

Michigan's Land, Michigan's Future:
*Final Report of the
Michigan Land Use Leadership Council*

August 15, 2003

Prepared for
Governor Jennifer Granholm
and the Michigan Legislature

Submitted by
The Michigan Land Use Leadership Council

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Letter from the Co-chairs

Increasingly in Michigan, citizens, policymakers, communities, environmentalists, businesses, developers, realtors, and others are concerned with what are perceived to be the long-term consequences of unplanned, unmanaged growth for both the environment and the economy of the state.

If Michigan is to thrive in the coming decades, it needs to grow the jobs and economic activity that will support its population and maintain the state's position as an international center of job creation. It needs to focus on making our cities more attractive places to live and work. At the same time, it needs to grow in a way that assures that growth is sustainable. It needs to assure that precious special places are protected. And it needs to assure that there is a place for its critical resource-based industries—tourism, agriculture, forestry, and mining—long into the foreseeable future.

The council studied and deliberated these complex and controversial issues over the past six months, and the result of these deliberations can be found in this report. This report reflects an important milestone in the land use arena. For the first time since the early 1970s, an agreement has been reached on a range of recommendations to ease myriad land use problems. This achievement occurred in large part because council members set aside political and stakeholder affiliations and focused on the public good.

We in Michigan have been blessed with 37 million acres that are among the most wondrous on the planet. We take their protection most seriously. We, the council, have been honored to serve Michigan. As residents, we yearn to make Michigan a better place in which to work and enjoy life. We are grateful to Governor Granholm and the members of the 2003–2004 Michigan legislature for the opportunity to discuss and make recommendations on such an important issue. We look forward to the opportunity to help explain and refine these recommendations as they are considered for implementation.



Frank Kelley
Co-chair



William Milliken
Co-Chair

Council Members

VOTING MEMBERS

William Milliken—Former Governor of Michigan (Co-Chair), Traverse City

Frank Kelley—Former Attorney General of Michigan (Co-Chair), Lansing

Patty Birkholz—State Senator, Saugatuck

Liz Brater—State Senator, Ann Arbor

Ruth Johnson—State Representative, Holly

Chris Kolb—State Representative, Ann Arbor

Jim Barrett—President, Michigan Chamber of Commerce, Lansing

Jim Brooks—Managing Partner, Alpha Genesis, and Volunteer Chair, West Michigan Strategic Alliance, Holland

Keith Charters—New Designs for Growth, Traverse City

Dan Gilmartin—Deputy Executive Director, Michigan Municipal League, Lansing

Gordon Guyer—Former Director, DNR and Dept. of Agriculture, East Lansing

Colin Hubbell—Founding Partner, The Hubbell Group, Detroit

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Dan Kildee—Genesee County Treasurer, Flint

Chris MacInnes—Senior Vice President, Crystal Mountain Resort, Thompsonville

Mick McGraw—Home Builder/Developer, Eastbrook Homes, Kentwood

Larry Merrill—Executive Director, Michigan Townships Association, Lansing

James Okraszewski—Fiber Supply Manager, Mead Westvaco Papers Group, Gladstone

Lana Pollack—President, Michigan Environmental Council, Lansing

Helen Taylor—State Director, Nature Conservancy, Lansing

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Gil White—President-elect, Michigan Association of Realtors, Haslett

Wayne Wood—President, Michigan Farm Bureau, Lansing

NONVOTING MEMBERS

The directors of the departments of Agriculture; Consumer and Industry Services; Environmental Quality; Natural Resources; History, Arts, and Libraries; and Transportation were also appointed to serve on the council as nonvoting members.

William Anderson—Director, Michigan Department of History, Arts, and Libraries

Steven Chester—Director, Michigan Department of Environmental Quality

K. L. Cool—Director, Michigan Department of Natural Resources

David Hollister—Director, Michigan Department of Consumer and Industry Services

Gloria Jeff—Director, Michigan Department of Transportation

Dan Wyant—Director, Michigan Department of Agriculture

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Executive Summary

BACKGROUND

In February 2003 Governor Jennifer Granholm, supported by Senate Majority Leader Ken Sikkema and Speaker of the House Rick Johnson, signed Executive Order No. 2003-4 and announced the formation of the bipartisan Michigan Land Use Leadership Council, co-chaired by former Governor William Milliken and former Attorney General Frank Kelley. The Executive Order charged the council with studying and identifying trends, causes, and consequences of urban sprawl and providing recommendations to the governor and the legislature designed to minimize the negative effects of current and projected land use patterns on Michigan's environment and economy. The deadline given to the council for its final report was August 15, 2003.

The governor invited the political leadership of the Michigan House of Representatives and Senate to join her in selecting those appointed to the council to assure that the council would represent a broad spectrum of stakeholders concerned about government policies affecting future land use in Michigan. Twenty-six voting members were appointed to the council, and the directors of the departments of Agriculture; Consumer and Industry Services; Environmental Quality; Natural Resources; History, Arts, and Libraries; and Transportation served as nonvoting members. The council met formally eight days over a six-month period to consider the issues and discuss recommendations consistent with the charges in the Executive Order. Subgroups of the council engaged in numerous e-mail exchanges, phone conferences, and discussion groups between formal meetings.

COUNCIL ACTIONS

The chapters presenting the vision and goals and recommendations (chapters 3–7) were developed and formally adopted by the council. The remainder of the report was prepared by staff and, while reviewed and commented upon by council members, was not formally approved by the council.

Vision and Goals

The council determined that it was important to articulate a vision and land use goals for Michigan and to recognize the legal framework and the key assumptions underlying its adopted vision and goals. To guide their deliberations, the council established three fundamental goals: economic prosperity, stewardship of the environment and cultural and natural resources, and equitable distribution of benefits to all residents. It emphasized that these three goals are interdependent and require government leadership in guiding public and private land use decisions and policies that reflect the importance of balancing the goals in achieving sustainability. The report lists ten smart growth tenets used to develop many of the council's recommendations. The council highlighted and discussed two major components of the state's legal framework—*private property rights* and the concept of *home rule*—and acknowledged their importance in its deliberations. Finally, in the chapter on vision and goals the council lists key assumptions and constraints, including the budgetary implications of its recommendations.

Principles and Recommendations

Based upon the background materials reviewed, the survey results, and public comment, the council organized issues into four broad categories within which they developed guiding principles and recommended actions to address specific issues. These four categories are reflected in the chapters of the final report and include: Urban Revitalization; Land Resource–Based Industries; Planning and Development Regulation; and, Infrastructure and Community Services. The vision and goals adopted by the council guided the development of the specific recommendations.

The council initially used work groups based upon the four categories to sort through and refine the various recommendations received from council members, interests groups, and the public. Once the work groups completed their work, the recommendations were reviewed by the full council and a set of draft recommendations was prepared for final consideration at the council’s last meeting. Between the completion of the work groups’ draft recommendations and final consideration, every attempt was made to accommodate council member concerns to achieve the broadest possible support. At the last meeting of the council, each of the draft recommendations was reviewed by the full council. In some instances, recommendations initially adopted by a majority of council members were revisited and the language modified to encourage the broadest possible support.

Despite these collaborative efforts and the spirit of compromise exhibited by the council throughout its deliberations, a few contentious issues could not be resolved to everyone’s satisfaction. Following the last meeting, each council member was given the opportunity to reserve his or her support or object to specific recommendations adopted by a majority of the council. Reservations or objections of individual council members on specific recommendations are noted following each recommendation.

A summary or paraphrasing of the specific recommendations could undermine the carefully constructed language crafted and adopted by the council and contained in the final report. In general terms the council recommendations address broad thematic areas that focus on ways in which government policies and decisions, in cooperation with the private sector, can provide leadership on and a balanced approach to issues of common concern. Consistent with the council’s stated vision and goals, the recommendations focus on incentives and assistance rather than mandates to encourage private sector cooperation in addressing identified concerns. Similarly, the recommendations of the council provide new tools, alternative planning approaches, technical assistance, and resources for local government to reduce sprawl and encourage intergovernmental and interagency cooperation in planning for infrastructure and services that serve large geographic areas.

The report notes the importance of including universities, foundations, and other institutions in the mix of public and private entities that can contribute to accomplishing the recommended actions. The primary issues addressed by the council in the report include:

- Preserving agricultural land, forestland, wildlife habitat, and scenic resources that form the basis of Michigan’s land resource–based industries by enhancing

- existing programs and creating new incentives for private land owners to maintain these valuable undeveloped open spaces
- Supporting efforts to make Michigan cities more livable by expediting the reuse of abandoned properties, controlling blight, encouraging private investment, encouraging mixed-use development, improving transportation options, supporting a full range of housing options, and attracting and retaining residents who can contribute to the viability of our urban core areas
 - Making better use of existing public infrastructure by encouraging public and private investment in already developed areas
 - Providing new tools to local government to encourage better land use decisions that allow more compact, mixed-use development
 - Creating incentives to encourage interagency and intergovernmental cooperation in addressing land use issues and public investments of more than local concern
 - Encouraging private investment in already developed areas by removing governmental barriers and creating incentives
 - Streamlining state and local government financial assistance and regulatory programs that support land use practices consistent with the vision and goals contained in Chapter 3 of the report
 - Seeking government partnerships with for-profit and nonprofit sectors to create a range of affordable housing options
 - Identifying “commerce centers” where infrastructure is already serving relatively dense populations to guide the future investment of state resources to support private investment and development

Many recommendations do not require new public expenditures but represent new policy direction. Some recommendations, however, require new public dollars. The council did not thoroughly examine the cost of many of its recommendations or establish priorities among them. While the council believes that the recommendations, if implemented, will provide long-term savings to the state through more efficient use of public expenditures and reduced public costs associated with the consequences of sprawl, it encourages the legislature and governor to carefully consider the recommended program costs in relation to state budget priorities and constraints. In particular, a number of recommendations suggest state bonding as an appropriate approach to support certain public capital investments. The council recognizes the need to clearly identify the specific purposes and the allocation of funds for any bonding proposals placed on the ballot. The council also recognizes that some of its recommendations can be implemented in the short term and others will require considerable time because of the complexity of the issues and interests involved and/or the fiscal resources required.

BUILDING A FRAMEWORK FOR RECOMMENDATIONS

The council spent most of its first three months collecting and digesting information about land use issues and how Michigan land use trends and government responses to those trends compared with those in other states. The council used a variety of means to accumulate background information needed to understand what land use issues were most important to Michigan’s future and how government responses to those issues

should be framed to sustain economic prosperity, environmental integrity, and social equity for present and future generations of Michigan residents. The council used the following approaches to build a common knowledge base as a foundation for its final recommendations to the governor and the legislature:

- Solicitation of public comment through a series of six public meetings held throughout the state, public comment opportunities at the end of the first five formal council meetings, on-line comments through the Michigan Land Use Leadership Council Web site (www.michiganlanduse.org), and submission of written comments.
- Presentations to the full council by leading national and Michigan experts on specific land use topics identified as critical
- White papers and special reports prepared by council staff, universities, research organizations, and state agencies on various land use issues
- Copies and summaries of previous land use reports prepared by various organizations in Michigan
- Results of a survey distributed to individual council members and to 205 Michigan organizations that asked respondents to identify the most important land use issues facing Michigan and to suggest state policy and legislative responses.

Summaries or, where practical, the full text of the public hearings, reports, and survey results were also made available to the public on the council Web site.

Chapter 1: Introduction

BACKGROUND ON THE MICHIGAN LAND USE LEADERSHIP COUNCIL

Michigan's political leaders decided early in 2003 that it was time to examine the consequences of current land use trends and the concomitant problems and arrive at reasonable solutions. On February 27, 2003, Michigan Governor Jennifer Granholm created the Michigan Land Use Leadership Council. Governor Granholm, in cooperation with the elected leadership of both parties in the Michigan House of Representatives and Senate, appointed 26 individuals representing diverse stakeholder interests from across the state to serve on the council; former Governor William Milliken and former Attorney General Frank Kelley were appointed to co-chair the council.

The council members were chosen for their personal and professional interest and expertise in land use issues. The council members represented a wide array of interests—including homebuilders, realtors, environmentalists, business interests, land resource-based industry representatives, local government officials, and others. The directors of the departments of Agriculture; Consumer and Industry Services; Environmental Quality; Natural Resources; History, Arts, and Libraries; and Transportation were also appointed to serve on the council as nonvoting members. For a full list of council members, see page v.

Council Charge

Through Executive Order No. 2003-4, Governor Granholm created the Michigan Land Use Leadership Council and charged it with (1) identifying the trends, causes, and consequences of unmanaged growth and development and (2) providing recommendations to the governor and legislature designed to:

- Minimize the negative economic, environmental, and social impacts of current land use trends
- Promote urban revitalization and reinvestment
- Foster intergovernmental and public-private land use partnerships
- Identify new growth and development opportunities
- Protect Michigan's natural resources, including farmland and open space
- Better manage the cost of public investments in infrastructure to support growth

The council was also directed to seek public participation in its decision-making process.

In her welcoming address to the council, Governor Granholm urged the council to develop a cooperative, common sense approach and vision for how Michigan uses its land. She noted that there is a tremendous need to protect our forests and farms, prevent the unplanned and unwise growth that chokes our suburban communities and threatens our water quality, and breathe new life into our cities and older suburbs. The governor also stressed that citizen input should play a critical role in the council's success.

During her address, Governor Granholm acknowledged the cooperation of the leadership in the House and the Senate and invited Sen. Ken Sikkema, Senate Majority Leader, to join her in addressing the council. Senator Sikkema expressed similar sentiments. He urged the council to do more than focus on the protection of greenspace and address the reasons why people leave core city areas (e.g., the desire for good schools, safe neighborhoods, and new housing). In addition, the senator reminded the council that the state has made progress on a variety of land use issues over the last two decades, including efforts to protect sand dunes, lakes and streams, farmland, and wetlands. He noted that four principles had made these efforts successful. In each case the new laws (1) addressed tangible issues, (2) responded to well-documented problems, (3) involved solutions that respect other values (e.g., economic development and private property rights), and (4) were implemented with flexibility, recognizing the differences between areas of the state. He advised the council to adhere to these principles.

Purpose of This Report

The purpose of this report is to respond specifically to the council charge established through Executive Order 2003-4. The report documents Michigan land use trends and the likely causes and consequences of these trends. The report also presents the council's vision for ensuring sustainable and livable communities in Michigan; fundamental goals, essential values, and key assumptions that support this vision; and guiding principles that serve as the basis for the focus of the report: the council's recommendations to reform land use decisions in Michigan.

It is important to note that the council's recommendations concern changes in *public policy* to improve land use decisions in Michigan. Among the many topics addressed by the council were farmland and open space preservation; tax policy and intergovernmental finance; transportation; local planning and zoning; land use tools for local governments; urban redevelopment; infrastructure and community services; affordable housing; public versus private costs of growth; social equity; state, local, and private partnerships; and intergovernmental cooperation.

Report Creation Process

The Michigan Land Use Leadership Council held a total of eight formal meetings and solicited public comment over a six-month period, from March through August 15, 2003. Public comment played an important role in the council deliberations. All council meetings were open to the public. In addition to providing an opportunity for verbal public comment at each of the first five council meetings and accepting written comments through the council's online comment form, mail, and fax, the council held public hearings in April at six different locations across the state: Marquette, Gaylord, Lansing, Grand Rapids, Detroit, and Pontiac. At each location there were two public hearings: 3:00 to 5:00 PM and 6:30 to 8:30 PM. Members of the council were present at each of the hearings. In total, 674 persons attended the public hearings (with 398 providing oral testimony); 53 people spoke during the public comment period at the end of each of the first five council meetings. More than 1,330 written or e-mail comments were received, along with an estimated 11,000 postcards collected in an advocacy campaign. The public comments were compiled and summarized by the Michigan Department of Environmental Quality (MDEQ). Four summary reports on the public

comments were presented to the council, and transcripts of oral testimony and copies of written material were made available to council members upon request.

During the six months the council was given to meet its charge, it followed a three-phase process: grounding, visioning, and recommendations. As the work plan flow chart attached in Appendix B indicates, the council's first meeting on March 24 marked the beginning of the *grounding phase*. After the welcoming addresses by Governor Granholm and Senate Majority Leader Sikkema, council members heard presentations by state and national experts on the status of Michigan's cities, the future of the state's land resource-based industries, and an analysis of Michigan land use policies and patterns compared to the rest of the nation. Public Sector Consultants, a Lansing-based public policy research firm that provided staff support for the council, presented the results of a survey of council members it had conducted in advance of the meeting on their land use-related issues and recommendations for potential public and private sector actions to address these concerns. Council members also were provided important background materials developed by council staff and a number of outside experts throughout the course of their deliberations to help broaden the council's knowledge base (see Appendix A). All the material provided to council members was made available to the public on the council's website at www.michiganlanduse.org.

The council began its *visioning phase* at its second meeting on April 14. Representatives from the American Planning Association provided an overview of land use initiatives similar to the Michigan Land Use Leadership Council that have occurred/are occurring around the country. The council then began the process of attempting to reach consensus on a common vision and goals for Michigan land use policies and practices.

At the May 12 meeting, the council members heard a presentation by the Department of Environmental Quality summarizing public input received to date in writing, via the Web, and at the public hearings held around the state in April. In addition, Public Sector Consultants presented the findings of a survey it had conducted on the council's behalf of key stakeholder groups in Michigan regarding their top three priorities for future land use actions. Following these brief presentations, the council continued to refine its vision and goals and began the *recommendations phase* of its meeting process. During the recommendations phase, which continued through August, council members developed public policy recommendations and an action strategy that was consistent with and led toward achieving the council's vision and goals for Michigan.

During the May meeting, the council quickly determined that it would need more time to meet the governor's charge and opted to expand its June meeting into a two-day retreat. At the June 8–9 retreat, council members spent the first day in small workgroups examining recommendations in detail. The full council met on the second day of the retreat to discuss recommendations. At the July 7 meeting, the council continued to refine the recommendations in preparation for their inclusion in this report. During this meeting the council decided once again that more time was necessary to meet their charge and added another day, August 3, to complete work on the remaining draft recommendations. At the August 3–4 meeting, the council finalized these recommendations.

The process for developing and refining recommendations was iterative and collaborative. Council members worked in full session, in subgroups, and with council staff to prepare the recommendations contained in this report. In early meetings, the council adopted a protocol that called for working toward consensus. In this context, consensus means group solidarity in sentiment, general agreement or accord, collective opinion, or a judgment arrived at by most of those concerned. At later meetings, this process was reinforced, and while council members may not have always agreed upon specific language, there was general agreement on the concepts identified in the recommendations and principles. At later meetings, every attempt was made to accommodate any council member's concerns as specific recommendations proposed by work groups were presented for inclusion in the draft report. Where differences among members on draft recommendations could not be satisfactorily resolved, a majority vote of members determined what specific language was included. At the last meeting of the council, each of the draft recommendations was reviewed by the full council. Again, considerable time was spent at the final meeting attempting to achieve the broadest consensus for the wording of the final recommendations. In some instances, recommendations initially adopted by a majority of the council members were later revisited and the language modified to encourage the broadest possible support. Despite these collaborative efforts and the spirit of compromise exhibited by the council throughout its deliberations, a few contentious issues could not be resolved to everyone's satisfaction. Each council member was given the opportunity to reserve his or her support or object to specific recommendations adopted by a majority of the council. Those reservations or objections of individual members on specific recommendations, if any, are noted in the report.

In summary, the council used a great deal of material and a variety of methods in preparing this report. Beginning with the charge to identify the trends, causes, and consequences of sprawl, the council reviewed resource materials on this topic and solicited presentations from experts to assist with the identification process. The council asked a pool of experts in a variety of topic areas to serve as resources at its meetings. The council surveyed its members and numerous interest groups throughout the state to determine key values, concerns, and recommendations on how Michigan should grow over the coming years. Recognizing time constraints and the fact that other parts of the country had embarked on similar processes, the council considered recommendations for reform from previous reports and initiatives in recent history, both Michigan-specific and nationwide, but gave primary attention to recommendations that originated from council members and the public.

ORGANIZATION OF THE REPORT AND STRUCTURE OF THE RECOMMENDATIONS

The chapters presenting the vision and goals and recommendations (chapters 3–7) were developed and formally adopted by the council. The remainder of the report was prepared by staff and, while reviewed and commented upon by council members, was not formally approved by the council.

The report is organized with background information first and recommendations second. Chapter 2 specifically addresses the charge to identify the trends, causes, and

consequences of unmanaged growth and development by presenting the major findings of related research material. Chapter 3 details the council’s vision for ensuring sustainable and livable communities in Michigan. It also describes the three pillars, or goals, of sustainable development—economic prosperity, a healthy environment, and social equity—that support this vision; the essential values (private property rights and home rule) on which this vision is founded; and the key assumptions that are inherent in this vision. Major guiding principles in this chapter serve as the basis for more specific principles, problem statements, and recommendations for reforming land use public policy in Michigan in the chapters that follow.

These chapters (chapters 4 through 7) are organized by the four major categories of land use issues facing our state, as determined by the council: infrastructure and community services, land resource–based industries, planning and development, and revitalization of urban areas. Each of these chapters begins with an introduction to the issue, a brief summary of the scope of the issue, recent research findings, and background information. Next, the guiding principles developed and agreed upon by the council serve as tenets and drive the direction of the recommendations. The individual recommendations follow the guiding principles. They are not listed in any particular order. Where possible the recommendations are specific as to the implementation method (state or legislature) but are written in a manner that provides flexibility. Some recommendations may include a brief commentary or explanation if it was warranted. Early in the process, the council opted to not provide minority reports for recommendations. Instead, it chose to record reservations and objections regarding specific recommendations. The names of council members expressing reservations or objections are noted following each recommendation.

Although the recommendations are presented in separate categories, it is important to note that most of the recommendations are interrelated. Some recommendations appear in more than one issue category because of their relevance to multiple topics and/or their interrelationship with other issues in a given category.

A glossary of terms relevant to the recommendations follows the chapters. Appendices of related information, including a list of resource material generated for use by the council, can be found at the end of this report.

ISSUES TO ACKNOWLEDGE

Members of the public consistently brought several important issues before the council. Many of these issues have been addressed in this report, but some that are being dealt with in other forums or could not receive adequate discussion and/or resolution are not fully covered herein. The governor’s office and the departments of Environmental Quality, Natural Resources, Agriculture, and Community Health, in conjunction with representative stakeholder organizations, either are currently or should begin to examine and develop recommendations related to the following land use–related water quality issues:

- **Water export and diversion** under the 2001 Great Lakes Charter Annex, which is a good-faith agreement among the Great Lakes governors and premiers to prepare, by 2004, a new basinwide binding agreement that would enhance the

Great Lakes regional water management system and ensure that the Great Lakes are protected, conserved, restored, and improved for future generations

- **Michigan Drain Code** modifications to expand the role of local governments and citizen input and to broaden authority in the area of watershed management
- Integration of **watershed-based approaches** to water quality, water quantity, and aquatic resource management
- Publishing a new *Michigan's Environment and Relative Risk* report to determine the most important issues facing the Great Lakes both today and in the future

Chapter 2: General Land Use and Related Trends and Conditions in Michigan

The Michigan Land Use Leadership Council's charge, as defined by Executive Order 2003-4, was to identify the trends, causes, and consequences of unmanaged growth and development in Michigan and provide specific recommendations that address those issues. While there are numerous trends related to land use in Michigan that could be discussed, this chapter will present the *major* trends, causes, and consequences of recent land use patterns as they relate to development patterns, impacts on land-based industries, and urban impacts.

The information presented here is intended to provide a cursory overview of land use in Michigan and a sampling of information for a common backdrop, not an exhaustive list of data and information. As a part of the council's process, a website (www.michiganlanduse.org) was created that houses much reference and research material as well as links to other good land use resources from a variety of perspectives.

DEVELOPMENT PATTERNS

Michigan has nearly 37 million acres of land and 10 million inhabitants. On any globe or from any orbiting spaceship, Michigan's place on Earth is obvious: The Great Lakes vividly outline us. Those lakes contain 95 percent of the surface fresh water in the United States. We enjoy, too, more than 11,000 inland lakes and 36,000 miles of streams. Within our borders, major industry, magnificent forests, beautiful farms, livelihoods, residences, and recreation coexist and depend on each other.

The last time (1978) state land was comprehensively inventoried and classified, 37 percent of the state was upland forestland, 29 percent was agricultural, 17 percent was wetland/lowland forest, and 6 percent was in urban uses (Smyth 1995). Other smaller categories of use accounted for the balance.

Despite the lack of a comprehensive update, numerous studies have documented the changes in the landscape of Michigan since 1978, most notably spreading urbanization along with the out-migration from parts of many cities. According to one such study, if current land use patterns continue, between 1.5 and 2 million more acres of land area will be urbanized in 2020. This is a 63–87 percent increase over 1990 levels and is as much land as served 9.2 million residents in 1978 (MSPO, September 1995, *Demographics*).

The 2001 Michigan Land Resource Project study projected that if current land use patterns continue, by 2040—a generation from now—Michigan's built or developed areas will increase by 178 percent (PSC 2001). That would mean that 17 percent of Michigan would be developed, compared to the present 9 percent. At our expected growth rate, it may not take Michigan long to catch up to New Jersey, currently America's "most built" state with 26 percent developed area. Some of the most significant consequences of this phenomenon will be felt in the land resource-based industries and older urban areas.

Michigan’s population density is falling. Average population density was 3.8 persons per acre in the early 1980s and dropped to 2.8 persons per acre by the late 1990s (Norris and Soule 2003). This is most obvious when land consumption rates are compared to population change. Exhibit 1 shows this trend for several major Michigan cities.

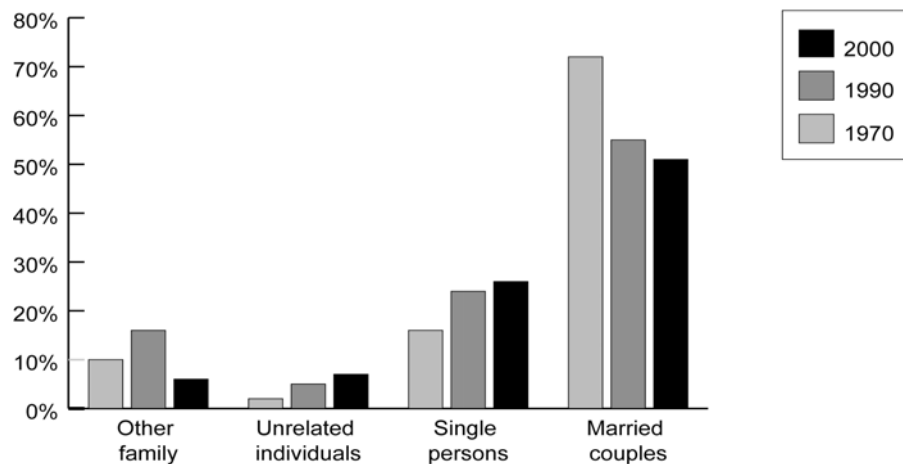
EXHIBIT 1
Land-to-Population Growth Ratios 1960–90

Ann Arbor: 2 to 1	Jackson: 10 to 1
Lansing: 2 to 1	Muskegon: 12 to 1
Kalamazoo: 2.5 to 1	Detroit: 13 to 1
Grand Rapids: 3 to 1	Saginaw: 14 to 1
Flint: 7 to 1	Bay City: 27 to 1

SOURCE: Prepared by Public Sector Consultants Inc. Figures are from various sources including U.S. Census data interpreted by David Rusk.

On average, the state of Michigan develops its land eight times faster than its population grows. The number of new households continues to significantly outpace population growth. From 1970 to 2000, households in Michigan grew by 43 percent, while population grew by only 12 percent. At the same time, persons per household fell from 3.27 in 1970 to 2.66 in 2000 (U.S. Census Bureau 1990 and 2002). While the number of households continues to rise, there is a continuing shift away from traditional households, as shown in Exhibit 2.

EXHIBIT 2
Composition of Michigan Households



SOURCE: U.S. Census Bureau 2000, Table DP-1 and Pubic Sector Consultants 1997.

Changes in household composition can explain some, but not all, of the trend toward spreading across the landscape. The state’s development patterns, which exemplify both America and Michigan’s historic frontier mentality—the yearning by many to leave

congested areas and conquer wilderness—pervade every aspect of our lives, including the age of schools and school enrollment, the look of the environment, attractiveness to business and economic growth, and access to health care.

IMPACTS ON LAND-BASED INDUSTRY

In 2001, the Michigan Land Resource Project explored the future of Michigan’s land-based industries if current development trends continue. As stated above, the report shows that by 2040 the amount of developed land in Michigan will have increased by 178 percent, nearly three times that which currently is developed (PSC 2001). Exhibit 3 shows land use classifications with actual acreage for 1980 and projections to 2040.

EXHIBIT 3
Classes of Land Use, 1980 and Projections to 2040

Class of land use	1980 (millions of acres)	2040 (millions of acres)	Change	Percent
Agriculture	11.0	9.1	-1.9	-17%
Built	2.3	6.4	+4.1	+178%
Private forestland	18.2	16.9	-1.3	-8%
Other vegetation	2.9	2.2	-0.7	-24%
Wetland	1.8	1.7	-0.2	-10%

SOURCE: Public Sector Consultants, *Michigan Land Resource Project*, November 2001.

This trend has far-reaching consequences for such land-based industries as agriculture, forestry, mining, and natural resource-based recreation and tourism, which collectively account for 17 percent of Michigan’s total economy.

- Between 1982 and 1997, farmland acreage in Michigan decreased by almost 1.5 million acres or 13.3 percent (Norris and Soule 2003).
- Michigan’s agricultural products are the second most diverse in the nation, after California. Michigan is expected to lose a quarter of its fruit-growing land over the next 40 years (PSC 2001).
- The average age of farmers in Michigan in 1997 was 53 years (USDA 1997) and continues to climb.
- Land used for mining, agriculture, and forestry often cannot compete with the land’s value for other uses, and the large contiguous parcels that these industries need for their operations are being fragmented into smaller blocks, which are less economically viable for these industries. Despite continued downward trends in real net cash income per farm during the 1990s, farm real estate values per acre rose in real terms. By 2001, the average value of farm real estate reached \$2,250 per acre, nearly 60 percent higher than five years earlier and double the price of a decade earlier (PSC 2001). But these values are far less than the value of the land for large lot single-family development.

- Farmland typically is not immediately converted to a developed use; instead it is simply not tilled and planted for a few years. If this process continues, the vegetation naturally converts to forest. Despite these natural increases, data predict a 2 to 7 percent decrease in forestland by 2040 (PSC 2001).
- The production of sand and gravel and crushed stone depends on local economic patterns and will be highly influenced by urbanization and local land use patterns. Construction materials cannot be transported economically more than about 40 miles (PSC 2001). Current land use trends jeopardize the ready availability of cheap sand and gravel due to conflicts with low-density residential development.
- As people move to destination resort areas to take advantage of the amenities and views, those areas may lose the very character and quality that originally defined them as a destination if current development patterns continue (PSC 2001).

URBAN IMPACTS

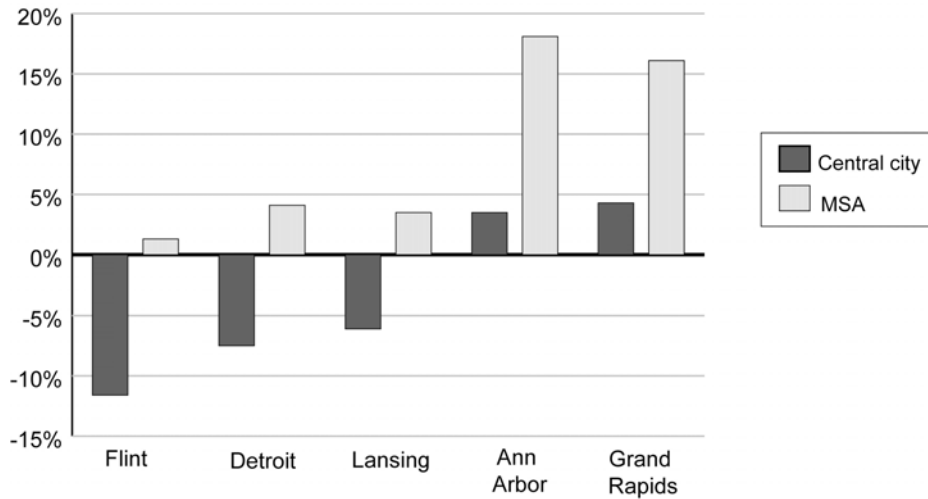
Also critical is the effect that land use patterns have on cities. When investment shifts from cities to the suburbs and beyond, (1) city property values decline; (2) city population dwindles, leaving behind a concentration of older, minority, and/or low-income populations who often cannot afford to move out; (3) the city's tax base shrinks; and (4) the city's roads, sewers, buildings, police and fire service, and public institutions deteriorate.

As shown in Exhibit 4, urban population continues to fall, both in absolute terms and relative to nonurban areas. This chart compares the central, core cities to their larger metropolitan statistical area (MSA) in terms of the percentage of population change between 1990 and 2000. MSAs are conglomerations of population that are based on counties, typically surrounding an urban area. From 1990 to 2000, the population in 13 representative Michigan cities¹ fell 4.3 percent, while during the same period the state population rose 6.9 percent. In 2000, the population of the 13 cities represented about 31 percent of the total surrounding counties, down from about 34 percent in 1990. Each of the 13 representative cities experienced out-migration from 1990 to 2000. Net out-migration was highest in Flint (28.9 percent of the 2000 population) and Saginaw (28.0 percent) and lowest in Wyoming (4.4 percent) (PSC, April 2002). More recent population estimates by the U.S. Census Bureau show declines since 2000 in all of Michigan's cities with populations greater than 100,000 persons except for Ann Arbor and Sterling Heights—including an estimated decline of 26,219 persons in Detroit, the largest decline in the nation.

A 1999 study of Michigan's cities found that concentrated poverty in urban areas increases as population declines and residents seek more updated services and open space in more rural areas. In 1990, 37 percent of the Detroit population lived in census tracts classified as extreme poverty areas, more than in New Orleans, Atlanta, or Miami (PSC 1999). Exhibit 5 illustrates concentrated poverty for selected Michigan cities. The Detroit metropolitan area has become one of the most racially segregated areas in the nation (Gerhart 1999).

¹Ann Arbor, Battle Creek, Detroit, Flint, Grand Rapids, Kalamazoo, Lansing, Muskegon, Pontiac, Saginaw, Traverse City, Warren, and Wyoming.

EXHIBIT 4
Selected Central City and MSA Populations, Percentage Change, 1990–2000



SOURCE: Public Sector Consultants Inc. Materials from the *Michigan Land Resource Project*, November 2001.

EXHIBIT 5
Trends in Racial Segregation and Poverty in Michigan’s Metro Areas, 1970–90

Metropolitan area	Housing segregation index in 1970*	Housing segregation index in 1990*	Metro poverty rate in 1970	Metro poverty rate in 1990
Ann Arbor	N/A	50	N/A	12.2%
Battle Creek	72	63	10.6%	14.3%
Benton Harbor	N/A	74	15.7%	14.7%
Detroit	88	88	8.5%	12.9%
Flint	N/A	81	N/A	16.5%
Grand Rapids	N/A	72	8.2%	8.3%
Jackson	N/A	70	N/A	12.0%
Kalamazoo	71	53	9.1%	13.5%
Lansing/East Lansing	65	57	8.8%	12.9%
Muskegon	N/A	77	10.0%	15.3%
Saginaw/Bay City/Midland	N/A	82	9.3%	14.8%

*Segregation index is based on a scale of 100, with 100 being total segregation and complete integration equal to 0.
 SOURCE: *Planning and Zoning News* 17 (May 1999): 10. Reprinted with permission.

Increased costs of providing public utility services, housing, and roads are consequences of development that accompany the population loss, declining employment opportunities, aging infrastructure, and declining schools of urban centers. The City of Detroit’s population has dropped from a high of about 1.8 million people in 1950 to under one million in 2000—the largest decrease of any American city. Between 1980 and 2000 Flint lost 22 percent of its population, Detroit lost 21 percent, and Lansing lost almost 8.5 percent. One in eight homes in Flint are vacant (Norris and Soule 2003). Detroit has more than 50,000 abandoned properties, fostering images of blight and criminal activity. In the 1950s, the city had an installed infrastructure sufficient to support a population of 2.2

million persons. Now, fewer than one million residents must pay the costs of that infrastructure (Gibson 1998). There has been improvement in the concentration of poverty, however, according to a recent report from the Brookings Institution Center on Urban and Metropolitan Policy released in May 2003. In the last decade, the number of people living in high-poverty neighborhoods in Detroit declined nearly 75 percent—the largest drop in the nation (Jargowsky 2003).

Part of the governor’s charge to the council was to provide recommendations designed to promote urban revitalization and reinvestment, a topic that has received considerable attention in recent discussions about Michigan’s future. The governor and others have envisioned “hip and cool” cities that attract entrepreneurial, creative, well-educated, artistic, and young people. Michigan Future—a statewide group of civic leaders—has documented why central cities matter and challenged the state’s cities to embrace greater diversity, be welcoming to all—including immigrants, provide quality public services, be friendly to economic development, and develop strategies that promote mixed-income neighborhoods (Michigan Future, Inc. 2003).

It is important to recognize that urban revitalization and reinvestment are influenced by a number of “push” and “pull” factors. As Samuel R. Staley explained in his 1999 report, *“Urban Sprawl” and the Michigan Landscape: A Market-Oriented Approach*:

Pull factors are a particular community’s characteristics that attract people to live in it. The possibility of a larger house on a plot of land might attract, or “pull,” someone from a cramped city dwelling to a suburb or rural town. The proximity to cultural and entertainment events such as professional sports or the opera might pull others into downtown areas. Providing the kinds of neighborhoods and housing opportunities people want is critical for developing, redeveloping, and rejuvenating cities of all sizes. Large cities, for example, have a number of features that attract businesses and people: roads, cultural activities, diverse and inexpensive housing opportunities, and easy access to mass transit.

Equally important, however, are the push factors. Many cities suffer from poorly functioning school systems, high tax rates, anti-competitive regulations, and old and deteriorating housing stock. Cities may upgrade their housing stock, improve transit opportunities and decorate their downtowns with new sports stadiums and casinos, but if they do not address such basic push factors as poor schools, high taxes and crime, they will continue to stagnate and decline.

To help Michigan’s central city neighborhoods compete with the “pull” of urban fringe and rural locations, it will be necessary to address the “push” factors related to the poor public services available in many central city neighborhoods, especially schools and public safety. Since deficiencies in each of these areas are significantly associated with the effects of concentrated poverty and social inequity, these root problems also must be addressed.

Protecting urban legacies that are both expensive to duplicate and, in many cases, irreplaceable are worthy goals. So, too, are protecting the environment and preserving farmland. So, too, is making smarter public investments—making better use of less. Not least as a goal is improving Michigan’s economic competitiveness and job creation.

Achieving these goals, on which we measure the quality of our lives, necessarily requires hard work and facing up to broad, challenging, and controversial topics.

We need to alter the current dynamics: the understandable lure of open space, newer and more expansive homes, and better public services and the accompanying decline of cities. Former president of the Michigan Farm Bureau Jack Laurie put it succinctly: “We can’t save our farms until we save our cities.” Traveling the path of the last 30 years for the next 30 will diminish the quality of life for all.

EFFECTS OF PUBLIC POLICY AND INSTITUTIONAL FRAMEWORKS

Increasingly, the land use dialogue has turned to an examination of the causal role public policy plays in shaping land use decisions and patterns. The current preference of Michigan citizens for new homes on large country lots is an expression of personal choice, but choice depends on available options and cost. To some extent, these choices are driven by public policy at all levels of government (federal, state, and local). Some examples of these public policies include:

- Zoning land for single-family use at one unit per acre or greater and land divisions in ten-acre parcels results in very low-density scattered land use patterns that, over time, contribute to a reduction in the economic viability of farms and forests.
- The process for clearing a title in urban areas is so cumbersome and lengthy that it discourages redevelopment and land assembly efforts in urban areas.
- Government spending patterns can encourage the use of greenfields over brownfields.
- More than 1,800 units of local government have legal authority to engage in land use planning and/or zoning in Michigan. Moreover, there is little planning coordination between units of government. This lack of coordination across jurisdiction and between governmental entities encourages a checkerboard pattern of development across the state.

RESOURCE MATERIALS

A number of studies, reports, and other resources have been important to informing the growing dialogue on planning and development issues in recent years. While the following list is not exhaustive, it does provide some of the major resources including publications, websites, and organizations.

- In July 1992, the Michigan Department of Natural Resources (DNR) released *Michigan’s Environment and Relative Risk* (Lansing, Mich.: DNR). This report to then Governor Engler, prepared by the Michigan Environmental Science Board with staff assistance from Public Sector Consultants Inc., ranked environmental risks. The report identified the lack of land use planning in consideration of ecosystem integrity and the degradation of urban environments as two of the greatest risks to the state’s environment. This report brought the issue to the forefront of dialogue, validated what was only anecdotal evidence up to then, and spawned a flurry of research on land use.

- The *Status and Potential of Michigan Natural Resources* was released in March 1994 (East Lansing, Mich.: Michigan Agricultural Experiment Station, Michigan State University). It is a collection of 16 special reports on various natural resource topics such as land resources, population dynamics, wildlife, water quality, etc.
- The Michigan Society of Planning Officials (MSPO) released a study in September 1995 that resulted in 11 volumes and more than 1,700 pages documenting land use and related trends in Michigan over the past 50 years and projections for the next 30. It culminated in *Patterns on the Land: Our Choices—Our Future* (Rochester, Mich.: MSPO). This research was largely conducted by the Planning & Zoning Center Inc.
- An important follow-up study to *Patterns on the Land* was released in November 2001. The *Michigan Land Resource Project* was prepared by Public Sector Consultants Inc. (PSC) for the Frey Foundation and the W. K. Kellogg Foundation on behalf of the Michigan Economic and Environmental Roundtable (Lansing, Mich.: PSC). This was the first study to use a geographic information system (GIS) and forecasting methods to project land use to 2040 based on current land use trends. This project examined the implications, both social and economic, of those patterns on the land-based industries of agriculture, forestry, mining, and tourism. GIS work was performed by researchers at Michigan State University and the analysis of the results by associated faculty with Michigan State University, the University of Michigan, and Michigan Technological University.

There is an increasing number of valuable websites posted by organizations that represent various viewpoints engaged in the land use discussion. The following list provides a sampling of information.

- Brookings Institution Center on Urban and Metropolitan Policy at <http://www.brookings.org/es/urban/urban.htm>
- Center for Livable Communities at <http://www.lgc.org/center/index.html>
- Funders Network for Smart Growth and Livable Communities at <http://www.fundersnetwork.org/>
- Mackinac Center for Public Policy at <http://www.mackinac.org/>
- Michigan Department of Management and Budget provides demographic information at <http://www.michigan.gov/dmb/>
- Michigan Land Use Institute at <http://www.mlui.org/>
- Michigan Society of Planning at <http://www.planningmi.org/default.htm>
- Smart Growth Network at <http://www.smartgrowth.org/default.asp>
- Southeast Michigan Council of Governments at <http://www.semco.org/>

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Chapter 3: Vision & Goals

INTRODUCTION

Land use is often considered a topic that covers a complicated maze of interrelated issues—and it is. The complexity of land use issues makes them hard to understand, but it is important to try because land use decisions shape the communities we live in and our opportunities for the future. In the simplest sense, the arrangement of land uses (e.g., farms, residential neighborhoods, commercial shopping centers, industrial parks, government, recreational areas, and others) creates the patterns on the landscape that define Michigan. That pattern has changed dramatically in the last half-century. Where the pattern reflects compact, economically viable communities with a unique character and surrounded by farms, forests, and other open spaces, we usually like it. No one is far from jobs, recreation, schools, or shopping, and there is a range of affordable housing choices. We could call this a pattern that supports livable communities—these are places where people want to live.

In contrast, when the land use pattern converts farms and forestland to low-density development that spreads across the landscape with little identifiable form, we call it sprawl. In recent decades, Michigan has built more sprawling communities than compact communities. Surveys tell us that Michigan’s citizens want compact, livable communities, yet they continue to express their living choices by moving out of urban communities and into rural areas; they abandon small lots in cities for large lots in the country. Some say the “pull” of open space, low taxes, and rising home values combined with the “push” of crime, poor schools, and concentrated poverty helps to drive this process. Others say it is how and where government spends its money on new roads, sewers, water lines, and schools that attracts new development. Research shows that all these factors are partly responsible and that if we want less sprawl, we need to create more livable communities, protect the lands our resource-based industries depend upon (and which provide society with valued open space), and stop spending public money in ways that support sprawl.

Government policies in the past have not been neutral and many have directly or indirectly encouraged sprawl. In Michigan, sprawling growth has had a negative effect on large urban core areas, older suburban areas, and the downtown areas of many medium-sized and small towns. It has resulted in disinvestment in central cities, a decrease in tax base, and an increase in the costs of basic services. It has irreversibly converted valuable farmland, wildlife habitat, and open space to support development at a pace that far exceeds the needs created by population growth. Sprawl has added to the cost of constructing and maintaining public infrastructure as it serves a less dense population, while at the same time it has caused underutilization of schools, sewers and water supply systems, and other infrastructure in the older developed areas.

Out-migration from older urban core areas has also concentrated poverty and led Michigan communities to be ranked as the most racially segregated in the country. Racism, while not necessarily the primary force leading to sprawl in Michigan, can be an impediment to revitalizing Michigan cities unless it is forthrightly addressed in the

development of government policies and programs. Whether expressed subtly through exclusionary zoning practices, or more explicitly through attacks on cities and those who live there, it is wrong. Efforts to divide Michigan by race or class hinder our progress, hurt our competitiveness, and diminish our spirit. Our diversity should be capitalized upon as one of our strengths.

While an overall Michigan land use vision is needed, it is important to recognize that current land uses, land resource potential, and expected growth vary across the state and that multijurisdictional approaches are needed to develop coordinated planning efforts that best fit the needs of particular areas while helping to achieve the vision for sustainable land use in our state as a whole.

VISION STATEMENT

The principal purpose of the Michigan Land Use Leadership Council is to make recommendations to reform land use decisions in Michigan so that we create sustainable and more livable communities—large and small—in the both the Upper and Lower Peninsulas, from Lake Michigan to Lakes Erie, Huron, and Superior. Land use in Michigan is about maintaining and, where necessary, restoring or creating communities that people want to live in and providing housing choices that do not now exist for many. At the same time, land use in Michigan is about preserving open space, farmland, and forestland. It is about:

- Vibrant, “hip” cities that combine the best of the old with new redeveloped housing and worksites, where people can move about easily by means of a variety of modes of transportation and feel safe and secure while doing so
- Suburban cities, villages, and townships that are conveniently accessible to jobs and cultural facilities in the core city while also being close to recreation and open spaces in the country
- Small towns that serve as the economic and cultural center for surrounding agricultural, forestry, mining, and tourist economies
- Healthy, vibrant agricultural and forest products industries in the state
- Stimulating economic prosperity so that there is enough new income and tax revenue to provide needed public services and to preserve, protect, and improve environmental quality
- The protection of Michigan’s important scenic vistas
- Communities that understand a healthy environment and a healthy economy go hand in hand
- Communities that are inclusive in their zoning practices and efficient in their use of existing infrastructure
- Communities where public and private renewable natural resources such as valuable agricultural and forested lands are managed to sustain long-term use while providing open space and wildlife habitat at the same time
- Communities that are energy efficient, support energy conservation, and promote the use of innovative technologies including the use of renewable energy resources

- Preserving ecologically significant natural habitats and unique scenic resources that enhance the quality of life for state residents, attract visitors, and maintain biodiversity
- Walkable communities where community design promotes healthy lifestyles
- Communities where green spaces are linked via trails and pathways for human and animal use
- Communities that provide a wide range of choices in types and cost of dwelling units, lot sizes, jobs, and modes of transportation in relatively close proximity to where people live
- Communities where quality public services can be cost-effectively provided
- Government policies that support the enhancement of existing urbanized areas, discourage sprawl, broaden living choice options, and increase the value of all land
- Convenient communities where citizens have access to most of their daily living needs in close proximity to where they live and work
- Fairness and equity in decisions about where locally unwanted land uses are sited and the opportunity for all to enjoy the benefits of new growth and development
- Communities that preserve relevant elements of their history, traditions, and culture
- Supporting home ownership to encourage the creation of individual wealth, complement sustainable communities and citizen involvement, and contribute to economic prosperity
- Providing expanded housing choices for individuals and families that are affordable within a range of prices and in a variety of locations in close proximity to employment opportunities and in communities that can support a full complement of essential public and private services and facilities
- A “Michigan solution” to the issues of land use that recognizes the unique character, history, economics, and culture of our state
- Effective local, multijurisdictional, and state planning done in a collaborative manner—involving government, business, and institutional sector organizations sharing a common long-term vision for the community—to: (1) enhance the quality of life for Michigan residents without adding layers of government bureaucracy; and (2) promote sustainability and balance among economic prosperity, environmental integrity, and social equity

Improving land use decisions in Michigan is about all these things—it is about achieving this vision for Michigan.

THREE FUNDAMENTAL GOALS UNDERLYING THIS VISION

Aside from its people, Michigan’s land—and how it is used—is the state’s most valuable asset. Historical uses of land in Michigan have played a major role in the settlement and economic development of the state, and to a large extent, Michigan’s economic growth and quality of life in the future will be defined by how well land and associated natural resources are managed. As demonstrated in the previous chapter, land use trends in

Michigan over the last half-century and those projected for the first half of the twenty-first century have raised serious concerns about the future of Michigan.

The land use concerns expressed by Michigan residents focus on three areas: (1) the economy—the future economic strength of the state in light of increased global competition and the associated rising cost of providing public infrastructure and services; (2) natural and cultural resources—the stewardship of Michigan’s environment, natural resources, and cultural assets; and (3) equitable distribution of benefits—the need to assure that all Michigan residents have the opportunity for and access to high-quality education, employment, housing, health care, transportation, and recreation. These areas of concern are rooted in three fundamental goals shared by nearly all Michigan residents: economic prosperity, environmental and cultural integrity, and social equity. These three goals are interdependent and require government leadership in guiding public and private land use decisions and related policies that reflect the importance of balancing each goal in achieving sustainability.

Economic Prosperity

The resources needed to provide appropriate stewardship of the state’s assets and to assure equitable distribution of benefits to all residents on a sustainable basis will be largely dependent upon the state’s ability to compete successfully for economic development and related employment opportunities with other states and nations. Making Michigan an attractive place for private investments will take more than the strategic allocation of limited public dollars to support the siting of a specific facility in our state. It involves a set of factors that the private sector uses in determining where to invest in new or updated facilities and offices. The availability, quality, and maintenance of the public and private infrastructure (e.g., transportation, sewers, water, communication, and energy); the efficiency and cost of government; the quantity and quality of the existing workforce and the ability to attract and retain highly skilled employees; the proximity and quality of research and training facilities; and the timeliness, predictability, and cost of assembling needed land and meeting environmental, recreational, and land use requirements are all important factors.

For those private investments linked to the production of products derived from private and public land-based natural resources (e.g., tourism, agricultural and forest products, and mineral extraction), the public policies and commitment to preserve the resource base for providing renewable resources and reasonable management of nonrenewable natural resources are critical. For some emerging economic sectors that are not tied to specific locations, the ability to attract and retain a highly skilled workforce is directly related to the quality of life accessible to employees near where they live and work. The goal is to manage our land resources to create sustainable economic prosperity.

Environmental Integrity

The sustained quality and safety of the air we breathe, the water we drink, and the land we use are essential to the health of Michigan residents. The stewardship of our air, water, land, and related natural, cultural, and historic resources defines the quality of life and our sense of place whether we live in core cities, suburbs, small towns, or rural areas. Environmentally healthy and attractive places to live, work, and recreate are important to

our well-being and can help attract people to Michigan. It is important to be responsible stewards of the tremendous assets of our state found in our existing parks, recreation areas, open spaces, agricultural and forested lands, tribal lands, and waterways to provide renewable products, recreational opportunities, and the biodiversity required to sustain these natural systems. Cultural and historic resources throughout Michigan also play an important role in defining who we are and in building community pride. In some cases, creating open space and recreation areas and supporting or restoring cultural and historic resources can be a key element in maintaining and revitalizing our existing urban areas. The goal is to maintain the integrity of environmental and cultural assets to sustain a quality of life that Michigan residents can point to with pride and pass on as a legacy to future generations.

Social Equity

Growth patterns in Michigan have resulted in concentrations of poverty in some rural areas and in most of the state's older core cities. Michigan residents in these areas have little opportunity to live in communities with adequate, safe, affordable housing; quality schools; appropriate public services; attractive recreation facilities; good employment opportunities; dependable public transportation; and other factors associated with the quality of life. This disparity has in many cases been exacerbated by public policies that have encouraged and subsidized urban sprawl, leading to private disinvestments in older urban areas. It has been encouraged by exclusionary local zoning practices that restrict new housing to high-priced developments. It has isolated large segments of our state's population from employment opportunities, public services, recreational facilities, and retail centers by failing to recognize and provide for public transportation systems that meet the needs of many who do not drive and/or who cannot afford an automobile. The goal is to make public land use decisions that result in a more socially equitable distribution of benefits to all Michigan residents.

Balancing for Sustainability

Striking the appropriate balance of economic prosperity, environmental integrity, and social equity is the key to sustainability. The Michigan Land Use Leadership Council recommends, consistent with balancing these three fundamental goals, that the state provide leadership in the use of land to achieve economic prosperity through wise stewardship of natural and cultural resources that will provide equitable distribution of benefits to all Michigan residents on a sustained basis.

MICHIGAN LEGAL FRAMEWORK REFLECTED IN THIS VISION

The leadership role of government in guiding land use in Michigan must take into account numerous components of our state's constitutional and statutory framework, including civil rights protections and environmental protections, among others. Two of those important components of our legal framework are *private property rights* and *local governance*, as manifested in the concept of *home rule*. Council members are well aware of the importance of private property rights and recognize that government does not have unbridled authority to control the use of privately held lands. Similarly, the council is cognizant of the long-held tradition in Michigan that has placed planning and zoning at the local level, where decisions of primarily local concern can be made by government

units closest to the areas affected. This legal framework must be respected if we are to achieve improved land use decision making in Michigan.

Private Property Rights

Private property rights are guaranteed under both the United States and Michigan Constitutions. The Michigan Constitution, Article X, Sec. 2, states, “Private property shall not be taken for public use without just compensation therefore being first made or secured in a manner prescribed by law.” In a series of individual cases, state and federal courts have determined what constitutes *taking* that requires compensation, but the issue remains a source of legal debate, particularly as it relates to government regulation of private property and the extent to which compensation is required, if any, when government imposes restrictions on existing or proposed uses of land. While not an issue of taking, government actions, or lack thereof, indirectly affect the value of private property. For instance, government actions can deflate the value of private property by failing to consider the consequences of public policy decisions and infrastructure investments that encourage development in new areas while abandoning the needs in already developed areas. Similarly, the failure of government to properly plan and regulate incompatible uses through local zoning can deflate property values. Finally, at times government takes the concept of incompatibility to extremes, resulting in segregating communities by income and isolating residential uses from compatible businesses.

In recognition of the importance of private property rights, the unresolved legal issues surrounding government regulation, and the role of government in preventing one landowner from harming another, the council has developed its recommendations with an emphasis on state policies and decisions that focus on investments in public infrastructure (transportation, water supplies, and sanitary systems); state taxing policies; public information, education, and technical assistance efforts; management of publicly owned lands; and other government policies and decisions that indirectly affect the use of land. Where recommendations are made that could involve new regulation of private property, they have been carefully considered to ensure that (1) there is a documented, compelling need sufficient to warrant their inclusion, (2) the negative impacts on private property are minimized, and (3) the identified problem is not amenable to a nonregulatory solution.

Home Rule

Like many other states, Michigan has long relied upon local government to make decisions that are primarily of local concern, such as those related to land use planning and zoning. Home rule is based on the theory of self-government that encourages local decisions and regulations to be adopted by the governmental entity closest to those affected. The Michigan Constitution and state statutes define the delegated authority for local government decision making. The council understands the importance of the home rule concept in Michigan, and its recommendations reflect its interest in enhancing the capacity of locally elected officials to effectively plan and zone land uses of primarily local concern. The council’s recommendations also reflect its interest in assuring that local governments coordinate their land management decisions with neighboring jurisdictions by reducing competition and encouraging cooperation to achieve common objectives and statewide goals. The council endorses the concept that government

decisions should be made at the most cost-effective and efficient level of government that best serves the public, and believes that in most cases decisions on planning and zoning for land use should continue to occur at the local level of government.

GROWTH TENETS

The council used the following smart growth tenets² for many of the recommendations contained in this report. These ten tenets can form the basis for establishing a set of state land use goals.

1. Create a range of housing opportunities and choices
2. Create walkable neighborhoods
3. Encourage community and stakeholder collaboration
4. Foster distinctive, attractive communities with a strong sense of place
5. Make development decisions predictable, fair, and cost-effective
6. Mix land uses
7. Preserve open space, farmland, natural beauty and critical environmental areas
8. Provide a variety of transportation choices
9. Strengthen and direct development towards existing communities
10. Take advantage of compact development design

KEY ASSUMPTIONS INHERENT IN THIS VISION

The council has made a number of assumptions in developing its recommendations. They are stated in this section of the report to emphasize the context in which the final recommendations were developed.

- *Time constraint*—The council was charged to deliver final recommendations to the governor and legislature within a six-month period. Given this time frame, the council decided to focus on those issues that could be sufficiently considered and for which consensus recommendations could be formulated.
- *Building consensus*—While the council made every effort to provide the public with an opportunity to offer comment and suggestions during the course of its deliberations, there was little opportunity for the public to react to the final recommendations contained in this report. The council strongly believes that it is part of state and local government's role to educate the public on land use questions facing Michigan, to provide information on issues of concern, and to seek meaningful opportunities for public involvement in the decisions related to the recommendations contained in this report and in other government actions affecting land use in Michigan.
- *Fixing what is broken*—The council believes that the dozens of reports repeatedly recommending changes to many of the same elements of the land use decision-

² For more detail and examples see <http://www.smartgrowth.org/pdf/gettosg.pdf>.

- making structure and infrastructure investments in Michigan since 1990 largely identify what is “broken” with the existing system, and that recommendations should focus primarily on fixing what is broken.
- *Improving existing government policies, decisions, and programs*—The council believes that in the short term, actions should focus on redirecting and improving existing state programs, policies, and statutes that affect land use decisions.
 - *State role*—The council recognizes that at this juncture, the long-term state role in land use decision making is the most important to address. The state role includes:
 - Establishing state goals in the land use arena and providing adequate information for state agencies and local governments to plan and guide land use change
 - Defining the roles and responsibilities of local governments in the basic planning, zoning, subdivision, and capital improvements enabling acts
 - Defining the roles and responsibilities of state agencies to plan for and implement their programs
 - Creation and execution of state policy related to the acquisition and disposition of public lands and management of state-owned resources consistent with state goals
 - Establishing an efficient and effective mechanism to coordinate land use decisions between state agencies and regional, county, and local and tribal governments
 - Considering the equity of government decisions on the economic and social well-being of all residents
 - *Private sector role*—The council agrees that most land use decisions are made by individual property owners and that most development occurs as a result of private sector action that has been approved by various public agencies. To facilitate the most efficient exercise of this critical private sector role, state and local governments should engage in coordinated planning based on a common set of guidelines that ensure timely land use decisions that are also consistent with state goals and the principles of this report.
 - *Regulations*—The council recognizes the need for regulations but encourages the broader use of regulations that are based on incentives.
 - *Iterative process*—The process of establishing state land use goals and objectives, and of implementing changes in policies and laws to achieve stated goals and objectives, cannot be accomplished within a single report or with one set of recommendations. While there may be elements of land use management efforts in other states that can be successfully applied in Michigan, the council has concluded that there is no land use model from any other state that can simply be copied and applied to Michigan. This report is a starting point for laying a foundation for Michigan land use goals, objectives, and responsive actions; the state should periodically assess progress, refine goals and objectives, and initiate new actions as appropriate.
 - *Taking initial steps now*—The council agrees that the current projections for land use trends in Michigan raise serious concerns that the state should take immediate steps to address. It was easier to reach consensus on long-term goals, and for

some issues the council has deferred specific recommendations until more information on the problem and potential solutions can be gathered and shared. The council believes, however, that for some issues, specific actions should be taken now to demonstrate government's leadership in improving land use decision making for our collective future.

- *Budgetary Implications*—The council believes that the recommendations contained in this report will, in the long term, result in lower public costs through more efficient use and investment in public infrastructure and enhanced cooperative planning between governmental units. Nonetheless, the council has recommended that the legislature and governor consider numerous new activities, programs, projects, and bond issues, which could have substantial, immediate budgetary implications. The council did not fully explore the costs of these programs, consider funding options, or prioritize funding for any one program over another. The council encourages the legislature and governor to carefully consider the recommended program costs in relation to state budget priorities and constraints.

[Reservations: R. Jones]

Chapter 4: Principles and Recommendations for Urban Revitalization

Michigan cities large and small have been substantially affected by urban sprawl over the last four decades. Many older urban areas have lost and continue to lose population, employment opportunities, private investment, and tax base. In many areas, sprawl has concentrated those in poverty and resulted in racial segregation. Residents who remain in these areas face higher costs for public services, fewer accessible well-paying jobs, decreasing property values, deteriorating neighborhoods, low-quality schools, and a general impairment in the quality of life. Recent studies have shown that the lack of viable central city areas in Michigan places our state at a distinct competitive disadvantage in attracting and retaining the young, highly recruited workers needed to encourage private economic investment and sustain economic prosperity. Vibrant cities could also position Michigan as a national and international tourism destination.

Past government policies have contributed to the decline of Michigan's cities, but changing only the public policies that have subsidized sprawl will not be sufficient to reverse the private disinvestment that continues to occur; there must also be a commitment of state resources. Reestablishing the viability of Michigan's cities will require innovative public policies and programs that encourage private reinvestment in older urban areas. Michigan has recently adopted effective incentives and assistance to encourage redevelopment of brownfields and designated urban core areas. These tools must be maintained and expanded, and government decisions related to redevelopment streamlined. Making state redevelopment assistance and incentives available is crucial to managing growth and making our cities more attractive places to live and work.

GUIDING PRINCIPLES

In formulating its recommendations for revitalizing Michigan's cities, the council established the following guiding principles that address government policies and practices and the need for redevelopment tools and a supporting legal framework. The council believes that it is important that state, regional, and local governments have **policies and practices** that recognize:

- The importance of reducing concentrations of poverty in inner cities and making good schools, safe neighborhoods, quality health services, recreation, and other quality-of-life amenities (e.g., nearby retail service, employment, and cultural institutions) more equitably available to all residents
- The desirability and benefits of walkable and rollable, compact, mixed-use, mixed-income, racially diverse, livable urban cores and neighborhoods that are characteristic of "cool" cities
- The need to make land use decisions in a way that ensures the fair treatment of people of all races, cultures, and incomes
- The entitlement of all residents to a safe and healthful environment where they live, work, and recreate

- The essential contribution of vibrant small, medium, and large downtowns, including stable residential populations, to the economic health of regions
- The value of encouraging retail businesses and service providers to stay or locate within the urban communities where their customers live
- The critical role of accessible local and multijurisdictional transportation alternatives in economic development, in reducing traffic congestion, and in minimizing urban land devoted to surface parking
- The need to unlock the value of vacant, abandoned, and/or underutilized property in older cities
- The unique character of a community’s historical, cultural, artistic, architectural, and natural resource assets and the need to preserve them

The council also believes that state agencies and local governments must have access to effective **redevelopment tools** and **supporting laws and regulations** that:

- Promote new private investment and reinvestment in already developed areas
- Address existing government barriers to downtown revitalization
- Discourage state decisions and policies that subsidize and support sprawl
- Target investments to maintain public infrastructure already in place (*Fix-It-First*)
- Allow timely assembly of lands and property needed for urban redevelopment
- Expedite government decisions on the appropriate reuse of environmentally impaired property while protecting human health and the environment
- Provide for “green infrastructure” as a catalyst to make urban areas more livable and to complement efforts to protect water quality
- Encourage a wide array of options to provide for affordable housing with reasonable proximity and access to employment opportunities
- Promote the adaptive reuse of historic buildings in urban cores
- Support government collaboration with local neighborhood organizations in the development and evaluation of revitalization efforts

RECOMMENDATIONS

The recommendations in other chapters of this report (i.e., Infrastructure and Community Services, Land Resource–Based Industries, and Planning and Development Regulations) address interrelated issues that are equally important to the revitalization of urban areas. The future economic, environmental, and social well-being and sustainability of urban, suburban, and rural communities of our state are interdependent, and the issues need to be addressed collectively. The following specific urban revitalization recommendations relate to three areas: (1) siting of public buildings and facilities, (2) state and local assistance in attracting private investments, and (3) public and private efforts to support more livable urban areas.

Siting of Public Facilities

1. The state should support the location of public offices and facilities in urbanized areas consistent with local development plans and compatible with existing land uses to

stimulate economic activity, encourage private reinvestment in urbanized areas, make optimum use of existing infrastructure, decrease sprawl, and increase accessibility of government services by:

- a. Adopting a policy that directs state agencies, when locating or relocating state facilities, to conform with the following guidelines:
 - (1) First consider the adaptive use of historic buildings or reuse of existing buildings within urban areas.
 - (2) If no suitable existing facilities are available, plan the construction of new facilities within cities or established town centers that have adequate existing infrastructure.
 - (3) Avoid construction of state-owned or state-leased facilities on greenfield sites or at locations that require the construction of new infrastructure, except in those limited instances where the constituency served or programs supported require the use of a rural/open space setting (e.g., certain natural resource, recreation, historic, correction, and transportation-related facilities).
- b. Supporting other public investments in urbanized areas (e.g., expanded student resident housing constructed by Grand Valley State University in Grand Rapids, the proposed Michigan Welcome Center in southwest Detroit), including the siting of facilities by local governments and federal agencies
- c. Adopting legislation that requires school districts to comply with master plans and infrastructure capital construction plans adopted by local government
- d. Developing state incentives for constructing new schools and renovating schools within existing town centers and encouraging shared use of athletic facilities

State and Local Assistance in Attracting Private Investment

2. The state should, in concert with local government, coordinate and review proposals to ensure that they effectively promote new private investment and reinvestment in existing urban areas that (1) optimize the use of existing infrastructure, (2) encourage new retail businesses to serve urban residents, (3) create new employment opportunities, and (4) otherwise enhance the quality of life in urban communities by:
 - a. Establishing a technical assistance capacity in one entity in state government, and encouraging local governments to create the same capacity, to provide a central point of contact for private sector investors, local government, and community organizations to access and use available state and federal urban revitalization programs such as:
 - (1) Empowerment, Enterprise, and Renaissance Zones
 - (2) Tax increment financing
 - (3) Historic district tax credits
 - (4) Neighborhood enterprise zones

- (5) Downtown development authorities
 - (6) Obsolete Property Rehabilitation Act
 - (7) Business improvement districts
 - (8) Blight elimination programs
 - (9) Incentives for residential development
 - (10) Michigan Mainstreet program
 - (11) New Market tax credits
 - (12) Brownfield redevelopment
 - (13) U.S. Environmental Protection Agency Environmental Justice grant programs
- b. Defining, in consultation with the private sector and local communities, a set of redevelopment readiness standards by which local governments may measure and promote their ability to compete for private redevelopment investment and state technical and financial assistance.
- c. Supporting environmental brownfield reuse activities by:
- (1) Seeking a stable, long-term source of funding for state actions to address priority areas
 - (2) Targeting remaining brownfield Clean Michigan Initiative funds to support redevelopment
 - (3) Continuing to make available state-funded grant and loan programs that assist local units of government in meeting their redevelopment needs
 - (4) Creating a private-sector financing pool to attract bank and corporate capital as well as leverage government funds for the purpose of redeveloping brownfields
 - (5) Examining current environmental clean-up procedures to identify areas where decisions can be expedited and the process simplified [Reservations: L. Pollack]
 - (6) Encouraging the inclusion of a historic review of brownfield properties at the time the environmental review is undertaken and providing incentives for the rehabilitation of buildings on brownfield sites that are determined to be eligible for the National Register of Historic Places
- d. Adopting Land Bank Fast Track Authorities or similar legislation to assist in the assembly of land needed for redevelopment that incorporates the following characteristics:
- (1) Consolidates all state-owned tax-reverted property in one entity
 - (2) Quiets titles to provide marketable properties

- (3) Provides that foreclosing local governments may enter into agreements with the state to create a similar authority at the local level
- e. Encouraging renovation and reuse of existing buildings through:
 - (1) Development and delivery of an education program on the use of Michigan’s Rehabilitation Code for Existing Buildings (adopted October 31, 2002) in collaboration with the Michigan Association of Home Builders, the Michigan Housing Council, and the Community Economic Development Association of Michigan
 - (2) Development and implementation of a training program, through the Bureau of Construction Codes, for local building officials on the appropriate application of the Rehabilitation Code for Existing Buildings
 - (3) Enacting legislation to reform laws that allow owners to avoid responsibility for abandonment of buildings
 - (4) Development of policies and incentives that promote and encourage the adaptive reuse of historic and existing buildings

Public/Private Support for Livable Communities

3. The state should support public and private efforts to create and maintain “livable” urban areas where people want to live, work, invest and grow a business, learn, shop, and recreate and where there is a range of equitable housing options for all income levels by:
 - a. Complementing local government’s efforts to create “green infrastructure” such as:
 - (1) Creating inner-city trails/pathways/open space/parks
 - (2) Promoting public access to and enjoyment of urban waterfront assets
 - (3) Using tax reverted lands to create open space that encourages development
 - (4) Developing public and private partnerships (e.g., Detroit Riverfront Conservancy and the Southeast Michigan Greenways)
 - b. Establishing a permanent and secure state funding source, such as the Michigan Cultural Resources Trust Fund, for capital and operational assistance to help support cultural, artistic, and historical assets and institutions [Reservations: J. Barrett, Sen. P. Birkholz, Rep. R. Johnson, R. Jones, M. McGraw]
 - c. Encouraging efforts to control urban blight through:
 - (1) Determining the applicability of neighborhood early warning information systems used in other states to address blight in Michigan urban areas and funding demonstration projects that apply the principles of programs identified as successful
 - (2) Adopting legislation that would encourage local governments to adopt civil remedies to municipal code violations *and* allow the establishment of an

- expedited process to adjudicate alleged violations outside the criminal court system [Objections: L. Pollack]
- (3) Expanding Michigan’s spot blight condemnation statute to include commercial and industrial property and appropriately recognize the time required to market such properties
 - (4) Strengthening law enforcement authority and adjudicatory alternatives to address illegal waste dumping
 - (5) Encouraging local governments to enforce rental inspection programs that are primarily designed to reduce blight and unsafe living conditions
- d. Creating market rate and affordable housing options in urban and rural areas by:
- (1) Establishing a Michigan Housing and Community Development Trust Fund to make grants to for-profit and nonprofit developers that agree to develop mixed-income rental and homeownership projects [Reservations: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw]
 - (2) Encouraging Smart Housing Zoning Codes that simplify urban redevelopment processes, encourage mixed use and income levels, and expand housing choices
 - (3) Advocating for Community Land Trusts that allow communities or nonprofits to own the land beneath affordable units, making purchase of the units more affordable [Reservations: R. Jones, M. McGraw]
 - (4) Supporting Mutual Housing Cooperatives that provide ownership structures that limit profits from an owner’s sale of a unit [Objections: R. Jones, M. McGraw]
 - (5) Promoting Location Efficient Mortgages that expand homebuyers’ purchasing power by granting them income credits for living close to public transportation, which greatly reduces their automobile expenses
 - (6) Expanding the Michigan Individual Development Accounts (IDA) program to help people with lower incomes become homeowners
- e. Recognizing the needs of employees and customers of new or expanding downtown businesses to have transportation access without consuming large areas of the central business district for surface automobile parking by:
- (1) Encouraging and assisting communities with access to mass transit to consider public/private partnerships to reduce public transit costs to downtown employees from public and private savings otherwise needed to construct, maintain, and operate employee parking facilities, and/or
 - (2) Developing and enhancing ways for municipalities and private developers to fund, finance, construct, operate, and maintain mixed-use parking structures with compatible commercial space on the first/ground level that also supports compact, walkable urban centers and minimizes the negative impacts of surface parking lots. [Reservations: L. Pollack]

- f. Supporting local “Safe Routes to School” programs, which encourage walking and biking to school and address safety concerns (e.g., increased enforcement of traffic laws, design of safer streets, public education on safety, and removal or control of structures that pose hazards to children)
- g. Supporting day care, job training, higher education, and similar facilities as integral components of urban neighborhoods
- h. Providing adequate resources to public schools and improve educational accountability

Retaining and Attracting Residents to Michigan Cities

- 4. The state should develop policies that retain and attract a diverse population—including recent college graduates, skilled workers, artists, entrepreneurs, highly educated individuals and all others who seek to live and work in diverse, vibrant urban communities—by:
 - a. Providing technical assistance and training to existing residents to enhance the skills and knowledge needed to participate in and contribute to the economic viability of cities
 - b. Supporting the governor’s “cool” cities initiative by identifying policies, practices, and tools that can be used to attract highly trained, educated, and employable individuals to live and work in Michigan cities
 - c. Marketing cities as a place to live to residents in existing Michigan urban ethnic communities to encourage further immigration from outside the country through:
 - (1) Targeting enforcement of consumer protection laws to prevent fraud by those assisting immigrants for profit
 - (2) Assuring that government services essential to new immigrants (e.g., automobile registration, driver’s license, or identification) are accessible and user-friendly to immigrant communities
 - d. Creating financial incentives for cities and developers that will target housing and/or employment opportunities designed to retain and attract residents who are essential to the sustainable, economic viability of cities

[Reservations: G. White]

[Reservations: Rep. R. Johnson; Objections: B. Warner]

Commerce Centers

- 5. The state should recognize certain communities as “commerce centers” because of their fundamentally urban/suburban and commercial character, and the fact that infrastructure (e.g., water and sanitary sewers) is already in place. [Reservations: G. White] The state should target its resources to support redevelopment and growth within these existing commerce centers by adopting policies and legislation that would:

- a. Define commerce centers based upon:
 - (1) Relative population density, and
 - (2) Availability of public infrastructure required to support development[Reservations: G. White]
- b. Where need can be demonstrated, target commerce centers for state/federal financial assistance such as:
 - (1) Enhanced state financial assistance
 - (2) State and federal transportation and other infrastructure dollars
 - (3) Regional cooperation grants/tools to encourage multijurisdictional cooperation and shared services
- c. Provide local units of government designated as commerce centers priority access to the use of development/redevelopment tools such as:
 - (1) Downtown development authority
 - (2) Local development finance authority
 - (3) Principal shopping district/business improvement district
 - (4) Land Bank Fast Track Authorities legislation to clear property titles
 - (5) Obsolete property brownfield tools
 - (6) Directed Community Development Block Grant funding
 - (7) Affordable urban housing funds and programs
 - (8) Designated “entertainment districts” to allow, for example, extended operating hours for establishments serving alcohol
 - (9) A coordinated state task force approach to streamline state regulatory decisions for new or redevelopment activities within commerce centers
- d. In exchange for being provided these added state resources and tools, encourage designated commerce centers to meet certain government efficiency and planning standards designed to reduce the cost of government, expedite governmental decision making affecting new private investments, support intergovernmental land use planning, and optimize the use of public infrastructure investments. Such standards could include:
 - (1) Establishing a coordinated central point of contact in cooperation with the state to assist private sector investors in accessing urban redevelopment tools as recommended in this report (recommendation 2a above)
 - (2) Progress in initiating and implementing the “redevelopment readiness standards” recommended in this report (recommendation 2b above)
 - (3) Implementation of other standards adopted by the state to encourage greater governmental efficiency and improved land use and infrastructure planning

[Objections: G. White]

[Reservations: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw, L. Pollack]

Transportation

6. The state should recognize that our cities need a diverse set of mobility options. In partnership with the federal and local governments, the state should support modern, cost-efficient, multimodal transportation systems to assure that our urban areas are accessible, attractive and efficient for people of all ages, incomes, and physical abilities.

Chapter 5: Principles and Recommendations for Land Resource–Based Industries

Michigan’s land resource–based industries of agriculture, forestry, tourism and recreation, and mining account for \$37.6 billion (17 percent) of Michigan’s economic output, contribute immensely to the character of Michigan’s landscape, and supply many products that sustain our quality of life. For example:

- Agriculture and food processing contribute \$15 billion directly to Michigan’s economy.
- Tourism accounts for 350,000 jobs and \$12 billion directly to Michigan’s economy.
- Forestry provides 150,000 jobs to Michigan citizens and \$9 billion directly to Michigan’s economy.
- Twenty-one minerals are mined in Michigan and the nonfuel sector of the industry provides 9,000 jobs and \$1.6 billion directly to Michigan’s economy.
- In many areas, development of open spaces is altering the character of Michigan’s rural landscapes, jeopardizing a highly valued tourism asset.

Land use decisions and development patterns have a significant impact on this important sector of Michigan’s economy. A 1995 Michigan Society of Planning Officials publication, *Patterns on the Land: Our Choices—Our Future*, explored the long-term productivity of these land resource–based industries and concluded that their future may be at stake if current land development trends continue.

The Michigan Economic and Environmental Roundtable and Public Sector Consultants Inc. followed up on the 1995 study with the Michigan Land Resource Project (MLRP)—a project that examined how land use trends will affect the state economy and character through 2040. The researchers found more than an eightfold increase of urban land usage in relation to the population increase between 1980 and 1995. This ratio epitomizes the problem of sprawl: the amount of land we are using is not commensurate with our population. In addition, developed land is expected to increase by 178 percent by 2040 (see Exhibit 3 in Chapter 2).

Among other major findings of the report:

- Michigan will lose 25 percent of its orchard land in the next 40 years.
- Michigan will lose 1.9 million acres of farmland in the next 40 years. Land available for hunting will dramatically decrease, while “edge” species such as white-tailed deer will continue to increase in numbers.
- “Built” land will increase by 4.1 million acres across the state, more than tripling the existing amount of built land.
- The state’s destination resorts, particularly those in the northern Lower Peninsula, are threatened by encroaching development that conflicts with the rural character along the travel corridors that lead to them.

- In order to keep forestry harvesting costs down, access to large parcels is necessary. As the land becomes more fragmented, the price for harvesting Michigan's timber will increase.
- Mining, agriculture, and forestry are unable to compete with the value of the land for other uses, and large contiguous parcels are being fragmented into smaller, less economically viable blocks.
- As now-rural areas become more populated, there will be additional confrontations between new residents (unfamiliar with land resource-based industry practices and procedures) and the companies or family farms that gain their livelihood from the land.

These land resource-based industries rely on Michigan's natural environment. Sustainable use of Michigan's lands, including economic growth and enhanced human well-being, requires a continued flow of services from both the wild and human-managed ecosystems of the state. These ecosystems provide many critical services including water purification, ground water recharge, flood mitigation, local climate moderation, and pollination. They are the basis for forestry, agriculture, tourism, and recreation. Biodiversity, which refers to the variety and abundance of life in an ecosystem, is critical to the ability of an ecosystem to provide these services. Land use decisions are usually incremental and are a result of tradeoffs between environmental and other goods. Thus, land use decisions need to be made in a context that recognizes the value of these ecosystems.

Michigan's two peninsulas are surrounded by four of the five Great Lakes. The state's Great Lakes shoreline, its rivers, inland lakes, and diverse land resource-based natural habitats support a complex array of interrelated plant and animal communities that contribute to the quality of life that attracts residents and millions of travelers, who recreate in our state. The state's ownership and management responsibility for 25 million acres of Great Lakes waters creates a major stewardship role for Michigan in preserving the ecological health of this unique national and international resource. What happens on the land is a major factor in determining whether individual components of this complex system will remain healthy, to sustain the uses and quality of life for present and future generations.

Generally, land use trends in Michigan over the last half-century have had a major negative effect on biodiversity, primarily through the urbanization of land and the attendant destruction of habitats far beyond the need to support human population growth and a prosperous economy. New approaches are needed to better protect biodiversity in Michigan. Examples include (1) government/private sector partnerships that identify and protect critical habitats and important biological processes while allowing productive uses of the land, and (2) holistic ecological evaluations to assure that long-term impacts associated with biological diversity are considered.

In addition to its intrinsic value, preserving the integrity of natural systems is essential to the quality of life of Michigan residents in many demonstrable ways. In formulating its recommendations for Michigan's land resource-based industries, the council established the following guiding principles.

GUIDING PRINCIPLES

- Michigan’s land resource–based industries—agriculture, tourism, forestry, and mining are critical components of the Michigan economy, shape the character of its landscape, and contribute to the state’s overall quality of life.
- The value and diversity of all Michigan’s land resource–based industries and related services should be protected and enhanced.
- Land use decisions should ensure that the natural resources of Michigan are sustainable to meet the needs of future generations.
- Biological diversity and ecological processes are vital to the state’s economic prosperity and provide a measure of a healthy environment that should be considered in decisions affecting land use.
- State and local policy must recognize that fragmentation of the landscape can have profound negative effects on forestry, agriculture, and tourism. Forestry and agriculture require large blocks of land in which to operate, and tourism often benefits from landscapes with significant open space.
- Planning for the future of those industries is just as important as planning for industrial, commercial, and residential development.
- Open space, view corridors, the environment, fish and wildlife habitat, viewsheds, and other natural resources have intrinsic, social, and economic value and should be protected and enhanced.
- The concept of “working lands” conservation programs that encourage landowners to protect environmental assets while continuing to use the land for productive purposes is an effective means to preserve valuable components of the natural environment.
- Air and water quality are essential to protect public health and welfare and contribute to the attainment of sustainable economic and quality-of-life goals.
- Michigan’s land resource–based industries are often interdependent, with agriculture and forestry contributing enormously to the state’s tourism industry. State policy should reflect that interdependence.
- The most cost-effective land use policy is to avoid degrading sensitive land and coastal and aquatic environments rather than repairing or restoring degraded natural resources or systems.
- New environmental policies are needed to emphasize prevention and incremental environmental degradation of natural resources that are not addressed by existing environmental statutes, which often focus on “end of pipe” pollution reduction goals.
- The state should foster the use of the best scientific information, experience, and practices for ecologically sustainable land use and development of natural resources.

RECOMMENDATIONS

The council recommends the following actions to foster the continued health of Michigan’s land resource–based industries:

Information and Education

1. **Improved data collection, analysis, and access.** Information is an invaluable tool for local planning as well as for understanding changes in land use over time and the effects of those changes on Michigan’s land resource–based industries and the environment. In an effort to provide more information to decision makers:
 - a. The state should complete its natural features inventory and update its 1978 Michigan Resource Information System (MIRIS) Current Use Inventory by completing a new round of aerial photography and land classification and, where appropriate, utilizing existing satellite imagery on a statewide basis, and integrate the new information with the Michigan Center for Geographic Information’s Michigan Geographic Framework program.
 - b. The state should develop a statewide historic resource geographical information system (GIS) database consistent with and included in the Michigan Center for Geographic Information’s Michigan Geographic Framework program to assist communities in planning and tourism efforts and in the marketing and development of historic properties and districts.
 - c. The governor and the legislature should support research, development, and training at Michigan’s universities to develop and deploy new technologies for monitoring and analyzing the condition of Michigan’s environment. Developing and producing these monitoring technologies can be a profitable and stable enterprise in Michigan.
 - d. The governor and relevant state agencies should prepare a “State of Michigan Land Use and Environment” report for the legislature every five years. The report should include, but not be limited to, statewide and county information about:
 - (1) The amount of farmland in active production, including the types of farms and agricultural production industries in the state
 - (2) The amount of forestland in active production
 - (3) The change in land cover by county (including the addition of built land), with an explanation of the likely reasons for these changes by land use category (e.g., industrial, residential, commercial, urban, water, agricultural land, forestland, recreational land, etc.)
 - (4) The number of Michigan citizens housed each year in new construction
2. **Information and outreach.** The governor and legislature, through Michigan’s organizations and educational institutions, should support public research, information, and education programs for the general public and policymakers that:
 - a. Identifies the importance of the natural environment and how it contributes to economic prosperity and the quality of life of all citizens
 - b. Outlines specific actions to help sustain biodiversity while maintaining and improving economic and environmental sustainability

- c. Explains the role and value of wetland, natural river, and sand dune protection and other state environment land use programs in protecting and enhancing natural environments

Agricultural Production Profitability and Associated Land Preservation

3. **Agricultural Production Areas (APAs).** To maintain Michigan's various agricultural industries for the foreseeable future, the legislature should modify and enhance P.A. 116 to permit local units of government cooperatively and voluntarily to identify and establish APAs. Consideration should be given to the following guidelines when an APA program is developed:

- a. Minimum life cycle for APAs
- b. Size sustainability relevant to type of agricultural activity (e.g., livestock, soybeans, fruit, etc.).
- c. Meaningful recapture provision upon withdrawal, proceeds from which should be dedicated to farmland preservation initiatives [Reservations: J. Barrett, Sen. P. Birkholz, Rep. R. Johnson; Objections: R. Jones, M. McGraw]
- d. Providing incentives to landowners to keep their land in agricultural production. Incentives should include:
 - (1) Reduced property taxes on farmland
 - (2) Enhanced eligibility for purchase of development rights (PDR) funding (Note: this would require a change to P.A. 262 of 2000)
 - (3) Exemption of farmland (but not the dwelling unit) from special assessments as allowed in P.A. 116 (which does not allow exemption from farm drainage)
 - (4) Exemption of farmland from real estate transfer tax as long as land is kept in agricultural production
 - (5) Special review by the Michigan Commission on Agriculture when farmland within an APA is proposed for eminent domain or municipal annexation, to recommend any available alternatives
 - (6) Allowing landowners to be enrolled into both P.A. 116 and an APA to receive benefits offered by both programs

Eligibility for these APA benefits should be conditional on adherence to state and federal environmental, public health, and other relevant laws.

In addition, the legislature should amend the existing Right to Farm law to include a requirement that potential and current residential property owners within an APA be notified of the consequences of owning property in such an area (i.e., living near agricultural operations) at time of purchase and in their annual tax bill.

In the absence of APAs, the legislature should enable use value assessment, along with a penalty for withdrawal commensurate with the benefits received, of land in

active agriculture or silviculture, or any development-limited lands (as defined by statute), such as wetlands, sand dunes, flood plains, and wellheads.

[Reservations: G. White]

4. **Purchase of development rights (PDR).** Funding available for the state's current PDR program is inadequate. Interest from farmers far outstrips available funding. The program is in need of a dedicated and consistent funding source beyond that currently provided under P.A. 116. [Reservations: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw, G. White]
5. **Market-driven density enhancement program.** See recommendation 25b. (7) in Chapter 6: Planning and Development Regulations. [Objections: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw, G. White]
6. **Viable value-added agriculture.** The ability to add value to Michigan agricultural commodities and agricultural land will continue to be key in keeping farmers profitable and farming sustainable. The state should continue to support existing incentive-driven, value-added programs that protect the environment, increase the profitability of farmers, and thus preserve farmland. For example, the state could:
 - a. Invest in on-farm technical assistance, education, and technology
 - b. Expand direct farm marketing and agricultural tourism
 - c. Support export market expansion
 - d. Provide support to the food processing industry by, for example, creating programs that provide incentives for the retention, expansion, and recruitment of food processing facilities
 - e. Promote programs assisting young farmers, such as 4-H, Future Farmers of America (FFA), and other leadership development educational programs
 - f. Pursue development of nonfood bio-based industries that provide genuine economic benefit, through incentives that do not negatively impact other sectors of the economy
 - g. Pursue utilization of wind power and other renewable energy generation options by establishing state siting standards

In addition, the state should develop new value-added programs and other economic strategies that increase the profitability of farmers.

7. **State standards for Concentrated Animal Feeding Operations (CAFOs).** The issue of effectiveness of the CAFO regulations was raised during council deliberations. In discussion on this issue, the council recognizes that, due to changes occurring in agriculture structure, agriculture technology, and residential patterns in rural areas, changes to CAFO regulations may be appropriate. Therefore, it is recommended that the governor direct the Michigan Department of Agriculture (MDA) and the Michigan Department of Environmental Quality (MDEQ) to work

with representative stakeholder organizations to examine and develop recommendations related to the effectiveness of state CAFO regulations and ensure swift and effective enforcement of all applicable environmental laws and regulations. [Reservations: Rep. R. Johnson, L. Pollack, G. White; Objections: B. Warner, W. Wood]

Forest Products Industry Profitability and Associated Land Preservation

8. **Commercial Forest Program.** The council recognizes the importance of the millions of acres of commercial forestland enrolled in the state's Commercial Forest Program and supports the development of an updated formula for determining the appropriate tax rate.
9. **Small forest tax incentives.** The legislature should provide tax incentives to small, nonindustrial forestland owners to encourage keeping this land in and managed primarily as forestland. The land would have to be managed using best management practices under a recognized management plan. A meaningful recapture provision should be implemented at time of land conversion to non-forestland, proceeds from which should be dedicated to forestland preservation initiatives. [Objections: R. Jones] The incentives could be provided by:
 - a. Amending the general property tax provisions to include forests and tree farming as agricultural land
 - b. Amending the private forest reserve taxation structure to permit two-tiered tax treatment on a private forest reservation depending on the landowner's willingness to grant public access [Reservations: R. Jones]

[Reservations: J. Barrett, Sen. P. Birkholz, Rep. R. Johnson, G. White]
10. **State forestland management.** State policies should support viable forest products and forest-based tourism industries. The four-million-acre state forest system should support these industries through appropriate ecologically sustainable management that increases the output of timber and recreational opportunities.

Natural Environment

11. **Conservation Reserve Enhancement Program (CREP).** The state should work to expand the federal/state partnership under the CREP. The program, which pays farmers to establish and maintain buffer strips along watercourses, has proven to benefit farmers, wildlife and wildlife corridors, and water quality. It is currently limited to granting opportunities to the Saginaw Bay, River Raisin, and Lake Macatawa watersheds. Expansion of CREP would enable Michigan to leverage federal funding at a minimum ratio of 4:1 for the life of the federal farm bill. This expanded program could be modeled after Iowa's Resource Enhancement and Protection program and/or the Reinvest in Minnesota program. [Reservations: J. Barrett]
12. **Coastal conservation and waterfront development and redevelopment.** The council recommends that:

- a. The state should establish statewide policies that prioritize shoreline protection in concert with compatible commercial and residential waterfront development and redevelopment, particularly where communities abut a shoreline. These policies should recognize the importance of capitalizing on the commercial and water-dependent recreational value of the state’s coastal assets, while achieving the following goals:
 - (1) Maintain and enhance public access
 - (2) Protect and enhance viewsheds [Objections: R. Jones, M. McGraw]
 - (3) Identify, protect, and restore habitat [Objections: R. Jones]
 - (4) Protect and restore coastal biodiversity [Reservations: M. McGraw; Objections: R. Jones]
 - (5) Protect coastal dependant uses [Objections: R. Jones]

These policies should be implemented through the appropriate multijurisdictional or local planning commissions.

[Reservations: R. Jones; Objections: M. McGraw]

- b. The Michigan Departments of Environmental Quality and Natural Resources should consistently administer and enforce existing coastal resource protection statutes and implement coastal conservation policies that:
 - (1) are supported by established scientific principles with consideration of emerging research,
 - (2) are consistent with coastal zone management principles and overall protection of the Great Lakes ecosystem,
 - (3) improve existing coastal zone regulations, and
 - (4) enhance cooperation, research, and planning among the State of Michigan, universities, communities, and other organizations involved with the protection of the Great Lakes ecosystem.

[Reservations: M. McGraw; Objections: R. Jones]

- c. The MDEQ should examine current environmental permit procedures and processes applicable to coastal conservation/development and identify where permit decisions can be expedited and made more consistent and the procedures/processes simplified.

[Reservations: G. White]

13. **Protection of headwater areas.** Headwater areas play an important role in water quality downstream and are important to the sustainability of Michigan’s land resource–based industries. The protection of source water areas is a cost-effective means of protecting water quality. The governor and the legislature should:

- a. Provide financial assistance to local units of government or nonprofit conservation organizations for the acquisition of land or rights in land that preserve critical headwaters areas
 - b. Provide incentives to private landowners to establish natural stream buffers, implement best management practices, and protect water quality
 - c. Assure that headwaters on public lands are managed to protect water quality
 - d. Require that drains constructed in headwater areas include conservation practices [Reservations: W. Wood; Objections: B. Warner]
14. **Review approval process for alternative waste disposal systems.** See recommendation 3b. in Chapter 7: Infrastructure and Community Services and 25a. (9) in Chapter 6: Planning and Development Regulation.
15. **Protection of Michigan’s scenic resources.** Michigan relies on its magnificent scenic character to attract businesses and tourists and enhance the quality of life for all its residents. The council recommends that the governor direct the Michigan Department of Transportation (MDOT) to propose a billboard management program with the following elements:
- a. Enhance the state’s logo and tourist outdoor destination signage (TODS) to attract and direct travelers and support businesses and tourist attractions.
 - b. Identify best practices and develop strategies to make Michigan competitive with other states that have eliminated and/or controlled the proliferation of billboards. [Objections: J. Barrett, R. Jones, M. McGraw]
 - c. Recommend a fee structure that would generate revenue to remove illegal and nonconforming billboards, increase the enforcement of laws prohibiting cutting of vegetation in front of billboards, restore illegally cut natural vegetation, and begin to restore the scenic viewscapes in Michigan. [Objections: J. Barrett, R. Jones, M. McGraw]
- [Reservations: Rep. R. Johnson; Objections: B. Warner]

Governmental Programs

16. **Land Division Act reforms.** The legislature should initiate a comprehensive revision of the land division act to:
- a. Shorten the plat review and approval time [Reservations: L. Pollack]
 - b. Greatly reduce the number of nonplatted land divisions
 - c. Eliminate the ten-year redivision process [Reservations: J. Barrett]
 - d. Encourage compact development [Reservations: Rep. R. Johnson]
 - e. Require applicants to submit plat requests to the appropriate departments (i.e., County Drain Commission, County Road Commission, County Plat Board,

District Health Department, MDOT, MDEQ) simultaneously for review, as opposed to the current sequential review process.

[Reservations: G. White]

17. **Land management assistance program coordination.** The governor should encourage coordination, with possible assistance provided by private and nonprofit organizations, between state and federal land management assistance programs to encourage greater landowner participation in programs such as the Wetland Reserve Program, Conservation Reserve Program, Conservation Reserve Enhancement Program, Forest Stewardship Program, and Forest Land Enhancement Program.
18. **Leverage additional federal funding with state investment:** The governor and legislature should identify the state funds necessary to leverage Michigan's fair share of federal funding for farmland protection and conservation programs. Many federal farmland protection and conservation programs (e.g., CREP and Forest Legacy) match every dollar spent by the state with three or more additional dollars of federal funding. Michigan cannot afford to continue to forgo the opportunity to secure a minimum of a 3:1 federal match for state spending on farmland protection and conservation efforts. [Reservations: J. Barrett, R. Jones, M. McGraw]
19. **State agency coordination.** Simplify and increase state intra- and interagency coordination of state grant programs that protect sensitive environments by:
 - a. Creating a clearinghouse and, where possible, "one-stop-shopping" opportunities for land protection grant programs such as the Michigan Natural Resources Trust Fund, Federal Forest Legacy Program, the Federal Land and Water Conservation Fund, Federal Coastal Zone Management Funds, state watershed protection funding, and other funding sources for state and local land acquisition
 - b. Examining opportunities within the permit review process to coordinate permit issuance and conditions with the grant programs

Incentives and Resources for Land and Cultural Preservation

20. **Encourage both nonregulatory and incentive-based approaches to land preservation.** The governor and legislature should establish policies that encourage both nonregulatory and incentive-based approaches to land preservation by:
 - a. Creating government-sponsored, low-interest loans that allow nonprofit conservation organizations and local governments to acquire an interest in private land to protect critical natural environments and preserve farmland and open space through the purchase of development rights, conservation easements, and similar mechanisms [Reservations: J. Barrett, R. Jones, M. McGraw]
 - b. Providing new state tax incentives for protecting land through state and local governments, nonprofit land trusts, and historic preservation organizations, including encouraging conservation gifts with a tax credit for the donation of land or rights in land to qualifying conservation or historic preservation organizations, and encouraging conservation sales to land trusts and historic preservation

organizations by reducing state taxes on the income received from the sale of land or rights in land to qualifying organizations [Reservations: J. Barrett]

21. **Trailways.** Trails for motorized and nonmotorized recreation and transportation are crucial components of Michigan's tourism industry. The state should:
 - a. Provide incentives for all affected parties in order to develop and maintain trailways and to avoid the interruption of trailways vital to recreation and tourism interests
 - b. Encourage a statewide linked system of trails and recreation, as outlined in the Michigan Trailways Act
 - c. Place emphasis on securing abandoned rights-of-way (such as railroad rights-of-way) and avoiding condemnation [Reservations: W. Wood]
22. **State incentives for habitat protection and outdoor recreation opportunities.** Funding available under the Michigan Natural Resource Trust Fund (MNRTF) is inadequate. The governor and legislature should explore ways to supplement the funding available from the MNRTF, with additional funding for local habitat protection and outdoor recreation needs. [Reservations: J. Barrett, R. Jones]
23. **National Historic Area designation.** The governor should request that the Michigan Department of History, Arts, and Libraries (HAL) create a comprehensive incentives program for designated National Historic Areas such as the Motorcities-Automobile National Heritage Area and the Keweenaw National Historic Park to encourage economic revitalization and tourism.
24. **Securing resources for land and cultural preservation.** The council recommends that the governor and legislature consider issue-specific bond financing, if fiscally appropriate, as one of the means of financing for farmland protection, local habitat and outdoor recreation, historical and cultural assets, urban redevelopment, and other appropriate capital needs. In addition the state should support research at public universities to investigate additional alternative funding resources. [Reservations: J. Barrett, Sen. P. Birkholz, Rep. R. Johnson, R. Jones, M. McGraw]

Chapter 6: Principles and Recommendations for Planning and Development Regulation

By far the largest number of recommendations, offered in both previous studies and land use initiatives over the last decade and in recent surveys, focus groups, and public hearings conducted for the council, address issues associated with the structure of or system for planning and development regulation in Michigan. There is a widespread perception that the current system does not work very well, and that it results in the land use pattern known as sprawl, in the unnecessary loss of farms, forests, and other open space lands, as well as in a decline in the quality of life of many of our communities—but especially in our large older cities. There are many interrelated reasons why land use patterns favor sprawl over urban development and redevelopment. Some relate to market response to personal choices to live on large lots in the country, but the combination of public policy and the institutional structure for land use decision making in Michigan also plays a very large role. Consider the following fundamental characteristics of the current structure for land use decision making in Michigan.

- Michigan has over 1,850 counties, cities, villages, and townships empowered to plan and zone. The sheer number of governmental units making independent decisions has led to conflicts and the lack of coordinated efforts to address multijurisdictional concerns. In addition, there are dozens of special public entities authorized to plan and use land that act independently of counties, cities, villages, and townships.
- Michigan’s planning and zoning enabling acts were all adopted in the 1920s and have not been significantly changed since then; yet the total population of Michigan, the range and type of land uses, the impact of the automobile, and the pace of life have all changed dramatically. These basic tools have not kept pace with contemporary needs.
- There are four separate planning enabling acts and three separate zoning enabling acts in the state. These acts differ in terms of powers, responsibilities, or procedures, with no apparent reasons for the differences. In addition, they provide very little statutory guidance on what local plans should contain and inconsistent language linking local zoning decisions to local plans.
- Counties are permitted to plan but can zone land only in townships that have not adopted zoning. Counties do not have similar authority with regard to land division regulations or regulation of certain land uses like billboards. The result is often a patchwork of planning and zoning in rural Michigan. Only about two dozen of Michigan’s 83 counties exercise any zoning authority.
- There is no state statutory authority for joint planning or joint zoning for those cities, villages, and townships that wish to do so cooperatively.
- Michigan has long been among the states with the largest number of appellate court decisions on local planning and zoning issues. Appellate courts are commonly called upon to interpret the law in land use disputes between the public and private sectors. This results in significant delay, uncertainty in the outcome, and added expenses for local governments, developers, and citizens.

- Local governments are prohibited by state law from being exclusionary in the application of local zoning except under narrow circumstances. However, local governments are given no guidance, nor is any mechanism in place, to establish what is an appropriate multijurisdictional share of affordable housing, or what other types of nonresidential development should be accommodated. As a result, most communities zone for nearly all land uses, ensuring a spread of development across the landscape, even if there is inadequate public infrastructure to accommodate more intensive forms of development.
- Michigan's local governments are not required to plan for or ensure that infrastructure will be in place to service land planned or zoned for more intensive development; they routinely zone more land for a higher density or intensity use than existing roads and other public services can properly accommodate (even though that density may only be one dwelling per 1–5 acres). This is called overzoning. The problem is often compounded by the fact that communities with zoning authority do not always have responsibility for roads, sewer, water and other public services impacted by their zoning decisions.
- Michigan communities sometimes zone land served by sewer and water infrastructure at a very low density (such as one to three dwelling units per acre), severely underutilizing limited infrastructure and forcing development to be spread further across the landscape.
- Michigan's local governments are not required to coordinate plans, zoning, or infrastructure with adjoining units of local government or with the county, region, or state, although recent amendments to the local planning enabling acts do require notification and an opportunity for adjoining units of local government to comment on the proposed plans of adjacent governmental units. State property tax laws that provide the major support for local government encourage competition for development among local governments rather than encouraging collaboration and cooperation in land use decision making.
- Michigan's local governments do not have express statutory authority to use many of the growth management tools used by governmental units in other parts of the country.
- In 1978, local governments were promised in state legislation that statewide land use data would be made available every five years and land cover data every ten years to assist in land use planning and decisions, yet the state has only provided such essential data on a statewide basis once (in 1990 based upon 1978 data).
- There are no adopted state land use goals to guide state agency, regional, county, or local land use decisions as in other states.
- There has been no designated state agency charged with provision of technical assistance to local governments on general land use issues since 1982 (except in the brownfield and economic development arenas, and where state agencies have initiated such actions independently, as with transportation).
- Michigan permits planning and development regions to be created (there are presently 14) and recognizes them for various state activities, such as transportation planning; but since the early 1980s the state has failed to establish programmatic requirements or uniform funding for regional land use planning.

- Michigan has no coordinated method for integrating the infrastructure and land management decisions of state agencies with plans prepared by regions, counties, or local governments, except with regard to transportation.

Michigan has myriad state policies that directly and indirectly support, subsidize, or promote sprawl, in contrast to very few policies that support a compact settlement pattern or urban revitalization. The rising costs of sprawl are only just becoming apparent in a wide variety of ways. These costs include both direct and indirect fiscal and opportunity costs. Without a fundamental change in the way government land use decisions are made and coordinated, there is little opportunity to avoid the spiraling government costs associated with sprawl and its attendant social, environmental, and economic problems.

GUIDING PRINCIPLES

In formulating its recommendations for Michigan, the council established the following guiding principles that address policies and practices of government, and the need for new and improved tools and a supporting legal framework for coordinated planning and development regulation at the local, regional, and state level. The council believes that it is important for state, regional, and local governments to have policies and practices that recognize the following principles:

Education and Public Information

- Local government officials, citizens, property owners, and the development community have a wide range of current land use and related information available to assist with decision making.
- Local government officials, citizens, property owners, and the development community have a wide range of educational opportunities available to improve land use and related decisions consistent with the consensus vision.

Planning and Zoning Policies, Practices, and Tools

- Planning and zoning enabling legislation is updated to reflect contemporary growth, redevelopment, and preservation needs and to define the respective roles of government in meeting these needs.
- Incentives and tools (including existing tools and the creation of new ones) are available, and disincentives are eliminated to allow local governments to make better land use decisions and to improve intergovernmental coordination and planning.

Housing and Development

- Mechanisms are in place that allow local governments to
 - manage growth without the imposition of large lot sizes,
 - encourage cluster development in areas zoned for residential development with concurrent preservation of open space,
 - provide for a functional mix of living, working, shopping, and recreational activities, and
 - encourage historic preservation, adaptive reuse, and urban redevelopment as viable growth options.

State Role for Intergovernmental Cooperation

- One coordinated set of statewide land use goals is adopted. [Objections: R. Jones]
- These state land use goals recognize that all units and levels of government must cooperate and coordinate to achieve common objectives.
- A structure for land use decision making ensures that decisions are coordinated among all jurisdiction levels and agencies in a timely fashion but made at the most effective level of government.
- Public policies related to land use planning are coordinated with infrastructure-related public policies.
- State agencies coordinate decisions on land use–related issues.
- Federal and state land use policies that inhibit land use change consistent with the vision and goals as defined in Chapter 3 of this report are targeted for elimination. [Reservations: R. Jones]
- Financial assistance is provided for local governments and regional planning organizations to create and update land use or comprehensive plans.

Regional Intergovernmental Cooperation

- The appropriate exercise of home rule authority requires reasonable consideration of impacts on adjoining jurisdictions and a proper respect for sharing decision making with other governmental units on issues of greater than local concern.
- Land use incentives and tools are coordinated across jurisdictions.
- Effective mechanisms are available to accommodate land uses that address essential regional needs (e.g., schools, manufactured home parks, landfills, airports, prisons, etc.).
- Competition for tax base that undermines regional or metropolitan cooperation is reduced.

Local Governance Structure

- “Home rule/local control” as exercised by local units of government is the principal means for implementing land use decisions for Michigan that are consistent with the vision and goals as defined in Chapter 3 of this report.
- Local officials’ planning efforts are supported (e.g., multiauthority planning coordination, public and private sector education, technical assistance and tools, funding mechanisms) and their planning limitations (e.g., private property rights, recall, right of referendum) are recognized and addressed.

RECOMMENDATIONS

The council recommends the following actions to foster strategic, long-term, coordinated planning and development regulation at the local, regional, and state level in Michigan. These recommendations are founded on the vision and goals as defined in Chapter 3 of this report, paying particular attention to the smart growth tenets.

Education and Public Information

1. **Land use education.** Training, education, and knowledge in the means and methods of managing land use change and community development, in smart growth tenets as defined in Chapter 3 of this report, and in effective techniques should be provided to all local planning and zoning officials and to local elected officials. Provide incentive-based programs to maximize participation at the local level.
 - a. By 2010, more than 60 percent of all appointed planning and zoning officials and local elected officials in a single jurisdiction should be encouraged to participate in basic land use planning, zoning, and smart growth educational programs and document participation in such programs within one year of appointment or election. [Reservations: R. Jones, M. McGraw, G. White]
 - b. The state is encouraged to solicit and post on its website the titles and locations of sample educational materials that address land use, community development, environment, and related issues as supplemental materials for use by Michigan teachers. The Department of Education should also consider making such resources, materials, and training available to teachers through intermediate school districts. [Reservations: B. Warner]

[Reservations: Rep. R. Johnson]
2. **Technical planning information.** The state should provide financial incentives to regional and county planning organizations and multijurisdictional subareas to:
 - a. Encourage development of community planning information such as composite zoning maps and other technical studies
 - b. Provide technical assistance for local build-out analyses so communities understand the missed opportunities for compact settlement where existing infrastructure is underutilized because the density is too low
 - c. Help local governments ensure that land use decisions are made in long-term, landscape-scale contexts
3. **Public education.** The state, foundations, and stakeholder organizations should support public participation in land use decision making and informed dialogue through the exchange of ideas and information, including a public education campaign that includes concepts to help citizens:
 - a. Better understand the implications of continuation of land use trends and the benefits of planned development in general; as well as the specific benefits of alternative design schemes that focus on density rather than minimum lot sizes including:
 - (1) Density-based zoning
 - (2) New urbanism
 - (3) Diverse socioeconomic development patterns

[Objections: Rep. R. Johnson]]

- b. Become familiar with the ten common smart growth tenets as defined in Chapter 3 of this report
- c. Better understand the balancing of public, institutional, and private interests
- d. Recognize the value and benefit of publicly owned lands on our collective quality of life, economic vitality, and environment [Reservations: W. Wood]
- e. Improve individual land stewardship
- f. Preserve historic and cultural assets

Planning and Zoning Policies, Practices, and Tools

4. **Spatial database and decision support system.** The legislature and governor should ensure the development and maintenance of a spatial database and decision support system that incorporates the following actions:
 - a. Continually update (every five years) the Michigan Resource Information System (MIRIS) with land use/land cover data using all technology available, create a reliable funding mechanism to support this tool, and ensure its incorporation into the state's Center for Geographic Information (CGI) framework mapping project
 - b. Every five years conduct land use forecasting and analysis that uses sound, objective, scientific information
 - c. Democratize the geographic information and outputs of forecasts by installing an Internet-based interactive geographic information system (GIS) through an access service for all citizens to use
 - d. Complete work on the state's Uniform Digital Map, the CGI framework project, to create and maintain necessary data layers to support integrated land use planning using GIS
 - e. Update, upgrade, and integrate the Michigan Natural Features inventory data with the CGI framework mapping project to inform state and local land use decisions
 - f. Integrate historic structure inventories with the CGI framework mapping project to inform state and local land use decisions

Housing and Development

5. **Review new regulations for housing impact.** The state should:
 - a. Encourage state and local governments to review regulatory barriers that add to the cost of or effectively discourage a variety of types of housing production and/or existing housing stock, and where appropriate, eliminate these regulatory barriers [Reservations: L. Pollack]
 - b. Adopt policies that ensure a continuous supply of appropriately zoned land and appropriate public infrastructure for a wide variety of housing choices

6. **Land Division Act reform** (See recommendation 16 in Chapter 5: Land Resource-Based Industries)
7. **Density and mix of land uses.** The state should reduce overall land consumption by fostering more dense residential development through activities such as:
 - a. Encouraging minimum allowable housing densities of four units per acre for single-family housing and ten units per acre for multifamily or attached housing commensurate with available water, sewer, and road infrastructure [Reservations: Rep. R. Johnson, G. White]
 - b. Encouraging counties and local governments to use local zoning ordinances to provide for a range of cluster development options in appropriate residential and mixed-use zones, and encouraging developers to use these cluster development options by providing appropriate incentives such as allowing higher density and/or a streamlined development review process [Reservations: Rep. R. Johnson, G. White]
 - c. Promoting development of accessory dwelling units such as carriage houses or accessory apartments
 - d. Providing incentives favoring the development of housing above existing retail in downtown and suburban areas
 - e. Encouraging residential mixed-use and mixed-use zoning
8. **Manufactured home communities legislation.** The state should address the following issues in manufactured home communities legislation, including:
 - a. Implementing taxation methods to make taxes on mobile homes in manufactured home communities comparable to site-constructed housing
 - b. Providing local governments with more authority to regulate buffers, landscaping, roads, sidewalks, sewer and water, and the location of manufactured home communities through local zoning
 - c. Allowing the development of manufactured home communities, including their location, to be part of a multijurisdictional housing strategy[Reservations: Rep. R. Johnson]
9. **Community design.** A variety of approaches are suggested to enhance existing efforts to improve community design.
 - a. The state shall adopt context-sensitive design rules (character of the roadway being designed is related to the character of the location receiving it) for state highways where safe and appropriate, to help ensure that new or expanded roads do not detract from the environment or community design. [Objections: B. Warner]
 - b. The state should authorize and strongly encourage the Michigan Department of Transportation (MDOT), county road commissions, and local communities to use alternative road design standards where safe and otherwise appropriate, including

context-sensitive design rules that minimize environmental and community character impacts. These standards would include but are not limited to:

- (1) Standards for narrower width residential roads and rights-of-way serving residential developments, including associated standards that address grades, curves, landscaping in road rights-of-way, and similar design features
 - (2) Flexible, alternative design standards for public roads, bridges, and rights-of-way that take into account their use and scenic character and include options such as narrower lanes, reduced speeds, and other alternatives
 - (3) Protection from liability for road authorities that authorize use of narrower than current standard width public roads and rights-of-way including associated standards that address grades, curves, landscaping in road rights-of-way, and similar design features
- c. The state should promote expansion of programs to preserve historic structures and enhance scenic/aesthetic qualities
 - d. Foundations should be encouraged to facilitate the building of local and multiauthority partnerships and alliances committed to improving the appearance of the rural landscape [Reservations: R. Jones; Objections: M. McGraw]
 - e. State, county and local standards for improved road corridors should be encouraged to include nonmotorized accommodations, native landscaping, and storm water retention, and should be sensitive to the surrounding environment, especially in historic and scenic areas

State Role in Land Use and Intergovernmental Cooperation

10. Impacts of impervious surfaces on water quality. The council recognizes the importance of understanding and addressing the impact on water quality of nonpoint sources and impervious surfaces in both urban and rural watersheds. The council recommends the development of state-level technical assistance for watershed-wide and coordinated storm water management initiatives and state-level guidance for public and private decision makers regarding prevention and mitigation of negative impacts of impervious surfaces. In addition to authorizing reduction in road width and rights-of-way (see recommendation 9 above), which will significantly reduce impervious surfaces and storm water runoff, the council recommends that the state:

- a. Initiate development of pervious surface guidelines for new or replacement parking lots and pathways in order to promote on-site storm water management
- b. Provide incentives for the voluntary incorporation of storm water best management practices in all public and private land developments
- c. Identify alternative development designs that reduce total storm water runoff and its negative impacts on water quality

11. Local best practices. The state should create a recognition program for communities that:

- a. Form strong, action-oriented coalitions that include business, environmental, and agricultural stakeholders to generate broad political support for legislation and investment to impact state, regional, and local land use policy consistent with the vision and goals as defined in Chapter 3 of this report [Reservations: J. Barrett, R. Jones, M. McGraw]
- b. Achieve exemplary implementation of adopted state land use goals (see recommendation 12 below) [Objections: R. Jones]
- c. Collaborate on a multijurisdictional basis for positive outcomes in addressing affordable housing needs and mixed-use development

[Reservations: G. White]

12. **Establishment of state land use goals for Michigan.** The state should establish broad-based, visionary land use goals for Michigan that incorporate the vision and goals as defined in Chapter 3 of this report. [Reservations: Rep. R. Johnson; Objections: R. Jones, M. McGraw]
13. **Funding for planning and innovative zoning.** The state should provide incentives for innovative local and multijurisdictional planning and zoning efforts that advance and implement the vision and goals as defined in Chapter 3 of this report, paying particular attention to the smart growth tenets. [Reservations: J. Barrett, Rep. R. Johnson, R. Jones]
14. **Housing needs report.** The governor should direct the Michigan State Housing Development Director to prepare at least every two years, in conjunction with private housing sector input, a housing needs report of housing markets in Michigan that defines market areas, demographics, and number of homeowners and renters, and identifies housing need by income category. [Reservations: L. Pollack]
15. **“Live where you work” programs.** The state should create a pilot incentive-based project to encourage “live where you work” programs with a special focus on communities that are actively working on and promoting more transit-oriented and walkable/bikeable development. A sample program would create partnerships with local governments to support, instruct, and provide limited down payment assistance for employees choosing to live near their work. The state could take the lead by promoting such a program among state employees. [Reservations: Rep. R. Johnson, R. Jones]
16. **Biological Diversity Act.** Part 355 of the Natural Resources and Environmental Protection Act (Act 451, P.A. 1994) establishes biodiversity conservation as a goal of state government. It directs state agencies to cooperate toward that end, and to develop a statewide strategy for biodiversity conservation. The governor and legislature should implement the requirements of the act, including the interdepartmental coordination called for in Part 355. They should also direct state agencies to take a proactive approach by integrating natural resources and environmental considerations into their planning. [Reservations: Rep. R. Johnson, M. McGraw, B. Warner, W. Wood; Objections: R. Jones]

17. **Modernization of the planning and zoning enabling acts.** The legislature should unify and modernize Michigan’s four planning enabling acts and three zoning enabling acts consistent with the recommendations in this chapter. [Reservations: Rep. R. Johnson, R. Jones, M. McGraw, G. White]
18. **Documenting impact of state policies and programs on land use patterns.** The governor should initiate a sound, objective analysis of all major state policies, programs, and subsidies for their direct and indirect impacts on growth patterns in Michigan with a special emphasis on sprawl and compact growth patterns. The results should be used to guide recommendations for legislative, budget, and administrative changes. [Reservations: Rep. R. Johnson]
19. **Coordinating and implementing the state’s role.** The governor should organize the activities of the executive branch of state government to advance the vision, goals, and recommendations of this report. These activities include coordinating interagency decisions, establishing appropriate mechanisms for stakeholder input, securing federal funds for state, multijurisdictional, multiauthority, and local initiatives to advance statewide land use goals (see recommendation 12 above). [Reservations: J. Barrett, R. Jones, B. Warner]
20. **Revenue sharing formula.** When evaluating the formula for revenue sharing in 2006, the legislature and governor are encouraged to examine the relationship between revenue sharing and adopted state land use goals (see recommendation 12 above). [Objections: Rep. R. Johnson, L. Merrill]

Regional Land Use and Intergovernmental Cooperation

While they often perform important functions, regional planning commissions are responsible for geographic areas that do not always correspond with the way “natural” regions and metropolitan communities actually interact and function; too often they also involve only government. Therefore their potential effectiveness is greatly compromised.

Effective local and multijurisdictional planning requires collaboration among government and private and institutional sector organizations. Governmental units lack the authority, scope, and resource capabilities to address many of the major challenges and opportunities related to economic prosperity, environmental integrity, and social equity, such as determining the framework for regional multimodal transportation systems or restoring a watershed. Achieving sustainable livable communities requires these three sectors to have a common vision and agreement on efforts and resources, in support of mutually beneficial goals.

21. **Regional planning commission responsibilities.** The legislature should consider amending the regional planning act to establish clearer requirements for regional planning commissions with regard to types and contents of plans and provision of technical assistance services; and to encourage changes in the boundaries of Michigan’s 14 planning and development regions to make them more effective. Regional planning commissions should be statutorily required to be representative of the needs of local governments and to assist in the resolution of multijurisdictional impacts and/or disputes of major development and infrastructure investment decisions

on a multijurisdictional level. The state should create incentives for regional cooperation using state and, where possible, federal funding for certain activities such as infrastructure with multijurisdictional impacts, for regional plans, and for other multijurisdictional initiatives. The state should contribute funding to regional planning commissions that carry out the following responsibilities:

- a. The preparation of general regional land use plans that respect and represent community needs while promoting consistency with state land use goals (see recommendation 12 above), as well as the preparation of regional resource management plans; regional environmental protection plans; regional greenways plans; regional transportation, sewer, and water service plans; energy conservation plans; regional affordable housing plans; regional economic development plans; regional emergency preparedness plans; and methods to deal with issues of greater than local concern [Reservations: M. McGraw; Objections: R. Jones, B. Warner]
- b. The provision of maps, data, education, and technical assistance to local units of government, citizens, and the private sector
- c. The preparation of composite local future land use maps and local zoning maps for all jurisdictions in the region
- d. Annual compilation and reporting of all community capital improvement programs within the region

[Reservations: Rep. R. Johnson, R. Jones, G. White]

22. **Regional and multijurisdictional partnerships.** The legislature, the governor, and regional and multijurisdictional entities should advocate for the development of stronger partnerships between public, private, and institutional organizations in efforts to promote urban redevelopment and compact and mixed-use designs and discourage low-density greenfield development. [Reservations: Rep. R. Johnson, G. White]
23. **Coordinating decisions:** The governor and the legislature should create a new structure for coordinating state, regional, multijurisdictional, and major local land use, economic development, and infrastructure decisions that addresses the following elements:
 - a. Establish a commerce centers program consistent with recommendation 5 in Chapter 4: Urban Revitalization. [Reservations: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw]
 - b. Create incentives for local cooperation on regional and multijurisdictional infrastructure and economic development decisions. Require communities that are applying for grants on projects that have multijurisdictional impacts to collaborate with each other to develop integrated regional or multiauthority plans and policies as a requirement for funding for county, state, and federal government transportation, infrastructure, and land acquisition activities. [Reservations: Rep. R. Johnson]

- c. Address issues of greater than local concern. The legislature should enact laws that address the impacts of land use, infrastructure, and economic development decisions whose scale or impact is such that they clearly extend beyond jurisdiction boundaries, consistent with the vision and goals as defined in Chapter 3 of this report, paying particular attention to the goal related to social equity. . [Reservations: Rep. R. Johnson, R. Jones, M. McGraw; Objections: B. Warner]
 - d. Require government buildings to be subject to local zoning. All new state, county, township, city, village, and special district government buildings should be subject to local zoning, except where the legislature specifically exempts them, as with state prisons.
 - e. Reprioritize dollars from the state school bond fund to provide incentives for redevelopment of existing school structures on existing sites. [Reservations: Rep. R. Johnson; Objections: R. Jones]
 - f. Create fiscal and other incentives for coordination among local jurisdictions to ensure that regional affordable housing needs are distributed equitably across jurisdictions based on the availability of adequate infrastructure. [Reservations: R. Jones]
- [Reservations: R. Jones, G. White]

Local Governance Structure

24. **Authorization of joint planning commissions.** Allow two or more communities to form a joint planning commission.

Balanced Growth Strategy

25. **Balancing the authorization of new planning and zoning tools with certainty for obtaining approval for higher density.** The legislature should enact legislation that would enable local governments that have master plans with specified plan elements (tie bar to recommendation 17 above) to adopt and implement the following planning and zoning tools within a single jurisdiction, or on a multijurisdictional basis in some cases. Such enabling legislation should recognize the desirability of:
 - Allowing higher density than is typical where infrastructure and community services are adequate and much lower density than is typical where there are farmland, open space, environmentally sensitive lands, and other resources of high priority for long-term protection and economic viability [Reservations: G. White]
 - Providing more certainty of outcomes for all involved (local governments, citizens, development community, etc.)
 - Encouraging inclusionary zoning and not perpetuating exclusionary zoning
 - Acknowledging that one size does not fit all
 - Allowing local governments to choose their community design character

- Acknowledging that not all communities should have to provide for every land use if they participate in a multijurisdictional process to identify ways to meet regional needs

Necessary elements to consider:

To these ends, the following changes to existing state and local laws and policies are proposed to fairly balance the interests of developers, local governments, environmental organizations, and citizens. These changes are proposed with the understanding that all the elements listed under recommendations 25a and 25b below are necessary to achieve the desired balance:

- a. **Increase density and mix of land uses.** Reduce overall land consumption by fostering more dense residential development through activities such as:
 - (1) Requiring that every master plan or future land use plan document residential needs of a wide variety of types for a 20-year period and be updated every five years
 - (2) Including a housing element in the master plan that provides the basis for inclusionary zoning and has affordable housing as a required subelement
 - (3) Adopting local master plans that are consistent with state land use goals (see recommendation 12 above) [Objections: R. Jones, M. McGraw]
 - (4) Setting a higher maximum density level for all developments commensurate with the availability of sewer, water, and roads. The allowable density must be not less than four units per acre for single-family detached housing with minimum lot sizes to accommodate those densities, or ten units per acre for multifamily or attached housing development in areas zoned or master planned for residential use [Reservations: B. Warner; Objections: Rep. R. Johnson]
 - (5) Encouraging state and local governments to review regulatory barriers that add to the cost of, or effectively discourage, a variety of types of housing production and/or existing housing stock; and, where appropriate, eliminating these regulatory barriers
 - (6) Establishing the adequacy of those public services and facilities to meet regional or qualified multijurisdictional housing needs; if they are not adequate, the master plan shall establish how to meet those needs
 - (7) Requiring a capital improvement program that is updated annually and consistent with the plan above
 - (8) Creating incentives for natural, historic, and cultural feature preservation planning
 - (9) Allowing for the use of MDEQ-approved alternative individual wastewater disposal systems and allow for MDEQ-approved community water and sewer systems subject to local government approval, which should not be unreasonably withheld [Reservations: J. Barrett, H. Voss]

- b. **Authorize new tools for local governments provided they have addressed the elements above.** These include:
- (1) Authorizing local governments to prepare urban and general services districts tied to the plan above
 - (2) Authorizing the adoption of special assessment districts or adequate public facilities ordinances that ensure the provision of roads, sewer, water, and storm drain infrastructure as new development occurs, according to standards in the ordinances that:
 - a) permit negotiation in the determination of responsibility for provision of roads, sewer, water, and storm drain infrastructure
 - b) equitably assign costs among benefiting parties and permits the community to establish a threshold for development size, below which the ordinance standards do not apply
 - c) do not charge expenses to a developer for benefits accrued to the public as a whole or for their cumulative impact over time
 - d) would not include deferred maintenance and capital improvements over time as established through a third party cost of services study
 - e) are tied to an adopted master plan with the elements required in recommendation 25a
 - f) are tied to an adopted local capital improvement program for a six-year period, which is annually updated and spells out community commitments for the provision of new infrastructure, and provides an effective means of enforcement of the ordinance

[Reservations: J. Barrett, M. McGraw, L. Pollack; Objections: R. Jones]

- (3) Providing specific authorization for large minimum parcel sizes for use as a tool to protect farmland, forestland, and open space as designated in the local master plan [Reservations: M. McGraw; Objections: R. Jones]
- (4) Enabling local governments to create and adopt public facility maps that show the proposed location of new public facilities
- (5) Enabling local governments to adopt and effectively enforce more robust aesthetic controls [Reservations: W. Wood; Objections: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw, B. Warner, G. White]
- (6) Enabling local governments to enter into voluntary development agreements for on- and/or off-site improvements in return for long-term guarantees on development approval
- (7) Authorizing local governments to establish a market-driven density enhancement program involving the preservation of land in one part of a community by means of a density transfer to another part of the same community or to a different community via the terms of a coordinated agreement, provided the program has the following characteristics:

- a) The community providing the density enhancement already has in place an allowable density of not less than four units per acre for single-family detached housing or ten units per acre for multifamily or attached housing development and has public sewer, water, and roads available to serve development at those densities, or will have sewer, water, and roads at the time the new development using the transferred density is available for use [Reservations: L. Pollack]
 - b) Density for the transferred development rights will be granted based on the allowable per-acre density of the land as it currently exists. The development rights being moved are in addition to the allowable density already in place within the development area. If minimum lot size requirements do not allow for the added density, minimum lot sizes shall be adjusted to allow for the added density [Reservations: G. White]
 - c) Developments using density enhancement will be subject to a streamlined and expedited review and approval process [Reservations: L. Pollack]
 - d) The community from which the transferred development rights originate shall designate areas eligible for transfer of development rights according to standards that define the public purposes for permanent land preservation that may include but are not limited to preservation of farm or forestland, wetlands, or other sensitive natural features, archeological or historic sites, or other designated lands [Objections: G. White]
 - e) If the land subject to transfer of development rights was in a designated farmland or forestland preservation program with a minimum lot size larger than the minimum under local zoning prior to inclusion in the program, then that land shall have density rights transferred based on its density prior to inclusion in the farm or forestland protection program, or a higher density established by local zoning ordinance [Reservations: G. White]
 - f) The local basis for such a density enhancement program shall be provided in the local master plan of the participating communities and implemented through the local zoning ordinance or a separate density enhancement ordinance
 - g) The adopted master plan has the elements required in recommendation 25a
 - h) The program is tied to an adopted local capital improvement program for a six-year period, which is annually updated and spells out community commitments for the provision of services identified in master plans
[Objections: J. Barrett, Rep. R. Johnson, R. Jones, M. McGraw]
- (8) Allowing aesthetic/design-oriented “contract zoning” if mutually agreed to by the developer and local government

[Reservations: G. White]

26. Recall and referendum provisions. The ease of Michigan’s referendum and recall laws creates uncertainty for developers and homeowners and divisiveness within communities. Elected decision makers need to be empowered to make decisions that are more final than the present law allows. At the same time, those who rely on the

master plans and zoning ordinances adopted by elected officials to make investment decisions should have the right to greater certainty. To this end, the council recommends that the governor and the legislature appoint a taskforce to examine the role of referendum, recall, and lawsuits in the outcomes of zoning and planning decisions including the use of administrative law and other conflict resolution techniques to resolve conflicts.

Chapter 7: Principles and Recommendations for Infrastructure and Community Services

Infrastructure consists of those systems under public ownership, or operated or maintained for public benefit, that are necessary to support development, maintenance, and redevelopment of communities and to protect the public health, safety, and welfare and the environment. The availability and condition of infrastructure such as roads and wastewater treatment facilities are critical considerations in most land use planning decisions. Federal, state, and local funding and related requirements for transportation and wastewater treatment infrastructure have had a profound and lasting effect on existing land use patterns.

Adequate infrastructure, especially transportation systems, is vital to the state's economic competitiveness in attracting businesses and workers, and is essential in providing necessary mobility for the state's population. As the state moves forward in addressing this need, it must assure that Michigan public transit:

- Serves those who rely on it as their primary mode of travel, such as the disabled, those without a personal vehicle, the elderly, and the young
- Is an attractive alternative to using a personal vehicle for people who have a choice
- Is an integral part of the state's overall transportation system
- Is positioned to accommodate Michigan's future population, including a rapidly aging population
- Attracts and retains essential workforce participants

To help guide land use decision making in Michigan into the future, the Michigan Land Use Leadership Council considered how infrastructure systems are developed, from the planning phase through approval, funding, construction, and maintenance. Consistent with the fundamental goals underlying the vision of this council, efficient, effective, and reliable infrastructure systems must be available to support and ensure economic prosperity, environmental integrity, and social equity. They must be constructed and operated with regard for environmental factors and with adequate capacity to support affordable housing for Michigan's present and future population. For this to be accomplished there must be widespread public understanding and support of the importance and long-term cost of these systems. How Michigan's infrastructure planning decisions are made over the coming years will continue to have a profound and lasting effect on evolving land use patterns. Public health, safety, coordination, economic efficiency, mobility, and environmental quality are important considerations in all guiding principles.

GUIDING PRINCIPLES

In formulating its recommendations targeting infrastructure systems and decision-making processes, the council established the following guiding principles that address policies and practices of government and a supporting legal framework. The council believes that

it is important that state and local governments have policies and practices consistent with the following principles:

- Public health, safety, and environmental quality are fundamental considerations in infrastructure-related decisions for all guiding principles.
- Public investments in existing and new infrastructure encourage sustainability and are consistent with coordinated local and multijurisdictional planning efforts, state policy, and law and with the 2002 Government-to-Government Accord between the State of Michigan and Michigan's federally recognized Indian Tribes.³
- Infrastructure is managed, maintained, and upgraded consistent with planned growth in the area and in a manner that assures equity, provides for efficient utilization of existing public facilities, and optimizes service quality and reliability with the lowest long-term capital and operating costs.
- Infrastructure is planned, constructed, and managed in a manner that is respectful of Indian tribal sovereignty and the traditional and cultural values, beliefs, and principles of tribal members and governments.
- Local and multijurisdictional transportation systems are safe, accessible, and reliable and provide choices and mobility to the public and to business and industry sectors.
- Green infrastructure (such as parks, trails, nature preserves, watersheds, and open space) is essential to the sustainability of every community, and all governmental units have a responsibility to plan, build, and maintain this aspect of their infrastructure.
- Public investments in transportation systems (e.g., roads, maritime, rail), sewers, public institutions, and water supplies are focused to upgrade and maintain infrastructure already in place.
- Infrastructure policies and decisions support and encourage compact and mixed-use development and infill, while discouraging fragmentation and consumption of open space.

RECOMMENDATIONS

Infrastructure decisions have a profound and lasting impact on land use. The infrastructure recommendations are presented in four areas: (1) state infrastructure expenditures, (2) multijurisdictional infrastructure considerations, (3) local infrastructure decisions and expenditures, and (4) natural environment.

State Infrastructure Expenditures

1. State decisions on the disposition of state and federal infrastructure funding have a significant impact on land use. To help ensure that these expenditures guide wise land use decisions and support growth in an orderly manner, the council recommends that:
 - a. State and federal infrastructure funding should be prioritized to support existing developed areas, improve and maintain the effectiveness and integrity of existing

³For more information see http://www.michigan.gov/documents/Accordfinal_53478_7.pdf.

- infrastructure, ensure multijurisdictional coordination, and protect public health, safety, and the environment. [Reservations: J. Barrett, Rep. R. Johnson]
- b. State and federal infrastructure funding should be targeted to encourage compact and/or mixed-use residential development and mixed-use development.
 - (1) Small communities in rural areas should be eligible for state funding support to provide sewerage infrastructure improvements needed for protection of public health and for compact and/or mixed-use residential development and mixed-use development, provided that the project is consistent with adopted state land use goals (see recommendation 12 in Chapter 6: Planning and Development Regulation) and provided that where the project affects more than one jurisdiction, it is consistent with multijurisdictional planning. [Reservations: R. Jones]
 - (2) State infrastructure funding should be targeted to encourage inclusionary zoning.
[Reservations: Rep. R. Johnson]
 - c. State policy and funding should ensure that new school locations are consistent with local and multijurisdictional plans and encourage the use of existing sites and ensure that all new school structures are subject to local zoning. [Reservations: Rep. R. Johnson]
 - d. Where the project may affect multiple jurisdictions, state transportation funding for local communities should be tied to comprehensive multijurisdictional plans that are consistent with a statewide transportation plan, with necessary and appropriate input from affected jurisdictions, including Indian tribes. [Reservations: Rep. R. Johnson]
 - e. The state should provide incentives and tools for communities that participate in multijurisdictional planning, develop master plans for these communities, and encourage development in areas where infrastructure exists. [Reservations: Rep. R. Johnson]
 - f. The state should provide incentives for local jurisdictions to build and maintain green infrastructure, such as stormwater management systems that provide cost-effective, environmentally beneficial alternatives for the treatment, storage, and transportation of storm water. [Reservations: Rep. R. Johnson]
 - g. Local and state officials should take action to preserve existing rail corridor rights-of-way for future trail and transit use. [Reservations: W. Wood]
 - h. When planning roadway expansions, local and state officials should attempt to secure rights-of-way for future public transit projects. [Reservations: Rep. R. Johnson]

Multijurisdictional Infrastructure Considerations

- 2. Where infrastructure decisions affect more than one jurisdiction, multijurisdictional coordination and cooperation on infrastructure decisions are essential to effective and

efficient use of infrastructure and wise land use planning. To help accomplish this, the council recommends that:

- a. Consistent with state policy and law, infrastructure should be planned, guided, and coordinated at the multijurisdictional level, with necessary and appropriate input from affected jurisdictions, including Indian tribes. Infrastructure should be provided and managed in accordance with locally adopted master plans, zoning ordinances, and capital improvement programs. Infrastructure improvements and expansions should be made in accordance with multijurisdictional planning and in a timely fashion, not delayed until the capacity of the existing infrastructure is exceeded. [Reservations: Rep. R. Johnson, L. Merrill]
- b. When state and local leaders, under current authority, review water and sewerage infrastructure systems and develop recommendations to ensure that the systems are effectively planned and coordinated at a multijurisdictional level, it is imperative that they recognize the value of the historical investment the individual jurisdictions have made in these systems. [Reservations: Rep. R. Johnson]
- c. Communities should provide nonmotorized, public transportation alternatives, safe routes to schools, and recognize nonmotorized transportation as a viable method of transportation. [Reservations: R. Jones, M. McGraw]

Local Infrastructure Decisions

3. Local jurisdictions make many key infrastructure decisions and should have the necessary legal tools to successfully make these decisions consistent with wise land use policy. To that end, the council recommends that:
 - a. Local jurisdictions should have the necessary clear authority to effectively manage infrastructure decisions, as recommended under the planning and development section of this report (Chapter 6).
 - b. Recognizing that on-site disposal systems are an integral part of Michigan's sewerage infrastructure, the Michigan Department of Environmental Quality (MDEQ) should promulgate a scientifically based statewide sanitary code for on-site disposal systems and community water and sewer systems by which local and county jurisdictions can cost-effectively respond to local conditions, authorize the use of approved alternative on-site waste treatment systems to encourage compact development, and ensure that the state's surface water and ground water are protected from inadequate or failing systems. [Reservations: Rep. R. Johnson, H. Voss]
 - c. Local jurisdictions should develop, adopt, and regularly update local capital improvement programs that identify necessary and equitable funding to build, maintain, and replace the infrastructure needed to support the locally adopted master plans. [Objections: R. Jones]
 - d. Where the local community has adopted a land use plan, the state should not issue a construction permit for new sewer or treatment facility construction unless the project is consistent with that plan. [Reservations: G. White]

- e. Local jurisdictions should have the authority to avoid the wasteful cost, disruption, and visual degradation of landscape caused by redundant telecommunication infrastructure (such as utility poles, communication towers, fiber-optic lines) by requiring service providers to share supporting infrastructure through public or joint private ownership. Where practical, electrical and telecommunications lines should be underground. [Reservations: J. Barrett, Rep. R. Johnson, B. Warner; Objections: M. McGraw]

Public Transit

4. The state should provide funding sufficient to ensure effective, safe, reliable, and accessible public transit that provides mobility and transportation choices. To help accomplish this, the state should work with members of Michigan's congressional delegation to seek federal funding legislation that treats investment in bus transit systems and rail transit systems as comparable and equally important types of service that merit equivalent levels of funding. In addition, the state should:
 - a. Utilize the full 10 percent of the Michigan Transportation Fund (MTF) to support the Comprehensive Transportation Fund (CTF) [Reservations: J. Barrett, L. Merrill]
 - b. Utilize 25 percent of auto-related sales taxes to support the CTF [Reservations: J. Barrett]
 - c. Encourage state and local jurisdictions to adopt minimum standards for the level of spending on road repair and for the condition of the highway/road/street network [Reservations: L. Merrill][Reservations: Sen. P. Birkholz, G. White; Objections: Rep. R. Johnson, R. Jones, M. McGraw]

Natural Environment

5. Michigan's natural environment is one of its most valued assets. To help assure its sustainability, the council recommends that:
 - a. Appropriate state agencies should participate in the development of statewide plans for biodiversity conservation, wildlife habitat protection, water quality, and other potential environmental impacts, and the Michigan Department of Transportation (MDOT) should consider these plans when developing its statewide transportation plans. [Reservations: Rep. R. Johnson; Objections: B. Warner]
 - b. Infrastructure projects should be coordinated with environmental and natural resource agencies early, substantively, and continuously throughout project planning and development. [Reservations: Rep. R. Johnson]
 - c. Recognizing that invasive nonnative species can significantly alter the ecological and economic components of Michigan's environment, state policies regarding plantings on state-owned lands and rights-of-way should encourage the use of native species and avoid the use of invasive nonnative species. Where feasible and appropriate, new state or county road construction should include the planting of native vegetation, and native vegetation should be used where existing

roadsides require new seeding. An example of this type of program is the Integrated Roadside Vegetation Management program used by the Minnesota Department of Transportation.

- d. To increase the safety of travelers and to protect wildlife, the MDOT should explore new methods to reduce the impact of major roads and highways funded by federal and state transportation departments on surrounding ecosystems through the creation of wildlife corridors and crossings. Wildlife crossings can help reconnect fragmented habitat and reduce injuries to drivers and passengers caused by collisions. Existing examples of programs to create structural and nonstructural wildlife crossings are those in Florida and California. [Reservations: Rep. R. Johnson ; Objections: R. Jones]

Glossary of Selected Terms⁴ Related to Recommendations

The following definitions are intended to assist the reader with the terminology specific to the recommendations. The sources from which these definitions have been developed are indicated in parentheses.

Agriculture Production Areas (APA)—The designation of an APA by a local unit of government is intended to maintain various agricultural industries by defining a geographic area (size depends on the sustainability of the type agricultural activity) that consists primarily of agricultural production. APA programs typically (1) require a minimum commitment of a year to encourage agricultural production into the foreseeable future through the placement of an easement on the farmland and (2) impose penalties for early withdrawal. Voluntary enrollment of farmland in an APA allows landowners to receive priority for protection from incompatible uses that may otherwise result in direct or indirect conversion of farmland. Enrollment in APA programs also reduces property taxes on farmland, enhances eligibility for other farmland preservation programs, and may provide exemptions from some special assessments and real estate transfer taxes.

Alternative On-site Wastewater Treatment Systems—An on-site treatment system that includes components different from those used in a conventional septic tank and drainfield system. An alternative system is used to achieve acceptable treatment and dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources (e.g., at sites where high ground water, low-permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater or where additional treatment is needed to protect ground water or surface water quality). Components that might be used in alternative systems include sand filters, aerobic treatment units, disinfection devices, and alternative subsurface waste infiltration systems such as mounds, gravel-less technology, and pressure and drip distribution. To be approved, an alternative on-site wastewater treatment system must meet standards established by the Michigan Department of Environmental Quality, taking into consideration, at a minimum, the following factors:

- Discharge location;
- The type of collector sewer used;
- The estimated volume of flow (a number used to design the final treatment system);
- Site characteristics (including site area, distance to surface waters, soil characteristics, and projected future use);
- System reliability and monitoring;
- System maintenance and personnel requirements;
- Adaptability to changes in system operation.

⁴As used in this report.

Biological Diversity—The full range of variety and variability within and among living organisms and the natural associations in which they occur. Biological diversity includes ecosystem diversity, species diversity, and genetic diversity.

(Part 355 [Biological Diversity Conservation] of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994)

Biodiversity Conservation—Management efforts for maintaining and restoring natural biological diversity that protect, restore, and enhance as much of the variety of native species and communities as possible in quantities and distributions that provide for the continued existence and normal functioning of native species and communities, including the viability of populations throughout the natural geographic distributions of native species and communities

(Part 355 [Biological Diversity Conservation] of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994)

Coastal Dependent Use—Commercial, recreation, or industrial uses that are dependent upon a waterfront or coastal location.

(Michigan Department of Environmental Quality)

Coastal Zone Management Principles—Coastal management objectives as statutorily defined by the federal Coastal Zone Management Act include: preserve, protect, develop, and, where possible, restore coastal natural resources and habitats; provide public access; manage development to minimize the loss of life and property in coastal hazard areas; improve and protect water quality; give priority consideration to coastal-dependent uses; revitalize deteriorating urban waterfronts and ports; preserve and restore historic, cultural and aesthetic coastal features; and provide for public participation and governmental coordination in decision-making.

(Coastal Zone Management Act, P.L. 92–583 of 1972, as amended.)

Commercial Forest Program—The Commercial Forest Program was created in 1925 by Public Act No. 94, which is currently embodied in Part 511 (Commercial Forests) of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. “The Commercial Forest Program provides a property tax reduction to private landowners as an incentive to retain and manage forestland for long-term timber production. Landowners participating in this program pay a reduced property tax of \$1.10 per acre listed in the program. Additionally, the State of Michigan pays \$1.20 per acre annually to each county where land is listed in the program. There are approximately 2.2 million acres listed in this program under the ownership of nearly 1300 private landowners. Landowners include private individuals, clubs, forest industry, and other businesses. Landowners in this program agree to develop, maintain, and manage the land as commercial forest through planting, natural reproduction, or other silvicultural practices. Lands listed in this program are private lands under the control of private owners, who through the program allow the public the privilege of hunting and fishing only.”

(Michigan Department of Natural Resources. [Online, cited 6/23/03.] Available: <http://www.michigan.gov/dnr/0,1607,7-153-10367-34016--,00.html>.)

Compact—“A pattern of land development with sufficient density of development and proximity between uses and activities to encourage pedestrian movement and efficient provision of public facilities and services.”

(Robert W. Burchell et al. 2002. *Costs of Sprawl—2000*. Transit Cooperative Research Program Report 74. Washington, D.C.: National Academy Press, 575–77.)

Composite Maps—In this context it refers to the preparation, usually by a county or regional planning office, of two types of maps for an area encompassing multiple jurisdictions (such as a county or a region) that have the following characteristics:

- A composite future land use map includes future land use by type (e.g., single-family residential, multiple-family residential, commercial, industrial, agricultural, etc.) using a common definition for each land use type for every jurisdiction in the area included.
- Similarly, a composite zoning map includes existing zoning categories for every common zoning classification using a common definition for each zoning class (e.g., single-family residential, multiple-family residential, commercial, industrial, agricultural, etc.).

A composite map allows anyone to visually examine the planned location for future land use, or existing zoning for an area much larger than a single jurisdiction at a glance and without having to gather all the separate future land use plans and zoning maps from each jurisdiction. It also permits analysis to determine incompatibilities between planned or zoned land uses or densities between adjoining jurisdictions and to calculate the amount of land (and number of dwelling units or square feet of nonresidential development) planned or zoned for particular land uses.

(Mark Wyckoff. 2002. “Overzoning and Buildout Analysis.” *Planning & Zoning News* 20 (6), April: 5–13. Lansing, Mich.: Planning and Zoning Center, Inc.)

Conservation Easement—A conveyance, by a written instrument, in which—subject to permitted uses—the owner relinquishes to the public in perpetuity his or her development rights and makes a covenant running with the land not to undertake development.

(Natural Resources and Environmental Protection Act, P.A. 451 of 1994, Sec. 36101.)

Conservation Reserve Enhancement Program (CREP)—An offspring of the Conservation Reserve Program (CRP), CREP is a joint, state-federal land retirement conservation program targeted to address state and nationally significant agriculture-related environmental effects. This voluntary program uses financial incentives (e.g., annual rental payments and cost-share assistance to establish long-term, resource-conserving covers on eligible land) to encourage farmers and ranchers to enroll in contracts of 10 to 15 years in duration to remove lands from agricultural production. It is authorized pursuant to the 1996 Federal Agriculture Improvement and Reform Act. CREP has two primary objectives: to coordinate federal and non-federal resources to

address specific conservation objectives of a state and the nation in a cost-effective manner, and to improve water quality, erosion control and wildlife habitat related to agricultural use in specific geographic areas.

(Farm Service Agency. [Online, cited 6/23/03.] Available: <http://www.fsa.usda.gov/dafp/cepd/crep.htm>.)

Context Sensitive Design—“Context sensitive design (CSD) is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. CSD is an approach that considers the total context within which a transportation improvement project will exist.”

(U.S. Department of Transportation, Federal Highway Administration. [Online, cited 6/23/03.] Available: <http://www.fhwa.dot.gov/csd/>.)

Contract Zoning—The establishment of conditions in connection with a rezoning that bind the developer and the community to its terms. Contract zoning has often been invalidated mainly because it is seldom specifically authorized in state enabling legislation.

(American Planning Association [APA]. December 1999. *A Glossary of Zoning Development and Planning Terms*, PAS Report No. 491/492. Chicago, Ill.: APA.)

Developer/Development Agreement—There are two common meanings. Both are within the context of the recommendations in this report and both are from the same source:

1. An agreement by a developer with the city that clearly establishes the developer’s responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.
2. A legislatively approved contract between a jurisdiction and a person having legal or equitable interest in real property within the jurisdiction that “freezes” certain rules, regulations, and policies applicable to development of a property for a specified period of time, usually in exchange for certain concessions by the owner.

(American Planning Association [APA]. December 1999. *A Glossary of Zoning Development and Planning Terms*, PAS Report No. 491/492. Chicago, Ill.: APA.)

Exclusionary Zoning—“Development regulations that result in the exclusion of low- and moderate-income and minority families from a community.”

(Robert W. Burchell et al. 2002. *Costs of Sprawl—2000*. Transit Cooperative Research Program Report 74. Washington, D.C.: National Academy Press, 575–77.)

Green Infrastructure—Urban, suburban and rural natural areas, such as greenways, parks, trails, waterways, wetlands, woodlands, and wildlife habitats. These areas support native species, maintain ecological processes, sustain air and water resources, and

contribute to the health and quality of life of people and the sustainability of communities.

Inclusionary zoning—“Regulations that provide incentives to construct housing that is affordable to low- and moderate-income households.”

(Robert W. Burchell et al. 2002. *Costs of Sprawl—2000*. Transit Cooperative Research Program Report 74. Washington, D.C.: National Academy Press, 575–77.)

Infrastructure—“Those systems under public ownership, or operated or maintained for public benefit that are necessary to support development, maintenance, and redevelopment and to protect the public health, safety, and welfare.”

(Robert W. Burchell et al. 2002. *Costs of Sprawl—2000*. Transit Cooperative Research Program Report 74. Washington, D.C.: National Academy Press, 575–77.)

Infrastructure includes capital improvement projects such as transportation systems (including sidewalks, bike paths, and wheelchair access), water supplies, sewage collection and treatment, and other services that involve a capital expenditure.

Institutional organizations—Include, but are not limited to, the following types of organizations:

- Education
 - K–12
 - Career Tech
 - Colleges and universities
- Health and human services
- Arts and culture
- Community and private foundations
- Faith based
- Environmental
- Community interest groups

(Council member)

Master Plan, Comprehensive Plan, or Future Land Use Plan—These are three of many common terms used to describe a plan prepared by a planning commission to guide future land use and infrastructure decisions in the community according to the procedures and requirements of the applicable planning enabling act (i.e., Municipal Planning Act, P.A. 285 of 1931, Township Planning Act, P.A. 168 of 1959, and County Planning Act, P.A. 282 of 1945). A plan prepared under these acts has a long-term focus of at least twenty years, is required to be reviewed at least once every five years, and includes analysis, recommendations, and proposals for the community’s population, economy, housing, transportation, community facilities, services, and future land use.

(Adapted to fit Michigan’s statutes from American Planning Association [APA]. December 1999. *A Glossary of Zoning Development and Planning Terms*, PAS Report No. 491/492. Chicago, Ill.: APA.)

Michigan Natural Resources Trust Fund (MNRTF)—The MNRTF, started in 1976, provides financial assistance to local governments and the Michigan Department of Natural Resources to purchase lands for outdoor recreation and/or the protection of natural resources and open space. It also assists in the appropriate development of land for public outdoor recreation. Since the beginning of the MNRTF in 1976, more than \$537 million in appropriations have been made for more than 1,200 state and local recreation projects.

(Michigan Department of Natural Resources. [Online, cited 7/9/03.] Available: http://www.michigan.gov/dnr/0,1607,7-153-10366_11864-36732--,00.html.)

Michigan Resource Information System (MIRIS) Current Use Inventory—MIRIS was created in 1979 by Public Act No. 204, which is currently embodied in Part 609 (Resource Inventory) of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. The Current Use Inventory illustrates land cover and land use and was compiled from photo interpretation of color infrared aerial photography (1:24,000-scale or 1 inch to 2,000 feet) obtained in 1978–79. Aerial photography obtained in 1985 was used for the inventory of Detroit and seven highly urbanized counties in southeast Michigan. Maps are available of all 83 Michigan counties.

(Eric Swanson, Director, Michigan Center for Geographic Information, Department of Information Technology. April 2003. *Information Enhanced Land Use Planning*. White paper prepared for Michigan Land Use Leadership Council (MLULC). [Online, cited 6/26/03.] Available: http://www.michiganlanduse.org/resources/councilresources/GIS_LU_Planning.pdf.)

Mixed-use Development—“A tract of land with two or more different uses, such as residential, office, manufacturing, retail, public, or entertainment.”

(Robert W. Burchell et al. 2002. *Costs of Sprawl—2000*. Transit Cooperative Research Program Report 74. Washington, D.C.: National Academy Press, 575–77.)

Mixed-use Residential Development—A tract of land with different housing types and prices ranges.

Multiauthority—Involving more than one public authority, such as a school district, road commission, drain commission, local unit of government, or other governmental agencies.

Multijurisdictional—Involving more than one jurisdiction, and usually all jurisdictions immediately abutting a single jurisdiction, or a cluster of usually contiguous jurisdictions.

Nonmotorized Accommodations—Providing bicycle lanes, sidewalks, crosswalks, drop curbs, and other appropriate design elements that accommodate nonmotorized use along road corridors.

Overzoning—A local zoning practice in which considerably more land is zoned into a higher density zoning classification than the market can absorb, or adequate public services can be provided. It is responsible for promoting low-density scattered development of rural land.

(Wyckoff, Mark. 2002. Overzoning and Buildout Analysis. *Planning & Zoning News* 20 (6), April: 5–13. Lansing, Mich.: Planning and Zoning Center, Inc.)

P.A. 116—The Farmland and Open Space Preservation Program was established in the state in 1974. This program, which is frequently referred to as P.A. 116, allows for farmland owners to enter into a temporary restrictive covenant with the state in which they agree not to develop their land. In exchange for enrolling in the covenant, the landowner is exempt from various special assessments and landowners may receive a tax credit through their state income tax to assist in the payment of property taxes.

(Dan Wyant, Director, Michigan Department of Agriculture. March 2003. *The Interrelationship Between Land Use Trends and Michigan Agriculture Policy and Effects of These on Sustainable Agriculture in Michigan*. White paper prepared for the Michigan Land Use Leadership Council. [Online, cited 6/26/03.] Available: <http://www.michiganlanduse.org/resources/councilresources/MDA-Ag-Impacts.pdf>.)

Private Forest Reserve—Part 513 (Private Forestry) of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 created Private Forest Reserves. The owner or operator of a tract of land not exceeding 160 acres, where at least 1/2 of the land is improved and devoted to agricultural purposes, may designate a portion of that land, not exceeding 1/4 of the total area of the tract, as a private forest reserve. Land stays on the ad valorem tax roll but is assessed at \$1.00/acre. No grazing is allowed and the wooded acreage must be well stocked with specified numbers of seedlings, saplings, or trees. Administration of this program is handled by county or township officials. When timber is harvested, a yield tax of 5 percent of the harvest value applies.

(Part 513 (Private Forestry) of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. [Online, cited 6/26/03.] Available: <http://www.michiganlegislature.org>. Click on “Public Acts”; then enter number and year.)

Public Transit—A public transportation system using buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, or people movers. An effective public transit system provides convenient, low-cost mobility for people who cannot, or chose not to, drive a motor vehicle.

Purchase of Development Rights (PDR) Program—“A program through which landowners may sell the development rights on their property to a local government unit. Except in certain circumstances, the rights must be held in for a fixed period of time ensuring that the land will be protected for a specific use” (e.g., agriculture, open space, forestry).

Regional, or Regional Government—Refers to a Regional Planning Commission created under either the Regional Planning Act, P.A. 281 of 1945, or the County or Regional Economic Development Commission Act, P.A. 46 of 1966, or the Metropolitan Council Act, P.A. 292 of 1989, and acknowledged by the State of Michigan as the entity responsible for preparing certain regionwide plans, such as transportation plans, and performing certain regionwide functions, such as demographic, economic development, and related data gathering and map making.

(P.A. 281 of 1945, P.A. 46 of 1966, and P.A. 292 of 1989. [Online, cited 6/26/03.] Available: <http://www.michiganlegislature.org>. Click on “Public Acts;” then enter number and year.)

Social Equity—Fair and impartial access to social or public services regardless of economic or social status. (Sustainable Development Indicator (SDI) Group SDI Inventory, Organized by Issue, Working Draft, Version 3, October 8, 1996). Note: the SDI Group reports to the Council on Environmental Quality in the Executive Branch of the Federal government.

Sustainability (variation of “sustainable” and “sustainable development”)—The practice of decision making in a manner that ensures the needs of the present generation are being met without compromising the ability of future generations to meet their needs.

(Adapted from G. Brundtland (ed). 1987. *Our Common Future: The World Commission on Environment and Development*. Prepared for the United Nations. Oxford: Oxford University Press.)

Ten Tenets of Smart Growth

1. Create a range of housing opportunities and choices
2. Create walkable neighborhoods
3. Encourage community and stakeholder collaboration
4. Foster distinctive, attractive communities with a strong sense of place
5. Make development decisions predictable, fair, and cost-effective
6. Mix land uses
7. Preserve open space, farmland, natural beauty and critical environmental areas
8. Provide a variety of transportation choices
9. Strengthen and direct development towards existing communities
10. Take advantage of compact development design

(Smart Growth Network. *Getting to Smart Growth*. Washington, D.C.: Smart Growth Network. [Online, cited 8/3/03.] Available: <http://www.smartgrowth.org/PDF/GETTOSG.pdf>)

Urban Areas—“Title 23 of the United States Code, Section 101 (a), provides the following definitions for urban area, at a minimum:

- a. An urban cluster, as designated by the Bureau of the Census and having a population of 5,000 to 49,999, and not within any urbanized area, or
- b. An urbanized area, as designated by the Bureau of the Census, being an area comprising a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people.

Federal-aid Urban Boundary

- a. For urban clusters (par. 1a), the federal-aid urban boundary shall encompass, as a minimum, the urban cluster boundary as designated by the Bureau of the Census,

and the entire corporate limits of any incorporated city or village designated as partially urban by the census. In addition, adjacent areas meeting the criteria may be included as agreed upon by the Michigan Department of Transportation (MDOT) in cooperation with responsible local officials. In Michigan, the resulting area is also known as a ‘small urban area.’

- b. For urbanized areas (par. 1b), the federal-aid urban boundary shall encompass, as a minimum, the entire urbanized area within Michigan as designated by the Bureau of the Census, and the entire corporate limits of any incorporated city or village designated as partially urbanized by the Census. In addition, adjacent areas may be included as agreed upon by MDOT in cooperation with responsible local officials. This usually means that a number of incorporated cities or villages will be included within a single urbanized area.”

(Michigan Department of Transportation [MDOT]. 2002. *Guidelines for Updating Federal-aid Urban Boundaries*. Lansing, Mich.: MDOT.)

OR

“The U.S. Census Bureau classifies as urban all territory, population, and housing units located within urbanized areas (UAs) and urban clusters (UCs). It delineates UA and UC boundaries to encompass densely settled territory, which generally consists of:

- A cluster of one or more block groups or census blocks each of which has a population density of at least 1,000 people per square mile at the time, and
- Surrounding block groups and census blocks each of which has a population density of at least 500 people per square mile at the time, and
- Less densely settled blocks that form enclaves or indentations, or are used to connect non-contiguous areas with qualifying densities.

Rural consists of all territory, population, and housing units located outside of UAs and UCs. Geographic entities, such as metropolitan areas, counties, minor civil divisions (MCDs), and places, often contain both urban and rural territory, population, and housing units.”

(U.S. Census Bureau. [Online, cited 7/18/03.] Available: <http://www.census.gov/geo/www/tiger/glossry2.pdf>.)

Appendix A: Documents Produced for the Michigan Land Use Leadership Council

Background Material (produced by Public Sector Consultants and Planning and Zoning Center)

- a. Timeline of Michigan's Development and Settlement
- b. A Brief History of Land Use and Related Policy in Michigan
- c. Summary of Recent Data on Land Use and Related Trends and Conditions
- d. Land Use Decision Making: A Fragmented System
- e. Summary of Public Opinion Polls on Land Use
- f. Case Studies of Land Use and Planning Successes
- g. Urbanization Impacts on Aquatic Resources
- h. Land Use Initiatives: Issues Identified and Solutions Recommended, 1990–2003
- i. Interest Group Survey Results
- j. Compilation of Suggested Recommendations

Presentations

- a. Remarks, Land Use Council Meeting (March 24, 2003), Governor Jennifer Granholm
- b. Benchmarks for the Next Michigan: Measuring Our Competitiveness (March 24, 2003), Paul Hillegonds, Detroit Renaissance, Inc.
- c. Michigan Land Resource Project (March 24, 2003), Dr. David Skole, Michigan State University
- d. The New Growth Agenda (March 24, 2003), Bruce Katz, The Brookings Institution
- e. Survey of Land Use Leadership Council Members (March 24, 2003), Bill Rustem, Public Sector Consultants
- f. Planning and Zoning Statute Reform and Growing Smart (SM) (April 14, 2003), Stuart Meck and Marya Morris, American Planning Association
- g. Public Hearings and Comment Compilation Report (May 12, 2003), Jim Goodheart, Michigan Department of Environmental Quality
- h. Interest Group Survey Results (May 12, 2003), Bill Rustem, Public Sector Consultants

Additional Resources

- a. Agricultural Data: Michigan Agricultural Statistical Service and the U.S. Census of Agriculture, David Skjaerlund, Midwest Land Legacies
- b. Counties Establish PDR Programs, David Skjaerlund and Stacy Sheridan, Midwest Land Legacies
- c. Urban Initiatives Relative to Land Use Planning, Bettie Buss, Detroit Renaissance
- d. Relationship of Environmental Regulations to Land Use in Michigan, Frank Ruswick, Jr., Michigan Department of Environmental Quality
- e. Public Lands Held and Managed for Natural Resources Values, George E. Burgoyne, Jr., Michigan Department of Natural Resources
- f. The Interrelationship Between Land Use Trends and Michigan Agriculture Policy and Effects of These on Sustainable Agriculture in Michigan, Dan Wyant, Michigan Department of Agriculture
- g. Affordable Housing Policy and Land Use, Gary Heidel, Michigan State Housing Development Authority
- h. Sample State Planning Goals, Stuart Meck, FAICP, American Planning Association
- i. Geographic Information System (GIS) Information Enhanced Land Use Planning, Eric Swanson, Michigan Department of Information Technology
- j. Land Use Affects Public Health, Karen Petersmarck, PhD, MPH, Michigan Department of Community Health and Risa Wilkerson, Governor's Council on Physical Fitness, Health and Sports
- k. Michigan Tax and Finance Policy Affecting Land Use, Scott Schragger, Michigan Department of Treasury
- l. Transportation and Land Use Patterns, Aarne Frobom and Connie Morrison, Michigan Department of Transportation
- m. Historic Preservation and Land Use, Brian Conway and Amy Arnold, Michigan Department of History, Arts, and Libraries
- n. Economic and Demographic Data for Governor's Land Use Council, Douglas Drake, Wayne State University
- o. Michigan Workers in the Boom Years: Employment and Employment Earnings 1991–2000, Lou Glazer, Michigan Future, Inc. and Donald Grimes, University of Michigan
- p. Land Use Policy for Michigan: Views from Stakeholders, Tom Dietz, Michigan State University
- q. Focus Group Discussion on Land Use Issues: Suburban Detroit Mayors and Township Supervisors, Gary Sands, Wayne State University
- r. Focus Group Discussion on Land Use Issues: Detroit Community Development Corporation Leaders, Gary Sands, Wayne State University

- s. Comments on Michigan Planning, Zoning, and Subdivision Laws, David T. Downey, CAE, Michigan Society of Planning
- t. Geographic Policy on Incentives, Jeff Kaczmarek, Michigan Economic Development Corporation
- u. Patterns of Recent Economic Development Projects in Michigan, Randy Thelen, Michigan Economic Development Corporation

Public Comment Reports

- a. Public Hearing and Comment Compilation Report to the Land Use Leadership Council—May 6, 2003
- b. Supplemental Public Comment Compilation Report to the Land Use Leadership Council—May 30, 2003
- c. Second Supplemental Public Comment Compilation Report to the Land Use Leadership Council—June 27, 2003
- d. Third and Final Supplemental Public Comment Compilation Report to the Land Use Leadership Council—August 5, 2003

Appendix B: Work Plan

Council Meeting Dates	Major Focus of Meeting	Resource Materials Provided to the Council
<p>March 24</p>	<p><i>GROUNDING</i></p> <ul style="list-style-type: none"> • Receive charge from the governor and Senator Sikkema • Meet council members • Hear presentations on key trends and cross-cutting issues • Receive background information 	<p>Background material in</p> <ul style="list-style-type: none"> • Sections 1–9 of council notebook • Website resources • Presentations by <ul style="list-style-type: none"> ◦ Paul Hillegonds, Detroit Renaissance ◦ David Skole, MSU ◦ Bruce Katz, Brookings Institution • Results of survey of council on key issues and expectations
↓		
<p>April 14</p>	<p><i>VISIONING</i></p> <ul style="list-style-type: none"> • Hear presentation on similar initiatives around the country • Establish common vision for project based on key principles drawn from past efforts, executive order, council survey, and goals in other states 	<ul style="list-style-type: none"> • First set of white papers • Issues and recommendations • Summary of past initiatives • Sample goals from other states • Draft guiding principles • Presentation by Stuart Meck, American Planning Assn.
↓		
<p>May 12</p>	<p><i>Begin RECOMMENDATIONS</i></p> <ul style="list-style-type: none"> • Discuss public comments • Refine principles • Prepare draft recommendations 	<ul style="list-style-type: none"> • Second set of white papers • Summary of public comments • Stakeholder survey of issues and actions • Refine guiding principles • Possible presentation on a key issue
↓		
<p>June 9</p>	<p><i>Refine RECOMMENDATIONS</i></p> <ul style="list-style-type: none"> • Refine principles • Continue preparation of draft recommendations 	<ul style="list-style-type: none"> • Draft recommendations • Additional background papers • Summary of public comments • Possible presentation on a key issue



July 7	<p><i>Finalize RECOMMENDATIONS AND ACTION STRATEGY</i></p> <ul style="list-style-type: none"> • Finalize recommendations • Prepare action strategy (priorities for action) 	<ul style="list-style-type: none"> • Refined draft recommendations • Draft of front sections of final report • Summary of public comments • Possible presentation on a key issue
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August 4	<p><i>FINAL REPORT APPROVAL</i></p> <ul style="list-style-type: none"> • Refine content of final report • Adopt final report 	<ul style="list-style-type: none"> • Refined recommendations and action strategy within complete draft final report • Final public comment report
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