



Council members:

Following is an attempt to take the vision and principles discussion at the second council meeting and fashion large parts of it into text that could be incorporated as **Chapter III—Vision & Goals** of the final report. Council staff recommends this as a structure for moving forward. The following statements reflect the core message in the draft chapter. **If there is any part of the draft chapter you cannot agree with or think is missing, please raise it as an issue for council discussion.**

### **Core Messages in the Draft Chapter**

1. The vision statement says the council wishes to see Michigan create sustainable communities people want to live in.
2. The vision statement expresses support for a compact settlement pattern over continuation of sprawl.
3. Achieving the vision is dependent upon ensuring that the three pillars of sustainable development are achieved: economic growth, a healthy environment, and social equity.
4. The vision is founded on two essential Michigan values: private property rights and home rule.
5. Nine key assumptions are inherent in the vision: time constraint for recommendations; building consensus; fixing what is broken; improving existing government policies, decisions, and programs; state role; private sector role; incentive based; iterative process; and taking initial steps now.



## **Chapter III—VISION & GOALS -- DRAFT**

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### **INTRODUCTION**

This chapter outlines a general vision for ensuring sustainable and livable communities in Michigan. It explains three fundamental pillars that support that vision as well as essential values and key assumptions that underlie the vision. Major guiding principles serve as the basis for more specific principles, problem statements, and recommendations in the chapters that make up the rest of this report.

Each of these elements was derived from the council’s discussion of a vision and principles at its second meeting on April 14. The elements were refined based on council feedback at the May 12 meeting.

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 the Michigan that we all know and love. 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, open space, schools, or shopping. We could call this a pattern that supports livable communities—these are places where people want to live at any stage in their life.

In contrast, when the land use pattern is low-density development that spreads across the landscape with little identifiable form, converting farms and forest land, 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 attract new development. Research says all three 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.

### **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. It is about:

- Vibrant, “hip” cities that combine the best of the old with new redeveloped housing and worksites in which 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 close 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 center for agricultural, forestry, mining, and tourist economies in surrounding rural townships
- Communities that understand a healthy environment and a healthy economy go hand in hand
- Communities where renewable natural resources are managed for long-term use, while providing open space at the same time
- Communities that are energy efficient and support energy conservation and use of renewable energy resources
- Preserving ecologically significant natural habitats and unique scenic resources
- 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 of dwelling units, lot sizes, jobs, and modes of transportation in relatively close proximity to where people live
- Efficient communities where public services can be cost-effectively provided
- Convenient communities where citizens have access to most of their daily living needs in close proximity to where they live and work
- Ensuring continued growth so that there is enough new income and tax revenue to provide needed public services and to preserve, protect, and improve environmental quality
- Fairness and equity in where locally unwanted land uses are sited and about the opportunity for all to enjoy the benefits of new growth and development

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 last chapter, land use trends in Michigan over the last half-century and those projected for the first half of the new millennium have raised serious concerns about the future of Michigan. The land use concerns expressed by Michigan residents focus on three areas: (1) the future economic strength of the state in light of increased global competitiveness and the associated rising cost of providing public infrastructure and services, (2) the stewardship of Michigan’s environment, natural resource, and cultural assets, and (3) the accessibility to high quality education, employment, housing, health care, and recreation for all Michigan residents.

These areas of concern are rooted in three fundamental goals shared by nearly all Michigan residents: economic growth, a healthy environment, 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 each in achieving sustainability.

The Michigan Land Use Leadership Council recommends, consistent with these fundamental goals, that the state should provide leadership in the use of land to achieve sustainable economic growth through wise stewardship of natural and cultural resources and the environment in a manner that will provide socially equitable benefits for the state's present and future residents.

## **MICHIGAN VALUES REFLECTED IN THIS VISION**

The leadership role of government in guiding land use in Michigan must take into account two essential values that are part of the foundation of public policy in this state—namely, the importance of *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 governmental units closest to the areas affected. These values 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 therefor 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 the point at which government regulation becomes a taking remains murky, it is clear from these cases that courts protect both the right of landowners to the “reasonable” use of their land and that of the public to regulate private use of land to ensure that landowners’ actions do not significantly harm neighbors or the public as a whole. Neither right is absolute and each must be respected and protected. When properly structured, regulations serve to enhance and protect both private and public rights in land. Local zoning is an example of land use regulations that seek to preserve and enhance the value of private property, in part by preventing the location of harmful land uses next door (for example, an asphalt batching plant or animal rendering plant next to a residential subdivision) and in part by ensuring that abutting land uses are compatible.

In recognition of the importance of private property rights, the unresolved legal issues surrounding government regulation, and the right of the public to prevent one landowner from harming another, the council has developed many of 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 regulations, they have been carefully considered to ensure that the public benefits are sufficient to warrant their inclusion, that the negative impacts on private property are minimized, and that the identified problem is not amenable to a nonregulatory solution.

### **Home Rule**

Michigan, like many other states, 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. Yet, every citizen is a constituent in multiple units of government. A person lives in a city, a village, or a township but also in a county, region, state, and nation. As a result, each community has a responsibility not only to its citizens in a parochial sense but also to all citizens in the larger region, state, and nation as well. When the principle of home rule alone is applied, then the interests of the broader community may not be adequately considered. For example, the cumulative impacts of sprawl in Michigan are the sum total of the unintended consequences of thousands of local land use decisions. The council understands the importance of home rule, and its recommendations reflect its interest in enhancing the capacity of and encouraging locally elected officials to effectively consider planning and zoning options that are compatible with statewide goals and accommodate land use needs of greater than local concern.

The council's recommendations 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 regional objectives and statewide goals. The council endorses the concept that governmental 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.

## **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 governmental 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-making structure in Michigan since 1990 largely identify what is “broken” with the existing system, and that recommendations should primarily focus 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 rather than attempting to launch large new land use management programs that require careful analysis of options and more extensive public discourse.
- *State role* – The council recognizes that at this juncture, the 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 state lands consistent with state goals
  - Establishing an efficient and effective mechanism to coordinate land use decisions between state agencies, regional, county and local governments
- *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.
- *Incentive based* – The council agrees that regulations are most effective when they are incentive based and presented as an option, rather than as a prescription.
- *Iterative process* – The process of establishing state land use goals and objectives, and 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 other state land use management efforts that can be successfully applied in Michigan, the council has concluded that there is no land use model from any other state that can be simply copied and applied to Michigan. While this report is a starting point to lay 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.