

# Chapter 1: Introduction

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## **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](http://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