

Principles and Recommendations for Planning and Development Regulation (Draft)

By far the largest number of recommendations, offered in both previous studies and land use initiatives over the last decade and in recent surveys, focus groups, and public hearings conducted for the council, address issues associated with the structure of or system for planning and development regulation in Michigan. There is a widespread perception that the current system does not work very well; and that it results in the land use pattern known as sprawl, in the unnecessary loss of farms, forests, and other open space lands, as well as in a decline in the quality of life of many of our communities—but especially in our large older cities. There are many interrelated reasons why land use patterns favor sprawl over urban development and redevelopment. Some relate to market response to personal choices to live on large lots in the country, but the combination of public policy and the institutional structure for land use decision-making in Michigan also plays a very large role. Consider the following fundamental characteristics of the current structure for land use decision-making in Michigan.

- Michigan has over 1,850 counties, cities, villages, and townships empowered to plan and zone. The sheer number of governmental units making independent decisions has led to conflicts and the lack of coordinated efforts to address **regional MULTIJURISDICTIONAL** concerns. In addition, there are dozens of special public entities authorized to plan and use land that act independently of counties, cities, villages, and townships.
- Michigan’s planning and zoning enabling acts were all adopted in the 1920s and have not been significantly changed since then—yet the total population of Michigan, the range and type of land uses, the impact of the automobile, and the pace of life have all changed dramatically. These basic tools have not kept pace with contemporary needs.
- There are four separate planning enabling acts and three separate zoning enabling acts in the state. These acts differ in terms of powers, responsibilities, or procedures, with no apparent reasons for the differences. In addition, there is very little statutory guidance on what local plans should contain and poor language linking local zoning decisions to local plans.
- Counties are permitted to plan and zone, but can only zone land in townships that have not adopted zoning. Counties do not have similar authority with regard to land division regulations, or regulation of certain land uses like billboards. The result is often a patchwork quilt of planning and zoning in rural Michigan. Only about two dozen of Michigan’s 83 counties exercise any zoning authority.
- There is no state statutory authority for joint planning or joint zoning for those cities, villages, and townships that wish to do so cooperatively.
- Michigan has long been among the states with the largest number of appellate court decisions on local planning and zoning issues creating uncertainty and costs for local governments, **DEVELOPERS, AND CITIZENS**.
- Local governments are prohibited by state law from being exclusionary in the application of local zoning except under narrow circumstances. However, local

governments are given no guidance, nor is any mechanism in place, to establish what is an appropriate regional **MULTIJURISDICTIONAL** share of affordable housing, or what other types of nonresidential development should be accommodated. As a result, most communities zone for nearly all land uses, ensuring a spread of development across the landscape, even if there is inadequate public infrastructure to accommodate more intensive forms of development.

- Michigan's local governments are not required to plan for or ensure that infrastructure will be in place to service land planned or zoned for more intensive development; they routinely zone more land for **A** higher density or intensity use than existing roads and other public services can properly accommodate (**EVEN THOUGH THAT DENSITY MAY ONLY BE 1 DWELLING PER 1-5 ACRES**).
- **MICHIGAN COMMUNITIES OFTEN ZONE LAND SERVED BY SEWER AND WATER INFRASTRUCTURE AT A VERY LOW DENSITY (SUCH AS ONE DWELLING PER 1-3 ACRES), SEVERELY UNDERUTILIZING LIMITED INFRASTRUCTURE AND FORCING DEVELOPMENT TO BE SPREAD FURTHER ACROSS THE LANDSCAPE.**
- Michigan's local governments are not required to coordinate plans, zoning or infrastructure with adjoining units of local government, or with the county, region or state, although recent amendments to the local planning enabling acts do require notification and an opportunity for adjoining units of local government to comment on the proposed plans of adjacent governmental units. State property tax laws that provide the major support for local government encourage competition for development among local governments rather than encouraging collaboration and cooperation in land use decision-making.
- Michigan's local governments do not have express statutory authority to use many of the growth management tools used by governmental units in other parts of the country.
- In 1978, local governments were promised **IN STATE LEGISLATION** that statewide land use data would be made available every five years and land cover data every ten years to assist in land use planning and decisions, yet the state has only provided such essential data on a statewide basis once (in 1990 based upon 1978 data).
- There are no adopted state land use goals to guide state agency, regional, county, or local land use decisions as in other states.
- There has been no state agency charged with provision of technical assistance to local governments on land use issues since 1982 (except in the brownfield and economic development arenas).
- Michigan permits planning and development regions to be created (there are presently 14), and recognizes them for various state activities, such as transportation planning; but since the early 1980s the state has failed to establish programmatic requirements or uniform funding for regional land use planning.
- Michigan has no coordinated method for integrating the infrastructure and land management decisions of state agencies with plans prepared by regions, counties, or local governments, except with regard to transportation.

Michigan has myriad state policies that directly and indirectly support, subsidize, or promote sprawl, in contrast to very few policies that support a compact settlement pattern or urban revitalization. The rising costs of sprawl are only just becoming apparent in a wide variety of ways. These costs include both fiscal and opportunity costs, as well as both direct and indirect costs. Without a fundamental change in the way government land use decisions are made and coordinated, there is little opportunity to avoid the spiraling government costs associated with sprawl and its attendant social, environmental, and economic problems.

GUIDING PRINCIPLES

In formulating its recommendations for ~~revitalizing~~ Michigan cities, the council established the following guiding principles that address policies and practices of government, and the need for new and improved tools and a supporting legal framework for coordinated planning and development regulation at the local, regional and state level. The council believes that it is important that state, regional and local governments have policies and practices that recognize the following principles:

Education and Public Information

- Local government officials, citizens, property owners, and the development community have a wide range of current land use and related information available to assist with decision making.
- Local government officials, citizens, property owners, and the development community have a wide range of educational opportunities available to improve land use and related decisions consistent with the consensus vision.

Planning and Zoning Policies, Practices, and Tools

- Planning and zoning enabling legislation is updated to reflect contemporary growth, redevelopment, and preservation needs and to define the respective roles of government in meeting these needs.
- Incentives and tools (including existing tools and the creation of new ones) are available, and disincentives are eliminated to allow local governments to make better land use decisions and to improve intergovernmental coordination and planning.

Housing and Development

- Mechanisms are in place that allow local governments to
 - manage growth without the imposition of large lot sizes,
 - encourage cluster development **IN AREAS ZONED FOR RESIDENTIAL DEVELOPMENT** with concurrent preservation of open space,
 - provide for a functional mix of living, working, shopping, and recreational activities, and
 - **ENCOURAGE HISTORIC PRESERVATION, ADAPTIVE REUSE, AND URBAN REDEVELOPMENT AS VIABLE GROWTH OPTIONS.**

State Role for Intergovernmental Cooperation

- One coordinated set of statewide land use goals is adopted.
- A consensus vision for Michigan recognizes that all units and levels of government must cooperate and coordinate to achieve common objectives.
- A structure for land use decision-making ensures that decisions are made at the most effective level of government.
- Public policies related to land use planning are coordinated with infrastructure-related public policies.
- State agencies coordinate decisions on land use–related issues.
- Federal and state land use policies that inhibit positive land use change are eliminated.
- **FINANCIAL ASSISTANCE IS PROVIDED FOR LOCAL AND REGIONAL GOVERNMENTS TO CREATE AND UPDATE LAND USE OR COMPREHENSIVE PLANS.**

Regional Intergovernmental Cooperation

- The appropriate exercise of home rule authority requires reasonable consideration of impacts on adjoining jurisdictions and a proper respect for sharing decision making with other governmental units on issues of greater than local concern.
- Land use incentives and tools are coordinated across jurisdictions.
- Effective mechanisms are available to accommodate land uses that address essential regional needs (e.g., schools, manufactured home parks, landfills, airports, prisons, etc.).
- Competition for tax base that undermines regional **OR METROPOLITAN** cooperation is reduced.

Local Governance Structure

- “Home rule/**LOCAL CONTROL**” as exercised by local units of government is the principal means for implementing land use decisions that are consistent with the consensus vision for Michigan.
- Local officials’ planning efforts are supported (e.g., **regional MULTIJURISDICTIONAL** planning coordination, public and private sector education, technical assistance and tools, funding mechanisms) and their planning limitations (e.g., private property rights, recall, right of referendum) are recognized and addressed.

RECOMMENDATIONS

The council recommends the following actions to foster strategic, long-term, coordinated planning and development regulation at the local, regional, and state level in Michigan.

Education and Public Information

1. **Land use education:** Training, education and knowledge in the means and methods of managing land use change and community development should be provided to all

local planning and zoning officials. Provide incentive-based programs to maximize participation at the local level.

- a. The ~~legislature~~ **STATE** and foundations should provide support to the Michigan Main Street program, Michigan State University Extension Service Citizen Planner Program, and similar programs **AT COMMUNITY COLLEGES** to meet these needs. **PLANNING COMMISSIONERS SHOULD BE REQUIRED TO BE CERTIFIED BY QUALIFIED TRAINING PROGRAMS WITHIN ONE YEAR OF THEIR APPOINTMENT.**
 - b. A land use planning curriculum should be incorporated into K–12 school curricula.
2. ~~Build-out analyses~~ **TECHNICAL PLANNING INFORMATION:** The ~~legislature~~ **STATE** should provide financial incentives to regional and county planning commissions and multi-jurisdiction sub-areas to:
- a. **ENCOURAGE DEVELOPMENT OF COMMUNITY PLANNING INFORMATION SUCH AS COMPOSITE ZONING MAPS AND OTHER TECHNICAL STUDIES**
 - b. Provide technical assistance for local build-out analyses so communities understand:
 - (1) The sprawl-inducing implications of over-zoning
 - (2) The missed opportunities for compact settlement where existing infrastructure is underutilized because the density is too low
 - c. Help local governments ensure that land use decisions are made in long-term, landscape-scale contexts
3. **Public education:** The ~~governor~~ **STATE** and foundations should support public participation in land use decision making and informed dialogue through the exchange of ideas and information, including a public education campaign that includes concepts to help citizens such as:
- a. Better understand the implications of continuation of land use trends and the benefits of planned development in general; as well as in particular, the benefits of alternative design schemes that focus on density rather than minimum lot sizes including:
 - (1) Density-based zoning
 - (2) New urbanism
 - (3) Diverse socio-economic development patterns
 - b. The ten common smart growth tenets:¹
 - (1) Create a range of housing opportunities and choices
 - (2) Create walkable neighborhoods
 - (3) Encourage community and stakeholder collaboration
 - (4) Foster distinctive, attractive places with a strong sense of place
 - (5) Make development decisions predictable, fair, and cost effective
 - (6) Mix land uses

¹ **FOR MORE DETAIL AND EXAMPLES SEE <HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF>.**

- (7) Preserve **HISTORIC AND CULTURAL TREASURES AS WELL AS** open space, farmland, natural beauty and critical environmental areas
- (8) Provide a variety of transportation choices
- (9) Strengthen and direct development towards existing communities
- (10) Take advantage of compact building design
- c. Better understand land use issues and balancing of public and private interests
- d. Recognize the value and benefit of publicly owned lands on our collective quality of life, economic vitality, and environment
- e. Improve individual land stewardship

Planning and Zoning Policies, Practices, and Tools

4. **Spatial database and decision support system:** The legislature and governor should ensure the development and maintenance of a spatial database and decision support system that incorporates the following actions:
 - a. Continually update (every five years) the Michigan Resource Information System (MiRIS) with land use/land cover data using all technology available and create a reliable funding mechanism to support this tool
 - b. Every five years conduct land use forecasting and analysis that uses sound, objective, scientific information
 - c. Democratize the geographic information and outputs of forecasts by installing an Internet-based interactive geographic information system (GIS) through an access service for all citizens to use
 - d. Enable a Uniform Digital Map Act to create and maintain necessary data layers to support integrated land use planning using GIS
 - e. The Michigan Natural Features inventory data should be updated, upgraded, and integrated with state and local land use decisions
 - f. **ENABLE MICHIGAN HISTORIC STRUCTURE INVENTORIES TO BE INTEGRATED WITH LOCAL LAND USE DECISIONS**

Housing and Development

5. **New regulations for housing impact:** The legislature **STATE** should:
 - a. Require that an impact statement be prepared prior to adoption of all new laws, rules, regulations, and ordinances that affect the affordability of housing **WITHIN THE CONTEXT OF STATEWIDE AND NATIONAL FISCAL, ECONOMIC, ENVIRONMENTAL, AND OTHER CONDITIONS THAT MAY ALSO BE AFFECTING THE PRICE OF HOUSING**
 - o ~~Encourage state and local governments to review regulatory barriers that add to the cost of, or effectively discourage a variety of types of housing production and/or existing housing stock; and where appropriate eliminate regulatory barriers that are discovered [DUPLICATE -- IN #25]~~
 - b. Adopt policies that ensure a continuous supply of appropriately zoned land for a wide variety of housing types
6. **Land Division Act reform** (see also Land Resource-Based Industries recommendations): The legislature should initiate a comprehensive redrafting of the

Land Division Act to eliminate divisions exempt from platting and the ten-year redivision; and streamline the platting process.

7. **Density and mix of land uses:** The legislature **STATE** should reduce overall land consumption by fostering more dense residential development by:
 - a. Encouraging counties and local governments to provide for a range of cluster development options **IN APPROPRIATE ZONES** in local zoning ordinances, and encouraging developers to use the cluster development option by providing appropriate incentives such as higher density and/or a streamlined development review process
 - b. Promoting development of accessory dwelling units such as carriage houses or accessory apartments
 - c. Providing incentives favoring the development of housing above existing retail in downtown and suburban areas
 - d. **ENCOURAGING DEVELOPMENT OF HIGH-DENSITY, MULTIPLE-FAMILY HOUSING COMMUNITIES WHERE PUBLIC FACILITIES AND INFRASTRUCTURE ARE ADEQUATE**
 - e. **ENCOURAGING MIXED USE ZONING**
8. **Manufactured home communities legislation:** ~~Encourage~~ The legislature **STATE IS ENCOURAGED** to address **THE FOLLOWING ISSUES IN** manufactured home communities legislation, including:
 - a. Examining taxation methods ~~that~~ **TO** make manufactured home communities more comparable to site-constructed housing
 - b. Providing local governments with more authority to regulate buffers, landscaping, roads, sidewalks, **SEWER AND WATER**, and the location of manufactured home communities through local zoning
 - c. Requiring that the development of manufactured home communities, including their location, be part of a ~~regional~~ **MULTIJURISDICTIONAL** affordable housing strategy
9. **Community character:** A variety of approaches are suggested to enhance existing efforts to protect community character.
 - a. The ~~governor~~ **STATE** should require the Michigan Department of Transportation to adopt context-sensitive design rules for state highways (character of the roadway being designed is related to the character of the location receiving it) to control where, ~~and~~ how, **AND WHETHER** new and expanded roads are built.
 - b. **THE STATE SHOULD** authorize the Department of Transportation, **COUNTY ROAD COMMISSIONS, AND LOCAL** ~~to allow state and local~~ communities to use alternative road design standards where appropriate, including context-sensitive design rules (~~character of the roadway being designed is related to the character of the location receiving it~~), ~~and~~ **THAT** minimize ~~ing~~ environmental and community character impacts. **THESE WOULD INCLUDE BUT ARE NOT LIMITED TO:**
 - (1) **STANDARDS FOR NARROWER WIDTH PUBLIC ROADS AND RIGHT-OF-WAYS SERVING RESIDENTIAL DEVELOPMENTS**

- (2) STANDARDS TO REQUIRE PAVING A ROAD WHEN A CERTAIN NUMBER OF DWELLING UNITS ARE CONSTRUCTED ALONG A ROADWAY SERVING RESIDENTIAL DEVELOPMENTS USING COST ALLOCATION METHODS THAT FAIRLY ALLOCATE COSTS RELATIVE TO BENEFITS
- (3) PROTECTION FROM LIABILITY FOR ROAD AUTHORITIES THAT AUTHORIZE USE OF NARROWER THAN STANDARD WIDTH PUBLIC ROADS AND RIGHT-OF-WAYS SERVING RESIDENTIAL DEVELOPMENTS
- c. The state should promote expansion of local programs to preserve historic structures and enhance scenic/aesthetic qualities
- d. Foundations should be encouraged to facilitate the building of local and regional **MULTIJURISDICTIONAL** partnerships and alliances committed to improving the appearance of the rural landscape
- e. **NEW OR WIDENED ROAD CORRIDORS SHOULD INCLUDE, WHERE POSSIBLE, BICYCLE LANES, SIDEWALKS, CROSSWALKS, DROP CURBS, NATIVE LANDSCAPING, AND STORM WATER RETENTION—AND SHOULD BE SENSITIVE TO THE SURROUNDING ENVIRONMENT, ESPECIALLY IN HISTORIC AND SCENIC AREAS.**

State Role in Land Use and Intergovernmental Cooperation

- 10. Impacts of impervious surfaces on water quality:** The council recognizes the importance of understanding and addressing the impact of **NONPOINT SOURCES AND** impervious surfaces **IN BOTH URBAN AND RURAL** as a watersheds *on water quality*. ~~wide (urban and rural) issues.~~ The council recommends the development of **STATE-LEVEL SUPPORT FOR LOCAL STORM WATER MANAGEMENT INITIATIVES AND** state-level guidance for **PUBLIC AND PRIVATE** decision makers regarding prevention and mitigation of **NEGATIVE** impacts of impervious surfaces. **IN ADDITION TO AUTHORIZING REDUCTION IN** ~~and further recommends reducing~~ road width and rights-of-way (SEE RECOMMENDATION #9 ABOVE), WHICH WILL SIGNIFICANTLY REDUCE IMPERVIOUS SURFACES AND STORM WATER RUNOFF, THE COUNCIL RECOMMENDS THE STATE INITIATE:
- a. **DEVELOPMENT OF PERVIOUS SURFACE GUIDELINES FOR PARKING LOTS AND PATHWAYS**
 - b. **INCORPORATION OF STORM WATER BEST MANAGEMENT PRACTICES IN ALL PUBLIC AND PRIVATE LAND DEVELOPMENTS**
 - c. **THE WIDESPREAD USE OF (1) IMPERVIOUS SURFACE ANALYSIS AS A PLANNING TOOL AT THE SUB-WATERSHED LEVEL AND (2) OF EXISTING ZONING AND FUTURE LAND USE PLANS TO EDUCATE DECISION MAKERS ABOUT THE IMPLICATIONS OF FUTURE LAND DEVELOPMENT ON WATER RUNOFF AND WATER QUALITY AND TO IDENTIFY ALTERNATIVE DEVELOPMENT DESIGNS THAT REDUCE TOTAL STORM WATER RUNOFF AND NEGATIVE IMPACTS ON WATER QUALITY**

11. **Local best practices:** The ~~governor~~ **STATE** should create a ~~state~~ recognition program for communities that:
- Are examples or promote best practices in smart growth in both rural and urban areas
 - Form strong, action-oriented coalitions that include business, environmental, and agricultural stakeholders to generate broad political support for legislation and investment to impact state, regional, and local land use policy
 - Apply exemplary smart growth approaches
 - Collaborate ~~regionally~~ **ON A MULTIJURISDICTIONAL BASIS** for positive outcomes in addressing affordable housing needs and mixed-use development
12. **Establishment of state land use goals for Michigan:** The ~~legislature should pass legislation establishing~~ **STATE SHOULD ESTABLISH** broad-based, visionary, land use goals for Michigan that incorporate the goals and vision adopted by the council such as the ten common smart growth tenets:² (
- Create a range of housing opportunities and choices
 - Create walkable neighborhoods
 - Encourage community and stakeholder collaboration
 - Foster distinctive, attractive places with a strong sense of place
 - Make development decisions predictable, fair, and cost effective
 - Mix land uses
 - Preserve **HISTORIC AND CULTURAL TREASURES, AS WELL AS** open space, farmland, natural beauty and critical environmental areas
 - Provide a variety of transportation choices
 - Strengthen and direct development towards existing communities
 - Take advantage of compact building design
13. **Funding for PLANNING AND innovative zoning:** The ~~legislature~~ **STATE** should: ~~create state~~
- PROVIDE FUNDING FOR LOCAL PLANNING EFFORTS (THESE PROGRAMS SHOULD RECOGNIZE THE COMPLEXITY OF DIFFERENT TYPES OF PLANS, INCLUDING COUNTY AND REGIONAL PLANS THAT SHOULD PROVIDE PLANNING DATA AND MAP INFORMATION TO SUPPORT LOCAL PLANS.)**
 - PROVIDE** funding for innovative local zoning efforts
14. **Housing needs report:** The governor should direct the Michigan State Housing Development Director to prepare and periodically update, in conjunction with private housing sector input, a housing needs report of housing markets in Michigan that defines market areas, demographics, and number of homeowners and renters, and identifies housing need by income category.

² FOR MORE DETAIL AND EXAMPLES SEE <HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF>.

15. **“Live where you work programs”**: The legislature **STATE** should **CREATE** enact a pilot incentive-based project to encourage private companies to establish “live where you work” programs. A sample program would create partnerships with local governments to support, instruct, and provide limited down payment assistance for employees choosing to live near their work. The state could take the lead by promoting such a program among state employees.
16. **Biological Diversity Act**: Part 355 of the Natural Resources and Environmental Protection Act (Act 451, P.A. 1994) established biodiversity conservation as a goal of state government. It directed state agencies to cooperate toward that end, and to develop a statewide strategy for biodiversity conservation. The governor should direct state agencies to take a proactive approach by integrating natural resources and environmental considerations into every level of planning, and establish the interdepartmental coordination called for in Part 355, including the development of a spatially explicit statewide biodiversity conservation strategy that focuses on preserving functioning landscapes rather than isolated sites. [ADDED FROM NATURAL RESOURCES INDUSTRIES GROUP.]
17. **Modernization of the planning AND ZONING enabling acts**: The legislature should unify and modernize Michigan’s four planning enabling acts **AND THREE ZONING ENABLING ACTS**.
18. **Documenting impact of state policies and programs on land use patterns**: The governor should initiate an **A SOUND, OBJECTIVE** analysis of all major state policies, programs, and subsidies for their direct and indirect impacts on growth patterns in Michigan with a special emphasis on sprawl and compact growth patterns. The results should be used to guide recommendations for legislative, budget, and administrative changes.
19. ~~Create an Office of Smart Growth~~: **COORDINATING AND IMPLEMENTING THE STATE’S ROLE**: ~~The governor should create a state agency/office entitled the Office of Smart Growth with responsibility to:~~ **THE GOVERNOR SHOULD ORGANIZE THE ACTIVITIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO:**
- Advance the goals and vision adopted by the council,
 - Support regional **AND MULTIJURISDICTIONAL** planning initiatives that are streamlined, standard, and promote communication and information sharing
 - Reward communities that pursue the balanced growth strategy in recommendation 25, provide technical assistance and education to **COMMUNITIES** ~~local governments (communities change throughout the document)~~ including case study examples in planning and zoning codes that embrace sustainability as it relates to the environment, social equity, and economic development among others
 - Coordinate interagency decision-making on infrastructure and public lands and facilities, among other duties
 - Utilize a mechanism for stakeholder and public input

- f. Analyze major state grant programs to determine opportunities for furthering the goals and vision adopted by the council
- g. Administer a program of priority funding areas
- h. **HELP STATE, REGIONAL, COUNTY, AND LOCAL GOVERNMENTS SECURE FEDERAL FUNDS TO ADVANCE STATE LAND USE GOALS**
- i. **ENSURE A LONG-TERM COMMITMENT TO STATE IMPLEMENTATION OF THESE PRINCIPLES**

20. **Revenue sharing formula:** When evaluating the formula for revenue sharing in 2006, the legislature is encouraged to examine the relationship between revenue sharing and adopted state land use goals.

Regional Land Use and Intergovernmental Cooperation

21. **Regional planning commission responsibilities:** The legislature should consider amending the regional planning act to establish clearer requirements for regional planning commissions with regard to types and contents of plans and provision of technical assistance services; and to encourage changes to **IN** the boundaries of Michigan's 14 planning and development regions ~~and~~ **TO** make them more effective. Regional planning commissions should be statutorily required to be representative of the needs of local governments, and to assist in the resolution of multijurisdictional impacts and/or disputes of major development and infrastructure investment decisions on a multijurisdictional level. The legislature ~~legislature~~ **STATE** should create incentives (state, local, and federal) for regional cooperation by tying funding for certain activities such as infrastructure to regional plans and multijurisdictional initiatives. **THE STATE SHOULD CONTRIBUTE FUNDING TO REGIONAL PLANNING COMMISSIONS THAT CARRY OUT THE FOLLOWING RESPONSIBILITIES:**
~~Other responsibilities should include:~~

- a. The preparation of general regional land use plans that respect and represents the needs of local governments **WHILE PROMOTING CONSISTENCY WITH STATE LAND USE GOALS**; as well as the preparation of regional resource management plans; regional environmental protection plans; regional greenways plans; regional transportation, sewer, and water service plans; regional energy conservation and production plans; regional affordable housing plans; regional economic development plans; regional emergency preparedness plans; and methods to deal with issues of greater than local concern
- b. The provision of maps, data, education, and technical assistance to local units of government, citizens, and the private sector
- c. The preparation of composite local future land use maps and local zoning maps for all jurisdictions in the region
- d. **THE PREPARATION OF REGIONAL PLANS THAT INCLUDE AND RECOGNIZE LOCALLY DEFINED PRIORITY FUNDING AREAS**
- e. **ANNUAL COMPILATION AND REPORTING OF ALL COUNTY CAPITAL IMPROVEMENT PROGRAMS WITHIN THE REGION.**

22. **Regional AND MULTIJURISDICTIONAL partnerships:** The legislature, the governor, ~~and~~ and regional **AND MULTIJURISDICTIONAL** entities should

advocate for the development of stronger partnerships between public and private organizations in efforts to promote urban redevelopment and discourage urban sprawl.

23. **Coordinating decisions:** The governor and the legislature should create a new structure for coordinating state, regional, **MULTIJURISDICTIONAL** and major local land use, economic development, and infrastructure decisions that addresses the following elements:
- a. **Establish a priority funding areas program.** The governor and legislature should cooperate in the establishment of a priority funding areas program that directs state investment into (1) areas with existing infrastructure, (2) those areas working cooperatively among multiple units of government to solve regional **AND MULTIJURISDICTIONAL** land use challenges, and (3) compelling needs for health and safety. The state and local governments should cooperatively determine the most important areas for investment. (See also recommendation 19g.)
 - b. **Create incentives for local cooperation on regional AND MULTIJURISDICTIONAL infrastructure and economic development decisions.** Require communities that are applying for grants that have multijurisdictional impacts **TO** collaborate with each other to develop integrated regional **OR MULTIJURISDICTIONAL** plans and policies as part of funding for county, state, and federal government transportation, infrastructure, and land acquisition activities.
 - c. **Address issues of greater than local concern.** The legislature should enact laws that address **THE NEGATIVE IMPACTS OF** land use, infrastructure, and economic development decisions whose scale or impact is such that they clearly extend beyond jurisdiction boundaries.
 - d. **Require state, and regional AND MULTIJURISDICTIONAL public infrastructure agencies to conform with regional, MULTIJURISDICTIONAL and/or local plans.** ~~The legislature should revise state statutes to~~ **STATE SHOULD** require public agency land use decisions such as transportation, economic development, and school district infrastructure decisions to conform with adopted regional, **MULTIJURISDICTIONAL**, and local land use, ~~and~~ infrastructure, **AND CAPITAL IMPROVEMENT** plans. **IT SHOULD ALSO REQUIRE ALL NEW SCHOOL STRUCTURES TO BE SUBJECT TO LOCAL ZONING.**
 - e. **REPRIORITIZE DOLLARS FROM THE STATE SCHOOL BOND FUND TO PROVIDE INCENTIVES FOR REDEVELOPMENT OF EXISTING SCHOOL STRUCTURES.**
 - f. **CREATE FISCAL AND OTHER INCENTIVES FOR COORDINATION AMONG LOCAL JURISDICTIONS TO ENSURE THAT REGIONAL AFFORDABLE HOUSING NEEDS ARE DISTRIBUTED EQUITABLY ACROSS JURISDICTIONS BASED ON THE AVAILABILITY OF ADEQUATE INFRASTRUCTURE.**

Local Governance Structure

24. **Authorization of joint planning commissions:** Allow two or more communities to form a joint planning commission.

Smart **BALANCED** Growth Strategy

25. **Balancing the authorization of new planning and zoning tools with certainty for obtaining approval for higher density:** The legislature should enable local governments that have master plans with specified **PLAN** elements (tie bar to recommendation 17) to adopt and implement the following planning and zoning tools within a single jurisdiction, or on a multijurisdictional basis in some cases. Such enabling legislation should recognize the desirability of:

- a. Higher density **THAN IS TYPICAL** where infrastructure and community services are adequate; ~~and assurances for~~ **MUCH** lower density than is typical where **THERE ARE** farmland, open space, environmentally sensitive lands, and other resources of high priority for long term protection and economic viability
- b. Provid**ING** more certainty of outcomes for all involved (local governments, citizens, development community, etc.)
- c. Encourag**ING** inclusionary zoning and not perpetuating exclusionary zoning
- d. ~~Recognize~~ **ACKNOWLEDGING** that one size does not fit all
- e. Allowing local governments to choose their community character
- f. ~~Recognize~~ **ACKNOWLEDGING** that not all communities should have to provide for every land use if they don't have adequate public services for them and if they participate in a multijurisdictional process to identify ways to meet regional needs

Necessary elements to consider:

TO THESE ENDS, THE FOLLOWING CHANGES TO EXISTING STATE AND LOCAL LAWS AND POLICIES ARE PROPOSED TO FAIRLY BALANCE THE INTERESTS OF DEVELOPERS, LOCAL GOVERNMENTS, ENVIRONMENTAL ORGANIZATIONS, AND CITIZENS. THESE CHANGES ARE PROPOSED WITH THE UNDERSTANDING THAT ALL THE ELEMENTS LISTED UNDER EACH PROPOSAL ARE NECESSARY TO ACHIEVE THE DESIRED BALANCE:

- a. **Increase density and mix of land uses.** Reduce overall land consumption by fostering more dense residential development by:
 - (1) Requiring that **EVERY MASTER PLAN OR** future land use planning to ~~address~~ **DOCUMENT** residential needs of a wide variety of types for a 20-year time horizon, **AND BE** updated every 5 years
 - (2) Including a housing element in the **MASTER** plan of which affordable housing **AND INCLUSIONARY ZONING** are required sub-elements
 - (3) Incorporating in the **MASTER** plan the ten common smart growth tenets³ as appropriate to the communities' overall growth objectives:

³ FOR MORE DETAIL AND EXAMPLES SEE [HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF](http://www.smartgrowth.org/pdf/gettosg.pdf).

- o Create a range of housing opportunities and choices
 - o Create walkable neighborhoods
 - o Encourage community and stakeholder collaboration
 - o Foster distinctive, attractive places with a strong sense of place
 - o Make development decisions predictable, fair, and cost effective
 - o Mix land uses
 - o Preserve **HISTORIC AND CULTURAL TREASURES, AS WELL AS** open space, farmland, natural beauty and critical environmental areas
 - o Provide a variety of transportation choices
 - o Strengthen and direct development towards existing communities
 - o Take advantage of compact building design
- (4) Allowing a local government that participates in a regional **OR QUALIFIED MULTI JURISDICTIONAL** forum to establish affordable housing needs to opt out of meeting an affordable housing need if the decision is made at the regional forum to provide that need elsewhere in the region
- (5) Setting a higher maximum density level for all developments commensurate with the availability of adequate public facilities including sewer, water, paved roads, police and **WHEN TIED TO NATIONAL STANDARDS**, fire protection, and parks
- (6) Encouraging state and local governments to review regulatory barriers that add to the cost of, or effectively discourage a variety of types of housing production and/or existing housing stock; and where appropriate, eliminating regulatory barriers that are discovered
- (7) Requiring a density of not less than four units per acre for single family detached housing or ten units per acre for multi-family or attached housing development for every sewer and water service area in a community, unless it's **THE SEWER OR WATER TREATMENT PLANT OR LINE** capacity does not permit those density levels
- (8) Establishing the adequacy of those public services and facilities **NECESSARY** to meet the regional **OR QUALIFIED MULTI JURISDICTIONAL** housing needs; if they are not adequate, the master plan shall establish how to meet those needs
- (9) Requiring a capital improvement program that is updated annually and consistent with the plan above
- (10) Creating incentives for natural, **HISTORIC AND CULTURAL** feature preservation planning
- b. Authorize new tools for local governments provided they have addressed the elements above.** These include:
- (1) Authorizing local governments to prepare urban and general services districts tied to the plan above
 - (2) Authorizing concurrency for review of individual projects consistent with the plan above
 - (3) **PROVIDING** specific authorization for large minimum lot sizes such as 80 acres for farmland/forestland/open space protection in areas not planned for infrastructure expansion, **SUCH AS LANDS ENROLLED IN**

DESIGNATED AGRICULTURAL SECURITY ZONES (SEE LAND RESOURCE-BASED INDUSTRIES RECOMMENDATION 2) OR COMMERCIAL FOREST RESERVES (SEE LAND RESOURCE-BASED INDUSTRIES RECOMMENDATION 7)

- (4) Enabling local governments to create and implement “official maps” of **PROPOSED** new public facilities
 - (5) Enabling local governments to adopt adequate public facilities ordinances
 - (6) Enabling local governments to adopt more robust aesthetic controls
 - (7) Enabling local governments to enter into development agreements for on and/or off-site improvements in return for long-term guarantees on development approval
 - (8) Contingent upon a **COMMUNITY ALREADY HAVING IN PLACE A** density of not less than four units per acre for single family detached housing or ten units per acre for multi-family or attached housing development (unless it’s **THE SEWER OR WATER TREATMENT PLANT OR LINE** capacity does not permit those density levels), enabling county and local Transfer of Development Rights (TDR) programs that permit cross-jurisdiction transfer of development rights provided that ~~it~~ **THE TDR PROGRAM** was market driven, allowed for a **DENSITY** multiplier as an incentive, **AND PARTICIPATING DEVELOPMENTS WERE** subject to a streamlined ~~planning~~ **REVIEW AND APPROVAL** process
 - (9) Contingent upon a **COMMUNITY ALREADY HAVING IN PLACE A** density of not less than four units per acre for single family detached housing or ten units per acre for multi-family or attached housing development (unless it’s **THE SEWER OR WATER TREATMENT PLANT OR LINE** capacity does not permit those density levels), enabling local governments to adopt impact fee programs for new developments that are not built in a compact form or do not utilize sewer and water infrastructure. Impact fees shall not be applied to costs associated with cumulative impacts over time.
 - (10) Allowing aesthetic/design-oriented “contract zoning” **IF MUTUALLY AGREED TO BY THE DEVELOPER AND LOCAL GOVERNMENT**
- c. **Change recall provisions.** The legislature should amend the recall provisions applicable to Township Boards to:
- ~~○ Increase the number of required signatures to 35 percent of registered voters; and~~
 - (1) **PERMIT RECALL ONLY IN CASES OF MALFEASANCE**
 - (2) Establish the threshold for removal of an elected trustee as being one more vote than the individual received when elected in the general election
- d. **Change referendum provisions.** The legislature should amend the referendum provisions of the Township and County Zoning Acts to
- ~~● Increase the number of required signatures to 35 percent of registered voters;~~
- prohibit referendums on zoning decisions that are consistent with a local unit of governments’ master plan as adopted by the governing body, **WITH**

CONSISTENCY DETERMINED BY THE COUNTY OR REGIONAL ENTITY THAT IS EMPOWERED TO DETERMINE CONSISTENCY WHEN REVIEWING A PROPOSED PLAN OR PLAN AMENDMENT UNDER THE APPLICABLE PLANNING ENABLING ACT.