gas Development - The Supervisor of Wells, MDEQ, should develop a process to notify and consult with affected local units of government on the establishment of oil and gas wells and of new production and processing facilities as soon as an application is received by the MDNR in order to allow the local unit of government to have input into minimizing the adverse impacts of such development.

6. Facilities on Private Land - Where the Legislature has specifically exempted the siting and regulation of certain facilities from local land use decision makers (e.g., day care facilities, adult foster care, high voltage power lines, etc.), the state licensing body for such a facility should notify and request participation by the local unit of government before a license or other approval is granted where such notification and participation are not in violation of federal law.

E. PERMIT FEES

The Legislature should pass a land and water management permit fee for the Wetland Protection Act to close the existing gap which allows applicants to propose alterations to sensitive wetland resources for a fee of only \$25.00. Permit fees should bear a reasonable relationship to the administrative costs of processing the application for the permits.

F. TRAINING AND CERTIFICATION OF PLANNING AND ZONING OFFICIALS

The Legislature should provide the initial funding for curriculum development and a basic delivery system for an educational and certification program for local planning and zoning officials.

The Task Force recommends that the organizations which have established on-going training programs for local officials related to land use planning and regulation enforcement, further coordinate their education programs related to land use issues to avoid duplication and ensure that all subject areas are adequately addressed.

The Task Force encourages local governments to require planning commissioners to participate in training classes on an on-going basis, as a condition for re-appointment upon concluding a term of office. Local governments should identify the training

deficiencies of the various bodies and officials who participate in land use decisions, and annually develop a plan to address the identified deficiencies.

III. INTER-GOVERNMENTAL COOPERATION AND INTEGRATION

A. ISSUES OF GREATER THAN LOCAL CONCERN

To provide better coordination among the 1,800 or so local governments that potentially could exercise authority over land uses, the Task Force recommends that the zoning enabling acts be amended to provide for notification of potentially affected jurisdictions of projects that have greater than local impact. These other local governments should be provided, upon request, a copy of the proposal and supporting documents that have been submitted. Affected local governments would have 30 days to review the plans and present, at a public hearing, any concerns related to the development. The local government in which the development is located would be required to address these concerns as findings of fact prior to acting on the proposed development.

Criteria would need to be established in law to identify projects that have potential impacts on other jurisdictions. Such criteria should include size of project as defined by the size of land involved, cost, and proximity to common jurisdictional boundaries. Proposed developments that will result in substantial increase in traffic, surface water runoff, or for which the proposed zoning differs from the zoning classifications of adjacent parcels located in other jurisdictions should also be included in the criteria.

B. INTER-JURISDICTIONAL COOPERATION

Adjacent local units of government as well as other public entities within a recognized watershed should be encouraged to take advantage of mutually beneficial agreements for enhancing the environmental and economical consequences of development. Special agreements should be permitted which would combine several growth management tools such as purchase or transfer of development rights, special land use and/or planned unit development provisions of the zoning enabling acts and/or tax base sharing to set forth a plan based on a rational schedule of infrastructure and public service extensions while maintaining the individual unit's separateness.

C. WATERSHED MANAGEMENT

1. Watershed Systems Education - Education of professionals who make land use decisions should take place through their respective associations and as part of certification or licensing examinations. The programs should provide basic understanding of watershed systems and focus on how land use planning, zoning, resource protection, and site design considerations fit into watershed management, as well as the tools and techniques available to prevent or mitigate negative impacts.

2. Institute Watershed Planning - Use of MDEQ stormwater permitting authority is recommended in situations where it can foster and complement locally-controlled, community-based initiatives, or where local initiatives are needed but cannot be achieved.

3. Watershed Assessments and New Cost Sharing - Mechanisms should be developed that will allow the cost of watershed planning, management and the procurement of critical protection areas to be distributed among the communities within the watershed. For example, purchases of development rights (PDR's) and transfers of development rights (TDR's) could be set up on a watershed basis. A community that protects from developing critical riparian wetlands should receive some economic benefits from the communities downstream that will have reduced flooding and improved water quality.

4. Legislative Enabling Authority for Watershed Planning and Management - It is recommended that the Michigan Association of County Drain Commissioners' Statute Review Committee work with all concerned parties, including MDNR, MDEQ, watershed councils and other stakeholders, so that consensus may be reached on a politically acceptable, flexible, and broadly applicable chapter within the Michigan Drain Code that can serve as enabling legislation for more effective watershed management in Michigan.

5. Economic Incentives for Watershed Planning and Management - It is recommended that local governments' participation in a watershed management initiative be a prerequisite to awarding of grants that have land use ramifications. Linking grant programs to participation in watershed planning would provide a strong incentive for local initiation of watershed plans and protection strategies, and participation in their implementation.

State-administered financial assistance programs should ensure that aid is awarded consistent with local watershed plans. For example, state funding to assist local governments with the purchase of open-space recreational lands should be awarded based in part on the importance of the proposed site to its watershed. Priority should be given to sites that serve critical functions within the river system. Road improvement and community development funds should be directed away from areas where more intense development would be particularly deleterious. State-initiated projects and activities (construction of facilities, acquisition of lands, issuance of permits, etc.) also should be assessed from a watershed perspective. To achieve this watershed-based coordination of state programs and activities, an avenue that should be explored is a "State Watershed Coordination Act," requiring that all relevant state activities and award of funding be evaluated for watershed impacts and be undertaken consistent with existing watershed plans and perspectives and be undertaken consistent with existing plans.

6. Stormwater Permitting Authority - It is recommended that locally administered stormwater management standards and review procedures be developed and applied to all categories of land use. Such standards must go beyond flood control considerations to address both quality and quantity management. This recommendation could be implemented by amendment to the Michigan Drain Code, PA 40 of 1956.

D. STATE AGENCY COORDINATION

1. Overall State Land Use Policy - The state should have an overall land use policy mission that expresses strong commitment to integrated planning and growth, which protects the functioning of ecosystems and is focused on the development of sustainable communities. This mission and goals statement then would be used by all agencies and units of government as they develop their strategies for managed growth within their areas of jurisdiction. The Task Force recommends adoption of the Mission and Goals Statement in the introduction of this report.

2. Consistency with Multiple State Agencies - An interagency coordinating committee should be established (1) to provide a mechanism for coordinating individual agency land use policy and decision making; (2) to insure that each agency's policy is consistent with the state mission and goals; and (3) to insure a timely response to projects that require this coordination.

3. Coordination of Economic and Technical Assistance - State government should coordinate activities between and within departments to maximize the effectiveness of state resources; to protect natural and cultural resources and the economic viability of the state, and to assure an efficient and timely decision-making process.

IV. **URBAN REVITALIZATION/RURAL PRESERVATION**

A. TAXES AND SUBSIDIES

Many current taxes and subsidies encourage "greenfield" development instead of the redevelopment of our communities. Changes to our taxing and subsidy policies and laws must be made to increase the economic attractiveness for redevelopment while discouraging increased greenfield development.

Suburbs and urban centers are competing for the same resources. There is an over-allocation of land for industrial/commercial uses, which is not justified by the population levels in those areas. Moreover, the farmer bears much of the cost, losing prime agricultural land to sprawling, inefficient development. It is perceived by some to be more economical to redevelop urban areas. Sprawl wastes capital, from the cost of delivering mail to the cost of utilities in outlying areas. A study is needed that:

- Outlines the cost/benefit analysis for sprawl;
- Attaches a financial value to green space;
- Examines the disconnection between what people think they value and what they will pay for it;
- Analyzes the psychological effects and costs of abandoned urban cores on the productivity and quality of life of urban residents; and
- Investigates the establishment of an integrated regional governance support system for land use planning and decisions.

B. GRANT MAKING FOCUS CHANGES

Where possible, entities which agree to participate in community redevelopment and inter-jurisdictional planning should receive higher priority consideration for state and federal economic development grants and low interest loans.

C. COOPERATION WITH LENDING INSTITUTIONS

Common strategies for urban revitalization must be developed cooperatively between the urban governmental body, business and industry and the lending institutions to determine the need for new policy, legislation and integrated planning and zoning. The Economic and Environmental Roundtable may be the forum that could facilitate this discussion.

D. ENVIRONMENTAL REGULATION CHANGES

Changes in regulation must encourage redevelopment while insuring that urban environments are enhanced and not further degraded. Consistent enforcement can insure that voluntary compliance is more attractive than regulatory enforcement.

E. CONFLICT RESOLUTION FORUM AS ALTERNATIVE TO THE COURTS

The Task Force recommends the establishment of alternative resolution mechanisms for settlement of land use decision controversies.

V. DATA COLLECTION AND DISSEMINATION

A. GEOGRAPHIC INFORMATION SYSTEMS ACT

The Legislature should pass enabling legislation that allows counties and/or municipalities to develop their own Geographic Information Systems (GIS) capabilities. The legislation should include reference to statewide coordination in establishing and maintaining GIS data standards. It should encourage consortia to pursue GIS activities and provide matching funding on a limited basis.

Legislation should be passed that will establish and maintain standards for data encoding, archiving, conversion and compatibility with GIS operations at the local, state and federal levels. An appropriate funding mechanism must be developed to insure the on-going operation of this coordination and local access to GIS information.

B. GIS DATA DEVELOPMENT

1. Official Map Act - Enabling legislation of a Uniform Digital Map Act would provide for creating and maintaining necessary data layers to support integrated land use planning using GIS. The data layers to support integrated land use planning and management could include, but are not limited to: (1) base map; (2) parcels; (3) drains; (4) wetlands; (5) land use/cover; (6) soils; (7) demographic data; (8) public lands; (9) water supply; (10) watersheds; and (11) floodplain. GIS data layers could be developed to manage integrated land use planning tools with layers including, but not limited to: (12) public facilities plans; (13) zoning; (14) regions, districts and precincts; (15) master plans; and (16) PDR, TDR and set asides monitoring. Funding for portions of the uniform mapping could come from existing mapping initiatives at the local, state and federal levels; from matching grants; and from permit application fees.

2. Support for P.A. 204 of 1979 Michigan Resources Inventory - Continuing state budget support for developing GIS data layers should be provided under Public Act 20 of 1979 and some entity should be designated to coordinate and monitor this program.

3. GIS Data Sharing - Agencies of local and state government should share digital data for purposes of integrated land use planning and management. Funding should come from existing programs, cooperative ventures with federal agencies, cost sharing with local agencies, and new funding.

4. GIS Education - Four components of formal GIS education are recommended. One program will train GIS technicians at the community college level. Another would train local officials at community colleges and extension service locations. A third and fourth would train GIS project managers and administrators, respectively, at the master's degree level at a state university or consortium of universities. Four year degree institutions of higher education should strengthen their GIS based curriculum. These programs are recommended for funding by the state because of the increasing shortage of qualified GIS personnel.

VI. LEADERSHIP AND POLITICAL WILL

For efforts to be successful, the leaders of government at all levels must express their commitment to the issues and agree to endorse integrated land use planning. At the very least, leaders must set forth an integrated land use vision that citizens of the state can use as a framework for the specific visions of their communities which can be supported by clear strategies for implementation.

The MSPO's *Michigan Trend Future Report* (1995) sums up the choices we have and the Integrated Land Use Task Force members agree that:

"The good news, however, is that we can change. Land use is not an immutable natural law. The current reality is the result of human attitudes, practices, and institutions that can be altered. We must begin by accepting responsibility for the land use pattern that has developed and imagining how different things could be. We must work together to find consensus on a land use pattern that leads to a prosperous and sustainable future for all, a consensus that preserves individual choice while protecting the communal interests of present and future generations. We must begin today or risk discovering in ten years that the consequences of past decisions are unacceptable or unalterable."

We have the knowledge and the ability to make the changes, to set a new future for Michigan. The number of futures available to us is infinite. We should not accept the future we see based on our current trends. It is wrought with economic disaster and environmental degradation. We must demonstrate the leadership and political will to set a new course toward an economic and environmentally sustainable future.

INTEGRATED LAND USE TASK FORCE

BACKGROUND INFORMATION AND RECOMMENDATIONS

INTEGRATED LAND USE TASK FORCE REPORT

BACKGROUND INFORMATION AND RECOMMENDATIONS

I. PLANNING AND ZONING LAWS

Since the passage of the City or Village Zoning Act, Public Act 207 of 1921, Michigan has enacted over 70 pieces of legislation that directly influence how our land resource is used and changed. Michigan has more local governments potentially exercising land use planning and regulatory authority than almost any other state. In 1995 this total was over 1800. The simple combination of the number of laws and the number of entities that use them, has made integrated land use planning and decision making an incredible challenge for a state that relies most heavily on its natural resource base for economic enhancement and stability. Appendix B lists the laws, a short description, identifies who approves, who implements and what level of coordination is required or suggested (this list was prepared by the MSPO as part of the *Michigan Trend Future Report* (1995) and is reprinted with their permission).

The following recommendations are designed to maintain local control and to enhance and encourage cooperative planning and decision making within local governmental boundaries as well as with other related entities up to and including the federal level.

A. REQUIRE COMPREHENSIVE PLAN APPROVAL AND ADHERENCE BY THE MUNICIPAL LEGISLATIVE BODY

INTRODUCTION

Under present law, the Township Rural Zoning Act requires that a zoning ordinance merely be based upon a plan, but that the plan need not be the master plan or comprehensive plan approved by the local unit's planning commission (MCL 125.273). Michigan case law has held that the necessary "plan" may be simply the zoning map itself. It is also clear that the comprehensive or master plan need not be approved by the legislative body, but only by the planning commission (*George v Harrison Township*, 44 Mich. App 357, 205 NW2d 254, 1973).

The foregoing scheme of regulation unnecessarily inhibits coordination between planning and zoning at the local level. The planning commission may engage in substantial planning activities, but its plan need not be approved by the municipal legislative body. The municipal legislative body may, in turn, simply ignore the planning commission's master plan, and create its own plan in the adoption of a zoning ordinance.

RECOMMENDATION

1. Every unit of government in Michigan should be required to have a master plan, since a master plan ultimately gives the local legislative body responsibility for the plan and provides the base support for their decisions. All three of Michigan's zoning enabling acts as well as other statutes related to land use decisions should be amended to require that local land use decisions be based upon a single master or comprehensive plan which has been prepared by a local planning commission and formally adopted by the local legislative body. Ultimately, all land use related plans for a local community (parks and recreation, sewer and water, downtown development, tax increment financing, transportation, etc.) should be integrated and consistent with the master plan.

Depending on factors such as population density, growth characteristics, economic trends and the presence of fragile ecosystems, Michigan's communities will require varying degrees of complexity and sophistication in their master plans. To require communities to maintain master plans will also necessitate developing standards upon which compliance can be measured. These standards should be sufficiently flexible so that the plans have value to a community, yet not so onerous that compliance creates a financial hardship or forces communities to abandon their land use regulations.

2. The phrase "master plan" should be consistently defined in all land use statutes and include the requirement for periodic review and/or updating of the plan by the local legislative body.

SPECIAL CONCERN ISSUES

For required planning to be effective and part of integrated planning, basic standards and criteria must be developed which can be applicable for varying sizes of communities in all parts of the state. Some entity must establish these standards and gain the support of the local units who will use them.

The development of master plans also requires the use of professional planners; an expense that smaller and rural communities may neither have access to nor the funds for hire. Many communities have volunteer boards and commissions who will need technical expertise and support throughout the development and implementation process. It is important that higher levels of government be available to coordinate and assist this process and that funding from the state level be available to those who need it. This might be an area where incentive funding could be very effective in stimulating integrated planning. Communities could be eligible for increased funding when they show cooperative arrangements for master plan development among several governmental entities (e.g., three townships and their county, or adjacent counties using the same planner).

In counties where there is either no planning and/or zoning or there are several communities without planning and/or zoning, the county should take the lead in bringing the

units of government together to assist with the development of master plans, finding and utilizing outside resources when necessary, and facilitating integration of individual plans.

B. REFERENDUM ON ZONING

INTRODUCTION

The Township Rural Zoning Act, Act 184 of the Public Acts of 1943, contains a provision allowing a voter referendum on the adoption and amendment of the zoning ordinance (see MCL 125.282 and 125.284). That procedure provides that, within 30 days after passage of the zoning ordinance or amendment, there may be filed a referendum petition containing a number of signatures equal to at least 8 percent of the total votes cast for all candidates for Governor in the last preceding gubernatorial election. If such a petition is filed, an election must be held on the proposed ordinance or amendment, and the majority vote in that election determines whether the ordinance or amendment will be ultimately adopted.

A similar provision for referendum on zoning ordinances is not contained in the City and Village Zoning Act, Act 207 of the Public Acts of 1921, although some city charters do impose referendum opportunities on all municipal ordinances. A similar referendum provision is contained in the County Rural Zoning Enabling Act, Act 183 of the Public Acts of 1943, but the petition in the case of counties requires a number of signatures equal to at least 15 percent of the total vote cast for all candidates for governor in the unincorporated portions of the county (MCL 125.212 and 125.214).

These zoning referendum provisions have been a source of substantial litigation over the years. Recently, in *Poirier v Grand Blanc Township*, 167 Mich. App 770, 423 NW2d 351 (1988), lv den, 431 Mich. 911 (1988), a substantial damages judgment was awarded against a township as a result of a referendum election that overturned a township board decision to rezone a parcel for mobile home park use.

Although there may be a limited place for a referendum requirement, particularly with regard to the initial adoption of the zoning ordinance, this process has questionable merit regarding rezoning of individual parcels, and essentially reduces those decisions to "popularity contests." Electoral decisions on land use issues will not generally be guided by planning considerations, and (as the Poirier case demonstrates) will often run afoul of constitutional principles as well.

RECOMMENDATION

The referendum provisions in the Township Rural Zoning Act and the County Rural Zoning Act should be amended so that the number of signatures required under both Acts to call a reference election would be increased to 25 percent of the registered voters in the last gubernatorial election. This would be consistent with the procedures for recall of local officials.

C. CODIFICATION OF PLANNING AND ZONING LAWS

The following three groupings of laws should be codified and further changed to encompass a clear and consistent expression of "legislative intent" for environmental protection.

1. Planning Acts - There are several inconsistencies within the various acts that should be looked at and addressed: (1) for plans to be truly effective, there is a need for periodic updating; (2) the definition of "master plan" should be consistent within the acts; and (3) the authority of each level of government should be consistent.

RECOMMENDATION

Concurrent with the codification process, the four local planning enabling acts should establish consistent authority for all decision making entities and provide comparable procedures and timetables. These should also be coordinated with planning authority exercised by state agencies that have programs and projects impacting land use decisions.

2. Economic Development Statutes - Seven of the existing twelve statutes are based on the same model but have slight differences:

- Urban Redevelopment Corporation Law, P.A. 250 of 1941
- Blighted Area Rehabilitation Act, P.A. 344 of 1945
- Neighborhood Area Improvement Act, P.A. 208 of 1949
- Economic Development Corporation Act, P.A. 338 of 1974
- Downtown Development Authority Act, P.A. 197 of 1975
- Tax Increment Finance Authority Act, P.A. 450 of 1980
- Local Development Financing Act, P.A. 281 of 1986

These should be amended to clearly define the master plan, who approves it, the role of the planning commission, and list minimum requirements for what must be included in a master plan. Since several of the economic development statutes do not require plans to be prepared by or with the involvement of a planning commission, activity in this arena can easily be at cross purposes with a community's master plan.

One of the apparent reasons for the duplication in these seven laws is the assumption that they do what was intended by the legislature and that what worked once, will work again. However, none of the laws has been evaluated for effectiveness. The codification process is a good time to have this accomplished and to determine if changes other than those recommended by this Task Force could improve our economic development management.

RECOMMENDATION

The twelve Economic Development Acts should be refined in a way that encourages integrated land use planning and decision making and specifically addresses environmental and historical resources protection while economic development objectives are being met.

During the codification and revision process, the effectiveness of these laws should be evaluated to insure a comprehensive and coordinated approach to economic development and redevelopment. An additional requirement within these acts should be the approval of the plans by the local planning commission.

3. Zoning Acts - The authority for and support of local zoning is widely recognized in state statutes. The amendments that were enacted in 1978 clarified many of the inconsistencies within these acts. The remaining ones do cause confusion and should be addressed. The major need is to clarify the direct relationship of zoning to planning.

RECOMMENDATION

Concurrent with codification, the zoning acts should be amended to provide consistency of board composition, authorities, and procedures of the various local units of government. The requirement for local zoning consistent with an adopted local comprehensive plan should be clearly stated.

D. GROWTH MANAGEMENT TOOLS

Michigan's four planning enabling statutes were enacted in 1931, 1945 and 1959 and have not been substantially amended since. Similarly, the zoning enabling acts date back to 1921 and 1943 and have only been significantly modified in 1978 to authorize consideration of natural resources and use of site plan reviews, special land uses and planned unit developments. These statutes don't authorize such modern growth management techniques as TDR's and PDR's, official maps, concurrency of development with infrastructure, urban and general services districts, and development agreements. In addition, there is no mechanism in Michigan to require consideration of the impacts of large-scale development projects beyond the borders of the local unit where the project is located.

The House Republican Policy Committee established a Task Force on Land Use in 1993 to create an overall guideline for the orderly development of Michigan's land resources. The Task Force conducted a series of eight public hearings throughout Michigan which were attended by over 200 individuals. Participants included local officials, local residents, business owners, farmers and commercial loggers. The Task Force heard testimony regarding the problems local officials face in managing new development as well as concerns regarding wetlands, the Michigan Drain Code and farmland preservation. As a

result, a package of seven bills was introduced in April 1994 which would authorize the growth management techniques listed above and reform the standards for special assessment districts (see Fisher, *Proposed Growth Management Legislation for Michigan*, Planning and Zoning News, June 1990, p 5 for additional information). An eighth bill, which proposes significant revision of the Subdivision Control Act, is discussed separately. This package of bills was re-introduced on January 17, 1995, by Representatives Bobier and Middleton. The Task Force commends the House Republican Task Force on Land Use for taking the lead in proposing meaningful changes to Michigan's land use statutes.

RECOMMENDATION

The Legislature should specifically authorize the following growth management tools as proposed by the House Republican Task Force for use by local units of government. All are currently authorized in many other states:

1. Purchase of Development Rights - compensates the landowner for the value of development rights in exchange for maintaining the property at a desired use and density;
2. Transfer of Development Rights - voluntary sale of the zoned density designations. Allows a property owner to be compensated for the transfer of a portion of the development capacity of a parcel he or she owns to another parcel owned by another individual;
3. Urban and General Service Districts - phases or limits the provision of urban services according to a "master" or "comprehensive" plan;
4. Concurrence of Services and Facilities - a requirement that adequate infrastructure be provided simultaneously as development proceeds;
5. Development Agreements - contract arrangement between a community and a developer or property owner which describes the land, the regulations and conditions to which development of the property will be subject;
6. Special Assessment Districts - though authorized for other purposes in several existing statutes, these could be used to fund implementation of watershed based programs such as aquifer recharge protection, stormwater management, and consultations for projects with potential for impact to other communities; and
7. Review of Developments with Regional Impact - a process of regional coordination which maintains local authority over future development decisions, but provides a key role for abutting jurisdictions and other authorities in reviewing the regional impacts of projects and negotiating the outcomes before final development approval is given.

In addition to the above legislative changes, the Task Force recommends:

Authorization for Impact Fees - authorization for local units of government to charge impact fees to cover the cost of infrastructure that is directly related to new or expanded development projects.

II. CHANGES TO CURRENT LAND USE LAWS AND POLICY

A. MICHIGAN DRAIN CODE

INTRODUCTION

In 1979, the Michigan Department of Agriculture (MDA) formed the Task Force on Drains to review and up date the Michigan Drain Code, Public Act 40 of 1956. Though total accord was not achieved, there was general agreement that drainage should be viewed in the context of comprehensive land use planning. Since that time the roles and responsibilities of drain commissioners have expanded into programs such as watershed management, remedial action plans, and federal stormwater quality permit programs. It is most important that drain commissioners have the tools and knowledge to act as water resource managers and to be able to provide drainage and stormwater management in ways that protect the natural resources and habitat values of our waterways while serving the health, convenience and welfare of the citizens of Michigan.

The Natural Resource Management Environmental Code Commission identified several major weaknesses in the current Drain Code and recommended the appointment of "a new Drain Code Task Force in 1994 to continue discussions and develop legislative recommendations to amend the Drain Code of 1956" (report of the NRMECC, pg. C-1 of the Appendix, April 1994).

The Michigan Association of County Drain Commissioners (MACDC) subsequently directed the formation of the MACDC Statute Review Committee to review the Code and to make recommendations for changes. This review process is underway utilizing input from a statewide series of public hearings as well as the work of the two previous Task Forces.

RECOMMENDATION

Revise the Drain Code to assign drain commissioners responsibility for developing and promulgating rules for stormwater management for all development as they currently do for subdivisions under Act 288. Require drain commissioners to review stormwater impacts of all new development.

Enhance the Drain Code as a tool to undertake proactive comprehensive stormwater management master planning at the watershed level prior to development and, in addition, to manage impacts of existing development.

Authority to establish districts for watershed planning should be more explicitly stated and consideration should be given for specific language in the Code that clearly identifies watershed planning and implementation activities as legitimate functions of a Drain Commissioner under the Code.

Amendments to the Drain Code of 1956 should identify environmental protection as an authorized purpose of the Drain Code and require that all drainage projects be evaluated for their environmental impacts. The Drain Code should be clarified so that mitigation of adverse environmental impacts related to drainage projects can be funded under the Code. New resources will be needed to supplement funding of environmental enhancement components of drain projects so that costs are spread equitably to the benefiting population.

Revisions to the Drain Code should allow counties to link stormwater management and soil erosion permitting activities at the county level.

B. SUBDIVISION CONTROL ACT/SITE CONDOS

INTRODUCTION

The Subdivision Control Act, Public Act 288 of 1967, (SCA) was enacted to provide governmental oversight of the division of land to provide some measure of consumer protection to the purchasers of subdivision lots. The SCA authorized local units and state departments to review subdivision plats to ensure that such issues as drainage, road access, sewage disposal and flooding are addressed by the plat proprietor.

Several significant criticisms have been levied against the SCA and its administration over the past few years. From the developer's perspective, the plat approval process is exceedingly slow. The sequential reviews by each authorized agency often result in the platting process taking from one to two years to complete. Recent attention has focused on the effect of the SCA's exemptions (fewer than five splits in a ten year period and all parcels larger than ten acres) encouraging creation of 10.1 acre "ribbon parcels" that is contributing so much to the fragmentation of northern Michigan and the loss of prime farm land and forest land (see Norgaard, *Subdivision Control Act Causes 10+ Acre Land Divisions*, Planning and Zoning News, March 1994, p 5). This fragmentation of the landscape has significant ecological implications for wildlife and plant species, and discourages the efficient use of our land resources. The Michigan Farmland and Agriculture Development Task Force highlighted the impact of the SCA's exemptions on accelerating loss of prime farm land in its December 1994 report to Governor Engler.

Another recent concern has been the advent of the "site condo" form of development which some developers use as a technique to avoid the SCA's platting process. A site condominium project is a cross between a conventional subdivision and a condominium project where a purchaser buys a "building envelope" to construct a home in, but the

remaining land within the project is held in common by the condo association. Advantages to the developer are primarily time savings because site condo projects are governed by the Condominium Act, MCL §599.101 *et. seq.* rather than the SCA (see *Site Condominiums: Fast Homes for a Price*, 6 Thomas M. Cooley L. Rev, 511, 1989).

The House Republican Task Force Report on Land Use recommended a complete revision of the Subdivision Control Act. On April 26, 1994, then Representative Leon Stille introduced House Bill 5499; an extensive set of amendments to the SCA based primarily on the previous legislation that passed the House in 1987, but died in the Senate. This legislation has been re-introduced by Senator Stille as Senate Bill 112 and by Representatives Bobier and Middleton as House Bill 4169.

RECOMMENDATION

The Task Force supports comprehensive revision of the Subdivision Control Act to expedite the platting process and narrow the current exemptions which are contributing to suburban sprawl and fragmentation of prime farm and forest land.

The Task Force also recommends that the issue of site condominiums be addressed by the Legislature to subject this form of development to the same degree of scrutiny as afforded by the Subdivision Control Act.

C. FARM AND FOREST ROADS

INTRODUCTION

Section 2 (Part 303) of the Wetland Protection Act, 1994 PA 451, as amended states: "*The following uses shall be allowed in a wetland without a permit subject to other laws of this state and the owner's regulation:...*

...(j) construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse impact on the wetland will be otherwise minimized."

This legislative language was intended to apply only to commercial forestry activities such as logging, skidding and silviculture. Unfortunately, some individuals and developers asserted that the exemption applies to any road that goes to or through a forest or that it includes casual planting or cutting of trees for non-commercial purposes. These "forest roads" have been constructed, especially in the northern portion of the lower peninsula, to provide access through wetlands to construct cabins, homes and subdivisions.

RECOMMENDATION

The MDEQ should issue either an interpretive statement or a promulgated rule amendment to the existing wetland administrative rules to clarify what the terms "forest, farm and

temporary roads" mean and specify which construction activities are exempt from regulation.

D. CORRECTING CERTAIN EXCLUSIONS FROM PLANNING PROCESS

INTRODUCTION

Integrated planning and decision making are dependent upon the consolidation of all plans and proposals that have an impact on land use. There are currently numerous types of projects that have been excluded from the local governmental planning process. If communities are to manage their growth and plan adequately for their futures, they must have access to the plans and projections of other entities and must have a meaningful role in discussions before final decisions are made by the entity charged with the authority for siting and/or development of such facilities.

Many of these entities have a long history of operating in virtual autonomy and may resent having to involve the local community especially with facilities that often invoke negative reactions from neighbors. However, if we are committed to integrated planning, the local community must be able to know of and incorporate these facilities into their future plans. This important since these facilities will have an impact on the services a community must provide for its citizens and the quality of life within that community.

1. School Districts - The Task Force believes that there are complex dynamics at play between the development of new school buildings and development pressures. New school buildings can act as a catalyst for additional residential development, which causes the district to quickly re-experience the same overcrowded conditions that new facilities were intending to correct. The additional residential development also impacts on the ability of other governmental entities to provide services.

The Planning Enabling Acts require that, prior to construction of all public buildings - presumably school buildings as well - the local planning commission is to approve the location, character and extent of the public building. A majority of the school board, however, can overrule the decision of the planning commission.

RECOMMENDATION

The Department of Education should require documentation from the local planning commission that the school district has complied with the Planning Enabling Act regarding the location, character and extent of any new school facilities. In addition, the requirement for conformance with site plan review of all school facilities by the local unit of government with zoning authority should be restored. If the school board and the planning commission cannot agree, the statute should require mediation, fact finding or binding arbitration to resolve the issue.

The Task Force also recommends that responsibility for school facility site plan review be returned by statute to local jurisdictions, who can best assess the compatibility of site plans with neighboring properties and determine the community health and safety implications resulting from new facilities.

ADDITIONAL RECOMMENDATIONS

Mobile Home Commission Act - Required site plan review by the local unit of government in which a mobile home park is proposed to be located should be restored in addition to the review done by the Mobile Home Commission. This review must consider avoidance of exclusionary practices while looking at the total impact of this type of development on a community's infrastructure and abutting development.

Road Commission Act, PA 51 of 1951 - The infrastructure decisions of the MDOT and the county road commissions must procedurally and substantively become part of the coordination mechanism between transportation implementation decisions and local unit land use and development plans.

Siting of State Facilities - Because siting of state and state supported facilities has historically been outside the decision making and planning authorities of local units and yet have a significant impact on them (prisons, airports, harbors), it is important that there be a process for notification of and participation by the local planning commissions and elected officials when new state facilities are proposed. This will permit local governments to incorporate proposed facilities within their planning and growth management processes and to minimize the adverse impacts of the facilities.

Oil and Gas Development - The Supervisor of Wells, MDEQ, should develop a process to notify and consult with affected local units of government on the establishment of oil and gas wells and of new production and processing facilities as soon as an application is received by the MDEQ in order to allow the local unit of government to have input into minimizing the adverse impacts of such development.

Facilities on Private Land - Where the Legislature has specifically exempted the siting and regulation of certain facilities from local land use decision makers (e.g. day care facilities, adult foster care, high voltage power lines, etc.), the state licensing body for such a facility should notify and request participation by the local unit of government before a license or other approval is granted where such notification and participation are not in violation of federal law.

E.

PERMIT FEES

INTRODUCTION

An increasing trend in government is to require those private entities and public agencies that propose to impact the environment to pay for the cost of protecting our air, water and land resources. In September 1993, the Michigan Legislature passed a series of bills which substantially increased application fees for six land/water interface, public trust and habitat protection regulatory programs. The application fees range from \$50.00 to \$2,000.00 depending on the scale of the project. Of the original fee package, only the proposed increase for wetland applications was not enacted. During the first year of implementing the fee package, nearly \$1 million was collected from 7,900 permit applications. If the wetland permit application fees had been in place, an additional \$475,000.00 would have been collected. This permit fee revenue enabled the MDEQ to hire 19 new staff to expedite permit processing, reduce backlogs and improve enforcement of the regulatory programs.

RECOMMENDATION

The Legislature should pass a land and water management permit fee for the Wetland Protection Act to close the existing gap which allows applicants to propose alterations to sensitive wetland resources for a fee of only \$25.00. Permit fees should bear a reasonable relationship to the administrative costs of processing applications for permits.

F. TRAINING AND CERTIFICATION OF PLANNING AND ZONING OFFICIALS

INTRODUCTION

Eligibility to serve on a planning commission, zoning board or zoning board of appeals requires no prior training or experience. This is also true of elected officials and appointed zoning administrators. However, these local officials must understand and develop complex public policy related to environmental protection, public finance, infrastructure, land use goals, transportation, public health, economic development, local industries and demographics. They are expected to understand and comply with complex statutes, case law and attorney general opinions. Zoning administrators, in particular, must be well-trained in land use practices, the law, and regulation enforcement. Their decisions, particularly the granting of construction permits, can have a profound impact on the local government and citizens. There are no qualifications required to be appointed to these positions. Consequently, the Task Force strongly recommends that zoning administrators be better trained.

While planning and zoning officials can bring a wealth of intelligence and "common sense" to land use decisions, the lack of formal training can result in decisions that have unintended adverse consequences. Failure to stay abreast of evolving case law in areas as complex as "takings" can result in decisions that expose the governmental unit to

expensive litigation. Misunderstanding of the law can also render local land use officials unnecessarily timid in exercising statutory authority to protect the general health, safety and welfare.

It is frequently difficult to find individuals willing to serve on a planning commission or a zoning board of appeals, as they require considerable time and effort. These boards and commissions are frequently the arbiters of divisive, unpleasant controversies. Mandating training, particularly imposing a continuing education requirement, may further diminish the pool of persons willing to serve on these boards. However, there are individuals who may be more willing to serve knowing that they will have adequate training.

If the training is tied to a certification process, there are concerns as to who will pay for the training. Small units of government may not have the funding available but they too must consider the potential costs of litigation for the decisions they may make. The barriers to further improving continuing education for local land use officials are the time required, the distances to be traveled to training sites, and cost and the considerable turnover of planning commission and zoning board of appeals appointments.

While certification could be voluntary, the availability of a certificate attesting to demonstrated competency in land use management would be a strong incentive for appointed officials to make a more concerted effort to attend basic training programs and participate in continuing education opportunities. It would foster better understanding of state and federal laws regarding land use management, and greater knowledge of land use tools available for planners to adopt better plans to foster more livable communities. Existing certification programs for municipal clerks and treasurers and school board members have proven the value of a certificate as an incentive to participate in education programs.

The state of Michigan could encourage a certification program for local lay planners which provides decentralized opportunities to attend classes, specifically by offering classes in each county. Telecommunications facilities of the Cooperative Extension Service should be utilized to deliver a standardized curriculum throughout the state to each county.

RECOMMENDATION

The Legislature should provide the initial funding for curriculum development and a basic delivery system for an educational and certification program for local planning and zoning officials.

The Task Force recommends that the organizations which have established on-going training programs for local officials related to land use planning and regulation enforcement further coordinate their education programs related to land use issues to avoid duplication and ensure that all subject areas are adequately addressed.

The Task Force encourages local governments to require planning commissioners to participate in training classes on an on-going basis, as a condition for re-appointment. Local governments should identify the training deficiencies of the various bodies and officials who participate in land use decisions, and annually develop a plan to address these identified deficiencies.

III. INTER-GOVERNMENTAL COOPERATION AND INTEGRATION

A. ISSUES OF GREATER THAN LOCAL CONTROL

INTRODUCTION

The vast majority of land use decisions facing local government officials such as rezoning, site plan review, special use permits and variances, have little or no impact on properties outside the immediate vicinity of the particular parcel in question. Where decisions have no impact beyond the jurisdiction charged with making the decision, the mechanism for notice and hearings currently provided for in law appears to be sufficient.

However, occasionally land use decisions impact on neighboring jurisdictions or a larger regional area. To provide coordination of land use decisions and to identify and address such multi-jurisdictional impacts, the Township Rural Zoning Act requires townships to submit rezoning requests to a county planning commission or zoning coordinating council prior to taking final action. The county's review and comments are advisory only. No similar requirement is imposed on cities and villages by the Municipal Planning Act. Unfortunately, most county planning agencies do not have the time or resources to thoroughly review and comment on the large volume of rezoning requests which they receive.

Local governments are not required to notify neighboring jurisdictions of any pending land use decisions, including those which could have multi-jurisdictional impacts. Examples of multi-jurisdictional impacts include potential surface water runoff, groundwater contamination, increased traffic congestion, incompatibility with existing land uses or future land uses designated in a master plan, air pollution, loss of open space, and economic impact on existing commercial enterprises. Only property owners within 300 feet of the parcel(s) in question receive direct notification; all other parties are notified by publication of a notice in a newspaper, as required by all of the zoning enabling acts.

RECOMMENDATION

To provide better coordination among the 1,800 or so local governments that potentially could exercise authority over land uses, the Task Force recommends that the zoning enabling acts be amended to provide for notification of potentially affected jurisdictions of projects that have greater than local impact. These other local governments should be provided, upon request, a copy of the proposal and supporting documents that have been

submitted. Affected local governments would have 30 days to review the plans, and present at a public hearing any concerns related to the development. The local government in which the development is located would be required to address these concerns as findings of fact prior to acting on the proposed development.

Criteria need to be established in law to identify projects that have potential impacts on other jurisdictions. Such criteria should include size of project as defined by the size of land involved, cost, and proximity to common jurisdictional boundaries. Proposed developments that will result in substantial increase in traffic, surface water runoff, or for which the proposed zoning differs from the zoning classifications of adjacent parcels located in other jurisdictions should also be included in the criteria.

B. INTER-JURISDICTIONAL COOPERATION

INTRODUCTION

The Task Force recognizes that the inter-jurisdictional impacts to surface water and ground water can be particularly critical from large scale projects, and a mechanism needs to be developed that allows these issues to be addressed. As these impacts could often be best addressed on a watershed basis, the Task Force recommends amending state law to allow local governments located within a recognized watershed to approve, by a two-thirds affirmative vote of the local governments, giving a watershed council the authority to develop a watershed management plan. Upon the adoption of the plan by two-thirds of the involved local governments, the watershed management plan would have to be addressed in the master plan and ordinance standards related to site plan review and special land use permits. The local government would also have to submit plans for any development that meets the criteria of a project with greater than local impact to the watershed council, and would be required to address the recommendations of the watershed council in their findings of fact.

RECOMMENDATION

Adjacent local units of government as well as other public entities within a recognized watershed should be encouraged to take advantage of mutually beneficial agreements for enhancing the environmental and economical consequences of development. Special agreements should be permitted which would combine several growth management tools such as purchase or transfer of development rights, special land use and/or planned unit development provisions of the zoning enabling acts and/or tax base sharing to set forth a plan based on a rational schedule of infrastructure and public service extensions while maintaining the individual unit's separateness.

C.

WATERSHED MANAGEMENT

INTRODUCTION

As we work to protect and restore surface waters in Michigan and the across the nation, there is increasing recognition that the watershed is the primary level from which meaningful progress can be made. Traditional fragmented regulatory and management programs simply have not worked; waterways are complex systems that must be managed through comprehensive, ecological approaches.

Land use and water resource protection cannot be separated. The way in which the land within a watershed is developed and managed essentially defines the health of its waterways. For this reason, the case for integrated land use planning - for changing the way we currently do business - can be made most cogently from the water resource protection perspective. Watershed management, by definition, requires coordination of land use planning, development standards, and resource protection strategies and standards across community and political boundaries.

Unfortunately, under our current structure, land use and water resource protection decisions are made independently by different units of government and agencies, and at different levels of government. In order to achieve watershed planning and management in Michigan, communities must have enhanced legal tools, expanded and more accessible technical information, and education and understanding of fundamental watershed management concepts. In addition, new working relationships will be required, not only across community boundaries, but also among state, regional, and local agencies. The recommendations that follow provide a framework to enable watershed management efforts to go forward.

1. Watershed Systems Education - Development of land within a watershed all too often leads to impairment of water resources. This is in large part because those responsible for land use planning, design of development proposals, plan review and plan approval have little or no education about watershed systems. Land/water interrelationships are complex and not intuitive. In order to make waterway protection an integral component of land use planning and decision-making, ongoing education programs must be developed and implemented. To be effective, the target audience must include everyone with a role in land use planning and site design. In addition to local planning commissioners, this group includes professional planners, engineers, architects, landscape architects, and developers, as well as review/regulatory agencies such as drain commissioners and road commissions.

The MSPO, Michigan Association of Environmental Professionals, Society of Civil Engineers, Michigan Chapters of the Societies of Architects and Landscape Architects, Michigan Associations of County Drain Commissioners and County Road Commissions are examples of professional associations through which education could be accomplished (for

a fuller discussion of educating planning commissioners, possible certification of lay planners, and the barriers that must be overcome in implementing training and education, see section II-F of this report: "Training and Certification of Planning and Zoning Officials").

RECOMMENDATION

Education of professionals who make land use decisions should take place through their respective associations and as part of certification or licensing examinations. The programs should provide basic understanding of watershed systems and focus on how land use planning, zoning, resource protection, and site design considerations fit into watershed management, as well as the tools and techniques available to prevent or mitigate negative impacts.

2. Institute Watershed Planning - The Federal Clean Water Act currently requires that all communities with populations of 100,000 or more secure permits under the National Pollution Discharge Elimination System (NPDES) for their stormwater discharges. This permitting program requires communities to sample and characterize stormwater quality, to identify pollution sources, and to develop strategies to improve stormwater management.

While it targets large metropolitan areas, arguably the source of significant nonpoint pollution, this program does not promote holistic management of river systems. The Clean Water Act does authorize MDEQ to approach stormwater management somewhat more comprehensively. In areas where stormwater-related pollution is identified as a significant source of water resource impairment, MDEQ may place smaller communities or groups of communities under the Federal NPDES permit program, thereby mandating them to address the issue.

Even when applied on a multi-community basis, the stormwater permit program is far from a perfect tool. For example, it is directed principally at remediation of existing problems rather than at resource protection and problem prevention. Still, it is a vehicle for promoting inter-governmental cooperation in protecting surface waters.

RECOMMENDATION

Use of MDEQ stormwater permitting authority is recommended in situations where it can foster and complement locally-controlled, community-based initiatives, or where local initiatives are needed but cannot be achieved.

3. Watershed Assessments and New Cost Sharing - Land use and development review procedures must be expanded in a way that fully accounts for the external costs of an individual land use decision to the entire watershed. A process for the equitable distribution of the associated costs and benefits across watershed communities must be designed and implemented.

A key step in watershed planning is to inventory the entire river system to identify critical locations and natural resources for long-term protection. Riparian zones, headwater wetlands, flood plains, groundwater recharge areas and high quality feeder streams often fall into this category. Preserving these areas may be critical to the overall quality of a river system. Mechanisms need to be developed that will allow the cost of protecting critical areas in one community to be spread over other benefiting local governments. Approaches could include purchase of development rights by the watershed, and transfer of development rights across community boundaries within a watershed into areas where more intense development can be tolerated. These authorities should be included in any new enabling legislation for watershed organizations.

RECOMMENDATION

Mechanisms should be developed that will allow the cost of watershed planning, management and the procurement of critical protection areas to be distributed among the communities within the watershed. For example, PDR's and TDR's could be set up on a watershed basis. A community that protects from development critical riparian wetlands, should receive some economic benefits from the communities downstream that will have reduced flooding and improved water quality.

4. Legislative Enabling Authority for Watershed Planning and Management - Current enabling legislation for watershed organizations is relatively weak and limiting. New and stronger legislative mandates are needed for watershed-based resource planning and for watershed-level organizations. To be effective, watershed organizations must be able to achieve coordination and communication across governmental jurisdictional boundaries as well as across levels of government. They must have adequate legal authority and institutional capability to undertake planning, and to oversee and coordinate implementation activities. They must be representative and accountable, and provide for strong participation by affected publics. They also will need an assured, ongoing source of funds.

During 1994, legislation was introduced in the state Senate to provide for the establishment of stronger river basin organizations. Senate Bill 798 provided for the establishment of three forms of watershed organizations, with varying degrees of authority. The strongest of these would have power to tax, among other authorities. Senate Bill 798 died at the end of the 1994 Legislative session.

Currently, the Michigan Association of County Drain Commissioners, in its process of revising the Michigan Drain Code, is developing a chapter of the Code to allow for establishment of Watershed Management Districts that would have necessary authority and sources of funding to prepare and implement plans for restoration and long-term protection of the waters within a watershed.

RECOMMENDATION

It is recommended that the Michigan Association of County Drain Commissioners Statute Review Committee work with all concerned parties, including MDNR, MDEQ, watershed councils and other stakeholders, so that consensus may be reached on a politically acceptable, flexible, and broadly applicable chapter within the Michigan Drain Code that can serve as enabling legislation for more effective watershed management in Michigan.

5. Economic Incentives for Watershed Planning and Management - Both Senate Bill 798 and the Drain Commissioners' early draft proposals contemplate that watershed organizations could only be formed through local initiative (local governments or property owners). In order to encourage local action for the creation of meaningful watershed organizations, a strong network of positive incentives and sanctions should be enacted at the state and federal levels to promote and support watershed planning. Otherwise, citizens and local community leaders may be reluctant to pursue the creation of "another layer of government" with any significant authority.

RECOMMENDATION

It is recommended that local governments' participation in a watershed management initiative be a prerequisite to awarding grants that have land use ramifications. Linking grant programs to participation in watershed planning would provide a strong incentive for local initiation of watershed plans and protection strategies, and participation in their implementation.

State-administered financial assistance programs should ensure that aid is awarded consistent with local watershed plans. For example, state funding to assist local governments with the purchase of open-space recreational lands should be awarded based in part on the importance of the proposed site to its watershed. Priority should be given to sites that serve critical functions within the river system. Road improvement and community development funds should be directed away from areas where more intense development would be particularly deleterious. State-initiated projects and activities (construction of facilities, acquisition of lands, issuance of permits, etc.) also should be assessed from a watershed perspective. To achieve this watershed-based coordination of state programs and activities, an avenue that should be explored is a "State Watershed Coordination Act", requiring that all relevant state activities and award of funding be evaluated from watershed impact perspectives and be undertaken consistent with existing watershed plans.

6. Stormwater Permitting Authority - Currently, there is no mandate for stormwater management and runoff control in new development. Under the Subdivision Control Act, the adequacy of stormwater management systems in proposed plats is reviewed by the county drain commissioner (or other designated authority) for consistency with county-adopted standards, however, no parallel requirements exist for other categories of development.

RECOMMENDATION

It is recommended that locally administered stormwater management standards and review procedures be developed and applied to all categories of land use. Such standards must go beyond flood control considerations to address both quality and quantity management. This recommendation could be implemented by amendment to the Michigan Drain Code, Public Act 40 of 1956.

D. STATE AGENCY COORDINATION

1. Overall State Land Use Policy - Integrated land use planning is a result of coordinated and cooperative interaction among those individuals and agencies whose actions ultimately impact land use decisions. Throughout Michigan's history, individual agencies have sometimes developed internal policies in regard to land use planning and decision making. Not since 1948 has there been a state land use policy that could act as the umbrella for the actions of all state agencies.

RECOMMENDATION

The state should have an overall land use policy mission that expresses a strong commitment to integrated planning and growth which protects the functioning of ecosystems and is focused on the development of sustainable communities. This mission and goals statement then would be used by all agencies and units of government as they develop their strategies for managed growth within their areas of jurisdiction. The Task Force recommends adoption of the Mission and Goals Statement in the introduction of this report.

2. Consistency with Multiple Agencies - Although the state of Michigan has not established an overall land use planning policy, the mission statements of its departments speak to land use planning issues. For example, the Michigan Departments of Natural Resources and Environmental Quality base their program activities on the preservation and protection of its natural resources; the MDA, on the protection of farmland, the Michigan Department of Commerce (MDC), on expanding and improving Michigan's business environment, the MDOT, on quality transportation for economic benefit and improved quality of life. The missions of these state departments seem to emphasize the protection and preservation of what we have and consistent improvement of the quality of life.

Each department's mission drives the activities within its many different departmental programs but they are not implemented in cooperation and coordination with the missions of other departments nor with a state overall land use policy. For example, when plans for a community highway bypass are considered by MDOT, evaluations of the impact of the land use change should include such things as: (1) the loss of agricultural land for the new bypass location (MDA); (2) the economic loss of customer traffic to those businesses located on the old route (MDC and Michigan Jobs Commission - MJC); (3) which

communities will benefit from taxes and which will have to improve infrastructure at tax payer expense (MDC and MJC); (4) what will be the impact on wetlands, groundwater, surface water (MDEQ); and (5) how the bypass will stimulate growth along the new route (local community decision makers).

Interagency coordination and cooperation should assure that development and implementation of departmental policy relating to land use and environmental activities is not at cross purposes with the planning and implementation of programs within other agencies. In this time of decreasing resources and increasing needs, it is essential to maximize available resources. Coordination and cooperation between state departments and divisions allows the opportunity to: (1) focus on multiple resources; (2) coordinate the impact of each program; (3) avoid fragmented/splintered efforts; and (4) provide timely response.

RECOMMENDATION

An interagency coordinating committee should be established, (1) to provide a mechanism for coordinating individual agency land use policy and decision making; (2) to insure that each agency's policy is consistent with the state mission and goals; and (3) to insure a timely response to projects that require this coordination.

3. Coordination of Economic and Technical Resources - The use of multiple resources, whether funding or technical assistance, strengthens the probability that all aspects of a project will be implemented. Land use projects are fairly complex with a variety of environmental and economic issues. For example, development of a site may require private and public investment to address site assessment and reclamation (MDEQ), building demolition or rehabilitation (MJC), road improvements (MDOT), review for historical sites (Michigan Department of State), housing loan (Michigan State Housing Development Authority or Federal Multiple Housing Authority), etc. Coordination assures the most efficient and economical use of state resources, pooling financial and human resources for the benefit of the project and the department involved.

When MDEQ considers the expansion of a community's treatment facility based on the capacity of the receiving stream, an evaluation should include consideration of: (1) the subsequent development that will take place within that new service area; (2) the necessity for new infrastructure and public service needs; (3) the community's capacity to meet those needs; or (4) the potential outmigration from existing service areas and their subsequent economic loss.

Incorporating a variety of resources into a project not only assures a more comprehensive approach to the project but brings differing perspectives to the effort. A meeting of appropriate resource people may present alternative options for financing, site preparation, project packaging, etc., as well as any foreseen or unforeseen impacts of the project on the community.

RECOMMENDATION

State government should coordinate activities between and within departments to maximize the effectiveness of state resources, to protect natural and cultural resources and the economic viability of the state, and to assure an efficient and timely decision-making process.

IV. URBAN REVITALIZATION/RURAL PRESERVATION

INTRODUCTION

The fate of our urban centers is intertwined with the health of our suburban and rural areas. Without cooperation among the three sectors, urban, rural and suburban sprawl will continue to consume precious financial and natural resources. The attitude of business owners, lending institutions, politicians and community members toward the city is crucial to the success of revitalization. Without a major philosophical change, the present negative perceptions of urban areas will continue to hamper redevelopment. At some point Michigan could run out of land to support continuous development and all of society will be forced to deal with the problems currently faced by urban centers. At that point, all may be lost.

Balancing short-term gains, which may have the support of one set of interest groups, with long-term losses perceived by others, is integral to achieving sustainable development. Groups preoccupied with short-term gains must understand the position of those who are concerned about the long-term costs associated with such plans. Mutual understanding will enable disparate groups to develop common goals that do not compromise long-term sustainability in favor of short-term gain.

A. SUBSIDIES AND TAXES

INTRODUCTION

In general, it is perceived to be more attractive and easier to invest in and develop green spaces than to reinvest in and redevelop urban areas. In addition, many of Michigan's policies subsidize urban sprawl. Michigan's transportation system is one way in which sprawl is subsidized because it is easy to access a highway (and run away from the city) and avoid reusing the infrastructure already in place in an urban area.

We need to have resource-sharing rather than competition between suburbs and cities for tax-based funding, labor markets, and economic opportunities. The master plans of townships and municipalities must include mechanisms for regional cooperation. Without a multi-community focus, we will continue to concentrate poverty and crime in urban areas. The question is, "How do we retain local control, but at the same time realize and recognize the connections and interconnections that we have?" Although the idea meets with great

resistance, developing an integrated and regional governance system may be the key to effective land use planning.

RECOMMENDATION

Many current taxes and subsidies encourage "greenfield" development instead of the redevelopment of our communities. Changes to our taxing and subsidy policies and laws must be made to increase the economic attractiveness for redevelopment while discouraging increased greenfield development.

Suburbs and cities are competing for the same resources. There is an over-allocation of land for industrial/commercial uses, which is not justified by the population level in those areas. Moreover, the farmer bears much of the cost, losing prime agricultural land to sprawling, inefficient development. It is perceived by many to be more economical to redevelop. Sprawl wastes capital, from the cost of delivering mail to the cost of utilities in outlying areas. A study is needed that:

- Outlines a cost/benefit analysis for sprawl;
- Attaches a financial value to green space;
- Examines the disconnection between what people think they value and what they will pay for it;
- Analyzes the psychological effects and costs of abandoned urban cores on the productivity and quality of life of urban residents; and
- Investigates the establishment of an integrated regional governance support system for land use planning and decisions.

B. GRANT MAKING FOCUS CHANGES

Changes in state policy are needed to encourage, not regulate or mandate, coordinated and integrated planning whenever possible. The criteria for state grants and low interest loans can have a great influence on the behavior of local communities while maintaining and supporting the importance of local control.

RECOMMENDATION

Where possible, entities which agree to participate in community redevelopment and inter-jurisdictional planning should receive higher priority consideration for state and federal economic development grants and low interest loans.

C.

COOPERATION WITH THE LENDING INSTITUTIONS

INTRODUCTION

Financial institutions need incentives to invest in urban redevelopment projects. This can be furthered by (1) analyzing and developing data that demonstrates the value of redevelopment to cities' import/export, and (2) demonstrating the true effects and costs of sprawl by pooling studies already conducted and information already available from organizations all over the state. These analyses, studies and information must be made available to the public to overcome the barriers of unfamiliarity that hide the effects of urban sprawl on urban communities.

Negative perceptions of cities and redevelopment must be overcome through education of the financial community and a concerted effort to forge partnerships between communities and financial institutions to solve the real and perceived problems. Without this, lenders will continue to find excuses for not investing in urban redevelopment efforts. For instance, lending institutions first refused to finance certain redevelopment projects for fear of environmental liability. This obstacle has been addressed by the legislature, but the lending institutions still fail to invest, now citing high crime rates and financial risk as reasons for denying investment. By addressing the negative perceptions and realities that those in financial power have of urban areas, financial investment in cities can be facilitated. In addition, if the financially powerful learn to think in the long term and with vision, the politically powerful will follow.

RECOMMENDATION

Common strategies for urban revitalization must be developed cooperatively between the urban governmental body, business and industry and the lending institutions to determine the need for new policy, legislation and integrated planning and zoning. The Economic and Environmental Roundtable may be the forum that could facilitate this discussion.

D.

ENVIRONMENTAL REGULATION CHANGES

INTRODUCTION

Environmental clean-up regulations and their uneven enforcement greatly hinder any effort to revitalize a community. And, again, negative perceptions play an important part in the calculus of decision making. Developers and commercial lenders usually are unwilling even to investigate a project if the property is potentially contaminated; they assume high risk is involved even if a particular parcel of land may be only minimally risky. Since in urban areas there rarely are parcels of land free of any risk of being contaminated, developers and lenders avoid projects in cities, preferring to put their money in less risky, non-urban areas.

Government agencies are reluctant and apathetic about enforcing environmental regulations in urban areas. As a result, environmentalists are unwilling to "give an inch", and they will not support any revitalization effort involving anything less than stringent environmental clean-up, fearing that to allow less will lead to an utter absence of environmental standards and added risk to human health and the environment.

RECOMMENDATION

Changes in regulation must encourage redevelopment while insuring that urban environments are enhanced and not further degraded. Consistent enforcement can insure that voluntary compliance is more attractive than regulatory enforcement.

E. CONFLICT RESOLUTION FORUM AS ALTERNATIVE TO THE COURTS

INTRODUCTION

As population numbers and density increase, the opportunity for conflict in land use rises. The only avenue that exists now is a limited access to the administrative hearings process which focuses on specific permitting action or appeals to zoning boards and various legislative bodies. The high costs and length of time required are main hindrances to these choices for many businesses and citizens. The state needs a variety of alternative resolution forums to assist in solving these conflicts. There are viable alternatives from Michigan's history (e.g., the Michigan Environmental Review Board model) and from other states.

RECOMMENDATION

The Task Force recommends the investigation and establishment of alternative resolution mechanisms for settlement of land use decision controversies.

V. **DATA COLLECTION AND DISSEMINATION OF INFORMATION**

A. GEOGRAPHIC INFORMATION SYSTEMS USE

INTRODUCTION

GIS is the best, perhaps only, known technology for supporting integrated land use planning. However, some governmental units are either not highly computerized or have concerns about using the relatively complex GIS software. They may have difficulty justifying the high start up expenditures to use GIS for integrated land use planning because the economic benefits of GIS use accrue usually over the medium-to-long term (6-10 years), rather than within a single electoral cycle. This is a political disincentive to adopt GIS for integrated land use planning. A minority of governments have an established

record of GIS use in integrated land use planning already, but whether they will be models for those who do not have an established record of using GIS is not clear given the concerns above. However, in parts of the state where various levels of governmental representatives have shared their success with others (e.g., Northwest Council of Governments), new ideas for funding, sharing of information, consultants and hardware have emerged.

RECOMMENDATION

The Legislature should pass enabling legislation that allows counties and municipalities to develop their own GIS capabilities. The legislation should include reference to statewide coordination in establishing and maintaining GIS data standards. It should encourage consortia to pursue GIS activities and provide matching funding on a limited basis.

Legislation should be passed that will establish and maintain standards for data encoding, archiving, conversion and compatibility with GIS operations at the local, state and federal levels. An appropriate funding mechanism must be developed to insure the on-going operation of this coordination and local access to GIS information.

B. GIS DATA DEVELOPMENT

1. Official Map - Developing GIS data layers and keeping them current is expensive and quality assurance and updating of GIS layers is a recurring cost. Without quality assurance, GIS data layers propagate errors of unknown proportion. Without current data, GIS has limited capacity to support effective decision-making. Substantial funds for non-computerized data collection and mapping activity are expended already by local, state and federal governmental units that could be more cost effectively carried out through the GIS data layer construction and editing.

Some GIS data layers for integrated land use planning are mandated to particular agencies now and should be created and maintained by them. Forty-four Michigan laws require mapping or map collection maintenance and seventeen statutes contain the words "geographic", "information", or "systems". These laws together do not provide for integrated land use management, although each speaks to particular areas of need for decision support. The following recommendations support the creation and maintenance of an infrastructure of policy, institutions, programs, funding, and digital data to support integrated land use management throughout Michigan.

RECOMMENDATION

Enabling legislation of a Uniform Digital Map Act would provide for creating and maintaining necessary data layers to support integrated land use planning using GIS. The data layers to support integrated land use planning and management could include but are not limited to: (1) base map; (2) parcels; (3) drains; (4) wetlands; (5) land use/cover; (6) soils; (7)

demographic data; (8) public lands; (9) water supply; (10) watersheds; and (11) floodplain. GIS data layers could be developed to manage integrated land use planning tools with layers including but not limited to: (12) public facilities plans; (13) zoning; (14) regions, districts & precincts; (15) master plans; and (16) PDR, TDR and set asides monitoring. Funding for portions of the uniform mapping could come from existing mapping initiatives at the local, state and federal levels; from matching grants; and from permit application fees.

2. Budget Support for P.A. 204 of 1979, Michigan Resources Inventory Act - Public Act 204 is the closest Michigan legislation that supports GIS data layer creation for integrated land use planning and management but the authority to coordinate and to prioritize GIS data layer construction for integrated land use planning purposes is not clearly given to any agency under this act. Historically little funding was made available for layer updates, quality assurance, and data layer dissemination to local and regional agencies. The current maps available from the MIRIS program of MDNR are based on 1978 data. Renewal of this initiative should insure that adequate funds support updates, quality control, and dissemination activities.

RECOMMENDATION

Continuing state budget support for developing GIS data layers should be provided under Public Act 20 of 1979 and some entity should be designated to coordinate and monitor this program.

3. GIS Data Sharing - Data must be shared at some level in order to achieve integrated land use planning and management and currently some units of government are willing to share data and some are not. Data sharing will be easier where similar GIS data layers (with similar definitions, accuracy, data structure, currency, and compatible systems) exist across government agencies. The IMAGIN archive in the Michigan State Library is beginning to network those units if the government is willing to share their data.

RECOMMENDATION

Agencies of local and state government should share digital data for purposes of integrated land use planning and management. Funding should come from existing programs, cooperative ventures with federal agencies, cost sharing with local agencies, and new funding.

4. GIS Education - In order to use GIS to support decision-making for integrated land use planning and management, the decision makers must understand the support they can receive. GIS education programs are relatively expensive. The least expensive have the least impact. Educational activities at all levels are required because they reach different audiences. Because approximately one-fourth of elected and appointed officials in local government enter or leave office each year, educating elected and appointed officials about how GIS can support their decision-making is a major program initiative. IMAGIN, MSPO,

the Michigan State University Center for Remote Sensing, the Western Michigan University GIS Research Center, University G.E.M. Regional Centers, and state and private colleges offer a range of GIS education and support options now. These efforts could be intensified, but all activities require funding. If there is sufficient demand, GIS education through the private sector may become more of an option. At present this is usually limited to vendor training on its own GIS product and/or short-courses.

GIS resource and development applications are important to the advancement of GIS in integrated land use planning and management. It is an expensive but essential component of GIS education, which by definition requires sophisticated integration and analysis of diverse data for decision-support. As GIS becomes more widely used, we will require GIS professionals trained formally to much higher levels of proficiency than is common at present. Thus, we need to have a formal curriculum of GIS training and administration at the Master's degree level within the state. Michigan could become the leader in this type of educational discipline.

RECOMMENDATION

Four components of formal GIS education are recommended. One program will train GIS technicians at the community college level. Another would train local officials at community colleges and extension service locations. A third and fourth would train GIS project managers and administrators, respectively, at the master's degree level at a state university or consortium of universities. Four year degree institutions of higher education should strengthen their GIS based curriculum. These programs are recommended for funding by the state because of the increasing shortage of qualified GIS personnel.

VI. LEADERSHIP AND POLITICAL WILL

For efforts to be successful, the leaders of government at all levels must express their commitment to the issues and agree to endorse integrated land use planning. At the very least, leaders must set forth an integrated land use vision that citizens of the state can use as a framework for the specific visions of their communities. All planning and land use decisions then must be supported by clear strategies for implementation that insure integration with adjoining units, county wide plans, and all levels of government to and inclusive of the federal agencies and their plans.

All other states that are making significant improvements in their land use planning and decision making have had the strong leadership from the Governor's office and key legislators. Governor Engler took the lead in 1992 with his Relative Risk Assessment Program and can now strongly support the steps that will change the direction of Michigan.

The MSPO's *Michigan Trend Future Report* (1995) sums up the choices we have and the Integrated Land Use Task Force members agree that:

"Sprawl, if it is allowed to continue, will inevitably present society with lost opportunities, a variety of social and environmental problems and immense monetary costs. We cannot simply ignore the problem in hopes that it will go away. To defer decision is to decide in favor of the current pattern of development, leaving all the problems to our children and grandchildren. Not to decide, is to decide.

The good news, however, is that we can change. Land use is not an immutable natural law. The current reality is the result of human attitudes, practices, and institutions that can be altered. We must begin by accepting responsibility for the land use pattern that has developed and imagining how different things could be. We must work together to find consensus on a land use pattern that leads to a prosperous and sustainable future for all, a consensus that preserves individual choice while protecting the communal interests of present and future generations. We must begin today or risk discovering in ten years that the consequences of past decisions are unacceptable or unalterable."

We have the knowledge and the ability to make the changes, to set a new future for Michigan. The number of futures available to us is infinite. We should not accept the future we see based on our current trends. It is wrought with economic disaster and environmental degradation. We must demonstrate the leadership and political will to set a new course toward an economic and environmental sustainability.

APPENDIX A

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INTEGRATED LAND USE PLANNING TASK FORCE

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APPENDIX B

MATRIX OF LAWS RELATED TO LAND USE PLANNING AND ZONING

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A

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
LOCAL PLANNING, ZONING AND CAPITAL IMPROVEMENT STATUTES			
285 of 1931	Municipal Planning Act	Authorizes creation of a planning commission and master plan in cities, villages and township	Yes
168 of 1959	Township Planning Act	Authorizes creation of a township planning commission and basic plan in townships. Plan must serve as basis for zoning under P.A. 184 of 1943	Yes
282 of 1945	County Planning Act	Authorizes creation of a county planning commission and a county plan	Yes
281 of 1945	Regional Planning Act	Authorizes creation of a regional planning commission and plans for the physical, social and economic development of the region	Yes
207 of 1921	City or Village Zoning Act	Authorizes zoning in cities or villages	Yes
184 of 1943	Township Zoning Enabling Act	Authorizes zoning in townships	Yes
183 of 1943	County Rural Zoning Enabling Act	Authorizes zoning in portions of county outside incorporated areas and only where townships have no zoning	Yes
292 of 1989	Metropolitan Council Act	Authorizes creation of a metropolitan council of 2 or more cities, villages, townships and counties in SMSAs under 1 million in population	No, but is permitted
222 of 1943	Mapped Improvements Act	Authorizes mapping of proposed public streets, parks, or other public ways or grounds and certification thereof as an official map in cities and villages	Yes, may be done only after master plan is adopted
621 of 1968	Uniform Budgeting and Accounting Act	Requires annual preparation of three year capital budget	Yes, as a budget

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Planning Commission	Planning Commission and governing body	Required (but weak) except on capital improvements where it is clear and strong	CIP preparation and Plat review authority granted to Planning Commission
Planning Commission	Planning Commission and Township Board	Required	Limited authority to review plats, no express CIP authority
Planning Commission	Planning Commission and County Board of Commissioners	Required	CIP authority for Metropolitan County Planning Commission. No plat authority
Planning Commission	Planning Commission and member units of government	Required (weak)	May plan without regard to boundaries of participating local governments
Planning Commission recommends, governing body adopts ordinance	Planning Commission and Zoning Administrator and City or Village Council	Only required with railroads and utilities who register to receive notice of adoption or amendment of the ordinance	No clear link to Planning Commission master plan
Planning Commission recommends, governing body adopts ordinance	Planning Commission and Zoning Administrator and Township Board	Only required with railroads and utilities via County with adjacent jurisdictions	Clear link to master plan only if there is a Planning Commission
Planning Commission recommends County Board of Commissioners adopts ordinance	Planning Commission and Zoning Administrator and County Board of Commissioners	Only required with railroads and utilities. Final approval of the ordinance or amendment comes from the State Department of Commerce to ensure no conflicts with state or federal statutory, administrative or common law	No clear link to Planning Commission master plan. No effective inter-governmental or interagency coordination mechanism
Council and/or member local governments	Council and/or member local governments	Voluntary, but not likely to happen without it	May engage in some governmental functions including limited taxation.
Certified map first approved by Planning Commission, then by governing body	Municipality through subsequent zoning permits, building permits and capital improvements	Implied via master plan and certified map process, but not explicit	Effective implementation is tied to Planning Comm. development of CIP under Municipal Planning Act
Governing body	Line departments under direction of chief executive officer and/or governing body	Personnel within line departments must provide budget information upon request to the municipal CEO	No requirement to include planning commissions in the process or to require consistency with local master plan

C

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
LAND DIVISION, SALES AND COMMON OWNERSHIP ACTS			
288 of 1967	Subdivision Control Act of 1967	Establishes standards, procedures and responsibilities of various agencies over land division	No, but rules and regulations are
59 of 1978	Condominium Act	Establishes standards, procedures and responsibilities of various agencies over condominiums	No, but rules and regulations are
286 of 1972	Land Sales Act	Consumer protection act relative to land sales of more than 25 lots	No
ENVIRONMENTAL LEGISLATION			
245 of 1929	Water Pollution Act	Establishes procedures and responsibilities of DEQ over water pollution	No, but are authorized
40 of 1956	Drain Code of 1956	Establishes procedures and responsibilities except drain commissions over county drains	Yes
348 of 1965	Air Pollution Act	Establishes procedures and responsibilities of DEQ and local governments over air pollution	Yes
127 of 1970	Environmental Protection Act	Establishes standards, procedures and responsibilities of all persons regarding decisions affecting the environment	Not directly, but study is necessary for effective defense
150 of 1970	Natural Beauty Roads Act	Establishes procedures for a county road commission to designate natural beauty roads	Very limited
231 of 1970	Natural River Act	Establishes procedures and responsibilities of DNR and local governments over designated natural rivers	Yes
245 of 1970	Shoreland Protection & Management Act	Establishes procedures and responsibilities of DEQ and local governments over designated high risk erosion, flood risk and environmental areas	Yes

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Plat must be approved by many agencies	Many local, county and state agencies	Very highly structured, sequential review and approval process	Unclear authority for counties with zoning. No mention of role of planning commissions. Ambiguous reference to "general plan"
Project plan must be approved by several agencies	Several local, county and state agencies	Limited structured, concurrent review and approval process	Poor authority for local regulations and other agency input. Limited development standards, often used to avoid Subdivision Control Act.
NA	Department of Commerce	No	
Department of Environmental Quality	Department of Environmental Quality	Yes. DEQ is official entity responsible for intergovernmental or interagency coordination on water quality issues	Implementation strongly affected by Federal regulations
Drain Commissioner	Drain Commissioner	Limited except on intercounty drains	Limited focus on environmental protection
Department of Environmental Quality	Department of Environmental Quality	Yes, DEQ is official entity responsible for intergovernmental or interagency coordination on air quality issues, although three counties have adopted and administer their own regulations	Implementation strongly affected by Federal regulations
NA	Anyone may sue to protect the environment from pollution, impairment or destruction	May be necessary to prevent a law suit or establish defense to an allegation that an action would pollute, impair or destroy the environment	Applies to state actions and zoning decisions, as well as developments
County Road Commission	County Road Commission	Only with DNR	A similar program involving state highways under federal law may soon be initiated
Natural Resources Commission	Local governments by zoning or DNR by administrative rule	Yes, but limited	Parallels National Wild and Scenic Rivers Act
Department of Environmental Quality	HREA by local governments by zoning or DEQ by administrative rule	Yes, but limited	In 1992, new HREA standards were adopted by administrative rule

E

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
ENVIRONMENTAL LEGISLATION continued			
346 of 1972	Inland Lakes and Streams Act	Establishes procedures and responsibilities for DEQ relative to development in or adjacent to inland lakes and streams	No
347 of 1972	Soil Erosion and Sedimentation Control Act	Establishes procedures and responsibilities for DEQ and authorized agencies relative to soil erosion and sedimentation control	No
116 of 1974	Farmland and Open Space Preservation Act	Establishes procedures and responsibilities for DNR to enter into contracts with property owners to protect farmland and open space	No
203 of 1974	Endangered Species Act	Establishes procedures and responsibilities for DNR to identify and protect endangered and threatened species	Yes
222 of 1976	Sand Dune Protection and Management Act	Establishes procedures and responsibilities of DEQ and local governments over designated sand dunes	Yes
641 of 1978	Solid Waste Management Act	Establishes procedures and responsibilities of DEQ and counties over solid waste management	Yes
64 of 1979	Hazardous Waste Management Act	Establishes procedures and responsibilities of DEQ, of site review boards and local governments over hazardous waste facilities	Yes
203 of 1979	Goemaere-Anderson Wetland Protection Act	Establishes procedures and responsibilities of DEQ and local governments over certain wetlands	Yes
307 of 1982	Environmental Response Act	Regulates and provides for risk based clean-up of released hazardous substances. Establishes responsibilities of owners, operators, and state agencies	Potentially extensive on contaminated sites
428 of 1988	Leaking Underground Storage Tank Act	Regulates and provides levels of clean-up due to release of regulated substances. Establishes responsibilities of owners, operators, and state agencies	Extensive on contaminated sites

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
NA	DEQ following public notice and comment	Some, especially on marinas conformance with local zoning	A minor permit category does not require public comment
NA	Counties and approved local agencies with DEQ training and oversight	Some, particular to projects	No overall county plans for soil conservation or sedimentation prevention required
NA	DNR via contracts with property owners	During application review process with local governments	No plan for protection of specific high quality farmland or threatened farmland
Natural Resources Commission. Updating required every 2 years	DNR through programs, land acquisition of habitat and permit procedures	Authorized with federal, state, and local agencies and with private persons	Are penalties for persons violating the Act
Department of Environmental Quality	Local governments by zoning or IDEQ	As relates to site plan review on individual parcels	First applied only to mining, amended in 1989 to regulate most other structures
County with support of 51% of local governments or else DEQ prepares plan	County with DEQ oversight	Significant interaction required at many levels	Major changes under current consideration
Department of Environmental Quality	Hazardous waste siting board and DEQ	As relates to facility siting process for an individual facility	Little role for local governments. Limited storage facilities do not go through full Site Review Board process
DEQ or local government with wetland regulations approves inventory	DEQ or local government	Yes, but limited	Statewide inventory required by Act has never been completed and adopted
DEQ approves clean-up plan	Property owner with DEQ oversight	Extensive at administrative level and as needed on site specific clean-ups. A science advisory board is available for dispute resolution	Very strict legal liability and enforcement evaluation mechanism via citizen's review board is included
DEQ approves clean-up plan	Property owner with DEQ oversight	Extensive at administrative level and as needed on site specific clean-ups	Very strict legal liability and enforcement sanctions for violators

G

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
93 of 1992	Biological Diversity Conservation Act	Establishes a joint legislative working committee on biological diversity with a charge to develop a state strategy for the conservation of biological diversity	Yes
ENVIRONMENTAL HEALTH REGULATIONS & OTHER SPECIFIC LAND USES			
98 of 1913	Sewerage Systems	Establishes authority of Director of State Department of Public Health over all sewerage and septic systems	No
Part 124 of 368 of 1978	Agricultural Labor Camps (from Public Health Code)	Establishes standards, procedures and requirements of Department of Public Health relative to agricultural labor camps	Administrative rules required
Part 125 of 368 of 1978	Campgrounds and Swimming Areas (from Public Health Code)	Establishes standards, procedures and requirements of Department of Public Health relative to campgrounds and swimming areas	Administrative rules required
Part 127 of 368 of 1978	Water Supply and Sewer Systems (from Public Health Code)	Establishes standards, procedures and responsibilities of Dept. of Public Health relative to water supply and sewer systems	Administrative rules required
23 of 1950	Airport Zoning Act	Establishes standards, procedures and responsibilities of airport zoning commissions and the Michigan Aeronautics Commission (MAC) regarding hazards in airport landing and take-off areas	Yes
219 of 1966	Control of Junkyards Adjacent to Highways	Establishes screening standards for junkyards adjacent to highways	No
106 of 1972	Highway Advertising Act	Establishes standards, procedures and responsibilities of MDOT and local governments relative to signs and billboards along freeways and state highways	No
96 of 1987 (replaced 419 of 1976)	Mobile Home Commission Act	Establishes standards, procedures and responsibilities of mobile home commission and local governments relative to mobile home parks	Only to justify more restrictive local regulations

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Legislature receives strategy and must decide what to do with it	Legislature could pass new legislation or agencies could initiate own efforts as result of strategy	Provided for in process of preparation of strategy and as one of the required elements in the strategy	Long term significance unknown until Legislature responds to strategy, after 12/30/95
NA	Michigan Department of Public Health with local health departments (1)	Not provided except with DEQ	Strong authority to require training and certification of sewerage system operators, to establish rules and standards. Also are penalties for violations
Michigan Department of Public Health, (1) Legislature approves administrative rules	Michigan Department of Public Health or local health departments (1)	Not provided	
Michigan Department of Public Health, (1) Legislature approves administrative rules	Michigan Department of Public Health or local health departments (1)	Applicants are responsible for also complying with other related local regulations	Local regulations can be enacted, but can not be in conflict with those of MDPH
Michigan Department of Public Health, (1) Legislature approves administrative rules]	Michigan Department of Public Health or local health departments (1)	Not provided, but there is coordination with DEQ	Local governments can require connection to public sewer line sooner than 18 month period in Act
Airport Zoning Commission and MAC	Airport Zoning Commission	Clear mechanism with options as to which jurisdictions may adopt regulations (including adjoining bodies) and the role of the MAC	City planning commissions can act as an airport zoning commission but there is no similar language for counties and townships
NA	MDOT	No, but local or state regulations more restrictive are permitted	
NA	MDOT approves permits. Local governments may also regulate	Limited prior to permit issuance. Local governments must file local sign regulations adopted within the purview of the Act with MDOT	Counties, even those with county zoning do not have clear authority to regulate like other municipalities do
Ordinance approved by Mobile Home Commission before local adoption	Local authorities unless no regulations are in place, then MDOC	Very limited on individual parks, but does occur during review and approval of local ordinance	Many MDOC standards are not sensitive to local character concerns

(1) Michigan Department of Community Health

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
169 of 1970	Local Historic Districts Act	Establishes procedures and responsibilities of local historic district commissions and the State Bureau of History relative to designated historic districts, sites and structures	Yes
93 of 1981	Right to Farm Act	Establishes mechanism for Michigan Department of Agriculture to determine what generally accepted agricultural and management practices are in order to determine if a farmer or farm operation is a public or private nuisance	Standards required after study. Must be reviewed annually.
HOUSING, REDEVELOPMENT AND ECONOMIC DEVELOPMENT			
Part 122 of 368 of 1978	Housing	Permits Dept. of Public Health to prescribe minimum housing standards provided they are not contrary to the State Construction, Plumbing or Electrical Codes.	Implied prior to development of regulations
167 of 1917	Housing Law of Michigan	Establishes standards, procedures and responsibilities for housing in some cities, villages and townships (discretionary).	No
250 of 1941	Urban Redevelopment Corporations Law	Establishes standards, procedures and responsibilities of city planning commissions and urban redevelopment corporations to achieve urban redevelopment.	Yes, must be consistent with master plan
344 of 1945	Blighted Area Rehabilitation Act	Establishes standards, procedures and responsibilities of local governments and officials preparing and implementing a blighted area rehabilitation plan.	Yes, must also be a master plan (consistency implied but not stated)
208 of 1949	Neighborhood Area Improvements Act	Establishes standards, procedures and responsibilities of cities, villages and townships preparing and implementing a neighborhood betterment plan	Yes, must also be a master plan (consistency implied but not stated)
120 of 1961	Redevelopment of Shopping Areas Act	Establishes authority and responsibilities of cities implementing a plan for redevelopment of principal shopping areas	Yes, must also be a master plan (consistency implied but not stated)
62 of 1963	Industrial Development Revenues Bond Act	Establishes a local revenue bonding mechanism for use in cities, villages townships and counties for acquisition and development or disposition or leasing of land and equipment to strengthen industrial development	Project specific bond applications

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Local Historic District Commission and Local Governing Body	Local Historic District Commission and Local Governing Body then permit review and approval procedures	Required between County and local historic district commissions and with State Bureau of History	Are penalties for violations (including unauthorized alteration of historic structures)
Standards Approved by MDA	MDA farmers and courts	None provided. However, MSU, SCS and other groups must be consulted in developing the standards	
Michigan Department of Public Health and local public health departments	Local public health departments	With local health departments and Department of Labor	Local governments may adopt more stringent regulations (but not less stringent ones)
NA	Local government	Not provided	Very old; may not be used; may be superseded by other laws
Planning Commission and "supervising agency"	Urban redevelopment corporation	Within city agencies and entities with oversight of "supervising agency"	First law on this subject in Michigan. Does not apply in villages, townships or counties. Structures of law used in many later statutes
Designated local official or a commission and the legislative body (which must also adopt the master plan)	Designated local official or commission or the legislative body	Within city agencies is implied	Planning Commission is not mentioned in Act
Planning Commission and legislative body	"Administering agency" appointed by legislative body	Agencies and neighborhoods varies within a city, village or township	Does not apply in counties
Not indicated but legislative body is implied	Legislative body implied along with Board for Management of the redevelopment project	Not provided	Responsibility of Planning Commission or planning agency not expressly addressed
First, governing body of municipality, then, State Municipal Finance Commission	Legislative body	Not provided explicitly	Can be used in any community. No master plan consistency requirement or planning commission involvement specified

K

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
116 of 1963	Economic Expansion Act	Established Dept. of Economic Expansion (now Dept. of Commerce) and gave it responsibility to create jobs, attract new business and assist and coordinate cultural, economic and physical planning at all governmental levels	Various studies authorized
46 of 1966	County or Regional Economic Development Commission Act	Establishes procedures and responsibilities of county or regional economic development commissions for planning and implementing economic development.	Planning leading to development of a program is required
346 of 1966	State Housing Development Authority Act	Establishes standards, procedures and responsibilities of State Housing Development Authority and its relationship to local nonprofit housing organizations	Yes, periodically
230 of 1972	State Construction Code	Establishes standards, procedures and responsibilities of State Construction Code Commission, Dept. of Labor and local governments in the adoption and implementation of building codes	No
198 of 1974	Plant Rehabilitation and Industrial Development Districts Act	Establishes mechanism for tax abatement to qualified industries in designated plant rehabilitation and development districts.	Not to establish district, but business specific analysis is required
338 of 1974	Economic Development Corporations Act	Establishes standards, procedures and responsibilities of local Economic Development Corporations and governing bodies in pursuit of economic development initiatives	Yes, must be in "reasonable accord" with master plan
197 of 1975	Downtown Development Authority Act	Establishes standards, procedures and responsibilities of local Downtown Development Authorities and governing bodies in pursuit of new development and redevelopment of downtown.	Yes, must be in "reasonable accord" with master plan
? of 1978	Commercial Redevelopment Act	Establishes mechanism for tax abatement to qualified businesses in designated commercial redevelopment districts	No, not to establish district, but business specific analysis is required

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Economic Expansion Department with advice of Economic Expansion Council	Economic Expansion Department	Extensively required at and between all levels of government and with the private sector	Intergovernmental coordination responsibility transferred to Dept. of Management & Budget and then back to Commerce
County or Regional Economic Development Commission	Depends on program component, could be public or private entity	Implied	Parallels some of State Dept. of Economic Expansion activities at county or regional level
MSHDA or local housing entity	MSHDA, local housing entity	Not specified	Planning is widely done but not clearly provided in Act. Local Planning Commission role not specified
Construction Code Commission must periodically update adopted Code	Department of Labor and local governments	Little required	Mandatory training and continuing education of building inspectors is new
NA	Governing body of city, village or township	Not specified	Could be applied without any general planning by petition of industrial property owners
"local public agency" and governing body	"local public agency" and Economic Development Corporation and governing body	Within agencies of the city, village, township or county is implied	Economic Development Corporation may serve as the Planning Commission in municipalities under 5,000 in population
Downtown Development Authority Board and governing body	Downtown Development Authority and governing body	Within agencies of the city, village or township is implied	Planning Commission may serve as governing board of DDA municipalities under 5,000 population
NA	Governing body of city, village or township	Not specified before establishing district or granting abatements. But Dept. of Commerce must prepare annual report of activity and 3 year evaluation	Could be applied without any general planning by petition of commercial property owners

M

PUBLIC ACT NUMBER	TITLE	DESCRIPTION	PLAN OR STUDY REQUIRED
450 of 1980	Tax Increment Finance Authority Act	Establishes standards, procedures and responsibilities of Tax Increment Finance Authorities and governing bodies in cities to prevent urban deterioration and encourage economic development	Yes, must be in "reasonable accord" with master plan if one exists
171 of 1981	Michigan Urban Land Assembly Act	Establishes an urban land assembly fund within the Dept. of Treasury and administered by Dept. of Commerce for use by cities	Project plan must be consistent with city economic development plan and master plan, if one exists
198 of 1984	Michigan Business Incubation Act	Allows the establishment of business incubation centers in cities, villages, townships or counties	A study is required
270 of 1984	Michigan Strategic Fund Act	Establishes the Michigan Strategic Fund within the Dept. of Commerce and a board of directors to guide its economic development activities	Various studies are required
385 of 1984	Technology Park Development Act	Allows the establishment of technology parks on 100 acre or larger parcels within ten miles of universities located in a city, village or township	A study to establish district is required
425 of 1984	Economic Development Projects Act	Allows the conditional transfer of property by contract between a city, township and/or village (in lieu of an annexation battle) in order to accommodate new economic development	Contract specifies all terms and conditions
224 of 1985	Enterprise Zone Act	Establishes an Enterprise Zone Authority within Dept. of Commerce which can designate enterprise zone communities meeting certain eligibility requirements	Yes, via application for designation
281 of 1986	Local Development Financing Act	Establishes standards, procedures and responsibilities of Local Development Finance Authorities in cities, villages, and urban townships to prevent unemployment and promote economic growth	Development plan must be "in reasonable accord with the master plan" if there is one

WHO APPROVES PLAN OR STUDY	WHO IMPLEMENTS	INTERGOVERNMENTAL OR INTERAGENCY COORDINATION	OTHER
Tax Increment Finance Authority Board and governing body	Tax Increment Finance Authority Board and governing body	Within agencies of city is implied	May only be used in cities. Many entities may serve as TIFA Board including planning commission in cities under 5,000 population
Implies DDA and governing body	Administering agency of the project	Within agencies of city is implied	May only be used in cities. No reference to role of planning commission
Recommended by community board to governing body, and to Dept. of Commerce which approves	Community board or educational institution (or "other organization")	Implied, express relative to Dept. of Commerce	Community board can be an existing economic development entity like a DDA or EDC, etc. (planning commissions are not mentioned)
Strategic Fund Board of Directors and Dept. of Commerce approve projects using Fund moneys.	Strategic Fund Board of Directors and Dept. of Commerce approve projects using Fund moneys	Not specified	Project oriented, not planning oriented
(Presumably governing body of a) local government unit	Tax exemption certificate by governing body	Only if more than 20 jobs will be transferred from another governmental unit	Targeted only to creation of technology parks
Governing bodies of affected jurisdictions approve contract	Governing bodies of affected jurisdictions	Detailed, often intensive during negotiations	Innovative approach to interjurisdictional problem solving concerning economic development. No specific role for planning commission specified
Local governing body and Dept. of Commerce	Appropriate local agencies under local governing body oversight is implied	Implied. However, Dept. of Commerce must prepare evaluation of effectiveness of the program	Only applies in cities. Benton Harbor is currently designated
Governing body of a Local Development Finance Authority	Local Development Finance Authority and governing body	Implied	Flexible approach to economic growth. No specific role for planning commission

APPENDIX C
GLOSSARY OF ACRONYMS

GLOSSARY OF ACRONYMS

DEQ	.....	Michigan Department of Environmental Quality
DNR	.....	Michigan Department of Natural Resources
GIS	.....	Geographic Information System
MACDC	.....	Michigan Association of County Drain Commissioners
MDA	.....	Michigan Department of Agriculture
MDCH	.....	Michigan Department of Community Health (formally MDPH)
MDEQ	.....	Michigan Department of Environmental Quality
MDNR	.....	Michigan Department of Natural Resources
MDOT	.....	Michigan Department of Transportation
MDPH	.....	Michigan Department of Public Health (now MDCH)
MJC	.....	Michigan Jobs Commission
MSHDA	.....	Michigan State Housing Development Authority
MSPO	.....	Michigan Society of Planning Officials
NPDES	.....	National Pollutant Discharge Elimination System

