



**DEPARTMENT OF ENVIRONMENTAL QUALITY**

STEVEN E. CHESTER, DIRECTOR

**PUBLIC COMMENT COMPILATION REPORT**

**THIRD AND FINAL SUPPLEMENTAL REPORT TO THE  
LAND USE LEADERSHIP COUNCIL**

**August 5, 2003**

## TABLE OF CONTENTS

I.	AGENCY CONTACTS FOR THIS REPORT .....	2
II.	INTRODUCTION AND GENERAL SUMMARY .....	2
III.	SUMMARY OF PUBLIC TESTIMONY AT JULY 7, 2003 COUNCIL MEETING .....	2
IV.	SUMMARY OF ALL SUBMITTALS RECEIVED BETWEEN JUNE 10, 2003 AND JULY 31, 2003 .....	4
V.	COMMENT COMPILATION PROCESS/REPORT ACCURACY .....	6
VI.	ACKNOWLEDGEMENTS.....	7

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## **II. INTRODUCTION and GENERAL SUMMARY**

During the entire report period (March 24 through July 31), over 12,330 testimonial records (consisting of electronic submittals, written correspondence, and verbal testimony) were submitted to the Michigan Land Use Leadership Council. Included in this number were an approximate 11,000+ individually signed postcard/statements delivered on the last day of public comment supporting land use reform within Michigan. Over the term of the Council meetings, a total of 53 individuals took advantage of the special public appearance/comment opportunity the Council offered during the final hour of each meeting held between March and July.

This last Supplemental Report to the Council summarizes written and electronic submissions between June 10 and July 31, 2003, as well as public testimony taken during the monthly Council meeting held July 7, 2003. Attached to this Supplemental Report is the corresponding category database summary of all public submittals received during the June 10 to July 31 time period.

## **III. SUMMARY OF PUBLIC TESTIMONY FROM THE JULY 7, 2003 COUNCIL MEETING**

At the July 7, 2003 Council meeting, 17 individuals submitted attendance cards, with 15 providing testimony to the Council members. There were comments and recommendations offered in each of the four major land use categories being reviewed by the Council. Though the general trend in comments followed similar subjects as the previous months (as described in more detail below), several new issues emerged as well. References were made to the importance of recognizing and protecting the historical significance of structures and places within Michigan's urban areas. Another major discussion involved public health and environmental concerns associated with concentrated animal feeding operations (CAFOs). Organizations represented included the Michigan Historic Preservation Network, Regional Economic Development Team, Public Interest Research Group in Michigan (PIRGIM), Environmentally Concerned Citizens of South Central

Michigan, the Ezekiel Project, the Michigan Land Use Institute, United Cerebral Palsy Advocacy Group, a private firm, and individuals.

**Urban Revitalization (12 comments/recommendations)**

Of the comments received, most concerned the financial costs to cities for urban revitalization. Money reinvested in cities and for historic preservation increases property values, revives local economies, encourages urban green space, and plays an important role in preventing urban sprawl. Oregon and Maryland were given as two examples of applying progressive urban revitalization tools. Concern was expressed for encouraging large, polluting companies into poor urban areas, as well as not making developers pay for the cost to cities for the loss of development. Recommendations provided were to ensure that money is properly invested in the cities: establish an up-front preservation fund, place focus on incentives and investment to draw people into the cities, revise the MEDC's priorities and encourage them to spend \$40 million to lure creative people to Michigan cities, and reinvest in the existing energy system – not abandon it.

**Land-Based Industries (20 comments/recommendations)**

The majority of comments received under the Land-Based Industries category concerned the difficulties confronting rural communities in dealing with CAFOs. Many expressed concern that CAFOs and liquid manure applications are directly polluting the state's ground water, its lakes and streams, and negatively affecting public health. Senate Bill 205 of 1999 and PA 116 have made it difficult for local communities to control CAFOs, yet support the family farm. It is recommended that the Council seek policies that remove CAFOs from the creation of Agriculture Security Zones. Other commenters expressed their concern for the loss of open space, woodlands, wetlands, prairies, and farms. Blame of this loss was placed on tax laws favoring development and large CAFO farming operations. Contrary to these commenters, there were a couple of comments that Michigan still has ample fallow land available for all land uses, and that any decline of farm land is more due to lack of profitability and foreign trade laws.

**Planning and Zoning (9 comments/recommendations)**

The comments received on Planning and Zoning issues ranged from concern that planners are not able to control development and don't have the correct tools (and Master Plans have too many loopholes), to expressing a need for more intergovernmental cooperation. It is recommended that the state adopt statewide goals and then provide locals with the tools to protect special places, adopt purchase development rights (PDRs), assess impact fees, and establish joint planning commissions. An additional commenter expressed concern that schools are allowed to operate too independently and outside the local decision-making process. Schools should be required to submit capital improvement programs to the state and locals for review.

**Infrastructure (6 comments/recommendations)**

Commenters expressed that the economy reinforces the argument against sprawl. Michigan can no longer sustain its current infrastructure and expand it too. Recommendations included funding improvements to our existing infrastructure, placing money on public transit and privately-run transit, and redirecting money used for highways for transit. Transit needs were specifically highlighted due to the reliance on it by those with disabilities.

**General Issues (5 comments/recommendations)**

General comments concerned individual property rights versus the public good to ensure that everyone's quality of life is assured. There was one suggestion that the Michigan Department of Treasury should be involved with Council decisions since they issue grants and monies to cities that have a large impact on their quality of life.

**IV. SUMMARY OF ALL SUBMITTALS RECEIVED BETWEEN JUNE 10 AND JULY 31, 2003**

There were 181 database entries of submittals received (see appendix) during this reporting period. Multiple submittals having the same wording are recorded as one entry in the database, however it should be noted that there were 458 form letters and approximately 11,000+ postcards from different commenters submitted during this period. The majority of material was provided by non-governmental organizations (20). However, there were also 17 submittals from government officials, 5 from farmers, 18 from businesses or business associations, 12 from regional interest groups, 6 research institutes/conservation firms, and 3 historical preservation entities.

**Urban Revitalization (31 commenters)**

Of the total 39 comments/recommendations recorded, several promoted historic preservation. Historic preservation revitalizes the cities and stabilizes the neighborhoods by providing affordable and mixed housing choices. It also returns buildings to the tax base and keeps out demolition material from landfills. Some mentioned that though preservation is important, safety is also important, and abandoned buildings should be renovated or demolished for green space. It was recommended that the brownfield program be streamlined and tools be provided to better accelerate city renewal. Some recommended that tax incentives should be provided to encourage infill (mobile homes, manufactured housing within existing cities) and cluster development. Commenters warned that there were too many incentives to move out of urban areas. The state needs to play more of a role in curbing sprawl. Support for the concept of Commerce Centers was submitted. School quality and crime are factors leading to central city distress. An example of a working renovated school district plan was submitted. By working more closely together, units of government can achieve significant savings resulting from economy of scale on numerous issues facing each jurisdiction.

**Land-Based Industries (82 commenters)**

Of the total 105 comments/recommendations recorded, they were primarily divided between those of concern over CAFOs and their detrimental impact on the environment and rural quality of life; those mostly opposing of any additional billboard regulation; and those promoting conservation, open space, and protection of habitat. Virtually every comment received regarding CAFOs (13) suggested more state monitoring and enforcement of environmental and public health standards be utilized. There was support for more environmental oversight of the entire agricultural industry. Additional comments dealt with the need for better planning agricultural districts and to take into account the agribusiness infrastructure needed for farming to survive. While some commenters recommended providing locals the ability to use PDRs and transfer development rights (TDRs), some expressed concern with these tools because they limit future

options on the use of land. It was recommended that farm land should be taxed at its current use. It was expressed several times that towns should not designate land use in perpetuity. Some specific recommendations included: preserve Saugatuck Dunes as a wilderness habitat, create a green space preservation credit program, revise tax laws for manufactured homes, amend the Land Division Act, and provide more oversight of Drain Commissioners, making their decisions subject to judicial review. Direct the Departments of Consumer and Industry Services and Agriculture to facilitate renewable energy facilities and establish a Land Trust Advisory Board. There was also a specific request submitted from the State Agricultural Preservation Fund Board recommending that a long-term dedicated funding source be established that allows for the effective implementation of a statewide PDR program. Support for open space preservation and protection of public access to Michigan's beaches was mentioned. A model ordinance for waterfront communities was referenced as an example Michigan should follow. Support for a statewide transfer of development program was submitted.

### **Planning and Zoning (48 commenters)**

Of the total 72 comments/recommendations recorded, many of the comments discussed the vulnerability of locals and townships to enforce their plans and ordinances without being sued by developers. Commenters suggested that regional cooperation would help strengthen their ability to adopt consistent versus conflicting zoning ordinances, regulate developers, adopt TDRs, and utilize financial incentives. Cooperation between state governments (Departments of Environmental Quality (DEQ) and Public Health) and other Midwestern states was also recommended as an approach to ensure stronger land use control. Specific recommendations included conditioning state grants upon sharing planning programs; reviewing abuse of Act 425 agreements; passing Bills 137, 138, and 139 (which allow local units of government to limit sites in mobile home parks to a percentage of total sites per community); and enabling locals to adopt strong environmental protection controls. The need for amending state law to address equity and user pay issues relating to taxation for manufactured housing was recommended. In addition, it was recommended these developments be subject to local zoning ordinances. Other significant issues raised called for legislation to amend the Land Division Act, the Drain Code, and Michigan's antiquated planning and zoning laws in order to provide better protection of our environmental quality and land resource base from the ongoing affects of sprawl. Furthermore, specific case studies were submitted that identified the need for legislative action designed to give lawsuit immunity to local municipalities and local units of government from having their master plans (once adopted) from being frequently challenged in court by developers/investors. Support for implementation of this adopted plan was conveyed, along with the need for some level of statewide coordination of the various functions of every state agency involved with land use issues. Sustainable development and promoting progressive development through better planning was mentioned. Strong support for revising and improving the state's existing planning and zoning laws was offered, providing more tools to address urban sprawl.

### **Infrastructure (27 commenters)**

Of the 38 comments/recommendations recorded under infrastructure, many comments concerned various means to pay for services. Several mentioned that developers should be made responsible for paying for services and the

infrastructure needed as their developments are approved. Impact fees were suggested, but it was also stressed that locals need the means to enforce these mandates. Other suggestions were to enable on-site cluster sewage systems through amendments to PA 177, adopt a statewide millage, endorse House Bill 4009 (would revise permit requirements for, and exempt local units from liability for privately owned sewage systems), provide tax disincentives to businesses that do not consider locating where infrastructure already exists, and help revitalize small towns. More support for alternative transportation and transit systems was also expressed. More state support to obtain federal assistance in the development of multi-modal trail networks was also recommended. Support for addressing DEQ programs that actually promote sprawl was expressed. A need to better evaluate the full impact of septic use throughout the countryside was mentioned. More walking and biking trail networks was also a suggestion made to help reduce the effects of sprawl. Better wastewater planning and management was an issue raised several times.

### **General Issues (11,423+ commenters)**

The first 24 comments/recommendations recorded in this general category were primarily directed at the participation of various groups and organizations in the Land Use Council and the interaction between state and local departments (such as county health departments should be accountable to the DEQ).

Recommendations included eliminating the Mobile Home Commission, providing more state grant programs for open space acquisitions, endorse House Bill 4009, and protect the use of billboards. The fact that no mention of population management affecting sprawl has been raised by the Council was mentioned.

An additional 11,400+ postcard/statements and form letters were presented by the Public Interest Research Group in Michigan, the Michigan Environmental Council, and a number of local organizations to Governor Granholm and the Council that called for land use reforms. These are each signed by different individuals. Among those reforms the groups said are needed a greater coordinating role for state government, improving regional cooperation and more authority for local officials to use "land protection tools." Since these were delivered on the last day of public comment, and due to the time constraints of producing this report, an actual count of the cards was not possible. We are reporting and relying upon the numbers represented to us by the respective organizations submitting them. The actual number of cards can be verified and are now a matter of public record. (See appendix entry #870 page 14 of 14 for statement wording)

There were also several letters complimenting both the Governor and the Council for their efforts in addressing the pressing need for land use reform within Michigan, and hoping to see the benefits of this work over the next decades.

## **V. COMMENT COMPILATION PROCESS/REPORT ACCURACY**

The Comment Compilation Team (Team) of the DEQ produced this report as a means to provide a timely summarization of public comments. This supplemental report does not represent a complete summary of all testimony provided at the Council meetings or address the multitude of comments from written comment submittals. Instead, the Team attempted to capture recommendations, concerns, and significant comments expressed.

The summary contained herein is based upon notes taken by the Team through meeting attendance. The Team attempted to reduce the amount of inaccuracies by reviewing transcripts. Despite these attempts, discrepancies may exist.

The public hearing testimony during Council meetings was also captured by a court reporting service. Complete transcripts and testimony submitted in written form will be provided to Council members upon request.

**VI. ACKNOWLEDGEMENTS:**

The DEQ would like to acknowledge and thank the team of professional staff from Public Sector Consultants. It was only through the level of communication, coordination, and teamwork that we collectively were able to complete this task within the assigned timeframe. We would also like to acknowledge and thank the Governor's Office staff, along with the Secretary of the Senate and her staff for their continuous support throughout this project.

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