

Chapter 13

LOCAL AND COUNTY LAND USE ISSUES

INTRODUCTION

This chapter advocates continuance of the traditional practice of most land use decisions being made at the local level of government, however, it also acknowledges the appropriate role of County policy makers in issues of greater than local concern.

The current legal structure for land use decisions in Michigan places authority for most land use decisions with the local unit of government (if the local unit wishes to exercise this authority). This is usually exercised through local comprehensive (land use) plans and zoning regulations as authorized by several enabling statutes. In some areas, counties make these decisions if local governments choose not to exercise their authority, as with County zoning.

Other land use decisions are made at the County or state level. Examples include decisions on prisons, landfills, and hazardous waste facilities. In some cases authority can be shared or transferred between state and County or local governments, as with the administration of dunes, high risk erosion, wetlands, or natural river zoning provisions. In each of these examples, a separate state statute defines the respective procedures and responsibilities of the decision making entities.

At the local level, there is a greater opportunity for input in the democratic processes associated with land use decisions. Local officials are also likely to have a far greater familiarity with particular properties and land uses than are government officials far away. As such, as a general principle, land use first and most obvious, is evident where exclusively local decisions prevent consideration of broader public concerns. This is most apparent in a situation where a community is attempting to be exclusionary, as in prohibiting the establishment of low cost housing (like a mobile home park) or is attempting to prevent the creation of a needed public facility like a prison or recycling station. Obviously, if every local government took the same position, affordable housing, prisons, or recycling stations would never be established anywhere.

Second, this principle also fails where a local government does not have the fiscal, administrative, human, legal, and/or other necessary resources to adequately administer local regulations. Without trained personnel, and the fiscal resources to pay them, and to defend attacks on local regulations, then unequal treatment and inconsistent application of regulations will occur. This undermines the legal validity of local regulations and may ultimately result in their being set aside by the courts. This will prevent achievement of the public policy objectives the regulations are intended to implement.

A third problem is evident when seemingly innocuous individual land use decisions cumulatively add up to a very serious and negative result. Thus, while most land use decisions are made, and should remain being made at the level of government closest to the people affected (city, village, or township), efforts should be made to improve, enhance, and coordinate local land use decisions across the entire County.

This **General Plan** advocates an improved institutional relationship between the townships and villages and the County, as well as improved support services from the County to local governments, relating to planning and zoning programs.



Sutton Bay Village Marina