



DEPARTMENT OF ENVIRONMENTAL QUALITY

STEVEN E. CHESTER, DIRECTOR

PUBLIC HEARING AND COMMENT COMPILATION REPORT

**SUPPLEMENTAL REPORT TO THE
LAND USE LEADERSHIP COUNCIL**

May 30, 2003

TABLE OF CONTENTS

I.	AGENCY CONTACTS FOR THIS REPORT	2
II.	INTRODUCTION	2
III.	SUMMARY OF TESTIMONY MARQUETTE PUBLIC HEARING SERIES	2
IV.	COMMENT COMPILATION PROCESS/REPORT ACCURACY	5

I. AGENCY CONTACTS FOR THIS REPORT

Name: James Goodheart
Program Specialist, Executive Office
Department of Environmental Quality
Phone: 517-241-7418
Fax: 517-241-7401
E-mail: Goodhearj@michigan.gov

Name: Catherine Cunningham Ballard
Environmental Science and Services Division
Department of Environmental Quality
Phone: 517-335-3456
Fax: 517-241-0858
E-mail: Cunningc@michigan.gov

II. INTRODUCTION

A Public Hearing and Comment Compilation Report dated May 6, 2003 was provided to the Michigan Land Use Leadership Council (Council). That report summarized for the Council all public comments received up to April 30, 2003. At their May 12 Council meeting, Council Member James Okraszewski requested that the section of the report representing the summary of comments received at the April 21, 2003 Marquette public hearing series be strengthened. This supplemental report was developed in response to that request.

III. SUMMARY OF TESTIMONY FROM THE MARQUETTE PUBLIC HEARING SERIES

At the Marquette hearing, 47 out of 55 people attending testified. Of those attending, 14 people represented various local units of government, including five from planning commissions. Twelve people spoke on behalf of organizations representing such diverse groups as trails and recreation networks, education groups, senior advocacies, farming/agricultural interests, and natural resources conservancies. Five business representatives testified and eleven individuals spoke, including several students from Northern Michigan University. Also, representatives from several state agencies attended.

Urban Revitalization

In keeping with the mostly rural nature of the Upper Peninsula, not much was said about urban revitalization. Some comments addressed the need for affordable housing, which included recommendations to streamline government regulations that significantly add to the costs of building new homes. The need to design walkable, creative, and vibrant downtowns was a recurring theme, as well as the need and importance of preserving historic and cultural areas. Open space preservation in cities is also highly valued by several individuals, as they argued that parks and places to recreate in the cities significantly add to the quality of life.

Land Based Industries

A large contingent of comments centered on preserving open space, agriculture, and forestry lands (22). The concerns were that the natural beauty and the economic health of the Upper Peninsula are being threatened by sprawl. Fragmented forest and agricultural lands are not as economically productive as large parcels. One person commented that the current regulations, which were based on 1970s standards, are not working in today's culture, especially for agricultural lands, because farmers cannot economically work the land.

Another important value to northern Michigan's citizens is access to open space, and preservation of watersheds and the natural resources that support the tourism industry. Many people spoke on the need for developers, planners, and local governments to work with conservancy groups to find a healthy balance between the often divergent interests. Forestry and agriculture can coexist with recreational industries, as can developers and open space advocates.

Incentives for land conservation, regionally-based solutions, and coordinated planning were suggested to the Council on land based industries. Also, support was given to allow using market approaches more than government regulations to solve land use problems.

Strategic, Long-Term, Coordinated Planning at the Local, Regional and State Level

The number one issue at the hearing centered on the need for regionalization of land development and planning (40 comments). Many speakers stated that the inconsistency of planning and zoning between jurisdictions results in competition between cities for development, which results in overdevelopment. Too much fragmentation and variation in laws and ordinances also contributes to sprawl, as evidenced by commercial corridors extending along major highways that can span several townships, cities and villages, each with their own set of ordinances and regulations. Citizens also believe that elected and appointed officials lack the expertise and the tools needed for sound land use planning. Additionally, six people advocated the use of Oregon's land use program as an excellent example of coordination between local and state authorities.

Recommendations for improvement centered on regional, coordinated planning. However, methods to achieve this end varied, including voluntary cooperation, funding for regional planning, incentives to local governments to coordinate developments, a state lead "Office of Smart Growth," training for local officials, and a statewide Geographical Information System. Many comments also stressed the need for citizen input in the planning process. The debate between a state plan versus local control was about even, although everyone agreed on the need for flexibility in any new laws on either the state or local level to accommodate specific developments and land preservation. Also, state agencies must work better with communities, and be more cognizant and accommodating to local economic and social conditions.

Economic Policies Related to Infrastructure and Community Services

Those that addressed economic policies and financial incentives emphasized the lack of local funds to implement master plans and replace old existing infrastructure. Many creative recommendations were suggested besides the

usual increase in grants and funding. A city planner offered increased revenue sharing for communities who plan for denser areas that would help with infrastructure replacement and augmentation. He also suggested the state should create tax credits or increased revenue sharing payments as an incentive to preserve open space. Others encouraged an end to subsidies that encourage sprawl, and to give a higher priority to fund projects that reuse available infrastructure over those that create or extend services to outlying areas.

Policies and Practices that Relate to Land Use Change

Comments on policies that relate to land use change were negative, in that several examples from specific communities were cited that did not control land use and the disparaging affect it had on the quality of life. A city manager expressed frustration with regulations that change from the time property is purchased to when a landowner is economically viable to go ahead with a project. He gave an example of current retirees who purchased land as an investment several years ago that now cannot develop their land due to the changed state or local regulations.

Recommendations again were varied, and included expansion of mass transportation systems out to rural areas, amendments to Act 425 that make it easier for communities to use, and seasonal zoning laws so that land can be used year-long rather than stand idle one-half to three-quarters of the year. A member of the Upper Peninsula Home Builders Association advocated that that would give builders a wide range of options in development regulations.

Natural Environment

As stated earlier, the natural environment, and the laws to protect it, are major concerns to most who testified. Many advocate that developers and conservationists can and should work together. Open space is needed in both rural and urban areas to maintain a high quality of life.

Some who testified mentioned the vast acreage of state and federal land in the Upper Peninsula, which diminishes the amount of available land for development and economic growth.

Many also commented on wetland policies and laws, and how badly they are enforced by state and local authorities, citing examples of non-cooperation between the Department of Environmental Quality, the Department of Natural Resources, or Department of Transportation staff and communities in finding solutions that benefit habitat protection, land owners' rights, and economic growth. Wetland mitigation is also a problem in some areas because of the lack of available land to conduct these activities. Flexibility is greatly needed in many areas of the wetland programs.

General Issues

Other notable recommendations from this hearing included:

- The need for a statewide sanitary code that would prevent planning agencies from overruling health department recommendations in favor of development.

- Policies to design communities to encourage active living – more bike paths and sidewalks in cluster communities where using an automobile is not essential.
- Consideration by the Council for the need to distinguish urban policies on land use from rural communities. Of those that spoke concerning this, many emphasized the differences in land use problems between the Upper Peninsula and downstate communities.

Lastly, the hottest debated issue was the lack of representation of the Upper Peninsula on the Governor’s Land Use Leadership Council. These speakers were concerned that the Council would make recommendations that would not address the unique situations of the Upper Peninsula.

IV. COMMENT COMPILATION PROCESS/REPORT ACCURACY

The Comment Compilation Team (Team) of the Department of Environmental Quality 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 Marquette public hearing series. Instead, the Team attempted to capture recommendations, concerns, and significant comments expressed in testimony.

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 was also captured by a court reporting service. Transcripts and testimony submitted in written form will be provided to Council members upon request.

Representative(s) responsible for the accuracy of this report:

_____ Date: _____
James Goodheart

_____ Date: _____
Catherine Cunningham Ballard