

Chapter 14

STRUCTURE FOR LAND USE DECISION MAKING

INTRODUCTION

The **Leelanau General Plan** was developed in the 1990's with an unprecedented level of inter-jurisdictional cooperation and participation from governments and citizens alike. It has been reviewed and updated several times since it was first developed. Together, residents of Leelanau County worked together to develop this plan; and its implementation and success will depend on their continued support. Intergovernmental communication, cooperation, and coordination will be crucial in achieving success.

Institutional Structure

Fundamental to successfully working together in the implementation of the **General Plan**, is having a clear understanding of the respective roles and responsibilities of County and local governmental agencies. Following is a description of the institutional structure for implementing the **General Plan**. The role of each of the major "players" is also described.

Mutual Respect and Mutual Support

This institutional structure, which effectively began in 1995 with the adoption of the **General Plan**, is based on the responsibilities imposed on the County and its local governmental bodies by existing state law and historical traditions. But to be successful, it will need mutual respect where their responsibilities overlap and mutual support where they are separate.

As local plans are updated and adopted, they should be more specific with regard to land use, and focused on local concerns. The local governing body should be more involved with planning, as it also may approve the plan adopted by its planning commission. Local plans should be updated at least once every five years. Local plan compatibility with the **General Plan** will continue to be the focus of the County Planning Commission, as required by Michigan Planning Enabling Act (Act 33 of 2008)

The County Planning and Community Development Office and Board of Commissioners will continue to provide a variety of local support services to local government efforts, in order to implement elements of the local plan that are compatible with the **General Plan**, and will not oppose local planning and regulatory efforts compatible with the **General Plan**. Likewise, local governments should support Planning Commission and County Board of Commissioners efforts to implement the **General Plan**.

Local Planning Commissions and Governing Bodies

All of the traditional roles and responsibilities of local planning commissions and governing bodies remain.

Local units of government will continue to be responsible for local planning, and the administration of zoning, subdivision regulations, decisions on local zoning requests, and the issue of local land use permits. They could, however, if they so wish, share this administration with other local units of government, or contract to have it done by a private party, or even by the County. There will be stronger involvement by the governing body in preparation and maintenance of the local comprehensive (or master) plan as the governing body may approve the plan following adoption by the local planning commission.

All local zoning ordinances must be consistent with the local plan and should be updated at least once each five years. Local plans and zoning regulations (including village plans which are now statutorily required to be reviewed by the county) are submitted to the County Planning Commission for review and comment prior to adoption.

Local planning commissions, working in concert with their governing body, are called to participate in the preparation of (and thereafter annually update) a 6-year capital improvement program (CIP). The CIP should indicate the type and location of new capital improvements (new facilities, land, or major additions/changes to existing facilities). The CIP should indicate when the project will be initiated, the cost, method of financing and how long it will take to finish.

The local governing body should make a special effort to appoint qualified people representing important interests, to serve on the local planning commission and to provide adequate financial resources and professional services to the planning commission so that it can appropriately complete its responsibilities. It should also work with the planning commission in the preparation and/or updating of the local master plan and capital improvements program, as well as on development regulations. It may formally approve the local comprehensive (or master) plan following adoption by the planning commission.



Citizens and local government representatives attend a training session at the Government Center.

County Planning Commission

The principal duties to be performed by the Planning Commission are listed below. All are authorized by the Michigan Planning Enabling Act (Act 33 of 2008).

- **Prepare and maintain the General Plan.** The **General Plan** is reviewed at least once every five years. The **General Plan** serves as a guide for long-range development of local comprehensive plans with respect to the pattern and intensity of land use and the provision of public facilities, as well as for any long-range fiscal plans for such development.
- **Review local plans and zoning regulations.** The County Planning Commission will continue to use the **General Plan** in its review of local plans and zoning proposals (including new ordinances, amendments and rezonings).
- **Guide public facility decisions.** The County Planning Commission is directed to maintain the **General Plan** so that it may be used as a guide to city, village, township, and County facility decisions as well as joint County/local government investment decisions. Decisions on new County public facilities will be made by the County Board of Commissioners, but only after receiving a recommendation and approval by the County Planning Commission as to consistency with the **General Plan** and the current capital improvements program.

The statutory authority requiring County Planning Commission review and approval of public works proposal was initiated with the adoption of the **General Plan** by the County Board of Commissioners and the Michigan Planning Enabling Act. This applies to the expenditure of funds by a County board, department or agency for acquisition of land, the erection of a structure or extension, correction or improvement of any physical facility, including roads or drains, until the County Planning Commission has reviewed the proposed location and extent of the project and reported back to the County Board and/or the department or agency submitting the proposal. If the project or proposal is consistent with the adopted capital improvements program and the **General Plan**, then it will be recommended for approval.

- **Coordinate planning and growth management activities with other public and private agencies (especially as relates to issues of greater than local concern).** The County Planning Commission is charged with cooperating with all state, federal (including the National Park Service), and local governments and other public agencies (such as schools, Leelanau Conservation District, etc.) as well as with the Grand Traverse Band of Ottawa and Chippewa Indians, and will seek to coordinate with their programs in the County. The County Planning Commission will be encouraged to coordinate planning efforts with private agencies as well, such as utility companies, chambers of commerce, etc.
- **Seek grants and other financial assistance.** In addition to the powers allowed by other provisions of the County Planning Act, the County Planning Commission, with approval of the County Board may apply for, receive and accept grants from any governmental agency, or from the federal government, and agree to and comply with such terms and conditions as may be necessary, convenient or desirable.

- **Provide technical assistance.** As a part of their coordination function, and in order to ensure implementation of the **General Plan**, the County Planning Commission will be authorized to assist in structuring technical assistance services to public agencies and citizens. These activities will be largely provided through the County Planning Department and will be dependent on budgeted funds and/or fee for service arrangements.
- **Support the Maintenance of a Data Center in the County Planning Office**
The Planning Commission will assist County government in providing policy assistance in the maintenance of the County's geographic information system (GIS) and County-wide website. The website, which includes a wide range of information on subjects including population, land use, and government services, is used by County departments, local governments, and citizens. As such, all County departments, as well as local governments, will continue to play a role in the maintenance of this system.
- **Prepare and Promote Model Ordinances**
The County Planning Commission, with staff support, is charged with the responsibility to propose standards, criteria, and suggested model ordinances to regulate the use and development of land and water within the County. These will be developed through subcommittees with input by interested and affected parties. The Planning Commission will use these to help encourage the development and implementation of uniform regulations throughout the County.
- **Arrange and Promote Education Opportunities on Planning and Growth Management**
The County Planning Commission is charged with the responsibility of ensuring that each of its members has basic and advanced training in the exercise of their responsibilities as County Planning Commissioners. Being aware of new planning approaches and implementation tools to address emerging problems and opportunities in the County is of special interest. In fulfilling this responsibility, the County Planning Commission is encouraged to promote and arrange, as feasible, convenient educational opportunities for planning commissioners, zoning board of appeals members and members of governing bodies in local units of government in the County. The County Planning Commission is encouraged to conduct an annual day-long conference for local government officials on a variety of issues of contemporary interest in the County.

The County Planning Commission provides summary and other educational materials for broad public distribution. These materials focus on describing plans, planning concepts, regulations, and/or special programs in terms suitable for easy understanding by a wide audience.

- **Carry Out Specially Delegated Responsibilities of the County Board of Commissioners**
In addition to the above duties, the County Planning Commission from time to time, also undertakes special studies, or advises on special studies or special issues assigned to them by the County Board of Commissioners.

All Planning Commission decisions are expected to be in writing with supporting documentation. The County Planning Commission is expected to maintain (and update as necessary) rules of procedure (or bylaws) and use them as a guide to its conduct and procedure.

A report of Planning Commission activities accompanied by a work program and budget for the next year is annually prepared.

Local Planning Commissions

Planning commissions in cities, townships, villages and the County are organized under the Michigan Planning Enabling Act (Act 33 of 2008). Some of their principal responsibilities include:

- Creating, adopting and maintaining a local comprehensive plan to guide future land use change and to serve as the legal basis for the local zoning ordinance.
- Creating, maintaining and administering responsibilities under the local zoning ordinance adopted pursuant to the Michigan Zoning Enabling Act (Act 110 of 2006)
- Advising the local governing body on proposed rezonings, text amendments, plats, capital improvements and related planning or zoning decisions.
- Educating citizens on the values and benefits of planning.
- Welcoming citizens and citizen comments on local planning and zoning issues and acting upon or referring those comments as appropriate.
- Conducting required public hearings prior to acting on zoning, subdivision or infrastructure development matters.
- Considering the recommendations of the County Planning Commission and/or County Planning and Community Development Office on planning and zoning issues.
- Working with property owners in order to try to achieve good development/redevelopment.
- Initiating amendments to ordinances as necessary and soliciting advice.
- Learning about and staying up to date on their responsibilities as planning commissioners and on various tools available in implementing local plans.
- Making recommendations on special projects or delegated responsibilities (e.g., zoning ordinance enforcement).

Local Governing Body

The local city or village council and township board of trustees also have specific planning and zoning responsibilities. These include:

- Appointment of qualified persons representing important interests, to serve as members of the planning commission and zoning board of appeals.
- Adoption of ordinances recommended by the planning commission for implementation of the master plan, including but not limited to a zoning ordinance and subdivision regulations.
- Providing an adequate budget for the planning commission to carry out its responsibilities, including keeping the plan and zoning ordinance current, and receiving proper training on their roles, responsibilities and new tools, and techniques for improving the community.
- Receiving and acting on citizen input and complaints about planning and zoning issues as appropriate referring matters to the planning commission for action.

County Planning Commission Structure

The County Planning Commission was created by the County Board of Supervisors on January 13, 1970, pursuant to the requirements of the County Planning Act, PA 282 of 1945. Initially it also had responsibility under PA 183 of 1943 to prepare and implement a county zoning ordinance. This responsibility was suspended in December 1992 as the last township in the County without its own zoning ordinance adopted an interim zoning ordinance (Suttons Bay Township) and then adopted a new zoning ordinance and master plan. In May of 2011, a new Ordinance was approved by the County Board of Commissioners to comply with the new Michigan Planning Act. The 11-member County Planning Commission includes representation in accordance with the Planning Act.

Standing Subcommittees

In order to broaden input in consideration of key issues of greater than local concern, the County Planning Commission may establish standing subcommittees to advise it.

Role of the County Planning and Community Development Office

The principal responsibilities of the County Planning and Community Development Office include those listed below. However, none of the current responsibilities listed in the sidebar are proposed to be dropped even if not mentioned below:

1. Providing Staff Assistance to the County Planning Commission

The County Planning Department will continue to provide the principal staff assistance to the County Planning Commission in the discharge of each of the ten major duties described above.

2. Providing Staff Assistance to the County Board and other County Agencies

The County Planning Department will continue to provide staff assistance to the County Board of Commissioners and other County departments as directed or requested (and as financial and personnel resources permit).

3. Provision of Technical Assistance Services to Local Governments

In addition, it provides expanded technical assistance services to local governmental units in support of actions to implement the **General Plan**. The County Planning Department is permitted to offer these services on a fee or other basis pursuant to guidelines proposed by the County Planning Commission and approved by the County Board of Commissioners.

4. Maintenance of a Data Center

A special responsibility of the County Planning Department in conjunction with other County departments, is the continued development and maintenance of the County website and geographic information system (GIS). A wide range of local, County, state and federal data sets will continue to be gathered and maintained for use in the website and GIS.

5. Represent the County on Various Committees

The County Planning Department will continue to represent the County on various committees (both inside and outside of the County), and provide staff support to ongoing County committees such as: Solid Waste Council, Housing Action Committee, etc.

County Board of Commissioners Role

As relates to planning and efforts to better guide growth in the County, the primary responsibilities of the County Board of Commissioners include:

1. Appoint Qualified Members of the County Planning Commission

It is very important to ensure that as new Planning Commissioners are appointed, that persons capable of representing both County-wide interests and their own jurisdiction be appointed. A mechanism for local input by citizens and local government officials in each jurisdiction will be established to generate a list of qualified candidates prior to making any appointments.

2. Maintain a Qualified Professional Planning Director and Planning Staff

The policies and action statements of the **General Plan** will require continued employment of a qualified professional planning director and additional planning staff. A job description for the director requiring, at a minimum, a degree in urban or regional planning or a closely related field, and certification as a professional community planner (Michigan) or via American Institute of Certified Planners (AICP), or at least 5 years of professional experience as a planning director in an agency with comparable services will be maintained. This will help ensure the continued high quality professional service the County has grown to enjoy from its Planning staff. In addition, as County planning staff responsibilities grow, so must staff resources to meet those needs.

3. Provision of Technical Assistance Services to Local Governments

As critical as maintaining trained and experienced staff is, the maintenance of an adequate budget to support activities of the County Planning Commission and County Planning Department in support of the **General Plan** and technical assistance services is as critical. The annual report and work program will assist in identifying the necessary funding requirements. Opportunities will continue to open to provide maps and other services on a fee basis. These should be explored as supplemental revenue, but not at the exclusion of completing other required responsibilities.

4. Making Decisions on County Initiated or Financed Infrastructure

With the adoption of the **General Plan**, and the revision of the current annual capital improvements programming (CIP) it is possible to make better informed decisions on future public facility and infrastructure issues. These decisions should be based on input from the County Planning Commission and the general public.

5. Help With Local Government Efforts Compatible with the General Plan

Professional services to local governments who desire to modify/update local plans or development regulations to be compatible with the **General Plan**, may be initiated. Professional services, maps and data from the County Planning Department should go a long way to helping local governments do the best possible job with local planning and zoning programs.

6. Approve the Leelanau General Plan

Following adoption of the **General Plan** by the County Planning Commission, it will be important for the County Board of Commissioners to formally approve the **General Plan**, and thereafter approve any amendments to it. No other action will more graphically demonstrate continued County Board support for this important growth management tool.

TYPICAL DUTIES OF THE LEELANAU COUNTY PLANNING AND COMMUNITY DEVELOPMENT OFFICE

The County Planning and Community Development Department provides a variety of technical support functions to:

- The County Board of Commissioners
- The County Planning Commission
- Solid Waste Council
- Brownfield Redevelopment Authority & Land Bank Authority
- Leelanau Clean Water
- As necessary, special boards and commissions of the County.
- Local units of government.
- Other County departments.

Specific responsibilities include:

- Representing the County in County-wide committees, task forces and special groups.
- Providing County representation in regional planning and economic development groups.
- Responding to data requests from citizens, outside interests, local units and County entities.
- Maintaining County-wide socio-economic, census and environmental data bases, and a computerized mapping system.
- Providing technical and administrative support for the County Solid Waste Plan implementation efforts.
- Spearheading special studies, projects and reports for the County board and/or other entities as assigned.
- Preparing staff reports on various requests from local units of government (rezoning, amendments, plans, etc) and transmitting analysis on these to the County Planning Commission.
- Monitoring hot topics in planning and land use issues and proposing regulations and land use plan text amendments based on updated knowledge.
- Conducting background studies and making recommendations for a variety of planning needs in the County.
- Conducting and participating in education seminars, meetings and other community outreach efforts to both educate the public and strengthen planning staff skills.
- Administration of the County's affordable housing program.
- Monitoring state and federal policies and programs that influence County planning efforts.
- Budgeting and other administrative functions for the Planning Department.
- Administration of the Brownfield Redevelopment Authority, and U.S. EPA grants and Michigan Department of Environmental Quality (EGLE) loans/grants.
- Participation in the Land Bank Authority.
- Administrative functions for Leelanau Clean Water (LCW).

Role of Other Governmental Agencies

A special effort will be made by the County Board of Commissioners, County Planning Commission and County planning staff to establish formal, regular communication with the County Road Commission, County Drain Commission and Health Department in the pursuit of mutual objectives under this plan. All new public facilities proposed by these agencies are to be included in the annual County CIP according to procedures adopted by the County Board of Commissioners.

The County Planning Department is responsible for establishing and maintaining, as necessary, liaison with state and federal agencies whose decisions could impact on the successful implementation of the **General Plan**.

Relationship with Citizens and the General Public

Ultimately all public services are established and maintained for the benefit of the present and future citizens and visitors of the County. As this new institutional structure is refined and implemented, it is important that existing opportunities for public input and assistance not be reduced, and that as feasible, they be expanded to include people not presently represented. Opportunities will include not only those required by law at public hearing, but also other less formal opportunities as resources become available or the need becomes more apparent.

The role of the citizen has been instrumental in providing guidance in the development of this **General Plan**. It is intended that the citizen continue to have ready access to the planning process and information and policies developed as a result of it.