

## So You Want to Form a Joint Planning Commission . . .

Presented by:  
Joe VanderMeulen, Ph.D.  
Executive Director  
Land Information Access Association  
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## What We Will Cover

1. Why communities form a Joint Planning Commission
2. Summary of the Joint Municipal Planning Act
3. Descriptions of Six  
Joint Municipal Planning Agreements

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### What is the Land Information Access Association (LIAA)?

LIAA is a Section 501(c)3 nonprofit corporation created in 1993 to stimulate & support greater civic engagement.

LIAA's Mission Statement is . . .

Helping people shape better communities through:

- ✧ participation,
- ✧ education,
- ✧ information &
- ✧ the effective use of technology



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First, a word from our sponsors . . .

### Overall Mission

Stimulate & support new multi-jurisdictional efforts to develop & adopt local land use policies that result in the preservation of valuable cultural & natural resources while encouraging urban redevelopment & discouraging inefficient, low-density development.

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### Program Sponsors:

Land Information Access Association

Michigan Municipal League

Michigan Townships Association

Michigan Association of Planning

Michigan State University Extension



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### Local Government Setting in Michigan

Michigan's first local governments created by Federal Order. *Land Ordinance* of 1785 and *Northwest Ordinance* of 1789 established county & township structure.

Established rectangular grid survey with townships measuring 6 miles x 6 miles

Provided for ad valorem levies to finance local government and established townships as basic unit of government.

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*Local Government Setting in Michigan*

**Home Rule Act of 1909**

In Michigan, cities were incorporated by special act of the legislature prior to 1908.

Home Rule Act of 1909 provides for the incorporation of cities & village as "general law."

Cities and villages are allowed to frame, adopt, & amend their own charters. They may also pass laws & ordinances relating to municipal concerns subject to state law.

*Local Government Setting in Michigan*

**Strong Belief in "Home Rule" Approach**

1,858 governments with planning & zoning authority

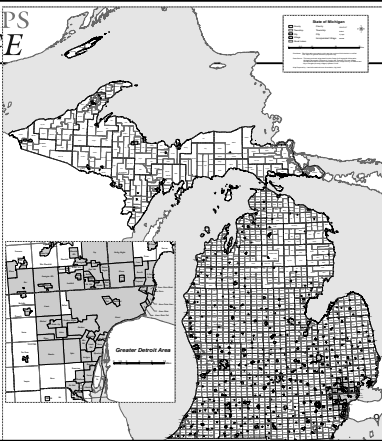
1,242 Townships

258 Villages

275 Cities

83 Counties

*Compare this to other states with 300 to 400 +/- governments with planning & zoning authority.*



**Do jurisdictional boundaries define your community?**

**What is a "community?"**

**Place or Geography?**

**School?**

**Religious Affiliation?**

**"Friends" on the Web?**

The challenges presented by a changing demographics, shifts in our economy, low density development & urban decline are complex, demand community-wide and regional responses.

***Multi-Jurisdictional Planning  
&  
Intergovernmental Cooperation!***

Over 65 Michigan statutes provide local governments with all the authority they need to accomplish almost any kind of cooperative planning, resource management, & service delivery.



Three statutes authorize major agreements between local governments, *public agencies*, or *municipal corporations* for the production or purchase of almost any combination of services, revenue sharing, and the creation of inter-jurisdictional authorities.

**Urban Cooperation Act (P.A. 7 of 1967, M.C.L. 124.501 et. seq.)**

**Intergovernmental Transfers of Functions & Responsibilities Act (P.A. 8 of 1967, M.C.L. 124.651 et. seq.)**

**Intergovernmental Contracts Between Municipal Corporations Act (P.A. 35 of 1951, M.C.L. 124.1 et. seq.)**

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*Examples of Intergovernmental Cooperation*

**Here's a list of some cooperative efforts in one county:**

- P.A. 425 Agreements
- Sewer agreements
- Act 307 water service agreement for subdivisions
- River watershed plan
- Lake level control agreement with county
- Swimmers itch lake spraying program
- Airport overlay zoning for building heights
- Animal control
- Local sports association joint efforts
- Community schools program
- GIS/mapping with city and county
- Emergency preparedness planning and exercises
- Solid waste management planning
- Household Hazardous Waste Program
- Law enforcement
  - Emergency response team
  - Countywide dive team
  - Ice/water rescue
  - Accident investigation team
  - Detective (with major crimes)
  - Evidence technicians
  - K-9 (search & rescue, drugs)
  - Transportation of mental patients
  - Dispatch/911
  - TNT/county narcotics

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**Continuum of Cooperation**



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**There are many of examples of multi-jurisdictional cooperation for the construction & sharing of public facilities and the delivery of public services.**

- Examples include:
- municipal buildings,
  - water & sewer,
  - fire,
  - ambulance,
  - libraries,
  - public safety.

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**Cooperation on land use planning & growth management is different.**

- There are relatively few examples of coordinated land use planning for regulation and development.
- There are even fewer examples of coordinated or shared zoning and resource management.

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**Apparently, cooperation & coordination is much more difficult when it concerns the physical geography or “turf”.**



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*Cities, Townships & Villages*  
*Often work to manage development and change through land use planning and regulation.*

**Planning Enabling Legislation:**

- Municipal Planning Act (PA 285 of 1931, M.C.L. 125.31 *et seq.*)
- Township Planning Act (PA 168 of 1959, M.C.L. 125.321 *et seq.*)
- County Planning Act (PA 282 of 1945, M.C.L. 125.101 *et seq.*)
- Regional Planning Act (PA 281 of 1945, M.C.L. 125.11 *et seq.*)

**Zoning Enabling Legislation**

Michigan Zoning Enabling Act (PA 110 of 2006, M.C.L. 125.3101 *et seq.*)

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When should we attempt cooperative planning?

A short answer might be:

**Consider multi-jurisdictional planning whenever the size or scale of our goals and/or problems are bigger than one jurisdiction.**

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*The size of the planning area should fit the geographic size of the issue.*

- **Economic Development** involves a larger area than most municipalities (city, township or village).
- **Natural Features** – lakes, rivers & groundwater
- **Technology** – pipelines, mining.
- **Transportation** – roads, trails, scenic vistas
- **Major Development** – cross-border impacts (e.g., traffic, light, dust, runoff).

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*Benefits of Cooperative Land Use Planning & Development*

- **More effective planning & zoning** by addressing the shared problems and resources
- **Increased Capacity** such as the ability to hire more expensive talent
- **Greater Power** through collective efforts
- **Improved Defensibility** as with cases involving exclusionary zoning
- **Possible Economies of Scale**

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**Joint Municipal Planning Act**

(P.A. 226 of 2003, M.C.L. 125.131 *et seq.*)

For the first time, gives authority to cities, townships & villages to exercise planning & zoning powers jointly, including the creation of a single joint land use plan.

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**Joint Municipal Planning Act (P.A. 226 of 2003, M.C.L. 125.131 *et seq.*)**

Applies to Cities, Villages and Townships (“municipalities”) – not Counties

Two or more municipalities may each adopt an ordinance approving an agreement establishing a joint planning commission.

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

**Joint Planning Commission Created by Agreement**

Agreement shall specify at least all of the following:

- The composition of the joint planning commission, including any alternate members.
- The qualifications, the selection by election(!) or the selection appointment,
- and the terms of office.

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

Agreement (continued)

- Conditions and procedures for:
  - removal from office of commission members, and
  - filling vacancies in the joint planning commission.
- How the operating budget of the joint planning commission will be shared by the participating municipalities.

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

Agreement (continued)

- The jurisdictional area of the joint planning commission
  - which may consist of all, or
  - part of the participating municipalities.
- of the combined territory of the participating municipalities.

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

Agreement (continued)

- Procedures by which a municipality may join or withdraw from the joint planning commission
- The planning act which will be followed in creating & adopting a plan, etc. Must be a planning act that is applicable to at least 1 of the participating municipalities.
  - City or Village Planning Act (MCL 125.31 *et seq.*)
  - Township Planning Act (MCL 125.321 *et seq.*)

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

Agreement (continued)

- The zoning act which will be followed in completing zoning for the area:  
This is no longer a question . . .
- Any additional provision on powers, duties of a zoning board or zoning commission that the zoning act authorizes.

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**Joint Municipal Planning Act** (P.A. 226 of 2003, M.C.L. 125.131 *et. seq.*)

Other Elements to Consider - POWERS

- All the powers and duties of a planning commission are transferred to the joint planning commission which must follow the procedures in the selected act.
- All the powers and duties of a zoning board are transferred to the joint planning commission which must follow the procedures of the selected act.

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Joint Municipal Planning Act (P.A. 226 of 2003, M.C.L. 125.131 et. seq.)

Other Elements to Consider - TERRITORY

If only part of the territory of a municipality is in the jurisdictional area of a joint planning commission, then . . .

the municipality may adopt a zoning ordinance that affects only that portion of its territory.

Joint Municipal Planning Act (P.A. 226 of 2003, M.C.L. 125.131 et. seq.)

Other Elements to Consider - ELECTION

Agreement adopted by ordinance is subject to petition. That is, electors may petition for an election to approve or reject the joint planning effort.

*If a municipality has a charter with the right of referendum on municipal ordinances, then the charter's referendum provisions apply in the municipality.*

Joint Municipal Planning Act (P.A. 226 of 2003, M.C.L. 125.131 et. seq.)

Other Elements to Consider – OMA & FIA

Meetings shall be conducted in public complying with the Open Meetings Act (MCL 15.261 et seq.).

Written records, materials, files, etc. are subject to the Freedom of Information Act (MCL 15.231 et seq.).

Joint Municipal Planning Act (P.A. 226 of 2003, M.C.L. 125.131 et. seq.)

Other Elements to Consider – Provide for all Land Uses

*Provides additional protection against lawsuits charging exclusionary zoning for a particular land use. (Sec 13)*

The Joint Plan and zoning need not provide for all lawful land uses in each of the participating municipalities.

If the land use is provided for in the territory of a joint planning commission – but not in each participating municipal territory (even if outside the joint planning commission's area) – the joint plan/zoning need not allocate land for that land use. (Sec 13 (2))

Status of Joint Planning Commissions in Michigan

- **Bellevue Community:** Village of Bellevue & Bellevue Township (Eaton County)
- **Fremont Community:** Sheridan Charter Township, Dayton Township & City of Fremont (Newaygo County)
- **Mayville Community:** Fremont Township & Village of Mayville (Tuscola County)
- **Bear Lake Community:** Bear Lake Township, Pleasanton Township, & Village of Bear Lake (Manistee County)
- **Inland & Homestead Townships** (Benzie County)
- **Marshall Area:** City of Marshall & Marshall Township (Calhoun County)

Status of Joint Planning Commissions in Michigan  
*Jurisdictional Area*

Five of the JPCs address the entire jurisdictional area of the member jurisdictions. Most of the JPCs are expected to become the only planning commission for these jurisdictions, after joint master or comprehensive plans and zoning ordinances are adopted.

Marshall's JPC applies only to areas under existing & future Act 425 Agreements. Apparently, existing zoning ordinances will continue in force with re-zoning guided by a "Joint Overlay Master Plan."

**Characteristics of JPC Agreements**  
*Appointments to JPC's*

	Twp. Appts.	Village/City Appts.	Others	Term Length
Bear Lake	3 each	3	no alternate	3 yrs.
Bellevue	4	4	1 rotating no alternate	3 yrs.
Fremont	3 each	4	1 alternate each	3 yrs.
Inland & Homestead	4 each		1 rotating no alternate	3 yrs.
Mayville	5	4	2 alternates	4 yrs.
Marshall	3	3	1 alternate each	3 yrs.

**Characteristics of JPC Agreements**  
*Qualifications & Conditions for Removal*

- Three require continuing education of JPC members. Several require that at least one representative from each jurisdiction be from the legislative body. Mayville calls for existing planning commission members.
- Mayville & Bellevue allow JPC to remove members for cause. Fremont, Bear Lake & Inland/Homestead leave that authority in the hands of appointing body. Marshall provides for removal after 2 unexcused absences.

**Characteristics of JPC Agreements**

**Budget Sharing**

*Inland/Homestead, Bear Lake & Fremont* use a formula averaging population & taxable value to allocate share of budget.

*Bellevue* has used the relative % of taxable value.

*Mayville* splits the budget with 5/9 to the Township & 4/9 to the Village.

*Marshall* splits the budget evenly (50/50).

**Characteristics of JPC Agreements**

**Withdrawal Stipulations**

*Bear Lake, Fremont & Inland/Homestead* require a public hearing prior to passing an ordinance to withdraw (all others, except Marshall, require paying obligations).

**Joining Stipulations**

*Bear Lake, Fremont & Inland/Homestead* require a petition, one-time fee, and new agreement.

*Note: Marshall is silent on joining & withdrawing.*

**Status of JPC Efforts**

- **Bellevue Community:** Joint master plan complete & adopted by township & village. JPC has developed a joint zoning ordinance to be adopted separately by the village and township. Joint administration is being discussed.

*(Contact: Travis Brininstool, Village Manager, 269-763-9571)*

- **Fremont Community:** Convened the JPC for the first time in January & launched comprehensive planning process. They state their intention to also complete a joint zoning ordinance & jointly administer zoning.

*(Contact: Michelle Ribant, Fremont Zoning Admin., 231-924-2101)*

- **Mayville Community:** Nearing the completion of a comprehensive plan. The JPC is hoping to proceed with developing a joint zoning ordinance.

*(Contact: James Wickman, Village Manager., 989-325-0748)*

**Status of JPC Efforts**

- **Bear Lake Community:** In the early stages of comprehensive planning process. The JPC hopes to complete a joint zoning ordinance & work toward joint administration of planning & zoning.

*(Contact: Bernard Ware, JPC Chairman, 231-864-3242 - a home phone #)*

- **Inland & Homestead Townships:** Approved joint planning agreement in January. The JPC has begun to organize & develop a joint plan. JPC may seek joint zoning as well.

*(Contact: Blake Brooks, JPC Chairman, 231-352-9691 - his work phone #)*

- **Marshall Area:** Has established a JPC that is developing a "Joint Overlay Master Plan" for a focused "Growth Area." The JPC controls "all land usages for lands subject to a 425 Agreement."

*(Contact: Natalie Dean, P&Z Admin., City of Marshall, 269-789-4604)*

More information on **Partnerships for Change Program**  
and cooperative planning visit:  
[www.partnershipsforchange.cc](http://www.partnershipsforchange.cc)

Land Information Access Association  
324 Munson Avenue  
Traverse City, MI 49686  
Phone: 231-929-3696  
[www.liaa.org](http://www.liaa.org)