



DEPARTMENT OF ENVIRONMENTAL QUALITY

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PUBLIC HEARING AND COMMENT COMPILATION REPORT

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

June 27, 2003

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II. INTRODUCTION

This Supplemental Report to the Michigan Land Use Leadership Council (Council) summarizes written public comments submitted to the Council between May 1 and June 9, 2003, as well as public testimony taken during the monthly Council meetings held May 12 and June 9, 2003. Attached to this Supplemental Report is a database summary of all public and written submittals received during the May 1 to June 9 time period.

III. SUMMARY OF PUBLIC TESTIMONY FROM THE MAY 12, 2003 COUNCIL MEETING

At the May 12, 2003 Council meeting, 16 people testified out of the 17 who provided Attendance cards. Four respondents represented the West Michigan Strategic Alliance; two persons represented Transportation Riders United; one speaker focused on historic preservation issues in Kalamazoo; two represented local and regional Chambers of Commerce; four speakers represented various non-profit organizations, including the Michigan Land Use Institute, the Michigan Fitness Foundation, Scenic Michigan, and the Property Management Association of Michigan; and four individual citizens commented on various land-use issues, including one Michigan State University (MSU) professor from the Community and Economic Development program.

Urban Revitalization

Urban revitalization support continues to be an important issue commenters would like to see the Council address. A representative from the Kalamazoo Convention and Visitor's Bureau presented a long list of its urban revitalization accomplishments and invited Council members to visit the city to view the numerous improvements, suggesting that Kalamazoo might serve as a case study for Michigan urban revitalization efforts. Several others suggested that policies be developed to make cities more attractive to help provide for a sense of place. Investments prioritizing brownfields and green infrastructure were suggested, as well as investment for historic preservation. One person described the city as the center of untapped resources: fiscal, social, and environmental. Another believed that the community is the catalyst for improvement, suggesting that inner cities

transcend race, class, and poverty to find a connection between smart growth and urban revitalization.

Land-Based Industries

There were few land-based industry comments at this session. One commenter recommended training and education regarding land use issues for local government officials and developers.

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

Three local government officials from Spring Lake, Muskegon Heights, Alpine Township, and one non-profit organization, The Right Place, spoke on behalf of the West Michigan Strategic Alliance (Alliance) as a model for effective multi-jurisdictional coordination of land-use decision-making. The Alliance, formed in 2000, serves as a catalyst for regional cooperation, having 250 members in Muskegon, Kent, and Ottawa Counties.

Issues raised by other commenters identified the need for Township protection from litigation, and recommended that revenue decisions remain at the local government level. One person felt land-use leadership should come from local governments.

Economic Policies Related to Infrastructure and Community Services

Of particular interest was the suggestion by the MSU professor that economic policies for land-use should include a strategy for increasing the local “multiplier” (i.e., the number of times money circulates in a community) as a community revitalization tool to help retain and increase wealth. During research into ways to provide jobs and services in inner-city communities, it was discovered that financially distressed urban and rural communities typically have low “multipliers.” As a result, he recommends a strategy in which communities work to identify where the money “leaks” out of the local economy to enable local governments to employ effective intervention strategies to build the multiplier and enhance community revitalization. This appears to be a recommendation that has not been articulated in the previous land use deliberations in Michigan.

Other comments raised noted the disparity between Europe’s excellent school systems in urban areas and the poor quality of Detroit’s inner-city schools, and lamented the abandonment of the inner-city by big industry. Fix-it-first policies continue to receive strong support, with one person recommending a moratorium on road capacity advances. Another suggested including transportation costs to reach work and shopping into the costs for new housing. One commenter suggested that all public spending address the triple bottom line concept: economy, environment, and social impacts. It was recommended that such investments also be evaluated for fairness. There were also recommendations for local revenue enhancements (local option taxes) and local spending restrictions, including restricting revenue spending to implement local plans that are less than five years old.

Policies and Practices that Relate to Land Use Change

Transportation and road repair issues, abandoned properties, the Land Division Act, HUD Section 8 voucher participation, and local urban inspection policies were all identified as needing change and improvements. Regarding transportation, one commenter characterized Michigan as being in a “road repair crisis,” having the nation’s fifth worst roads and claiming it costs five times more to allow a road to deteriorate than it does to repair it. In addition, it adds to individual car repair costs. It was recommended that the state set a high and lasting standard for sustainable roads.

There was a call to sunset the Land Division Act because it is too costly for local governments to administer. Abandoned properties were identified as needing policies and procedures to facilitate access to clear titles so they may be rejuvenated. One commenter recommended local inspection reform because he felt some local governments attempt to enhance revenues by treating the HUD Section 8 voucher participation as a required program rather than a voluntary one. Other recommendations focused on easing regulations to promote multi-family housing and developing maps of resources, vistas, and pictures of forests and agricultural land for planning purposes and to show that Michigan is a place to cherish.

Natural Environment

The natural environment drew less direct comments at this particular time than at other public hearings. One person stated that the way we use the land affects air and water quality, and expressed the desire to ensure air quality standards will continue to be met. Specific recommendations included updating the Land Use databases and conducting more on-ground assessments to assure land use data quality.

General Issues

Comments in this category generally focused on the need for better public transportation, citing the high cost of private transportation and the health impacts from auto-related pollution, as well as recommending better information on transit options and marketing public transit options more aggressively to increase ridership.

Other commenters called for incorporation of more “green infrastructure” in planning to enhance walk-ability, bike-ability, and, ultimately, the livability of cities through the adoption of Tax Incentive Programs (TIPs) for green development.

Other notable recommendations from this session included:

- Provide incentives for local government water management.
- Provide public education regarding land use, although the challenge was noted of getting complex information to time-limited people. A second challenge to informing the public is the perception that although citizens don’t want sprawl, they don’t want high density developments either.

IV. SUMMARY OF PUBLIC TESTIMONY FROM THE JUNE 9, 2003 COUNCIL MEETING

At the June 9, 2003 Council meeting, 14 attendees submitted attendance cards, with 10 providing testimony to Council members. Transportation issues for persons with disabilities was a topic addressed by 4 of the speakers from various non-profit organizations. Two local government officials focused their comments and recommendations on planning issues. Other non-profits represented included the Michigan Historic Preservation Network, the Michigan Catholic Rural Life Coalition, the Coalition for Public Safety, and the FACTER Housing Action Team.

Urban Revitalization

In addition to support for redevelopment of core communities, recommendations included the creation of a historic preservation fund to help jumpstart numerous projects and to promote tax reversion implementation state-wide. It was felt the state should take responsibility for state-owned abandoned properties. Suggestions were made to change the state aid criteria for revitalization from a municipality focus to one which is based on the status of the property, and to create incentives for preventive measures to redirect attentions to specific sites well before blight and decay sets in. Another recommendation called for the state to adopt Maryland's example for affordable housing in new developments. A foreclosure prevention program developed in Genesee County between the County Treasurer's office and a community organization helped nearly 1,400 homeowners keep their houses, and was brought forth as a method to prevent tax reversion.

Land Based Industries

There were no comments or recommendations in this category.

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

Specific recommendations from this session included:

- Expand the Council's revenue sharing draft recommendation to allow it to address rural communities and social equity issues.
- Include people with disabilities in the regional planning process because they are often overlooked.

Economic Policies Related to Infrastructure and Community Services

A number of the commenters not only represented people with disabilities but were also challenged with various physical disabilities themselves. They felt that any economic policy recommendations needed to include the language of disability communication, i.e. urban and suburban walk-ability and roll-ability with regard to transportation issues.

The inability of non-core communities to use state and local financial incentives to redevelop blighted and functionally obsolete properties was an issue brought up by Delta Township's representative. He felt that brownfield incentives should be expanded to qualified properties, not just to qualified communities.

One commenter focused specifically on Act 312. Act 312 governs the arbitration process for police, fire, and other public safety unions. He felt the law should be changed to be more balanced because the process currently favors the safety unions, rather than encouraging movement to the center by both parties. This is extremely important to municipalities facing dwindling revenue sources. He specifically recommends the law require consideration of the last best offer.

There were also a number of historic preservation comments supporting historic preservation as part of Smart Growth and proposing a preservation fund to help entities with the funding necessary to undertake projects, in addition to using historic preservation tax credits.

Revenue sharing was a third area of discussion, suggesting that revenue sharing was necessary to assist poor communities who can't afford infrastructure improvements.

Policies and Practices that Relate to Land Use Change

Commenters wanted accountability from the Council and recommended that planning policy should answer to the electorate.

Natural Environment

There were no comments or recommendations in this category.

General Issues

A number of people representing various nonprofits supporting individuals with disabilities had a range of concerns including:

- The desire for local cab companies in Delta County to remain operating seven days a week. The issue is that the local cab companies can't afford to put "lifts" for wheelchairs on their vehicles or afford the insurance required to transport people with disabilities.
- Investment in public transportation, especially equipment that can accommodate people with disabilities is paramount. Under Public Act 51, the state is only receiving 8.5 percent of federal dollars back. The state should seek the maximum 10 percent reimbursement rate to help make the state accessible to all residents.

V. WRITTEN COMMENTS AND RECOMMENDATIONS SUBMITTED TO THE LAND USE COUNCIL BETWEEN MAY 1 AND JUNE 9, 2003

There were 99 written submittals during this reporting. The majority of material was provided by citizens. However, there were also 6 submittals from government officials, 6 from farmers, 5 from builder/realtor organizations or individuals, 3 from planning organizations, and 9 from other non-government organizations. Approximately 12 submittals were form letters signed by different individuals supporting historic preservation.

Urban Revitalization (77 comments)

Several comments and recommendations focused on historic preservation as a Smart Growth tool, and provided information on historic preservation's contribution to employment, economic investment, and reductions to landfill disposal. Many

desire more walk-able, people-friendly neighborhoods in urban settings that are integrated with shopping and entertainment amenities within walking distance. A number complained about lack of inner-city investment, abandoned properties, blight and poor school systems, as well as a lack of attractive housing options in urban areas.

Other recommendations were varied and included:

- Consider Employer Assisted Housing (EAH) programs to help employees locate their residences close to work.
- Revise codes to reduce rehabilitation costs and regulatory delays, which pose barriers for in-fill developers.
- Pass anti-blight laws giving local governments more power and options to deal with blighted and abandoned properties.
- Create state-owned pocket-parks in urban neighborhoods.
- Amend the Annexation Law.
- The state should enforce its anti-rent control statute and ensure that the HUD Section 8 is implemented locally as a voluntary, not mandatory program.
- Enable cities to perform Land Banking to assist developers.

Although most commenters supported urban revitalization options to combat sprawl, a few still expressed their individual preference and need for rural, low-density lifestyles.

Land-Based Industries (40 comments)

Most comments and recommendations identified preservation of farmland, forests, woodlots, and open spaces as major issues, but cited the high economic cost to maintain farm and undeveloped property as a significant barrier to preservation efforts. One example being given was by a couple who expressed concern over the number of farms and orchards being sold as industrial parks and housing tracts. Another commenter expressed concern about clear-cutting in the surrounding forest areas.

Many proposed the use of preservation funds, tax relief, tax incentives, transfer of development rights programs, and purchase of development rights programs as potential techniques to save open space. Additional recommendations were to:

- Provide guidance, training, and good sample ordinances to help townships protect farmland and woodlots.
- Increase housing density and relax city code height limits.
- Create local government incentives to promote farmer's markets.

Strategic, Long-Term, Coordinated Planning at the Local, Regional, and State Level (22 comments)

Strategic planning comments included statements regarding small governmental units having more legislative power than larger counties, but having far fewer administrative resources and a lack of multi-jurisdictional cooperation/planning coordination, an issue which was addressed by several commenters.

Infrastructure investments by the state were noted as subsidizing growth at the urban fringe, while channeling negative uses to the urban cores. One comment was received regarding the contribution to sprawl, along with a reduction of

pedestrian and biking opportunities by transportation planning meant to solve only auto-related traffic issues.

Strategic planning recommendations ranged widely from planning at the state level to planning at the local level, and opposing growth boundaries to promoting more regional cooperation. Also listed were:

- Providing affordable housing options by using a dedicated revenue fund.
- Limiting the state's expenditures on new facilities in greenfields.
- Using the Michigan Department of Transportation Access Management Guidebook to shape land use decisions.

Economic Policies Related to Infrastructure and Community Services (29 comments)

Economic Policy comments addressed several issues, including fears that more state regulation would limit new home building and purchasing; problems caused by rapid growth in certain areas, such as traffic congestion; and increased infrastructure spending. Rising costs of infrastructure and their effects on the taxpayer was mentioned, as well. The need for historic preservation incentives and rehabilitation of old structures, including schools, was listed by a few commenters.

Recommendations included creation of a historic preservation fund, improving and maintaining existing roads and other infrastructure, and investing in programs which enhance local multiplier effects (keeping money in the local economies for longer, thus spurring additional economic benefits for the residents). Also included were comments regarding having developers paying for their own infrastructure improvements on greenfield sites, but allowing for tax credits in areas already developed, and allowing for tax credits on undeveloped parcels of land under five acres to remain undeveloped.

Policies and Practices that Relate to Land Use Change (36 comments)

The Policies and Practices comments submitted included four comments regarding tax-reverted properties and title clearances. Submitters noted the lack of any improvements to state tax-reverted properties prior to sale, the problems of obtaining clear titles, and the lack of ability for local units of government to perform land assembly. Excessive use of water in households was noted by one submitter as causing aquifer problems. Large lot zoning was listed as causing disconnected bedroom communities, where everyone has to drive to get to anything, and generating new public service needs such as schools, roads, and commercial developments.

Recommendations made under this category included creating a Redevelopment Fast Track Authority for local and state authorities to dedicate resources to assembling and readying land for redevelopment, and making sure that purchasers of tax-reverted properties escrow funds for improvements and demolition. Again, there was no clear consensus with regard to local vs. regional or statewide planning, having commenters on both sides of the issue. Additional recommendations were:

- The Department of Environmental Quality should support the decisions of local health departments when related to on-site septic systems.

- Creating an Office of the Ombudsman responsible to evaluate local planning, zoning, and land use affairs.
- Development of enabling laws allowing transfer of development rights, urban growth boundaries, and local government access to the Michigan Department of Natural Resources' natural features inventory.
- Leaving decision-making in the hands of local units of government.
- Creating defined development standards that would be overseen by competent professionals.
- Eliminating home rule and establishing county/regional land use authority.

Natural Environment (12 comments)

Comments and recommendations on the natural environment included six comments on historic preservation and its impact on saving greenspace from development. Other comments were made on the need for better environmental law enforcement, the need for wetland preservation, and consideration of tax benefits for landowners who keep their property in large lots. New freeways and cul-de-sacs were decried as the main cause of loss of open space, farms, and forests. Recommendations were made to allow changing the policy of only having county road commissioners being able to designate natural beauty roads, and promoting clean air, water, and healthy natural resources.

General Issues (33 comments)

General issues comments touched on a number of topics, including the need for mass transit; judicial and state support for municipalities that are in compliance with the current State Planning Act; balancing the needs of state, local, and private property rights; and clean air issues caused by more commuting and more coal-fired electrical production.

Many submitters wanted alternatives to auto-based transportation developed, including mass transit and pedestrian modes. Transportation funding was seen by many to lean too far toward the car, and not enough on light rail, buses, transportation centers, etc. Additional comments were made regarding the sustainability of multi-family housing, the need to focus on water quality issues, and balancing the needs of property owners with the community's needs.

VI. 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 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. Transcripts and testimony submitted in written form will be provided to Council members upon request.

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

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