

COOPERATIVE COMMUNITY-WIDE PLANNING: How Are We Using the Joint Municipal Planning Act?

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Statewide study committees and blue ribbon panels of experts have called for greater inter-jurisdictional cooperation among Michigan's more than 1,850 general purpose governments many times over the last few decades. They have pointed out that most "communities" are geographically larger than a single city, township or village. People often work, shop, and play in different jurisdictions. Local government boundaries simply do not define our communities. Air and water flow freely with all they carry, unimpeded across these boundaries and so do cars, people and money. As a result, land use planning and regulation, resource management, and economic development efforts need to address multiple jurisdictions – if they are to be truly effective.

Of course, inter-jurisdictional cooperation is nothing new. Local governments have worked together to provide shared services for a very long time. As documented by the *Citizens Research Council* (e.g., *CRC Memorandum No. 1079*, September 2005) and others, shared services, contracted services, mutual service agreements, and various forms of authorities are being used by local governments all over Michigan to achieve economies of scale in providing fire and safety services, library services, water and wastewater services, and many others.

Although there are hundreds of examples of local governments collaborating to improve or expand service delivery, coordinated land use planning and community development remains quite rare. For example, in a 2007 survey of all cities, townships and villages conducted by LIAA and others, only 15% of all respondents had shared resource management plans and only 6% had joint planning agreements (*Michigan Township News*, August 2007).

We have learned that the preservation of agricultural lands and open space near cities and villages requires coordinated efforts to guide development to the desired locations. The protection of water quality in streams and lakes often requires simi-

lar land use controls in many jurisdictions. Modern economic development efforts strongly emphasize placemaking and the provision of a wide range of amenities, making inter-jurisdictional cooperation in planning and community development even more important. Trail and park systems in many Michigan communities also require cooperative planning and development across jurisdictional boundaries.

Cooperation in Land Use Planning & Regulation

Although used infrequently, the authority to engage in cooperative, inter-jurisdictional land use and resource planning has been around for a long time. For example, the *Regional Planning Act* authorized the formation of a regional planning commission and the development of a regional master plan beginning in 1945 (1945 PA 281, MCL 125.11 et seq.). This approach was used by the City of Eaton Rapids and Hamilton and Eaton Rapids Townships to create an *advisory* joint master plan in the late 1990's. [And in many other communities in the 1960's and '70's. Ed.]

Another approach, used by the Village of Pentwater and Pentwater Township in 1996-97 and the Village of Decatur and Decatur Township in 2000-01, involves hiring a shared consultant then proceeding with the development of a single, community-wide master plan. In these cases, plans were adopted by the respective jurisdictions independently and used to support local land use regulation. In fact, the two Pentwater jurisdictions also developed a common zoning ordinance that was separately adopted in 1999. [See October 2000 *PZN* for examples of other cooperative approaches.]

As described in the Dec. 1984 issue of *Planning & Zoning News*, the City of Frankenmuth joined with Frankenmuth Township to create a Joint Plan, including a growth management process using the Urban Cooperation Act (1967 PA 7, MCL 124.501 et seq.). These two jurisdictions agreed that farmland preservation in the township and urban development in the city were essential to future of the community. The two jurisdictions devised a process for the joint review and approval of a limited quantity of development permits, the cooperative annexation of developed lands, extension of city services, and shared revenue. Though often used as a model of cooperation and coordinated planning, this is the only arrangement of its kind in Michigan.

The Joint Municipal Planning Act

As detailed in the June 2005, *Planning & Zoning News*, the Joint Municipal Planning Act (2003 PA 226, MCL 125.131 et seq.) is the only state statute to specifically authorize inter-jurisdictional planning and zoning. Entirely permissive, this act gives two or more cities, townships and/or villages the authority to create *Joint Planning Commissions* (JPCs). The participating jurisdictions may form a JPC by reaching an *agreement* that addresses a relatively short set of specifications listed in Section 5 of the Act and approving the agreement *by ordinance*. Once properly created, the JPC is granted all the powers and duties of a planning commission under the Michigan Planning Enabling Act (2008 PA 33, MCL 125.3801 to 125.3885) and all the powers and duties of a zoning board or zoning commission under the Michigan Zoning Enabling Act (2006 PA 110, MCL 125.3101 to 125.3702) - as signed by the participating jurisdictions.

Not long after its adoption, the Joint Municipal Planning Act was amended to add Section 13 (2004 PA 405). In essence, this section offers a special protection against charges of exclusionary zoning to the municipalities that participate in joint planning. For example, subsection 13(2) (a) states that in allocating land uses, 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." Apparently, if a land use is allocated in one participating municipality, the other participating municipalities need not provide for that land use under a joint plan.

In 2008, amendments to the Joint Municipal Planning Act sponsored by Senator Patricia L. Birkholz updated the Act to reference the newer *Michigan Planning Enabling Act* (2008 PA 33, MCL 125.3801 et seq.) and the *Michigan Zoning Enabling Act* (2006 PA 110, MCL 125.3101 et seq.). Given immediate effect on May 21, 2008, the amendments also made two critical changes that should ease the worries of local governments considering the use of a JPC. First, the new statutory language makes clear that the participating municipalities may agree to a phased transfer of powers and duties to the new JPC. This should give municipalities confidence that they may provide for an orderly transition to join land use planning and zoning. However, concerns over this section have been raised (see sidebar).

Second, the 2008 amendments added Section 7 (4) (MCL 125.137). This new

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A Matter of Interpretation

The *Joint Municipal Planning Act* has been used at least 12 times to establish JPCs, most of them prior to the 2008 amendments. Many of the participating municipalities that already had planning commissions, master plans and zoning ordinances, entered the joint planning process assuming that existing land use planning and regulation would remain in effect until they formally approved changes. This seems like a logical assumption, since the individual municipalities have that legislative authority. Additionally, the Act is silent on what happens to existing planning commissions, apparently leaving their fate up to the municipalities. Further, the planning and zoning process in Michigan, calls for the development of an acceptable plan upon which a zoning ordinance must be based. That is, it would appear that a joint master plan is the first work of a JPC.

However, the 2008 amendments have changed the basis of these assumptions. In addition to updating the Joint Municipal Planning Act, these amendments (Public Act 134 of 2008) added a key component to the specifications of the joint planning agreement. Under Section 5(2), joint planning agreements may now "provide for the phased transfer to the joint planning commission the powers and duties of existing planning commissions or zoning boards or zoning commissions." This section muddies the waters for joint planning commissions created before these amendments and focuses attention on any pre-existing planning and zoning commissions.

Some people argue that if joint planning agreements do not provide for a "phased transfer," then all powers and duties of the participants' pre-existing planning and zoning commissions are immediately transferred to the new JPC. This interpretation is based on Section 7 of the Act. Section 7(1) includes the language: "all the powers and duties of a planning commission... are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission." Similarly, Section 7(2) includes: "all the powers and duties of a zoning board or zoning commission... are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission."

Although this interpretation may be disputed, there is no litigation challenging the existing JPCs or participating municipalities to help guide us. So, it may be a long time, if ever, before there is any case law to help with the interpretation of this aspect of the Act. □

section permits the participating jurisdictions to establish joint administration of a joint zoning ordinance, including, but not limited to, a joint zoning board of appeals. Again, this section should reassure local officials that full cooperation across jurisdictional boundaries to protect their communities and guide future development is fully authorized. Of course, full cooperation in inter-jurisdictional planning and zoning does not remove or reduce the authority of each municipality's legislative bodies. The authority to accept or reject zoning changes remains with the elected officials in each jurisdiction.

Particulars of the Joint Planning Agreement

To create a JPC under the Joint Municipal Planning Act, two or more municipalities must develop an agreement as described in Section 5 of the act and adopt an ordinance approving the agreement. The act states that the agreement must address the specifications listed in the ten subsections of Section 5 (1). Briefly summarized, these specifications are:

- The composition of the JPC, including any alternate members.
- Member qualifications.
- Method of member selection: either by election or appointment.
- Terms of office.
- Conditions and procedures for removal from office.
- Conditions and procedures for filling vacancies.
- How the operating budget will be shared.
- Jurisdictional area of the JPC: all or part of the combined territories.
- Procedures by which a municipality may join or withdraw from the JPC.
- Designation of the municipal category to be used, *if appropriate*, under the Michigan Planning Enabling Act.
- Whether the JPC will use the township or city/village designation under the Michigan Zoning Enabling Act.
- Any additional provision concerning the powers and duties of a zoning board or zoning commission authorized by the Michigan Zoning Enabling Act.
- The effective date of the agreement.

Additionally, Section 5 (2) states that the agreement may provide for the phased transfer of planning and zoning powers and duties identified in Section 7, including all of the powers and duties of a planning commission and zoning board or zoning commission, as provided in the enabling legislation. As noted above, Section 7 (4) states that the participating municipalities may adopt a zoning ordinance that provides for the joint administration of the joint zoning ordinance.

Structures of Existing Joint Planning Commissions

Based on a recent phone survey of regional planning agency directors and many county planning departments, at least 12 JPC's have been formed since the Joint Municipal Planning Act was adopted late in 2003. As indicated in Table 1, these JPC's are geographically dispersed across the state and involve, for the most part, relatively small communities. Six of the 12 JPC's include one village government and at least one township government. Two of the JPC's include only township governments. Four of the JPC agreements include one city government and two of these include a designated area less than the size of the jurisdictions – a subarea of the participating jurisdictions.

In general, the JPC's formed to date can be categorized into three groups: 1. urban center with adjacent jurisdictions (8 identified); 2. townships excluding urban centers (2 identified); and 3. designated planning and zoning area (2 identified). In the last category, the Marshall City/Marshall Township and the Traverse City/Garfield Township JPC's have been given very limited territory to address and fairly specific tasks. The Marshall Community JPC is charged with overseeing development in an area with designated land transfers under the *Conditional Land Transfer Agreement Act* (1984 PA 425, MCL 124.21 et seq.). Whereas the Traverse City/Garfield Township JPC is charged with creating a master plan and zoning ordinance for the approximately 450 acre area that once was the Traverse City State Psychiatric Hospital.

While there is a great deal of similarity between most of the JPC agreements, they differ in some specific areas. The sizes of the JPCs vary from 5 members to 13 members, with about the same number of representatives from each participating jurisdiction. However, in several cases, township representatives outnumber the city or village representatives, in the aggregate. Only five of the JPC agreements provide for alternate members. Most JPC agreements provide for three year terms. In every case, JPC members are appointed, none are elected.

The Joint Municipal Planning Act directs the participating jurisdictions to establish the size, composition, and member qualifications of each JPC in the joint planning agreement. Local control over the composition of the JPC is a very significant authority conferred by the act. The Fremont Community used this authority to create a fairly large, 13-member JPC while establishing both residency and continuing education requirements.

Where the JPC agreements provide "joining procedures," they usually allow the JPC to make a recommendation to their participating jurisdictions which retain the ultimate decision authority. Where included, the "withdrawal procedures" are also similar, requiring the jurisdiction wish-

Table 1: Structure of Joint Planning Commissions

Participating Jurisdictions	Bear Lake Community JPC (Manistee County)	Bellevue Community JPC (Eaton County)	Fremont Community JPC (Newaygo County)	Homestead/Inland JPC (Benzie County)
Townships	Bear Lake, Pleasanton	Bellevue	Sheridan Charter, Dayton	Homestead, Inland
Cities/Villages	Bear Lake (v)	Bellevue (v)	Femont (c)	
Agreement Components				
Composition (Members)	9	9	13	9
Township	3 each	4	4 each	4 each
City/Village	3	4	5	
Other	None	1 - alternately appointed by the Village then the Township	None	1 - alternately appointed by each Township
Alternates	None	None	None	None
Qualifications	<ul style="list-style-type: none"> - Members must reside in the area of the JPC - Members must reside in their appointing municipality - 1 member appointed from the Village, must be a board member - 1 member from each Township, must be a board member 	<ul style="list-style-type: none"> - Township members must reside in the Township (outside the village) - Village members must reside in the Village 	<ul style="list-style-type: none"> - Members must reside in the area of the JPC - Members must reside in their appointing municipality - 1 member appointed from the Village must be a board member - 1 member from each Township must be a board member - 2 members appointed by each of the municipalities to the first commission must have experience in land use planning and regulation 	<ul style="list-style-type: none"> - Members must reside in the area of the JPC - Members must reside in their appointing municipality - 1 member from the Townships must be a board member
Selection (elected/appointed)				
Township	Appointed by Township Supervisor	Appointed by Township Board	Appointed by Township Supervisor	Appointed by Township Supervisor
City/Village	Appointed by Village President	Appointed by Village Council	Appointed by Mayor	
Terms of Office	3 year terms	3 year terms	3 year terms	3 year terms
Operational Budget	Divided - Based on the weighted average percentage of the taxable valuation of real property on the ad valorem tax roll plus the weighted average percentage of population	Divided - Based on the real taxable valuation (of each jurisdiction) divided by the total real taxable valuation (of both jurisdictions combined)	Divided - Based on the weighted average percentage of the taxable valuation of real property on the ad valorem tax roll plus the weighted average percentage of population	Divided - Based on the weighted average percentage of the taxable valuation of real property on the ad valorem tax roll plus the weighted average percentage of population
Jurisdictional Area	Corporate limits	Corporate limits	Corporate limits	Corporate limits
Procedures to Join or Withdraw				
Joining Procedures	<ol style="list-style-type: none"> 1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays a one-time fee 	None	<ol style="list-style-type: none"> 1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays a one-time fee 	<ol style="list-style-type: none"> 1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays a one-time fee
Withdrawing Procedures	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Provide public notice & hearing 3. Withdrawing municipality adopts a rescinding ordinance 	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Withdrawing municipality adopts a rescinding ordinance 	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Provide public notice & hearing 3. Withdrawing municipality adopts a rescinding ordinance 	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Provide public notice & hearing 3. Withdrawing municipality adopts a rescinding ordinance
Powers (Planning)	Township Planning Act	Municipal Planning Act	Township Planning Act	Township Planning Act
Powers (Zoning)	Mich. Zoning Enabling Act	City/Village Zoning Enabling Act	Mich. Zoning Enabling Act	Mich. Zoning Enabling Act
Conditions for Phased Transfer of Power & Duties	Until municipalities adopt a Joint Zoning Ordinance, they will continue to exercise exclusive jurisdiction separately.	Not Identified	Not Identified	Not Identified
Special Components	Continuing education requirement	None	Continuing education requirement	None
Accomplishments				
Joint Master Plan	Complete, but in review	Yes	Complete, but in review	Yes
Joint Zoning Ordinance	No	Ordinances adopted separately	No	Yes
Joint ZBA	No	No	No	Yes

Table 1: Continued

Participating Jurisdictions	Mayville Community JPC (Tuscola County)	Marshall Area JPC (Calhoun County)	Suttons Bay Community JPC (Leelanau County)	Grand Traverse Commons JPC (Grand Traverse County)
Townships	Fremont	Marshall	Suttons Bay	Garfield Charter
Cities/Villages	Mayville (v)	Marshall (c)	Suttons Bay (v)	Traverse City (c)
Agreement Components				
Composition (Members)	9	6	7	5
Township	5	3	4	2
City/Village	4	3	3	2
Other	None	None	None	1 - appointed cooperatively by City Commission and Township Board
Alternates	2 each	1 each	1 each	None
Qualifications	<ul style="list-style-type: none"> - Members shall be qualified electors and property owners in their appointing municipality - First appointees shall be current members of the planning commissions of their respective governing bodies 	None	<ul style="list-style-type: none"> - Township members must reside in the Township (outside the village) - Village members must reside in the Village 	<ul style="list-style-type: none"> - Members must reside in the area of the City or Township - Members must be on the City or Township Planning Commission - 1 member appointed by both City and Township must be a resident of either the City or Township
Selection (elected/appointed)				
Township	Appointed by Township Board	Appointed by Planning Commission	Appointed by Township Board	Appointed by Township Board
City/Village	Appointed by Village Council	Appointed by Planning Commission	Appointed by Village Council	Appointed by City Commission
Terms of Office	4 year terms	3 year terms	3 year terms	3 year terms
Operational Budget	Based on the ratio of representation - Township contribution equals 5/9 of the budget, and Village equals 4/9 of the budget	Shared Equally	Based on the ratio of representation - Township contribution equals 4/7 of the budget, and Village equals 3/7 of the budget	Shared Equally
Jurisdictional Area	Corporate limits	Special "425" Areas	Corporate limits	Special Area
Procedures to Join or Withdraw				
Joining Procedures	A new agreement must be adopted by the applicant as well as the Village and Township.	None	<ol style="list-style-type: none"> 1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays costs of agreement re-draft and enactment of new ordinances 	None
Withdrawing Procedures	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Withdrawing municipality adopts a rescinding ordinance 	None	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Provide public notice & hearing 3. Withdrawing municipality adopts a rescinding ordinance 	<ol style="list-style-type: none"> 1. Settle financial obligations 2. Withdrawing municipality adopts a rescinding ordinance
Powers (Planning)	Municipal Planning Act	Not Identified	Township Planning Act	Municipal Planning Act
Powers (Zoning)	City/Village Zoning Enabling Act	Not Identified	Township Zoning Act	Mich. Zoning Enabling Act
Conditions for Phased Transfer of Power & Duties	After a 6-month transition period, JPC given planning & zoning authority. Unclear on role in enforcing pre-existing regulations.	Not Identified	Full powers & duties transfer to JPC on the effective date of a joint zoning ordinance, if enacted by municipalities.	Not Identified
Special Components	1/2 of meetings held at a location designated by the Township and 1/2 by Village	JPC is tied to a "Master 425 Development Agreement." City zoning is used in development area.	None	None
Accomplishments				
Joint Master Plan	Yes	Master 425 Agreement	Under Development	Under Development
Joint Zoning Ordinance	No	No	No	Under Development
Joint ZBA	No	No	No	No

Table 1: Continued

Participating Jurisdictions	North Central Muskegon County JPC (Muskegon County)	Onekema JPC (Manistee County)	Norway Area JPC (Dickinson County)	Manchester Community JPC (Washtenaw County)
Townships	Blue Lake, Dalton, Laketon, Muskegon	Onekema	Norway	Manchester, Freedom, Bridgewater
Cities/Villages		Onekema (v)	Norway (c)	Manchester (v)
Agreement Components				
Composition (Members)	8	9	9	8
Township	2 each	4	4	2 each
City/Village		4	4	2
Other	1 from the "governing boards" & 1 from planning commissions	1 - alternately appointed by the Village then the Township	None	None
Alternates	Yes, unspecified number	None	1 member appointed by the mayor or supervisor	2 each
Qualifications	- 1 member from the Township Board - 1 member from the Township Planning Commission	- Township members must reside in the Township (outside the village) - Village members must reside in the Village - co-appointed member in either village or township.	- Members must reside in the area of the JPC - Members must reside in their appointing municipality - At least 1 member from the City must be on the City Council - At least 1 member must be on the Township Board	- Members must reside in the area of the JPC - Members must reside in their appointing municipality - At least 1 member (and the alternate) from the Village must be on the Village Council - At least 1 member (and the alternate) must be on the Township Board
Selection (elected/appointed)				
Township	Appointed by Township Board	Appointed by Township Board	Appointed by Township Supervisor	Appointed by Township Board
City/Village	N/A	Appointed by Village Council	Appointed by Mayor	Appointed by Village Council
Terms of Office	Equal to township board or planning commission term	3 year terms	3 year terms	2 year terms
Operational Budget	Shared Equally (Paid as Dues)	Divided - Based on the real taxable valuation (of each jurisdiction) divided by the total real taxable valuation (of both jurisdictions combined)	Shared Equally	Shared Equally
Jurisdictional Area	Corporate limits	Corporate limits	Corporate limits	Corporate limits
Procedures to Join or Withdraw				
Joining Procedures	1. Applicant petitions 2. Approval by each participating jurisdiction and JPC	None	1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays a one-time fee	1. Applicant petitions 2. JPC recommends 3. Majority of participating jurisdictions agree 4. Applicant pays a one-time fee
Withdrawing Procedures	1. Municipality adopts resolution to withdraw 2. Provide 6 months notice to JPC Member dues are not returned.	1. Settle financial obligations 2. Withdrawing municipality adopts a rescinding ordinance	1. Settle financial obligations 2. Provide public notice & hearing 3. Pass a resolution stating reasons for withdrawal. ordinance	1. Settle financial obligations 2. Provide public notice & hearing 3. Withdrawing municipality adopts a rescinding ordinance
Powers (Planning)	Not Identified	Mich. Planning Enabling Act (Twp. Controls)	Township Planning Act	Township Planning Act
Powers (Zoning)		Mich. Zoning Enabling Act	Mich. Zoning Enabling Act	Mich. Zoning Enabling Act
Conditions for Phased Transfer of Power & Duties	Not Identified	Until joint master plan & joint zoning ordinance are adopted by municipalities, existing policies control.	Powers & duties transfer when "deemed by and with approval of the respective legislative bodies."	Not Identified
Special Components	Formed by resolution passed by each township and adoption of By-Laws.	None	None	None
Accomplishments				
Joint Master Plan	Yes	Complete, but in review	Under Development	Under Development
Joint Zoning Ordinance	No	No	No	No
Joint ZBA	No	No	No	No

ing to withdraw to pay any outstanding financial obligations and, then, rescind the agreement by adopting an ordinance or resolution.

These JPC agreements provide for sharing operational costs in four different ways. In several cases, the costs are shared equally between participating jurisdictions. Other agreements use ratios to calculate cost shares based on the split in representation, or total taxable value in each jurisdiction, or a combination of taxable value and population in each jurisdiction.

The few JPC agreements that provide for a phased transfer of the powers and duties of a planning and zoning commission, call for the adoption of a joint master plan and a joint zoning ordinance by each jurisdiction first. That is, each participating jurisdiction retains its existing master plan and zoning ordinance, as well as its own administration, until the legislative body formally approves the transfer of those powers and duties.

Somewhat surprisingly, not all joint planning agreements address all of the specifications listed in the Joint Municipal Planning Act. For example, four of the agreements do not include procedures for the addition of other jurisdictions to the joint planning agreement. Additionally, many of the agreements fail to take advantage of all the potentially beneficial options, such as the inclusion of alternate members.

The Bellevue Community – Michigan's First Joint Municipal Planning Commission

As briefly described in the June 2005, *Planning & Zoning News*, the first JPC was established by the Village of Bellevue and Bellevue Township, a tightly knit, rural community in southwestern Eaton County. According to Village Manager Travis Brinstool, these jurisdictions were determined to do a better job in managing new subdivision development than had been available under county planning and zoning. So, the two jurisdictions passed ordinances adopting a joint planning agreement and worked with the Ann Arbor consulting firm of Beckett and Raeder to develop a joint master plan and joint zoning ordinance.

After forming the JPC in the fall of 2004, the two jurisdictions worked together to develop a Joint Master Plan as well as single Zoning Ordinance. The Bellevue Community Joint Master Plan, completed in April 2006, celebrates the cultural and natural features of both the Village and the Township, regarding the two jurisdictions as portions of the same community. In the last few years, the Village Council formally adopted both the Joint Master Plan and the new Zoning Ordinance, hiring its own zoning administrator and setting up a Village of Bellevue Zoning Board of Appeals (ZBA). Bellevue Township put in place a separate zoning ordinance and administration process. However, the two jurisdictions continue to share a single JPC.

The Fremont Community – True Multi-Jurisdictional Planning

Located in southwest Newaygo County, the City of Fremont, Sheridan Charter Township, and Dayton Township have a long history of cooperative community-wide planning and economic development. The first steps were taken in the mid-1990s, when representatives of the three jurisdictions opened discussions designed to dispel past tensions and build more useful relationships. Together, these municipalities won a service grant under the *Building a Sense of Place Program* operated by LIAA in cooperation with the Michigan Municipal League (MML) and The Nature Conservancy. This intensive community asset mapping and database project improved inter-jurisdictional communications and helped to build meaningful and productive relationships across the community.

The next step for the Fremont Community was the development of a community-wide comprehensive plan – a plan that could advise and guide development and change in each of the three jurisdictions. Using the *Building a Sense of Place* linkages and geographic information system (GIS) data, the community was successful in moving quickly through a cooperative planning process that resulted in the completion and adoption of the advisory *Joint Comprehensive Development and Growth Management Plan* in 2001.

In 2005, Fremont was one of the first communities to respond to a request for proposals under the *Partnerships for Change Program* operated by LIAA in partnership with the MML, Michigan Townships Association, Michigan Association of Planning, and Michigan State University Extension. This program offers professional planning service grants to selected cities, townships and villages that choose to work cooperatively together toward new policies and programs that improve the management of cultural and natural resources and encourage urban redevelopment. In this instance, the three jurisdictions agreed to explore the development of a JPC for the Fremont Community.

The City of Fremont, Sheridan Charter Township and Dayton Township first completed a detailed investigation into the issues, concerns and benefits of a JPC and then, formally adopted a joint planning agreement. Local leaders assert that the vast majority of residents want to maintain the rural character, farming and open space present in the townships while concentrating new housing and business development in the city. By joining together under the Joint Municipal Planning Act, the participating jurisdictions expect to enjoy greater control over where development should take place while eliminating challenges based on claims of *exclusionary zoning* practices. This past spring, the three jurisdictions completed the develop-

ment of a *Joint Master Plan* and expect to adopt it following the review period. According to local officials, the community will then work on a joint zoning ordinance.

Focused Joint Planning – Managing Specific Development Concerns

Two of the JPC's formed to-date address areas that are much smaller than the jurisdictions involved. The City of Marshall and Marshall Township established a JPC to address an area adjacent to the city where dense housing and business development was anticipated (near I-94 and I-69). With equal representation from the City and the Township, the Marshall Community JPC created what has been termed the *Future Land Use/Concept Plan*. This plan established an *urban growth boundary* within which developers may request rezoning and the transfer of lands from the township to the city under the *Conditional Land Transfer Agreement Act*, P.A. 425 of 1984 (MCL 124.21-124.29). In general, the JPC is now responsible for site plan reviews and making recommendations directly to the Marshall City Council if zoning amendments are necessary.

The second JPC formed to address a limited area is focused on managing the redevelopment of the former Traverse City State Psychiatric Hospital, a relatively small amount of new development, and the preservation of culturally and historically significant resources. The City of Traverse City and Garfield Charter Township formed the Grand Traverse Commons Joint Planning Commission to create a Joint Master Plan and a Joint Zoning Ordinance for the campus that includes massive historic buildings, historic barns, wetlands, and other natural areas. The Grand Traverse Commons is home to one of the most aggressive adaptive reuse projects in the nation as well as City and Township parkland, public school facilities, and facilities owned and operated by a large regional hospital. With a professional planning service grant from the *Partnerships for Change Program*, the JPC is now nearing the completion of the Joint Master Plan which will support the development of a joint form-based zoning ordinance, emphasizing historic preservation and mixed-use development.

Status of Michigan Joint Planning Commissions

In trying to build effective multi-jurisdictional land use planning and regulation processes, local leaders in the 12 communities we identified acknowledged having a number of different goals. The goals identified include:

- to limit inter-jurisdictional conflict in the management of resources;
- to pool resources for land use planning and regulation;

- to strengthen the community's ability to guide new development;
- to provide additional legal protections (e.g., *exclusionary zoning* charges); and
- to improve the community's economic development capacity.

A great deal of time and effort has been invested by all of these communities. Unfortunately, success is not guaranteed. Based on recent reports from local officials, the efforts to build an effective JPC have faltered in at least four of the communities. Although a JPC was created and joint master plans drafted, the participating jurisdictions could not agree to follow through in the Bear Lake and Mayville Communities. In the Manchester Community, objections have been raised among the participants, suggesting that the JPC may not be viable (see article on page 13). Finally, in North Central Muskegon Communities, at least one jurisdiction has opted to drop out of the JPC, raising concerns for the continued viability of the effort.

On the other hand, several of the JPC's are working through the joint planning process with great promise. In addition to the Fremont Community and the Grand Traverse Commons described above, there is real momentum within the Onekama, Norway, and Suttons Bay Communities as they complete joint planning processes. In the Bellevue Community, officials are still considering joint administration of land use regulation while working together with a JPC and a joint master plan. The Marshall Community has maintained its JPC and process for managing their urban growth area, though development is at a standstill. Homestead and Inland Townships have adopted a joint master plan, a joint zoning ordinance, and joint administration of land regulations with a JPC and joint zoning board of appeals.

Challenges and Opportunities for Inter-Jurisdictional Planning

As a nonprofit, community service organization, LIAA has worked for over 16 years on programs designed to engender and support inter-jurisdictional cooperation in land use planning, resource management, and community development. These efforts have ranged from the cooperative development of community asset maps and information systems to the formation of recreational authorities and corridor management programs. Under the *Partnerships for Change Program*, LIAA provided organizational and planning services to six of the communities that have formed JPCs. Drawing on these experiences, we offer a few observations about the possible challenges and opportunities of joint planning efforts.

Wherever community leaders try to begin or sustain inter-jurisdictional planning efforts they will encounter many of the fa-

miliar and well-documented barriers to cooperation. Some of the barriers described to us by local officials are:

- Distrust (or fear) of the officials in other jurisdictions;
- An overriding insistence on individual control;
- A pronounced aversion to change (holding fast to the status quo);
- Concern over the size of government (joint planning seen as "big" government);
- Distrust or fear of public planning processes and uncertain outcomes; and
- Lack of knowledge or understanding of economic development.

Multi-jurisdictional land use planning and development calls on citizens, community leaders and public officials to take a long-term view, to trust the leaders in adjacent jurisdictions, to risk failure, and to visualize the future of a whole community.

Most of these barriers can be characterized as "people problems". Multi-jurisdictional land use planning and development calls on citizens, community leaders and public officials to take a long-term view, to trust the leaders in adjacent jurisdictions, to risk failure, and to visualize the future of a *whole community*. If the majority of public officials do not have a strong desire to change the status quo, new efforts at inter-jurisdictional cooperation are likely to fail. To succeed, communities need articulate, dedicated champions for inter-jurisdictional cooperation – lots of them, not just a few. Other prerequisites for success were described in the June 2005 issue of *PZN*, reprinted in the sidebar.

Conclusions

Each Michigan community is unique,



differing in history, geography, culture, economy and demographics. No single approach will yield cooperative planning and community development in every location. For example, some experts suggest that the cultural cohesiveness of the Frankenmuth Community made that famous example of inter-jurisdictional cooperation possible. In other locations, external threats to rural character and farmland preservation have driven sustained cooperation. Perhaps the current economic crisis will finally push municipal officials in additional communities to consider methods for more effective and efficient land use planning and development.

There are now a number of exemplary communities that have successfully ap-

To succeed, communities need articulate, dedicated champions for inter-jurisdictional cooperation – lots of them, not just a few.

plied the Joint Municipal Planning Act, and more will follow. Though the pattern is not clear, most of these collaborations are where cities or villages represent the primary urban center and focal point for a community adjacent to one or more town-

Pre-Conditions for Inter-Jurisdictional Planning

(reproduced from *PZN*, June 2005)

Getting to intergovernmental cooperation can be difficult. An environmental crisis such as groundwater contamination limiting access to drinking water might force the consideration of joint action. The loss of a key manufacturer, jobs, and population might force local officials to look outside of their borders for help. However, there are easier ways to prepare.

There are a number of activities that can help to build a basis for successful cooperation in land use planning, most of these focus on: building trust, improving interpersonal relationships, and defining a community-wide sense of place. For example, local governments can share training programs for planners and leadership development. Planning commissions and local legislatures can hold joint sessions where they also share a meal. Public participation in community asset mapping can build mutual understanding and a basis for defining a future direction. Ultimately, cooperating cities, townships and villages need to be secure in their self-knowledge and capable of articulating their development goals. □

ships that also offer a wide range of amenities. In short, these communities are clearly multi-jurisdictional places.

Where cities or villages represent the primary urban center for a community adjacent to one or more townships, the Joint Municipal Planning Act can offer distinct advantages and potentially huge benefits. Joint planning, land use regulation, and cooperative administration can give communities the advantages of:

- More coherent and cohesive land use regulation *across the community*;
- More deliberate and predictable permitting for development projects;
- Very strong protection against the threat of lawsuits for exclusionary zoning;
- Coordinated delivery of services with fewer redundancies and conflicts; and
- Increased marketability of the com-

munity as a cohesive, multifaceted place.

A quick geographic analysis shows that there are over 158 cities and 244 villages in Michigan that are wholly within a single township or entirely surrounded by townships (see Map 1). Perhaps, many of these places will offer the next examples of successful cooperative land use planning and community development. □

**Map 1:
Cities & Villages That Are Not Adjacent to Another City or Village (with Adjacent Townships)**

