

JOINT LAND USE PLANNING PROCESS

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House Bill 6047 (Substitute H-1)
Sponsor: Rep. Chris Ward
Committee: Land Use and Environment
First Analysis (7-14-04)

BRIEF SUMMARY: The bill would require that a joint planning agreement entered into by two or more municipalities contain a provision specifying that not every municipality that adopts an ordinance approving the agreement is required to provide every use specified for in a joint plan, as long as the use is provided for in the joint plan.

FISCAL IMPACT: The bill should have no impact on state government. It should have a minor impact on local government.

THE APPARENT PROBLEM:

In their April 2003 report entitled *Michigan Metropatterns: A Regional Agenda for Community and Prosperity in Michigan*, Myron Orfield and Thomas Luce note that despite slow population growth in most areas of the state, Michigan's regions continue to expand outward. In fact, from 1970 to 2000, the amount of land in urban uses grew significantly faster than population in most regions. In the Flint region, for instance, population fell by two percent during that period, while the amount of urban land grew by 72 percent. Even in fast-growing Grand Rapids, the amount of land in urbanized uses grew twice as fast as population.

Throughout its 61-pages, *Metropatterns* utilizes computer-assisted geographic information systems (GIS) technology to map what is called the 'hollowing out' of regions, and the report documents the serious cost and life-quality implications that come from the effects of unbalanced growth, regionally. For example, urban centers such as Flint, Saginaw and Grand Rapids close school buildings that are no longer full due to declining enrollment, while communities on the urban edge of these cities spend millions of dollars to build new schools to accommodate the new students arriving each year. Or, in another example, many communities in greater Detroit face failing or improperly sited septic systems and overflowing sewer systems. These faulty systems are sending untreated sewage to Lake St. Clair, a valuable regional resource that provides recreation, natural habitat, and drinking water to over 4.5 million people.

To address the problems of urban sprawl, Governor Jennifer Granholm issued Executive Order No. 2003-4 to create the Land Use Leadership Council within the Michigan Department of Environmental Quality. The Executive Order notes that outward migration and land use change have a significant impact of development patterns; traffic, air, and water resources; historic, cultural, and scenic resources; open space, wetlands, and agriculture; the availability of affordable housing; and the ability of the state and its

local governments to finance improvements in public facilities and services. With regard to Michigan's second largest industry alone—agriculture—encroaching development has resulted in the loss of over 1 million acres of farmland between 1982 and 1997.

Co-chaired by former governor William Milliken and former attorney general Frank Kelley, the 30-member Land Use Leadership Council worked to establish a Smart Growth program, and provide recommendations to the governor and the legislature on land use matters in the summer of 2003. The council was charged with “proposing innovative and cooperative land use approaches that accommodate and guide growth and development through cooperation and partnership on a local and regional basis.” See [Background Information](#) below.

In an effort to promote regional land use planning that enables smarter growth and more cooperation among local units of government, legislation was passed earlier in the legislative session—House Bill 4284, introduced by members of the council who serve as state representatives, together with other legislators—to create a new act called the Joint Municipal Planning Act—now known as Public Act 226 of 2003. Recently, legislation has been proposed to eliminate a restriction in the act that hindered cooperation.

THE CONTENT OF THE BILL:

The bill would amend the Joint Municipal Planning Act to require that a joint planning agreement entered into by two or more municipalities contain a provision specifying that not every municipality that adopts an ordinance approving the agreement must provide every use specified in a joint plan adopted by a joint planning commission, as long as the use is provided for overall in the joint plan.

Under Public Act 226 of 2003 (House Bill 4284), the legislative bodies of two or more municipalities (cities, villages, or townships) can each adopt an ordinance approving an agreement to establish a joint planning commission. The agreement must specify such things as the commission's composition, the method of selection and terms of office of its members, procedures for filling vacancies, how the participating municipalities will share the operating budget, the jurisdictional area, procedures for withdrawal, and the planning and zoning acts that will be followed. House Bill 6047 would retain all of these provisions, and add the provision cited earlier.

MCL 125.135

BACKGROUND INFORMATION:

More information about Michigan land use patterns and practices is available at the web site of the Land Use Leadership Council at www.michiganlanduse.org.

ARGUMENTS:

For:

Planning decisions that are made by local officials about uses for the land and the built environment often affect people who live outside the boundaries of the jurisdiction where they are made, because the geography, geology, hydrology, topography, and aesthetics of place extend beyond political boundaries. Coordinated and comprehensive land use planning by region is often the best way to assure that all interested communities are involved in the decision-making process, and that the process is a success. That way, many natural features, agricultural tracts, watersheds, and other land areas that transcend local jurisdictions can be better handled through a joint process.

The legislature created Michigan's Joint Municipal Planning Act earlier during this legislative session. That statutory authority—embodied in Public Act 226 of 2003--insulates local units of government from the legal challenges to joint planning that otherwise could have been brought by disgruntled parties. Further, joint planning commissions can also help to streamline public comment, and make the issuance of building permits more efficient. This bill encourages local units of government to undertake more joint planning, by eliminating a restriction under the new act that some local officials claimed hindered their joint planning efforts.

Against:

Some have argued that a joint planning commission interferes with local control, since a regional decision-making framework superintends the decision-making authority of the regional commission's individual constituent units of government. This move to make collective decision-making easier within a quasi-governmental agency increases the likelihood that a select few, powerful local interests will control the decision-making process. Further, it removes the decision-makers from direct accountability to the taxpayer.

Response:

Public Act 226 which enables joint planning is entirely permissive, allowing local governments to cooperate as they work to promote particular projects or to specify the best uses for undeveloped land that is adjacent to two (or more) jurisdictional boundaries.

POSITIONS:

The Michigan Municipal League supports the bill. (7-7-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.