

Chapter III—VISION & GOALS -- DRAFT

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 the legal framework 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 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, open space, 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 is low-density development that spreads across the landscape with little identifiable form, converting farms and forestland, 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.

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, as well as 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.

Outmigration 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 one of the primary forces 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.

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 regional 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. 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 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 surrounding agricultural, forestry, mining, and tourist economies
- Communities that understand a healthy environment and a healthy economy go hand in hand
- Communities that are inclusive in their zoning practices and conservative 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
- 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
- Fairness and equity in 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

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 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 economy—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) 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 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 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 they will 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 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, 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/restoring cultural and historic resources can be a key element in maintaining and revitalizing our existing urban areas by enhancing their livability. 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; quality recreation facilities; good employment opportunities; dependable public transportation; and other benefits 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 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 two components of the legal framework that are part of the foundation of public policy in this state—namely, *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.

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

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. 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 regional 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.

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-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 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 incentives based.
- *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 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 simply be copied and applied to Michigan. While 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.