



Southwest Washtenaw Council of Governments (SWWCOG) Regional Plan Implementation Workbook **DRAFT**



*Prepared by:
The Land Information
Access Association*



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I. Overview

Background

In 1999, The Southwestern Washtenaw Council of Governments (SWWCOG), comprised of Sharon Township, Freedom Township, Bridgewater Township, Manchester Township, the Village of Manchester, and Manchester Community Schools, began the process of developing a regional plan. With the assistance of Washtenaw County Planning & Environment services, the Plan was completed in 2003. The final Plan was endorsed by each of the jurisdictions through a resolution of support. The Plan is viewed by the jurisdictions “as a guideline for future planning efforts and land use decisions.”

Continuing the spirit of cooperation, SWWCOG collaborated with Washtenaw County Planning & Environment on a grant proposal to *Partnerships for Change* to help implement the Plan in 2006. *Partnerships for Change* is a competitive grant-based program that fosters and supports inter-jurisdictional initiatives that contribute to the preservation of cultural and natural resources. *Partnerships for Change* is managed by the Land Information Access Association (LIAA) and sponsored by the Michigan Townships Association, Michigan Municipal League, Michigan Association of Planning, and Michigan State University Extension.

Because of SWWCOG’s strong history of inter-jurisdictional cooperation and the group’s interest in implementing real policy change in their communities, SWWCOG was one of only five projects chosen from the third round of *Partnerships for Change* grant applications. The grant application proposed several opportunities for change based on the SWWCOG Regional Plan. Ultimately five goals were chosen as the goals to guide the project (as written in the grant application):

1. Define the boundaries of an urban growth area in and around the Village of Manchester.
2. Identify a greenway, open space buffers or transitional areas between the growth area and agricultural areas.
3. Identify potential uses of 425 agreements; where to use them, where not.
4. Designate the areas for the expansion of medium to high density residential housing to accommodate the needs of the local workforce and/or older adults.
5. Resolve inconsistencies in master plans and zoning ordinances across local unit boundaries.

Meetings

On **September 13, 2006**, we began the project process with a preliminary planning meeting. At this meeting LIAA reviewed elements of the Regional Plan, discussed project goals, proposed a project plan, solicited information on what’s been done, and received comments and questions from SWWCOG members and public participants.

Some of the notable comments from this meeting centered on a general uneasiness with the terms “urban growth boundary” and “greenways.” However, the group agreed that they were comfortable with the concept of a “transition zone” to help manage urban growth around the Village. Other comments during the meeting expressed the sentiment to “get things done” and emphasized the benefits of effective regional planning. The agenda, minutes and handouts for this meeting are provided in Appendix A.

On **October 11, 2006**, LIAA guided participants through several exercises designed to help better define the transition zone concept and begin the challenging task of aligning the Plan with local land use policies. The group was also asked to submit questions regarding 425 Agreements in anticipation for the following meeting. The agenda, minutes and handouts for this meeting are provided in Appendix B.

November 8, 2006 began the “Learning Best Practices” phase of the project. During this phase, the group received a presentation of 425 Agreements (Michigan Public Act 425 of 1984, Intergovernmental Conditional Transfer of Property by Contract) from Dr. Lynn Harvey. Dr. Harvey is known as a leading 425 expert in the state and has served as Associate Director for Operation for MSU Extension and as the acting department chair for the MSU Department of Agricultural Economics. Among other materials, Dr. Harvey provided a copy of his paper, titled *The Conditional Land Transfer Act: Research, Reflections and Policy Recommendations*. This paper and other meeting materials are provided in Appendix C.



Mark Wyckoff
Presenting at the December Meeting

On **December 13, 2006** the *Best Practices* portion of the project continued with a presentation from Mark Wyckoff. Mark Wyckoff is the Director of the Planning and Zoning Center at MSU. He is known throughout the state as a leading expert on land use policy and trends and has extensive experience with working in communities on planning related issues.

Mr. Wyckoff’s presentation addressed the following topics through case studies and discussion:

- Techniques to ensure higher density development occur in areas having existing urban services;
- How to base residential capacity on the carrying capacity of the land;
- How to promote cohesive neighborhoods through innovative design; and
- How to determine the best areas for both single and multiple family development while preserving small town character

One of the case studies of particular interest to the group is the growth management example from Frankenmuth. This case study is discussed in more detail later in this Workbook. A copy of Mr. Wyckoff's presentation and other meeting materials is provided in Appendix D.

Between the December and **January 10, 2007** meeting, Washtenaw County Planning Department staff members worked with SWWCOG representatives to better involve their local planning commissions in the project process. This meeting primarily served as a re-gathering and re-focusing session for project partners. At this meeting County staff members provided the group with a proposed roadmap to project completion. The roadmap and meeting minutes are provided in Appendix E.

More information about these meetings and electronic copies of the meeting materials can be found at http://swwcog.org/liaa_grant.

Purpose of the Workbook

The purpose of this workbook is to provide a record of the project process and to serve as a resource that helps inform and guide decisions about implementation procedures for the Regional Plan. This workbook is a "living document," meaning that throughout the project process, information will be added and updated to meet the changing and ongoing needs of the group.

II. Goals One & Two: Containing Growth

Background

As written in the project proposal, the first two goals of this project are to:

1. Define the boundaries of an urban growth area in and around the Village of Manchester.
2. Identify a greenway, open space buffers or transitional areas between the growth area and agricultural areas.

Together, these two goals propose a general growth management approach around the Village of Manchester to help preserve the rural character¹ of the area and provide public services in a financially viable and effective manner.

At the start of the project, SWWCOG participants expressed a general discomfort with the term “urban growth boundary.” In response the group moved toward discussing growth management in terms of “transitional zones.”

Transitional Zones

A *transition zone*, a term originally coined by urban sociologist Ernest Burgess, was once used to describe an area that was in the process of being converted to industrial uses. Today, the term is typically used to define the area between a high density district and a low density district. Tompkins County, New York, relies on transition zones to “provide a separation between two zones with incompatible land uses” and is an area that “allows a mix of land uses that are compatible with the two zones being separated” (retrieved from Tompkins County website, October 19, 2006).



October SWWCOG Meeting
Planning Exercises

¹ During the planning process for the Regional Plan, residents of the area described rural character land as having active, working farms, horses, stables, livestock and pastures, croplands, fences, dark skies, lack of impervious (paved) surfaces, large woodlots, lack of strip malls and billboards, mixed use environment of Manchester Village, Nature: wildlife, flowers, native plants, gardens, Roads: gravel and narrow, and light traffic roads.

To help SWWCOG determine how this concept would apply in their community, LIAA's staff members asked participants of the October 11, 2006 meeting four questions to consider and respond to. The questions are in bold below. Meeting participant comments, as written on the response forms, are shown in italics:

1. Our understanding: A zone between the urban development area and the agricultural area. Are there changes you would make to the above definition?

Please describe.

- *Define terms better*
- *Add transitional zone itself*
- *Medium density to be consistent*
- *Need to define rural agricultural – is rural residential now zoned agricultural what will be considered truly agricultural*
- *A zone between any urban development area and all agricultural areas*
- *Needs to be more definitive in terms of acreage size and uses permitted*

2. How would a transitional zone/buffer support the SWWCOG Regional Plan Goals?

- *Force growth into the areas we want it in*
- *Control where development goes*
- *Unified plan to keep high density growth, commercial and industry within or close to the Village and protect our rural areas.*
- *The support of a Regional Plan will enforce clustered growth through proper management around existing population centers*
- *Focus growth around the Village*
- *Decrease cost of services*

3. What land use categories on the SWWCOG Regional Plan Map should be included in a transitional zone/buffer?

- *Depends on the zoning being buffered*
- *Medium density residential*
- *Moderate density agriculture (no residential)*
- *Low density ag/residential*
- *Local commercial*
- *Local commercial (limited)*
- *Moderate density residential (??)*
- *General and light industrial (depending on where zone boundaries are)*
- *Rural residential, resource/conservation/natural features*
- *Low density ag/residential*
- *Change moderate density ag/res to moderate density ag only*
- *Multiple uses from high to low density residential commercial and industrial – depends on services available (i.e. transportation routes)*
- *Go where development can be accommodated*

4. What terminology are you most comfortable with? Trans. Zone/Buffer/Other?

Transitional Zone *** (three affirmative responses)

As suggested by the preceding discussion notes, the purpose of a transitional zone/buffer is to manage growth around the Village. Members of the group appear to be more comfortable with the term transitional zone rather than buffer. However, the responses to questions two and three were varied, which demonstrates a clear need for further discussion on the topic. In short, if a transitional zone were to be implemented, the group would need to agree upon a clear definition of the term and determine what land use categories would be included in the zone.

Urban Limit Line

At the December 13, 2006 meeting, Mark Wyckoff presented several case studies of growth management techniques. One case study, from the Frankenmuth community (the City of Frankenmuth and Frankenmuth Township), provided a successful example of an Urban Limit Line (ULL). The Frankenmuth ULL was first implemented in 1985 as part of a joint Growth Management Plan, and was re-adopted in 2005 as a key element of the Plan update in 2005.

In this example, the ULL was jointly determined by the Township and the City and was drawn around land adjacent to the City. Any land proposed to be developed within the ULL must meet the shared PUD requirements of the Township and the City and undergo a joint review process (see Appendix F for a copy of the PUD language). If approved, the property with the proposed development is annexed into the City.

Under the joint Frankenmuth Growth Management Plan, four main benefits of the ULL are presented. First, the ULL allows for the economical expansion of utilities and services. Second, the ULL helps preserve farmland as development is directed toward the City. Third, property owners in rural areas are less vulnerable to tax increases that are often associated with new development. Fourth, the ULL provides a development process that is more predictable than areas without growth management techniques in place.

Based on the above benefits, the Frankenmuth ULL example is often touted as a very successful growth management strategy. However, it is important to note that the ULL is used in tandem with several other techniques, including a unique township policy on building permits. A more detailed explanation of the ULL and the permit policy is provided in Appendix G, the Growth Management Strategy Chapter from the *2005 City of Frankenmuth and Frankenmuth Township Growth Management Plan*. A comparison of the Frankenmuth model to other state and nation-wide growth containment efforts is provided in Appendix H.

III. Goal Three: PA 425 Agreements

Background

As written in the project proposal, the third goal of this project is to:

Identify potential uses of 425 agreements; where to use them, where not.

A 425 agreement or the term, 425 agreement, is the way that many people refer to *Michigan Public Act 425 of 1984, Intergovernmental Conditional Transfer of Property by Contract* (see Appendix I for a copy of the Act). The primary purpose of this act is to support economic development, but the act is more frequently used as a tool to avoid annexation battles by forming agreements around service expansions and revenue sharing. To date, over 1,600 agreements have been filed with the Office of the Great Seal. However, each 425 agreement has its own unique characteristics and is utilized a little differently in each community.

On November 8, 2006, Dr. Lynn Harvey, a leading expert on 425 agreements, provided the group with a presentation on the state-wide use of this act. In general, SWWCOG members appear to be comfortable with the potential of using 425's in the Manchester Community. Below is a brief description of what was presented, including some considerations and questions that were raised during the meeting.

General 425 Use

Typically, 425 agreements are used to “conditionally transfer” land from a township to a city (but can be used between any combinations of jurisdictions) for the use of city services. When this occurs, the residents and land of the transferred property are under complete control of the receiving jurisdiction (i.e. city) unless *conditions* are set that retain some control by the transferring jurisdiction (i.e. township). In most cases, the jurisdictions involved negotiate a revenue sharing agreement.

Considerations

As stated, 425 agreements can be a powerful tool to avoid annexation battles. However, the Act allows the conditional transfer of property “for a period of not more than 50 years...” The jurisdictions may renew the agreement at that time, but unless this intention is clearly documented, or better yet, the jurisdictions identify the ultimate land recipient in the agreement, the annexation battle may simply be delayed for future generations to manage.

Another concern over the use of 425 agreements is the application of conditional land transfers to non-contiguous parcels of land. While this may address some immediate

needs of the community, the end result may be a costly extension of infrastructure and fragmented development of the landscape. Dr. Harvey believes that 425 agreements are better used as a tool to implement local plans, which, in the case of the SWWCOG Regional Plan, calls for efficient growth strategies and the protection of rural spaces.

Villages and 425 Agreements

While it has been done, it is not common for a village to enter into a 425 agreement. This is largely because revenue sharing already exists between villages and adjacent townships. For this reason, the question remains as to whether 425 agreements are the best approach to handling cases of urban expansion outside the village limits. The main argument for utilizing the 425 act is to protect the township in the event that a village becomes a city. Engaging in a 425 agreement can also delineate clear expectations of each jurisdiction regarding a specific piece of land and revenue use. An example of a township/village 425 agreement is provided in Appendix J.

Another method of addressing urban expansion between villages and township is the use of *Michigan Public Act 7 of 1967 Urban Cooperation Act* (see Appendix K for a copy of this act). Essentially, this act allows two local units of governments to enter into an agreement for the purposes of revenue sharing. Act 7 is broadly permissive, allowing local governments to enter into a wide range of contracts, including revenue sharing. Act 425 is more specific and applies only to land transfers. Further, Act 7 does not address territorial concerns (i.e., land is not transferred). Currently, Lynn Harvey is researching whether PA 7 is a more useful tool than 425s for village/township relationships. He will share the results of his research with LIAA once it is compiled.

IV. Goal Four: High/Medium Density Housing

Background

As written in the project proposal, the fourth goal of this project is to:

Designate the areas for the expansion of medium to high density residential housing to accommodate the needs of the local workforce and/or older adults.

Workforce housing can be defined as “households with at least one full time worker with household income between 60 and 120% area median income” (WCRC Roadmap) and older adults are typically considered those 65 years of age and older. The definition of medium and high density residential varies between SWWCOG communities. However, to help clarify a general use of these terms, the SWWCOG regional plan provides a list of goals for medium to high density residential land use categories:

- Target density to the most appropriate area, so that rural character can be preserved in other areas of the region;
- Concentrate higher density residential development in areas having urban services, lessening the pressure for development in the more rural areas;
- Base residential density on the carrying capacity of the land (maximum population that can be supported by the resources available);
- Recommend a cluster provision of open spaces within development;
- Promote cohesive neighborhoods through innovative design;
- Designate an area for the expansion of urban density housing to help meet the needs for a diverse range of housing in the region; and
- Provide areas for both single and multiple family residential developments.

On December 13, 2006, Mark Wyckoff, Director of the Planning and Zoning Center at MSU, presented “Density Techniques to Improve Livability,” which explained to the group techniques to meet the above goals. A copy of the Mr. Wyckoff’s presentation can be found in Appendix D. A brief overview of the information he provided is presented below.

Urban Services

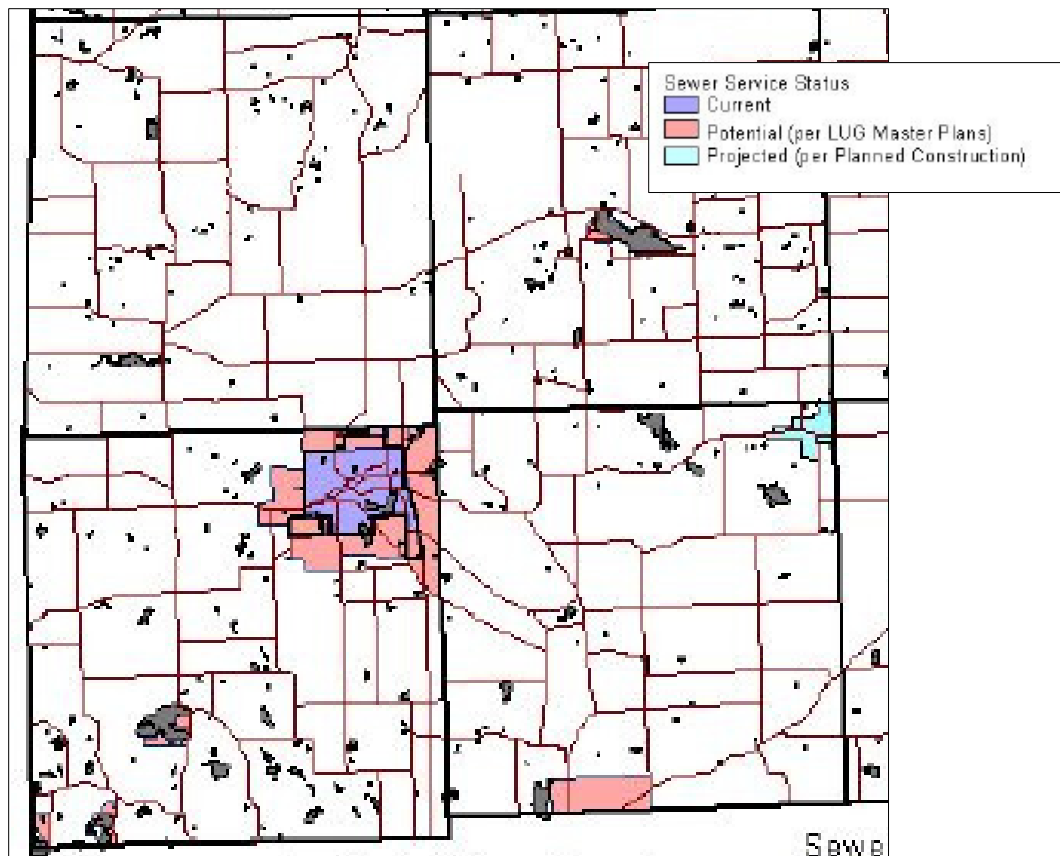
Growth outside of the urban center presents a number of challenges to municipalities when urban services, such as water and sewer, are desired or required by the property owners of the new developments. Clearly, the development and maintenance of new infrastructure is costly. To help manage these costs, some communities have instituted an urban service district.

An urban service district (USD) is simply an area designated for the existing and future expansion of specified urban services. Typically, USDs are designated in and around an urban core and they allow for higher density land uses. An example article of USD regulations is presented in Appendix L.

USDs are most effective when paired with other growth management techniques, such as the transfer of development rights (TDR) and infill development. As the name implies, TDRs allow the transfer of development rights from one parcel to another whereas infill development is the building on vacant or derelict sites within an existing urban area or USD. Infill development also typically incorporates mixed use and compact development design.

If SWWCOG were to implement a USD, the potential boundary for the service district could be derived from the County’s Comprehensive Plan. As shown in Figure 4.1, the County mapped current and future sewer areas based on local plans (as of 2000).

Figure 4.1 – Current and Potential Sewer Services



Source: A Comprehensive Plan for Washtenaw County

Carrying Capacity

The carrying capacity of an area can relate to public services along with a variety of other factors. Some of the other factors that were highlighted by Mark Wyckoff were soil, water and gravel roads. In 2003, the Planning and Zoning Center joined with the Huron River Watershed Council and the Washtenaw County Road Commission to develop a method that determines “How Much Develop is Too Much?” in relation to watershed quality and gravel road capacity. A copy of this document is provided in Appendix M. This study offers a step by step methodology that could easily be replicated for the SWWCOG region.

Cohesive Neighborhoods & Community Character

Cohesive neighborhoods that preserve community character are often based on *conservation design*. Conservation design generally involves cluster development that preserves open space and creates walkable neighborhoods. Conservation design is often associated with the 10 Smart Growth Tenets, which are:

1. Create a range of housing opportunities and choices
2. Create walkable neighborhoods
3. Encourage community and stakeholder collaboration
4. Foster distinctive attractive communities with a strong sense of place
5. Make development decisions predictable, fair, and cost effective
6. Mix land uses
7. Preserve 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 development design.

A guide for putting conservation design into local land use regulation is provided in Appendix N.

High & Medium Density Housing Districts

In the SWWCOG Regional Plan Future Land Use Map (see Appendix O), high and medium density future land use districts are mostly designated in and around the Village. However, the definition of high and medium density housing varies among SWWCOG communities. To begin the process of understanding how and where medium/high density housing would fit within the SWWCOG communities according to the Regional Plan, LIAA asked participants of the October 11, 2006 meeting to engage in an exercise that attempted to link the Plan’s future land use map with Plan’s proposed common zoning nomenclature. The results of the exercise, in relation to medium and high density housing, are shown below in Table 4.2.

Table 4.2 – Regional Plan Future Land Use and Common Nomenclature Exercise Housing Results

Land Use Category	Bridgewater Twp.	Freedom Twp.	Manchester Twp.	Manchester Village	Sharon Twp.
High Density Urban Residential				R-5, R-3c	
Medium Density Residential	R-3a (not including water), R-3b (10,000sf, not including water-regarding condos)		R-5	R-3a, R-3b	

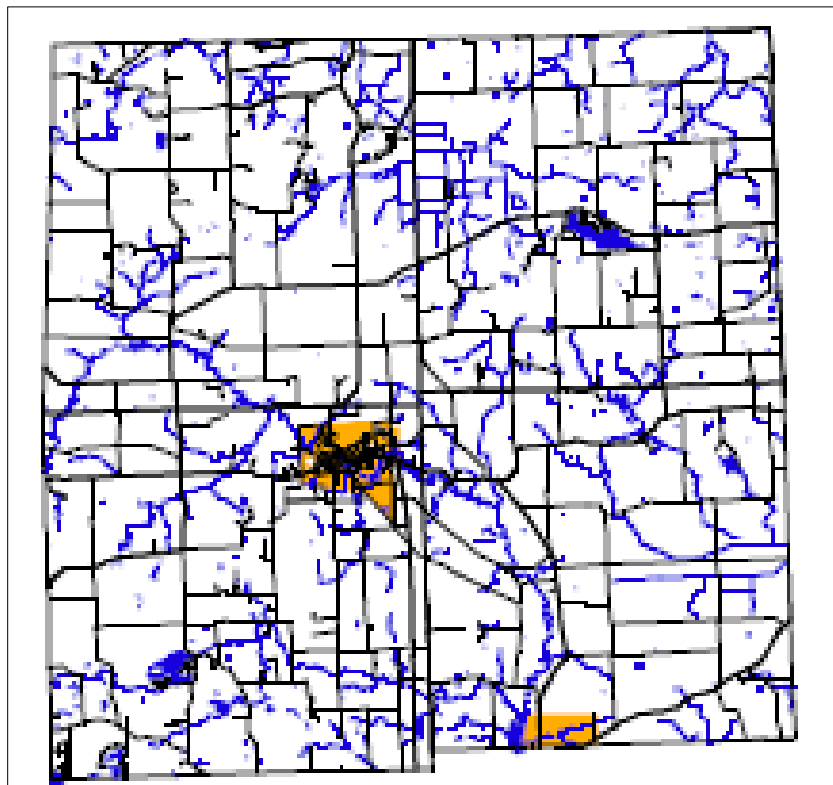
In descriptive terms, this means that areas designated as *High Density Urban Residential*, shown in Figure 4.3, might be zoned with the characteristics presented below:

Village of Manchester

R-3c 13,000 square foot minimum with water and sewer, with the Village; 20,000 square foot minimum for multi-family development

R-5 ¼ Acre with water and sewer; 0.5 Acre minimum for 2-family units

Figure 4.3 – SWWCOG Regional Plan High Density Urban Residential Future Land Use District



Source: SWWCOG Regional Plan

Likewise, according to participant responses, the areas designated as *Medium Density Residential*, as shown in Figure 4.4, might be zoned with the characteristics presented below:

Bridgewater Township

- R-3a 13,000 square foot minimum with sewer
- R-3b 10,000 square foot minimum with sewer regarding condos
20,000 square feet minimum for 2-family or multi-family

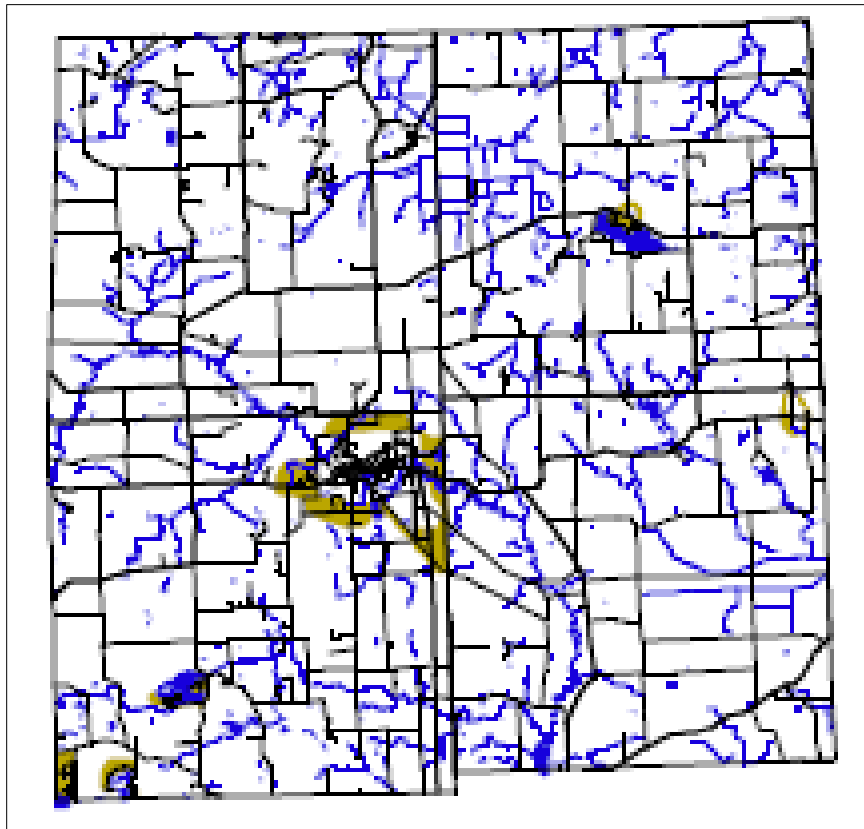
Manchester Township

- R-5 ¼ Acre with water and sewer; 0.5 Acre minimum for 2-family units

Village of Manchester

- R-3a 13,000 square foot minimum with water and sewer, within the Village
- R-3b 13,000 square foot minimum with water and sewer, within the Village
20,000 square feet minimum for 2-family or multi-family

Figure 4.4 – SWWCOG Regional Plan Medium Density Residential Future Land Use District



Source: SWWCOG Regional Plan

V. Goal 5: Planning & Zoning Inconsistencies

Background

As written in the project proposal, the fifth goal of this project is to:

Resolve inconsistencies in master plans and zoning ordinances across local unit boundaries.

The process to resolve inconsistencies was started during the development of the SWWCOG Regional Plan and culminated into an agreement upon common nomenclature to be used in local zoning ordinances. Table 5.1 provides the agreed upon nomenclature.

Table 5.1 – Proposed Common Nomenclature to be Used in Local Zoning Ordinances

Residential	
District	Lot Size/Density
R-1	1 Acre - Septic and Well; Can cluster w/10,000 sf lots if served with water and sewer
R-1a	1 Acre Minimum with water and sewer, within the Village
R-3a	13,000 sf Minimum with water and sewer, within the Village
R-3b	13,000 sf Minimum with water and sewer, within the Village; 20,000 sf Minimum for 2-Family or Multi-Family development
R-3c	13,000 sf Minimum with water and sewer, within the Village; 20,000 sf Minimum for 2-Family or Multi-Family development; 5 Acre Minimum for Multi-Family development
R-5	1/4 Acre with water and sewer; 0.5 Acre Minimum for 2-Family units
MHP	10 Acres Minimum with water and sewer, 5,000 sf per unit minimum; Located in or adjacent to the Village
MHP	40 Acres with package or on-site water and sewer, 5,000 sf per unit minimum

Agriculture	
District	Lot Size/Density
A-1	1 Acre Minimum
A-1a	1-2 Acre Minimum with Cluster Option
A-1b	1 Acre Minimum with Sliding Scale
A-2	2 Acre Minimum
A-10	10 Acre Minimum
A-10a	Cluster with 1 lot per 10 Acre Overall Density, 1 Acre Minimum Lot Size

Commercial	
District	Lot Size/Density
C-1	5,000 sf Minimum - Serves primarily the Village
C-2	10,000 sf Minimum - 1 Acre without water and sewer
C-3	20,000 sf Minimum - Serves Village and Townships
C-4	CBD - Allows Multi-Fam housing on 2nd floor or above
C-5	1 Acre Minimum
C-6	2 Acre Minimum - 20 Acre minimum project size

Industrial	
District	Lot Size/Density
I-1	1 Acre Minimum - Restrictive to non-obtrusive uses
I-2	1 Acre Minimum - 20 Acre Minimum project size
I-3	2 Acre Minimum - For "Light" industrial uses only
I-4	3 Acre Minimum - Less restrictive (includes a provision for 2 Acre Minimums with public sewer service)

The above proposed nomenclature can be used as both a start and a guide to resolving the inconsistencies among master plans and zoning ordinances. This section will attempt to further this effort by reviewing local master plans and zoning ordinances, particularly in relation to the first four project goals.

Zoning Ordinances

Using the proposed nomenclature as a starting point, Appendix P presents a comparison of these terms with the local districts and densities. Many of the local districts fit well with the proposed nomenclature. However, there are a few outliers that are worthy of discussion.

Master Plan Goals

Generally the master plan goals of each jurisdiction support the Regional Plan goals. A table comparing the goals by topic is provided in Appendix Q. A deeper analysis of the local plans' goals, objectives and strategies will be performed as the project continues and the group determines which areas should have the strongest focus.

VI. Regional Planning Questions

Background

Since regional planning is more the exception rather than the norm in Michigan, determining the logistics of a cooperative effort can spark a number of questions. One question that has emerged during the project process relates to joint planning and exclusionary zoning.

Exclusionary Zoning

Exclusionary zoning is commonly referred to as the practice of adopting plans and zoning codes that exclude affordable housing opportunities (e.g. mobile home communities) and other land use types that have a demonstrated need in the community. The question then is, since SWWCOG has a regional plan that allows for these uses in one jurisdiction, but not in others, are the local jurisdictions that do not allow for that particular use subject to a potential lawsuit?

Under SWWCOG's current arrangement, these jurisdictions may still be vulnerable, but it has been argued that "that such an arrangement is probably legally possible under either the Urban Cooperation Act (see Appendix K), or a plan prepared under the Regional Planning Commission Act (see Appendix R), provided it was very explicit what community was doing what and why" (Wyckoff, M., January, 2007). A more detailed discussion on this topic is provided in Appendix S, in the Planning & Zoning Article "*Coordinated Planning Can Help Avoid Exclusionary Zoning*"; Mar. 2001.

In addition to the above Acts, PA 226 of 2003, *Joint Municipal Planning Act*, (see Appendix T) provides jurisdictions with stronger protections against exclusionary zoning with the language from Section 125.143:

- (1) If a joint plan allocates land, within the territory of a participating municipality and the jurisdictional area of the joint planning commission, for a particular land use, both of the following apply:
 - (a) The joint plan need not allocate land that is within the territory of any other participating municipality and that is within the jurisdictional area of the joint planning commission for that land use.
 - (b) A plan of a participating municipality under 1959 PA 168, MCL 125.321 to 125.333, or 1931 PA 285, MCL 125.31 to 125.45, need not allocate land that is within the territory of that participating municipality but that is outside the jurisdictional area of the joint planning commission, if any, for that land use.

(2) If a plan of a participating municipality under 1959 PA 168, MCL 125.321 to 125.333, or 1931 PA 285, MCL 125.31 to 125.45, allocates land that is within the territory of the participating municipality but that is outside of the jurisdictional area of the joint planning commission for a particular land use, the joint plan need not allocate land for that land use.

A Planning & Zoning article that reviews the application of the Joint Planning Act, titled “Cooperative Land Use Planning with the Joint Municipal Planning Act: Are Michigan's Local Governments Ready?” is provided in Appendix U.

Appendices

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