



Meeting Summary

Michigan Land Use Leadership Council

May 12, 2003
Boji Tower, Senate Hearing Room
Lansing, Michigan

Council Members Present

William Milliken and Frank Kelley, Co-chairs; Jim Barrett, Patty Birkholz, Liz Brater, Jim Brooks, Keith Charters, Dan Gilmartin, Gordon Guyer, Colin Hubbell, Gloria Jeff, Ruth Johnson, Robert Jones, Dan Kildee, Chris Kolb, Chris MacInnes, Mick McGraw, Larry Merrill, James Okraszewski, Lana Pollack, Helen Taylor, Kevin Turman, Hans Voss, Brian Warner, Heaster Wheeler, Gil White, Wayne Wood, Dan Wyant

Council Members Absent

David Hollister, Department of Labor, Economic Development, and Urban Growth

Designees for State Agencies

George Burgoyne, Department of Natural Resources; Sandra Clark, Department of History, Arts, and Libraries; Frank Ruswick Department of Environmental Quality

The meeting was convened at 10:02 AM.

Welcome from the Co-Chairs and Introduction to the Day and Agenda

Co-chairs Frank Kelley and William Milliken

The co-chairs thanked the council for their attendance and participation in the meetings of the Michigan Land Use Leadership Council (MLULC) and welcomed the group to the third meeting of the council.

Milliken oriented the council to the day's activities, noting that after a presentation on the public hearing and comment and the interest group survey results, council staff would present the draft version of the vision and goals for Michigan, having used the discussion of guiding principles at the last meeting to draft what could be chapter three of the final report.

Milliken noted an amendment to the agenda: a discussion of next steps. There has been some concern that the time available for the council to meet is not sufficient and the group will discuss options for moving forward. Milliken also reminded council members to fill out the blue recommendation sheets, as they would serve as the basis for the recommendation discussion.

Presentation, Questions, and Answers on the Public Comment

Jim Goodheart, Department of Environmental Quality

Goodheart presented the findings from the public hearing and comments on behalf of the Department of Environmental Quality (DEQ). Copies of the full transcript are available from Cathie Cunningham Ballard (517) 335-3456 or cunninggc@michigan.gov. Goodheart reminded

the council that these recommendations do not represent DEQ opinions. A total of six public hearings were conducted with 674 individuals attending, 553 comments received (including 398 verbal comments). As of April 30, 2003, a total of 1,530 comments have been received by all means of transmittal. These comments support the charge of the MLULC to provide recommendations that will change the face of land use in Michigan. Goodheart reviewed the 33 recommendations most commonly heard statewide, which were broken out into three categories: urban areas, rural/urban fringe, and statewide general policy. There were very few comments stating that the status quo was not problematic and most called for some amount of land use reform.

Goodheart answered questions following the presentation:

- Q. Why were the comments from the Marquette hearing a condensed version as opposed to a more detailed report similar to those from the other location hearings?
- A. Unfortunately, one of the key staff members at the hearing was unable to participate in the summary due to illness. When this person returns to work, a supplemental report for the Marquette hearing will be completed.
- Q. Are the recommendations listed in order of priority?
- A. No, they are not prioritized in any specific order.
- Q. Why is transportation not addressed specifically? Are the general recommendations “miscellaneous” or “not significant”? Does “urban” include first ring suburbs?
- A. The transportation issue was significant but most of those recommendations came from the more urbanized areas. These only represent the majority of recommendations, not a measure of significance. Again, we are only reporting on the public comment received and cannot interpret it other than group it by categories.
- Q. The lack of forestry issues is distressing. I would hope that everywhere you talk about agriculture you could also address forestry.
- A. As significant as an issue like forestry may be, it is up to the council to elevate it, we can only report on what the public’s priorities are.
- Q. I left with a more heightened anxiety level about our duties due to time constraints. There was not an opportunity for council members to question participants. I would like further discussion with the public and the opportunity to ask questions of them.
- Q. Did any comments arise about the recommendations and/or legislation that is already on the table or been introduced?
- A. I do not recall any comments on current legislation, however there were a few on past legislation. However, there were *general* references made to current and past legislation.
- Q. A lot of people mentioned the Detroit Area Regional Transportation Authority (DARTA) in the Detroit hearing.
- A. This is true; DARTA was specifically mentioned, but only in the southeast Michigan hearings. Because it was primarily a local issue, however, any recommendations concerning DARTA would not have made the overall comments.

Presentation of Interest Group Survey Results

Bill Rustem, Public Sector Consultants Inc.

Prior to the council's first meeting, PSC conducted several land use opinion surveys. One of these surveys was conducted to determine the range of opinions on Michigan's land use patterns from various interest groups across the state. They were asked the same questions as the council members. Rustem presented the findings from this interest group survey. While the results are generally the same as the council member survey results, the lack of coordinated planning ranked highest as opposed to urban revitalization. Environmental issues also ranked higher than in the council member survey results.

Rustem answered questions and following the presentation:

A. Can you explain to me how "lack of intergovernmental cooperation" differs from "fragmented local decision-making?"

Q. I think it is a different way of saying the same thing.

A. Does "rollability" mean wheelchairs too?

Q. Yes, "rollability" refers to bikes, wheelchairs, rollerblades, and anything with wheels.

Q. Who are the interest groups? Was large lot zoning expressed as negative?

A. A list of participating interest groups was provided on the yellow sheets. Yes, large lot zoning was generally viewed by the public as negative.

Q. Was there good representation from people in the Upper Peninsula?

A. The major statewide associations and municipalities in Michigan were invited to respond. I can only supply who was invited to take the survey and can't answer why certain groups did not respond.

Q. Is there any significance of the italics?

A. Yes, they have not been talked about yet or can be viewed as relatively "new" issues.

Q. What was the general type of selection criteria to be invited to take the survey? Specifically, were the homebuilders asked to respond?

A. Yes, the homebuilders were asked to respond to the survey.

A. Do the interest groups view natural environment within land use as broad or only the areas listed (open space, habitat, water quality)?

A. I believe they view land use broadly as one of the array of tools used to protect the environment. The three specific ones listed just had to be mentioned specifically.

Q. Noted that the priorities of the council members and the public are inverted.

Q. Those agencies and organizations represented a professional level of opinions and may have an influence on priorities.

Discussion of Draft Vision and Goals

Staff and All

Jack Bails and Bill Rustem asked the group to recall from our last meeting the discussion of guiding principles. There were a few categories of land use that rose to the top in terms of having overall, overarching influence. The pink sheet is an attempt to capture those overarching issues.

Some level of concern was expressed with the overall process. Some council members urged the group to move slowly and deliberately through the goals and vision, while others expressed interest in moving to recommendations. The group went through the Vision & Goals section by section. Their comments follow.

Introduction

- Paragraph three, last sentence, insert “all” before livable.
- Make the connection between land use, transportation, and infrastructure planning.
- Incorporate “affordability,” into the third paragraph.
- The word “compact” is used several times and council members had difficulty with its definition. There was consensus that any reference to compact development should involve a discussion of allowing options and alternatives for lifestyle choices other than sprawl (in addition to it) as opposed to a strict definition of the term. Some suggestions included using the planning and zoning definition of sprawl, that compact settlement should include open space preservation, and incorporate the concept of sustainability.
- The concept of balance in all endeavors needs to be incorporated into this document.

Vision Statement

- Incorporate into the document that issues faced by each region of the state are very different and the primary focus of coordinated planning should be at the *regional* level.
- Strike “in surrounding rural townships” from bullet 3.
- Insert “and prices” after the word “types” in bullet 10.
- Alter bullet 6 to read “Communities that are energy efficient and support energy conservation and promote the use of innovative energy resources including renewable energy resources.”
- Alter bullet 11 to read “Communities provide quality public services.”
- Alter bullet 13, replace “ensuring continued growth” with “stimulate economic prosperity” and in general use the term “economic prosperity” instead of “economic growth.”
- Add a bullet that reads “Communities that preserve relevant elements of their history, traditions, and culture.”
- Add a bullet that addresses farmland preservation.
- Add a bullet on biodiversity.
- Add a bullet explaining how government regulations support sprawl.
- Add a bullet that recognizes communities that are inclusive in zoning practices and conservative in their use of existing infrastructure.

Three Fundamental Goals Underlying in the Vision

- Paragraph 2, last sentence calls for collaboration between the private and public sectors; it should also include institutions (human service institutions and universities) in that collaboration.
- Incorporate transportation into the three underlying goals.
- Include water explicitly as a natural resource.

Michigan Values Reflected in this Vision

Overall, there was consensus that the amount of discussion devoted to the “values” relative to the “goals” is disproportional. The goals should carry more weight than the “values.” Also, “values” should be renamed to more accurately represent the legal framework that it is. These sections will be rewritten to reflect the fact that home rule and private property rights fall under the context of the three-legged stool of economic growth, environmental stewardship, and social equity.

Private Property Rights

- This section should address the fact that decisions that we make can create negative effects in urban areas that take away property rights in urban areas. This section should incorporate some discussion of whose rights are protected.
- Exclude “compatible” from last sentence of first paragraph.
- The concept that with rights come responsibilities should be incorporated.
- There should be some recognition that government impedes private property rights only when there is a compelling need to interfere with them.

Home Rule

The definition of home rule is not an accurate legal one. It should be recognized that the definition used here generally means that local decisions should be made locally.

Key Assumptions Inherent in this Vision

- Incentive-based approaches should be separated from regulatory approaches and both should be represented.
- *Fixing what is broken* does not only apply to the decision-making process. It encompasses infrastructure as well.
- Some level of discussion that addresses racial issues and the racial disparities caused by sprawl needs to be added to this document and maybe as a fundamental element of it.
- The *improving existing government policies, decisions, and programs* bullet needs to include “long-term.”
- The *state role* bullet should address a comprehensive program that connects these concepts and should include a statement on not only acquisition and disposition of state lands, but management of those lands as well.
- Gil White volunteered to work with staff to improve the *private sector role* bullet.

Recommendations

Staff and all

Bails and Rustem explained that the blue sheet is a compilation of recommendations from council member surveys, recent reports with land use recommendations, and public comment recommendations on infrastructure and community services only. They explained that this is only the first set of recommendations to be addressed in order to ensure that the process toward consensus is feasible. Council members voted on priorities related to the infrastructure and community service recommendations in order to address those most pressing issues.

One recommendation was added: Withhold state infrastructure funds from communities that promote exclusionary zoning or non-inclusionary zoning practices. Inclusionary zoning includes a range of housing opportunities.

There was some discussion of the *Institute Fix it First policies* recommendation. Some felt that by focusing on each region's needs, no region would be disproportionately funded over others. Others felt that these are statewide issues that cannot be broken out into regions. State agencies may not be able to support the regional approach.

Council members' comments regarding the following recommendation appear in the bullets below:

Public transit alternatives that would enhance and serve the stabilization and redevelopment of the existing urban areas and relieve traffic congestion in outlying areas

- It was recommended that DARTA be approved without the opt-out clause. However, the consensus was not to take this issue up, as it currently is being considered before the legislature. The group felt that this is one issue that the council should not weigh into. An alternative would be to not name DARTA explicitly but rather outline what the preferred authority may be or outline its components.
- It was noted that there are connections between the lack of public transit and criminalization for lack auto insurance. Many inner city residents cannot afford auto insurance and only pay it to renew licenses, yet there is not sufficient public transit to curtail this problem by transporting these people to work.
- It was also noted that there are benefits to others besides inner city residents who gain access to work via a regional transit network.
- It was recommended that the group should examine the transportation principle in the *Growing Smart Guidebook*.
- A history of public transit in southeast Michigan was provided. Two out of three households in Detroit do not have an automobile. Suburban systems have not supported public transit in southeast Michigan. The issue of transportation in southeast Michigan is an issue of race and the politics of race.

Overall, there was consensual support for mass public transit and that it should be done right.

Next Steps

Staff and All

Milliken explained that the council needs to consider where in the process it is and where it wants to go. Milliken asked Rustem to discuss some alternatives to the work plan and encouraged discussion of those alternatives. Rustem explained that if the current plan is followed, only 3–4 minutes per recommendation could be spared. The options to this were explained as follows:

1. Add a day (Sunday, June 8, 2003) to the June meeting and format the two days as a retreat. During this time, the group could break out into committees formed around each issue category to discuss guiding principles and recommendations. It was recognized however that the initial reaction of the council was to stay together in the larger group.
2. Add other meetings.

While general consensus was with option 1 above, the following concerns were expressed:

- The council needs to cover more in a shorter length of time.
- Consensus on *Vision & Goals* and *Guiding Principles* first would be helpful before breaking into committees.
- The committees will need to be diversified.
- The focus of the committees should be on outcomes.
- By breaking into smaller subgroups the momentum gained by the whole group may diminish.
- The committees should not be self-selected.
- Some rules of engagement for operating when an issue is proposed need to be outlined prior to breaking out into committees.

Wood moved, Guyer seconded, to add a day to the June meeting as proposed by staff. It was recommended that the meeting remain public at all times and that the meeting start late enough in the day to accommodate religious activities. Okraszewski opposed. **The motion was carried.**

Comment Period

Chaired by Council Member Keith Charters

The public comment was taped and will be transcribed and summarized by the Michigan Department of Environmental Quality for council review and consideration.

The meeting was adjourned at 3:26 P.M.