

## Chapter 14

### STRUCTURE FOR LAND USE DECISION MAKING

#### INTRODUCTION

The Leelanau General Plan was developed in the 1990's with an unprecedented level of interjurisdictional cooperation and participation from governments and citizens alike. Updates were completed in 2000 and 2005. 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 **Leelanau General Plan**. The role of each of the major "players" is also described. This structure is reproduced from Chapter 6 of Working Paper #12.

##### Mutual Respect and Mutual Support

This institutional structure, which effectively began in 1995 with the adoption of the Leelanau 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.

Areas of overlapping responsibility include planning. The **General Plan** is peninsula-wide, more general and policy oriented, and focused on issues of greater than local concern. It has

been reviewed by local planning commissions and local governing bodies, and approved by the County Planning Commission and County Board.

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 **Leelanau General Plan** will continue as now 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**. Support services supplied by the county include (but are not limited to) general data collection and management, GIS, technical assistance from the County Planning and Community Development office (and other county agencies), assistance securing grants, and appropriate assistance with financing plan updates, new infrastructure and public lands/facilities development. 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 (see sidebar in this chapter).

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 5 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 (just as the **General Plan** or any amendment are submitted to local governments for review and comment prior to adoption). Local plans and development regulations will be recommended for approval by the County Planning Commis-

sion if they reflect the policies of the **Leelanau General Plan**. Subsequent zoning and subdivision regulations will be reviewed at both the local and county level for consistency with the local ordinance, the local plan, and compatibility with the **Leelanau General Plan**.

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. This will be prepared consistent with guidelines created by the County Planning Commission. Once each local CIP is prepared, they could be compiled with the county CIP so that a peninsula-wide CIP can also be prepared. All projects will have to be compatible with both the local master plan and the **Leelanau General Plan**. Once established, no new public facility may be established in a township or village that is not consistent with the approved CIP. This is a presently authorized but not utilized power of city, village, and



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

## **LOCAL ROLES AND RESPONSIBILITIES FOR LOCAL PLANNING COMMISSIONS AND LOCAL GOVERNING BODY**

### **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.
- Conduct 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 (or redevelopment).
- Initiating amendments to ordinances as neces-

sary and soliciting advice from the local planning commission.

- 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 comprehensive or 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.

township planning commissions.

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.

### 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).

1. Prepare and maintain the **General Plan**.
2. Review local plans and zoning regulations.
3. Guide public facility decisions.
4. Coordinate planning and growth management activities with other public and private agencies (especially as relates to issues of greater than local concern).
5. Seek grants and other financial assistance.
6. Provide technical assistance.
7. Support the development and maintenance of a data center in the County Planning and Community Development Department (including GIS).
8. Prepare and promote model ordinances.
9. Arrange and promote educational opportunities on planning and growth management.
10. Carry out specially delegated responsibilities of the County Board of Commissioners. Each of these duties is described in more de-

tail in the following paragraphs.

### 1. Prepare and Maintain the General Plan

The primary responsibility of the County Planning Commission is the preparation and maintenance of a **General Plan** for the peninsula. The **Plan** is reviewed at least once every five years. This also requires the maintenance of background data and periodic updating of working papers and other reports on specific planning issues. 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. The **General Plan** includes recommendations for the most effective economic, social, and physical development of the county as well as provide the basis for future county facility plans.

In maintaining the **General Plan**, and any amendments to it, or a supplementing sub-area or functional plan, the County Planning Commission, with the help of the professional planning services of the County Planning staff, will carry out necessary studies, investigations, and surveys relative to the economic, social and physical development of the county.

Throughout, the **General Plan** will focus on issues of greater than local concern and appropriate mechanisms to deal with them.

The **General Plan** is comprised of the following components:

- a policy plan which includes general policies and action statements in key functional areas. These set forth the institutional arrangements and guidelines for making improvements in public facilities, transportation, land use, human services, natural resources and the environment, economic development, etc. (Separate functional or sub-area plans may be prepared and adopted as needed, or as resources permit, to deal with special problems or opportunities. They may subsequently also be adopted as

## TRADITIONAL RESPONSIBILITIES OF THE COUNTY PLANNING COMMISSION

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 Planning Act. Currently, the County Planning Commission is responsible for:

- Preparing and maintaining a plan for the development and/or protection of the peninsula. It will be responsible for adopting the **Leelanau General Plan**.
- Reviewing and commenting on proposed new public facilities or improvements.
- Making recommendations on proposed township plans and/or rezoning or text amendments.
- Assisting in the development of model regulations for use by the county or local governments.
- Educating the general public about the values and benefits of planning.
- Welcoming citizen comments on local planning and zoning issues and acting upon or referring those comments as appropriate.
- Learning about and staying up to date on the responsibilities of the Planning Commissioners and on various tools available in implementing local plans.
- Coordinating planning and associated development regulations with other governmental units and public agencies.
- Attempting to prevent incompatible planning and zoning.

a part of the **General Plan**).

- a generalized future land use plan
- a transportation plan.

### 2. Review of Local Plan 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). The County Planning Commission will also use the **General Plan** in the discharge of other statutory reviews such as proposed PA 116 enrollments.

### 3. Guide 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. This will be accomplished by participating in the preparation and annual maintenance of a peninsula-wide capital improvements program compiled from all proposed local and county public facility improvements. The CIP will involve a strategy for prioritizing proposed projects along with definitive financing plans for the improvements to be constructed in the earlier years of the program for those county programs on the list. This activity will be performed by the County Planning Commission with assistance of the County Planning and Community Development office. The **General Plan** and capital improvements program should also serve as the framework around which private investment in the county may be organized. Decisions on new county public facilities will be made by the County Board of Commissioners, but only after receiving a rec-

ommendation 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.

#### **4. Coordinate Planning and Growth Management Activities with Other Public and Private Agencies**

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 General Plan will also serve as the basis for coordinating all related plans of the subdivisions of Leelanau County government. Coordination with local governments should be expansively interpreted to include issues of greater than local concern and not merely limited to border issues. In accordance with state planning acts, the County Planning Commission will consult with adjacent counties and townships to avoid conflicts with overall plans. The County Planning Commission will be encouraged to coordinate planning efforts with private agencies as well, such as utility companies, chambers of commerce, etc.

#### **5. 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. The County Planning Commission may do any and all things necessary or desirable to secure financial aid or cooperation of the federal government in carrying out the functions of the commission, when approved by a 2/3 vote of the County Board of Commissioners.

#### **6. 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 and Community Development office and will be dependent on budgeted funds and/or fee for service arrangements.

#### **7. 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.

#### **8. Prepare and Promote Model Ordinances**

The County Planning Commission with staff support from the County Planning and Community Development office 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 peninsula. 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 peninsula. The County will encourage the use of development regulations found in the **New Designs for Growth** Guidebook, which was financially supported by Leelanau County as a part of the **General Plan** project and includes recommendations consistent with the **General Plan**.

### 9. 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 mem-

bers 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 pertinent plans, planning concepts, regulations, and/or special programs in terms suitable for easy understanding by a wide audience.

### 10. 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 issues assigned to them by the County Board of Commissioners. Staff support is provided by the County Planning and Community Development office. Where this exceeds work planned in an annual work program, the County Planning Commission could expect that either other pre-approved tasks will be foregone, or additional resources will be made available to complete the new task.



*County, township, and village officials meet annually to discuss county issues.*

In all dealings with the public and local government officials, the County Planning Commission is expected to be open and receptive to input and seriously consider all relevant facts before rendering an opinion. 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.

### **County Planning Commission Structure**

The 11-member County Planning Commission includes representation in accordance with the Michigan Planning Enabling Act.

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, as permitted in its adopted bylaws. The specific issues to be brought before subcommittees include consideration of those issues listed in Chapter Two and others as pertinent.

### **Standing Subcommittees**

In order to broaden input in consideration of key issues of greater than local concern, the County Planning Commission with support of the County Board of Commissioners, shall establish standing subcommittees to advise it. The specific issues to be brought before subcommittees should include consideration of those issues listed in Chapter Two and others as pertinent.

### **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 men-

tioned below:

1. Providing staff assistance to the County Planning Commission.
2. Providing staff assistance to the County Board of Commissioners, and other county agencies.
3. Providing technical assistance services to local governments.
4. Continued development and maintenance of a data center (including GIS).
5. Representing the county on various committees.

### **1. Providing Staff Assistance to the County Planning Commission**

The County Planning office 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 office will also continue to provide staff assistance to the County Board of Commissioners and other county department 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 **Leelanau 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 office in conjunction with other county departments, is the continued development and

## **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;
- As necessary, special boards and commissions of the county.
- Local units of government.
- Other county departments.

Specific responsibilities include:

- Representing the county in peninsula-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 peninsula-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.
- Assisting with the creation and updating of land use plans and zoning ordinances of local units of government and transmitting analysis on these to the County Planning Commission.
- Monitoring contemporary 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 MDEQ loans/grants.
- Participation in the Land Bank Authority.
- Administrative functions for Leelanau Clean Water (LCW).

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. A special focus of data analysis activities should be monitoring land use change and related change indicators (see Working Paper #5) to provide an "early warning system" on variables indicating trends that are in conflict with adopted **General Plan** policy, or which suggest a need to change policy in the plan. A special effort will be made to stay abreast of contemporary planning tools and techniques and related research efforts and to acquire, as useful, such information for the department's library as will be helpful.

#### **5. Represent the County on Various Committees**

The County Planning office will continue to represent the county on various committees (both inside and outside of the county), and provide staff support to ongoing County committees related to solid waste and economic development.

##### **County Board of Commissioners Role**

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

1. Appointing qualified members of the County Planning Commission.
2. Maintaining a qualified professional planning director and planning staff.
3. Providing adequate financial support to the County Planning Commission and County Planning Department.
4. Making decisions on county initiated or financed facilities and infrastructure.
5. Helping with local government efforts compatible with the **General Plan**.
6. Approve or delegate approval of the **Leelanau General Plan** and amendments to the Plan.

Each of these responsibilities is described in more detail below.

#### **1. Appoint Qualified Members of the County Planning Commission**

With the more expansive responsibilities of the County Planning Commission described above, and the completion of a new **General Plan**, it is very important to ensure that as new Planning Commissioners are appointed, that persons capable of representing both peninsula-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 **Leelanau General Plan** will require the 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 the 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 Department. In addition, as County Planning staff responsibilities grow, so must the staff resources to meet those needs.

#### **3. Provide Adequate Financial Support to the County Planning Commission and County Planning Department**

As critical as maintaining trained and experienced staff is, the maintenance of an adequate budget to support the 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 resources, but not at the exclusion of completing other required responsibilities.

#### **4. Making Decisions on County Initiated or Financed Infrastructure**

With the adoption of the **Leelanau General Plan**, and the revision of the current annual capital improvements programming process to include local projects (see Appendix C of Working Paper #12), 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 and Community Development office, the County Planning Commission and the general public following new procedures yet to be established.

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

A program of in-kind professional services to local governments who desire to modify/update local plans or development regulations to be compatible with the **Leelanau General Plan** will be initiated. Professional services, maps and data from the County Planning and Community Development office should go a long way to helping local governments do the best possible job with local planning and zoning programs. This type of incentive (or even better, local financial support) will probably do more to speed plan implementation than any other single action.

#### **6. Approve the Leelanau General Plan**

Following adoption of the **Leelanau General Plan** by the County Planning Commission, it will be important for the County Board of Commissioners to formally approve the **Leelanau 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.

#### **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. Cooperation and coordination of efforts related to the provision of public services and facilities, particularly as to their potential for growth inducing impacts is critical to successful implementation of the **Leelanau General 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 office is responsible for establishing and maintaining, as necessary, liaison with state and federal agencies whose decisions could impact on the successful implementation of the **Leelanau 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.