

Chapter 8 PLAN IMPLEMENTATION

To be effective, this Plan must be used as part of daily decisionmaking in the Township. Policies in the Master Plan are implemented, for the most part, by day-to-day administrative actions of the Township officials and staff, decisions made by the Planning Commission, and the actions of the Board of Trustees. A government agency might undertake a major project called for in the plan, such as construction of a new bridge or acquisition of a tract of land for public use, but these are infrequent events and are not the primary means of policy implementation.

Although the Township may have responsibility to prepare and maintain this Plan, it is impossible for one unit of government to implement all elements of a plan alone. Plan implementation necessitates coordination with the various governmental entities with some jurisdiction in the Township. For this reason, the Superior Charter Township Master Plan should be viewed both as a communication tool and as a reference document for policy implementation.

CONTINUING COMMITMENT

As important a benchmark as this updated Master Plan represents, the initiatives proposed in this Plan will not implement themselves. It will take continued support and commitment for many years. The central ingredients to successful Plan implementation will be:

- Commitment by the Planning Commission, the Board of Trustees, and staff of the Township; and
- A citizenry better educated on the vision in this Plan.

Information about desired residential development patterns, the fiscal and land use constraints of extending urban services, farming methods, property rights, open space preservation, natural resource protection, and new tools to sustain the quality of life in Superior Township needs to reach citizens or they may not understand why and how local decision-making is directed to implementing this Plan.

FOCUSING ON PRIORITIES

As the body principally responsible for preparing and maintaining a land use plan for a community, but one which also has substantial responsibilities in review of proposed developments for zoning compliance, it is easy for a Planning Commission to become distracted with ongoing tasks or ad hoc, controversial issues. Still, the Commission needs to prioritize its tasks relative to implementation of this Plan. Time needs to be set aside for high priority items. These include the preparation of an annual report and work program for the next year, drafting updates to the Zoning Ordinance, assisting with the preparation of a capital improvement program, and the five-year Plan update. These are discussed below.

ANNUAL TASKS

An annual report on all activities undertaken by the Planning Commission with a special focus on actions taken to implement the Plan should continue to be made to the Board of Trustees. A proposed work program that identifies priorities and projected expenses for the next year should also be prepared and submitted in time to be included in the annual budget process. The Planning Commission should also assist the Supervisor and Board with the preparation and annual updating of a Capital Improvement Program (CIP).

TOP PRIORITIES

The Planning Commission cannot be expected to implement all of the measures listed Chapter 5 (Vision, Goals, Objectives, and Policies), Chapter 6 (Growth Management Strategy) and Chapter 7 (Zoning Plan) alone. Many of these can only be accomplished with support from the Township Board and with help from other agencies or groups. It is essential that discussions begin with each of these entities so that they understand the goals, find agreeable common ground where there are differences, and obtain a commitment to a common action.

Prioritization Guidelines

One approach to establishing priorities is to use the following guidelines:

- Establish as a high priority those actions that are the precursor to other actions or initiatives. One example is the action to develop a Greenspace Plan. This needs to happen before open space connections can be established and greenway trail links implemented.

- Those actions that are assigned to a particular group elsewhere in this Plan are a high priority.
- A lower priority may be those actions that are not assigned to a group or broadly identify the "Township" as the responsible party.
- If an action does not list a responsible party, it remains a lower priority until a group or agency steps forward.

Key Priorities for Plan Implementation

The following activities should be the key priorities of the Planning Commission for the next five years:

- Educate all citizens about the vision, goals, objectives, and policies of the updated Master Plan and provide technical assistance in the integration of these elements into property owner development and redevelopment efforts.
- Update the Township Zoning Ordinance to be consistent with this Plan as outlined in Chapter 7 (Zoning Plan).
- Review other land development regulations in the Township (such as land division and subdivision regulations) and update as necessary to be consistent with this Plan.
- A Township Greenspace Plan should be developed in conjunction with the Township Board and Park and Recreation Commission. This Plan would prioritize lands for open space preservation and greenway trails, identify and implement tools for acquisition of title or development rights from willing sellers, and set up funding mechanisms for implementation.
- Prepare additional sub-area plans to provide greater detail to desired development in each sub-area.
- Use this Plan in the analysis and review of proposed rezonings, zoning text amendments, site plans, and new or amended master plans of adjoining jurisdictions submitted to the Township for statutory review and comment.
- Exercise the inter-jurisdictional review authority of draft master plans and plan amendments in ways to improve regional decisionmaking, by guiding decisions toward integrated and coordinated solutions based on the core policies in this Plan.
- Monitor neighboring jurisdiction and County agency decisions, and periodically inform other local governments and the County Board of Commissioners on the status of efforts to implement the Superior Charter Township Master Plan.
- Join efforts with others outside the Township to pressure the state legislature to modernize state laws to provide new and expanded tools to manage growth and preserve open space.

- Design guidelines should be developed and promoted by the Planning Commission that illustrate a preferred development approach that protects scenic quality, open space, water quality, and sensitive environments on private residential, commercial, public and institutional properties.
- Assist with preparation of an annual capital improvements program to guide the location of future public facilities consistent with this Plan.
- At least once each five years, the Master Plan should be thoroughly reviewed and updated by the Planning Commission with support from the Township Board.

Additional Plan Implementation Tools

The following is a summary of additional Plan implementation tools available to the Township:

SUBDIVISION REGULATIONS

The policies of this Master Plan can be implemented in part through careful review of proposed subdivision plat and site condominium development projects:

Subdividing, or platting, is a more complex method of land division and is regulated by the Land Division Act and any Township subdivision regulations. This method of subdividing involves technical review by the Township Planner and Township Engineer, Planning Commission recommendation, and Township Board action on the various stages of the plat. This process is aimed primarily at zoning compliance, compliance with the Master Plan, proper vehicular and pedestrian circulation, future street extensions, buildable lots, proper relationship with neighboring properties, and provision of all public facilities and utilities.

The Township's review should be coordinated with those of county and state agencies. Subdivision review should be used as a means for the Township to ensure that proper infrastructure planning and construction occur without public expense and that natural features are protected.

The site condominium process is an alternative to the subdivision plat, but the end result is intended to be equivalent to a platted development. Since the issues and interests are the same from the Township's point of view in either approach to land division, the Township's review process

for site condominiums should be as similar as possible to that exercised in subdivision review.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

One of the most important non-regulatory tools the Township has available to implement this Plan is a “Capital Improvements Program” (CIP). The Township can use a CIP to implement Master Plan recommendations for new or expanded public facilities, plan for major expenditures, ensure that public funds are used wisely and as efficiently as possible, and most importantly - to be prepared with "shovel-ready" projects when unexpected sources of funding appear.

What are Capital Improvements?

Capital improvements are physical facilities that require substantial investments to construct/develop, and are intended to last/be used for a long period of time. Typical project examples include:

- fire engines, bulldozers, and similar large equipment purchases;
- treatment plants, water and sewer lines, landfills, street construction or reconstruction, and similar infrastructure improvements;
- libraries, schools, government buildings, and similar building projects; and
- replacement, expansion, or major repair of existing facilities and equipment.

"Gray area" projects that could also be considered “operating” expenses outside the scope of a CIP include vehicle and small equipment purchases, repairs, and remodeling projects.

What is a Capital Improvements Program?

A CIP identifies the community's capital needs; ranks them by priority; coordinates their scheduling over a specific number of years; and determines the best funding method(s) to pay for them. The first year of the CIP is the capital budget, and as each year is completed a new year is added at the end. Many CIPs are organized into three (3) sections:

1. Overview of the CIP process, along with a list of the benefits the community will derive from the capital improvements;
2. Financial data, including charts outlining historical revenue and expenditure data, projected revenue, expenditure, and debt service; and a

3. Description of projects recommended for funding in the CIP period, including a justification for a project's inclusion in the CIP, the project's relationship to the community's master plan and other long-range plans, and how the project will be financed within the community's fiscal capacity.

The CIP should cover a six (6) year period, updated annually, with the first year representing the community's capital budget. The document lists the proposed capital improvement projects and expenditures by:

- Location, date of construction, and relationship to other existing and proposed facilities;
- Cost, means of financing, and sponsor; and
- Priorities over the CIP time period and geography of the Township.

Per the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), any municipality with jurisdiction may prepare and adopt a CIP, but it is typically mandatory for most cities and villages and for those Michigan townships that "alone or jointly with 1 or more other local units of government owns or operates a water supply or sewage disposal system." For this reason, Superior Charter Township is required to prepare a CIP.

What are the Benefits of Using a CIP?

The CIP is a tool to enable and improve the local government's ability to balance its capital needs and available financing over a multi-year period. A CIP helps to ensure that new public facilities and infrastructure improvements meet Master Plan goals and objectives; spreads large capital expenses over time and break large projects into phases; and brings plan recommendations for public facilities to reality.

An up-to-date CIP will alert residents and developers of the Township's intention to make certain improvements in particular places at particular times. This helps coordinate private investment, minimize inappropriate development proposals, and restricts development from occurring at a too rapid rate.

Also, the process of adopting and updating a CIP minimizes the potential for poorly planned or unnecessary public improvements and expenditures, and increases opportunities for public input on and public support for proposed capital improvements. Not every public project is a good idea, even if it seemed that way at first glance:

- Some “good ideas” cost more than their benefits. A public facility may turn out to be unnecessary, over-designed, or may not meet the community’s actual needs. This usually becomes apparent during the CIP process.
- Use of the CIP “tools” by the municipality enables private businesses and citizens to have some assurance as to when public improvements will be undertaken.

FINANCING

Successful implementation of these projects will depend on the ability of the Township to secure the necessary funding for community planning and project implementation. Besides the Township’s General Fund, there are an ever-changing range of potential federal and state government sources, community foundations, and other sources for grant funding and loans which the Township may be eligible for to complete a particular project.

The first step is to develop a capital improvements program (see above) to identify potential projects, anticipated costs, and potential sources of funding. Once a specific project has been identified, the Township Planner and Township Engineer will work with Township officials and staff to identify the most appropriate sources of grants and other revenues to supplement local funds.

The following are some examples of potential financing tools available to the Township:

Dedicated Millage

Special millages can be used to generate revenues for a specific purpose, such as a land or development rights acquisition or fund.

Special Assessments

Special assessments are compulsory contributions collected from the owners of property benefited by specific public improvements (paving, drainage improvements, streetlighting, utilities, etc.) to defray the costs of such improvements. Special assessments are apportioned according to the assumed benefits to the property affected.

Bond Programs

Bonds are one of the principal sources of financing used by communities to pay for capital improvements. General obligation bonds are issued for a specific community project and are paid off by the general public with

property tax revenues. Revenue bonds are issued for construction of projects that generate revenues. The bonds are then retired using income generated by the project.

MDNR Recreation Grant Programs

Michigan Natural Resources Trust Fund (MNRTF) and the Clean Michigan Initiative (CMI) grants may be available for park development and land acquisition.

PLAN MONITORING PROGRAM

To be effective, the planning process must be continuous, and must be part of the day-to-day decisions that affect the physical character of the Township. The Master Plan is a representation of the Township’s policies for the future. If the Master Plan is to perform its proper function, it must be reviewed regularly and updated as conditions warrant.

The Master Plan must be evaluated regularly by the Planning Commission to ensure that Township policies are consistent with the objectives of the Master Plan. A comprehensive review of the Plan is required by the Michigan Planning Enabling Act at intervals no longer than five (5) years. To better ensure that the Plan is kept current, periodic reviews are recommended on an annual or biennial basis.

Benefits of a Monitoring Program

There are several important benefits to the Township from a regular monitoring program:

1. The Master Plan will be kept up-to-date.
2. Regular review of the Plan by Township officials has the potential over time to broaden the area of community agreement on basic development policies. The process invites reconsideration of alternatives to major decisions and encourages exploration of new issues and secondary questions.
3. Regular review of the Master Plan will keep knowledge of the plan’s policies and recommendations current in the minds of Township officials.
4. Along with the Master Plan’s use in day-to-day decision-making, a regular review process will ensure that the Plan is a living document, and that its policies will not be frozen in time.
5. A regular monitoring program will show the extent to which the Township is actually implementing the policies of the Master Plan;

and will help to determine whether the Plan’s policies are still desirable and appropriate in light of changing circumstances.

Description of the Program

The basis of the maintenance program will consist of an annual or biennial review by the Planning Commission. Such review might result in a change to a portion of the Plan reflecting either a policy area or a geographic area. The results of the review will be forwarded to the Township Board in a report, along with recommendations for action, if needed. The following should be among the elements studied by the Commission:

1. Development proposals approved or denied, rezoning petitions, site plans, and subdivision plats.
2. Land use regulations, and Zoning Ordinance and subdivision ordinance amendments made or expected to be needed in the future.
3. Building permits issued for new construction by land use category, and estimates of the current Township population.
4. State equalized evaluation by the assessor’s categories; track changes in agricultural and development classifications.
5. Completed and planned transportation improvements.
6. Land divisions, other than in approved subdivision plats and condominium developments.□
7. Major zoning and land use or development changes in adjoining townships, and those that are likely to occur in the coming year.
8. Federal, state, and county policy changes that affect the Township, and that are likely to occur in the coming year.
9. Major land use-related decisions of the Township Board and Zoning Board of Appeals, recent changes in state land use legislation, and precedent-setting planning and development-related court decisions.
10. Other items of information, as determined by the Planning Commission and Township Board.

PUBLIC UNDERSTANDING AND SUPPORT

The necessity of citizen participation and understanding of the planning process and the Plan cannot be over-emphasized. A carefully organized public education program is needed to build support for and ease implementation of planning proposals. Residents’ failure to support planning efforts, special assessments, zoning, or public improvements is more often than not the result of public misunderstanding of long-range

plans. To organize public support most effectively, the Township must emphasize the reasons for the planning program and encourage citizen participation in the adoption of the Plan and the continued planning process.

Public education can be achieved through an informational program involving talks by the Township Planning Consultant and other experts, preparation of newspaper articles, and presentations at public meetings on current issues. Periodic community opinion surveys should be considered as another means by which Township officials can gauge changing attitudes and priorities.

A significant share of the responsibility of implementing this Master Plan rests on private efforts. Even one resident can have substantial influence in determining the appearance of the Township and influencing public opinion. The influence of an alert and informed citizenry may well compensate in a large part for limitations in the authority vested in the Township.

TRANSFER OF DEVELOPMENT RIGHTS

A planning tool growing in popularity for the preservation of natural features is “transfer of development rights” (TDR). In Michigan, this can be accomplished through use of the Planned Unit Development (PUD) process and the preservation of “off-site” open space within the areas of the Township designated on Map 3-2 as lands designated for agricultural preservation as part of a development project with the Township’s designated Urban Service Area.

Using TDR, a developer may, with Township agreement, develop a parcel at a higher density than zoned if they purchased the development rights from an owner of land designated for agricultural preservation on Map 3-2. An appropriate plan would set a cap on the density allowed, ensuring a landowner does not purchase a large amount of development rights and attempt to create a development not appropriate for the community.

There are many benefits related to the transfer of development rights:

- The agricultural landowner obtains the highest and best use of their land.
- The developer obtains the benefits of developing more residential units than would otherwise be permitted.

- The Township permanently preserves the agricultural and natural features of the Township, and future residential development in the community occurs in the areas that are prepared for higher density development.

PURCHASE OF DEVELOPMENT RIGHTS

A local or county “purchase of development rights (PDR) ordinance” can be a useful tool to implement Master Plan policies associated with preservation of agricultural land and the rural economy. The intent is to preserve farmland by the public purchase of a landowner’s development rights in exchange for an agricultural conservation easement that permanently restricts development.

LAND ACQUISITION

Land acquisition is an important supplement to land use regulations as a means of managing growth and protecting natural resources. Land acquisition can be used to control the use of a specific acquired parcel, or it can be used to influence the general growth of the Township. Local land acquisition programs are generally funded either by local property taxes (such as a dedicated millage or general fund revenues) or by grant programs.

There are several approaches to acquiring interest in land to advance the goals of the Master Plan. Generally, the Township can take direct action to acquire property interest or it can rely on private voluntary land protection efforts.

Direct Action by the Township

If the Township takes direct action, it can acquire property in fee simple or it can acquire a partial interest through acquisition of easements. Fee simple acquisition provides the greatest level of control over the use of a parcel, but it also is the most expensive method of acquisition. In addition to the acquisition costs, fee simple acquisition removes property from the tax rolls, resulting in a decrease in property tax revenue.

Easements are distinct property rights that may be sold separately from other rights to the Township. Easements are effective for preserving sensitive lands, providing public access along rivers or greenways, and allowing property owners to obtain income, estate, and property tax benefits for land stewardship while they continue to live on their land.

There are two Michigan statutes that address the issue of conservation easements. The Farmland and Open Space Preservation Act (Public Act 116 of 1974) provides for dedication of an easement to a public entity, such as the Township or State. The Conservation and Historic Preservation Easement Act (Public Act 197 of 1980) gives a third party, such as a land trust, the right to enforce an easement. This act assumes that the easement will be perpetual.

Private Voluntary Land Protection Efforts

Instead of taking direct action, the Township can encourage and rely on private voluntary land protection efforts. Property owners can voluntarily donate land or easements in the interest of conserving natural resources or natural features; or to facilitate the natural resource protection program, private land trusts can be voluntarily established to make use of a variety of land acquisition and conservation techniques. Like local government, land trusts typically rely on fee simple acquisition and acquisition of easements. Other than acquisition at full market value, private tools available to preserve land include:

- Donation of land or bargain sale (acquisition at below full market value),
- Options to buy (often used to secure a parcel of land while funding is being obtained),
- Rights-of-first-refusal (used to tie up a parcel without having to purchase it immediately),
- Leases (temporary control without the expense of acquisition),
- Pre-acquisition by a land trust (the land trust serves as the intermediary for the public agency, such as the Township), and
- Conservation investment (in essence, a real estate syndication for the purpose of resource protection).

LAND CONSERVANCY INVOLVING THE GOVERNMENT

Private donations of land to the government

Landowners are sometimes willing simply to donate land to the Township for open space or natural area preservation purposes. The landowner has the satisfaction of seeing the parcel of land preserved, and also may obtain some benefits on income taxes, estate taxes, and property taxes. The Township obtains the benefit of preserving the land.

Private donations of conservation easements to the government

Landowners are sometimes willing to donate a conservation easement on a parcel of land, which involves the transfer to the government of a partial interest in a parcel of land for the purpose of preserving its natural amenities. The landowner might retain the right to continue to occupy the land, for example, but the right to use it for particular uses (e.g., to build houses on it or change its scenic character) has been donated to the government. The landowner would have the satisfaction of seeing the parcel of land preserved, and may also obtain some benefits on income taxes, estate taxes, and property taxes. The Township obtains the benefit of preserving the land, and avoids some of the costs of maintaining the property.

Private donation of land to the government, with the right to use the land until the donor's death

A landowner sometimes wants to retain full title to a parcel of land and be able to continue to use it, until his or her death, but wishes to have the land transferred to the government at that time (or some other specified time). The landowner can thereby gain some tax benefits, but continue to use the land until his or her death.

Governmental purchase of conservation easements

A landowner may not be willing to donate a conservation easement, but may be willing to sell such an easement to the government. The landowner might retain the right to continue to occupy the land, for example, but the right to use it for particular uses (e.g., to build houses on it or change its scenic character) has been sold to the government. The landowner would receive some payment for the easement, and may obtain some benefits on estate taxes and property taxes. This alternative would cost the Township some revenue, but the cost would be less than the purchase of all the rights to the land.

Governmental leasing of land

A landowner may not wish to lose permanent title to a parcel of land, but may be willing to lease it to the government for public use for a specified period of time.

Farmland and Open Space Preservation Act (PA 116 of 1974) or Conservation and Historic Preservation Easement Act (PA 197 of 1980).

These two state laws can be used by private citizens and local government to protect land for specified periods of time. The landowner can thereby reduce the property taxes on the land, and the government gains the benefit of maintaining the land as open space.

LAND CONSERVANCY THROUGH A PRIVATE ENTITY

Most of the transactions between a landowner and the government can also occur between the landowner and a private land conservancy organization such as The Nature Conservancy, the American Farmland Trust, and the Trust for Public Land. The conservancy organization would then either manage the land itself or convey it, at some future date, to a governmental agency when public funds become available.

Private donations of land to a conservancy organization

Landowners are sometimes willing to donate land to a conservancy organization for open space or natural area preservation purposes. The landowner has the satisfaction of seeing the parcel of land preserved, and also may obtain some benefits on income taxes, estate taxes, and property taxes. The conservancy organization obtains the benefit of preserving the land.

Private donations of conservation easements to a conservancy organization

Landowners are sometimes willing to donate a conservation easement on a parcel of land, which involves the transfer to a conservancy organization of a partial interest in a parcel of land for the purpose of preserving its natural amenities. The landowner might retain the right to continue to occupy the land, for example, but the right to use it for particular uses (e.g., to build houses on it or change its scenic character) has been donated to the conservancy organization. The landowner would have the satisfaction of seeing the parcel of land preserved, and may also obtain some benefits on income taxes, estate taxes, and property taxes. The conservancy organization obtains the benefit of preserving the land, and avoids some of the costs of maintaining the property.

Private donation of land to a conservancy organization, with the right to use the land until the donor's death

A landowner sometimes wants to retain full title to a parcel of land and be able to continue to use it until his or her death, but wishes to have the land transferred to a conservancy organization at that time (or some other specified time). The landowner can thereby gain some tax benefits, but continue to use the land until his or her death.

Conservancy organization purchase of conservation easements

A landowner may not be willing to donate a conservation easement but may be willing to sell such an easement to a conservancy organization. The landowner might retain the right to continue to occupy the land, for

example, but the right to use it for particular uses (e.g., to build houses on it or change its scenic character) has been sold. The landowner would receive payment for the easement, and may obtain some benefits on estate taxes and property taxes.

Conservancy organization leasing of land

A landowner may not wish to lose permanent title to a parcel of land, but may be willing to lease it to a conservancy organization for public use during a specified period of time.