

MAP Board News

The MAP Board of Directors meets in January every year for a two day retreat. At this annual meeting, the board considers its policy theme for the prior year – in 2021 we studied housing and climate change – and looks at trends and conditions that will affect the planning profession in the year ahead. Over the course of 2021, the MAP Board met with experts who would help us expand our knowledge about housing and climate, and inform the development of policy and products to deliver to planners and others who benefit from our work.

During the course of the year, the board conducted “linkage” meetings with a range of experts including: leaders from Housing North, Housing Next, and Detroit Future City | executive committee members of the Housing Michigan Coalition including the Homebuilders, Grand Rapids Chamber, MML, and Housing North | CDFI’s and Land Banks, and their role in expanding housing supply | the Manufactured Housing Industry | state agencies working in the space including MSHDA and MEDC along with non-profit CEDAM.

To capture and share what the board is learning with our members, MAP staff is developing a series of Board Linkage Briefs, or tear sheets, covering topics that emerge from board linkage meetings. The summaries will provide our members with information about what the board is learning during linkage outreach meetings, and provide the briefs “in real time”, and more quickly than an educational event, or covering the topic in an issue of the Michigan Planner magazine, which are other typical ways we translate board linkage and deliver to our members. Look for the release of 2021 Board Linkage Briefs in early spring, 2022.

Our 2022 organizational priorities including to explore housing and zoning reform, as well as preliminary information collection and examination of a variety of energy topics. Our energy reconnaissance will include everything from the social and economic impacts of wind and solar farms (look for a professional level workshop in March 2022) and what energy offices in Michigan are doing to address the regressive nature of energy costs, and the cost burden of utilities on families. In addition, we will be closely watching as the American Planning Association’s 2022 policies: Zoning Reform, Equitable Economic Development, and Legacy cities are developed and adopted.

New Board Member and New PDO

Wayne Beyea, JD, AICP stepped down from the MAP Board last month. Wayne served as our PDO and as a member of the board executive committee, and his insights and new ideas will be missed. At its January retreat, the MAP Board appointed Jill Bahm, AICP to serve the remainder of Wayne’s term. Christina Anderson, AICP, was appointed as our new PDO.

Board Members

Carmine Avantini, AICP (President) (2022)

CIB Planning Group
avantini@cibplanning.com

Brad Kaye, AICP, CFM

(Vice President) (2023)
City of Midland, City Manager
bkaye@midland-mi.org

Mohamed Ayoub

(Secretary|Treasurer) (2024)
City of Westland
mayoub@cityofwestland.com

Sarah Lucas, AICP

(Immediate Past President) (2022)
Forethought Community, Principal
slucas@marquette.org

Christina Anderson

(Professional Development Officer) (2023)
City of Kalamazoo
andersonc@kalamazoo.org

Jill Bahm, AICP (2022)

Giffels Webster
jbahm@giffelswebster.com

Kelly Freeman (2023)

City of Sault Ste. Marie
kfreeman@saultcity.com

Jerrell Harris (2022)

Araminta Planning Group, President
JerrellHarris@yahoo.com

Shari Williams (2023)

Detroit Future City
swilliams@detroitfuturecity.com

Ex-Officio Members

Kami Pothukuchi (Faculty)

Wayne State University
k.pothukuchi@wayne.edu

Sharlan Douglas (Elected Official)

City of Royal Oak
sharlandouglas@gmail.com

Student Board Representatives

Alex Bollin

Grand Valley State University
bollinm@mail.gvsu.edu

Mallory Prangley

Grand Valley State University
pranglma@mail.gvsu.edu

Staff

Andrea Brown, AICP, Executive Director
abrown@planningmi.org

Leah DuMouchel, AICP

Director of Programs and Communication
ldumouchel@planningmi.org

Tracie Faupel, Director of Operations

tfaupel@planningmi.org

Amy Miller Jordan, Deputy Director

ajordan@planningmi.org

Wendy Rampson, AICP

Director of Programs and Outreach
wrampson@planningmi.org

Amy M. Vansen, AICP

Director of Information and Programs
avansen@planningmi.org





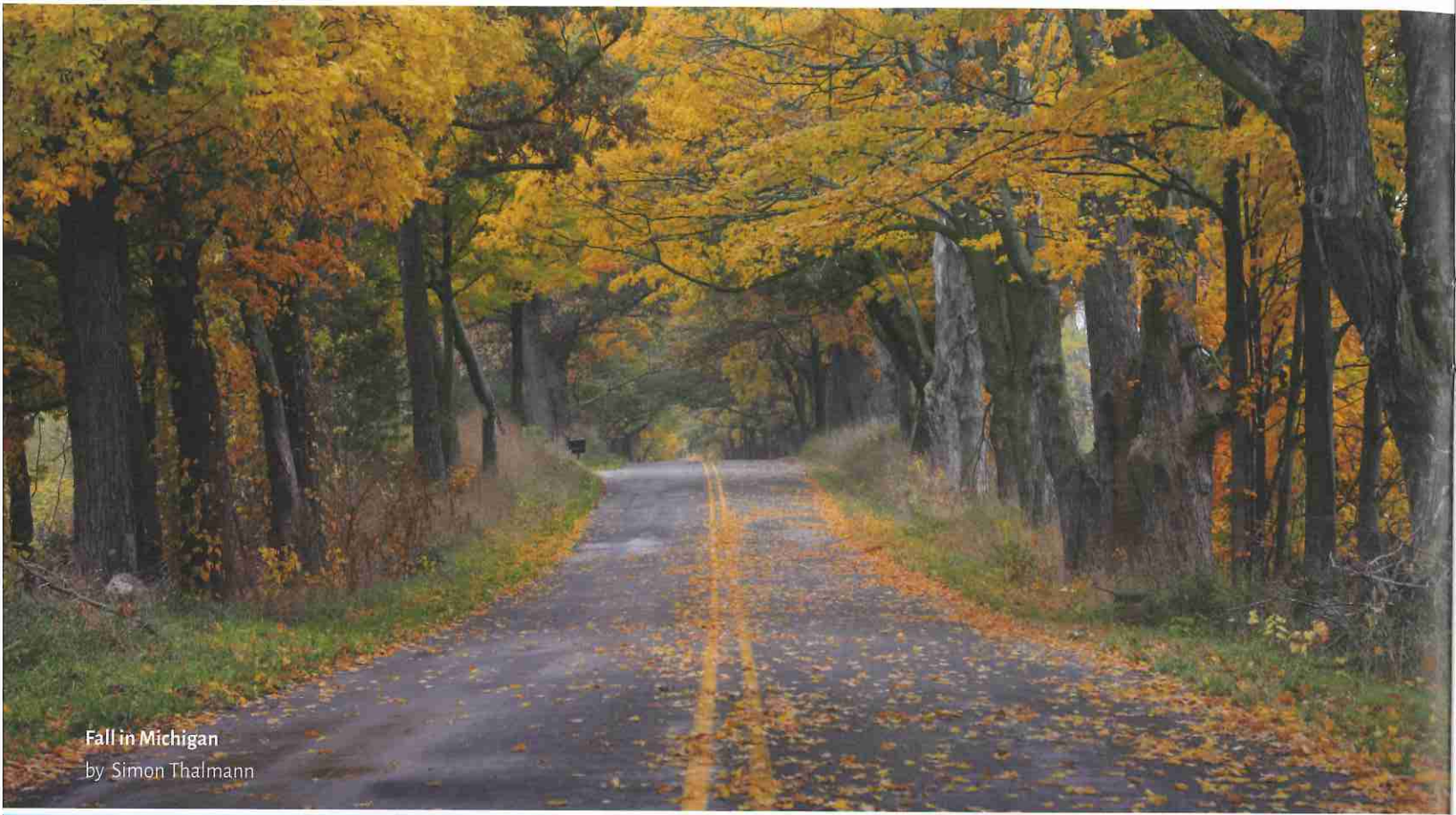
Forest monarch by Christian Collins

The Future of Natural Feature Preservation

Government's role in protecting and preserving resources is well established. Historic building protection has been upheld for over a century. Environmental resources protection has been going on for decades. But laws that stop someone from using their property exactly how they want to use it can be contentious and are legally challenged periodically. While precedent often matters to courts, it sometimes doesn't. And sometimes, rulings cause local governments to sharpen their pencils and rewrite their laws and procedures.

The Michigan Zoning Enabling Act (MZEA) stipulates that a zoning ordinance be based upon a plan designed to promote the public health, safety, and general welfare, . . . to limit the improper use of land, [and] to conserve natural resources and energy. Preservation of existing trees and planting new trees are among the actions that individual landowners/developers can take to not only protect the environment, but preserve human quality of life as we know it.

While conserving natural resources is expressly called out in the MZEA, recent court decisions have called into question tree preservation ordinances, and by extension, other local natural feature protection regulations. Read on to hear about these court cases and what your community can do to ensure that your ordinances and processes are on solid legal ground.



Fall in Michigan
by Simon Thalmann

Who Will Speak for the Trees?

F.P. Development v. Canton Charter Township

“I am the Lorax who speaks for the trees, which you seem to be chopping as fast as you please!” - Dr. Seuss, *The Lorax*

Canton Township’s Efforts to Preserve Trees

Canton Charter Township in Wayne County has had tree preservation requirements in its zoning ordinance for decades. Under that ordinance, property owners who want to remove landmark and other specified trees must obtain a permit before doing so. They must also plant replacement trees, following a schedule established by the ordinance, or pay into the township’s tree planting fund so that the township can replace them. The tree fund assessments (set by ordinance) cover only the costs of

planting smaller replacement trees (these costs were based on prices from the early 2000s).

The ordinance does not strictly dictate whether a property owner can or cannot remove a tree, where a replacement tree must be planted, or whether to pay into the township’s tree fund rather than replanting. The property owner ultimately makes all of these decisions. The ordinance does not require that a property owner grant an easement on the property in exchange for obtaining a tree-removal permit—or provide any other kind of dedication of

a property interest—and it does not take possession of or otherwise control any of the trees a property owner removes.

Tree Preservation Contested

In 2007, F.P. Development (“F.P.”) purchased a 40-acre wooded parcel in the township and subsequently split that parcel, retaining the northern 24 acres and selling the southern 16 acres to a neighboring business. Sometime in 2017, F.P. removed about 145 regulated trees and 14 landmark trees from the parcel without applying for a permit, even though the

township had notified the property owner several times regarding the ordinance.

Upon discovering what had happened, the township surveyed the site and—because no trees had been replanted—assessed the property owner \$47,898 in fees for the township’s tree planting fund, but no other fines or fees were assessed. (The neighboring property owner also removed trees without a permit, clear cutting about a 1,000 trees from the entire 16 acres and incurring about \$400,000 in replanting assessments. That property owner filed suit in state court and prevailed. The appeal of that state court ruling has been stayed, pending the final outcome of federal adjudication of the F.P. Development case.)

F.P. refused to pay the assessment and filed suit in federal court, asserting that Canton Township’s tree preservation ordinance had effected an unconstitutional seizure of his property, in violation of the 4th Amendment to the U.S. Constitution; that the township’s replanting fee amounted to an excessive fine in violation of the 8th Amendment; and that the ordinance effected a regulatory taking in violation of the 5th and 14th Amendments. Ruling on competing motions for summary judgment (i.e., rather than a full trial), the United States District Court for the Eastern District of Michigan dismissed F.P. Development’s 4th and 8th Amendment claims, but it granted judgment in F.P.’s favor on the remaining claims, ruling that the township’s ordinance had effected a regulatory taking based on two different legal theories.

Canton Township appealed that decision to the United States Court of Appeals for the 6th Circuit, and it asked MAP’s Planning Law Committee to file a ‘friend of the court’—or *amicus curiae*—legal brief with the 6th Circuit in support of the township. The author then filed a brief with the 6th Circuit on behalf of MAP, joined by the Michigan Environmental Council, and participated in oral arguments before the court in June 2021.

In October, the 6th Circuit issued a decision affirming the trial court’s

DID YOU KNOW?

Young trees absorb CO2 at a rate of 13 pounds per tree each year. Trees reach their most productive stage of carbon storage at about 10 years at which point they are estimated to absorb 48 pounds of CO2 per year.

Source: Urban Forestry Network

judgment in favor of F.P., in part. At the time of this writing, the township anticipates requesting that the 6th Circuit rehear that case en banc (i.e., with all appellate judges hearing the case). Nonetheless, unless and until the 6th Circuit’s decision is reversed, this case has important implications for local efforts to conserve trees and other natural resources. The remainder of this article addresses several key aspects of the F.P. Development litigation; the accompanying articles provide more discussion of good practices localities should follow in light of this court case and, indeed, in any case.

Regulatory Takings through Unconstitutional Conditions – A Problematic Theory

The 6th Circuit quickly affirmed the trial court’s dismissal of the unlawful seizures and excessive fines claims, and it focused mostly on the question of whether the township ordinance effected a regulatory taking. On that issue, however, the court analyzed only one of the trial court’s two theories. Specifically, the trial court had ruled that the township’s ordinance effected a regulatory taking both when applying the U.S. Supreme Court’s *Penn Central* ad hoc balancing test, and because it amounted to an unconstitutional condition that in turn amounted to a regulatory taking pursuant to the U.S. Supreme Court’s decision of *Koontz*. The 6th Circuit went straight to the unconstitutional conditions theory and, because it affirmed the trial court based on that theory, it expressly declined to review the trial court’s application of the *Penn Central* test.

That outcome is concerning in several ways, especially for communities trying to conserve their natural resources without crafting regulations that “go too far” and thereby create regulatory takings liability. First, the court left unaddressed consideration of when ordinances like Canton Township’s are indeed at risk of effecting *Penn Central* takings liability, as the trial court’s ruling suggested they almost certainly would be. Second, the court ignored altogether F.P.’s ‘self-help’ approach to the township’s regulation (i.e., violate an ordinance and then claim a regulatory taking when found out), further muddying already muddy litigation procedural questions. Third, while the court expressly acknowledged that the unconstitutional conditions doctrine might not even apply to the township’s ordinance in the first place, it declined to address that question and applied the doctrine notwithstanding. And fourth, in applying the doctrine, the court appeared to presume that a tree is nothing more than a means to some other environmental goal, and that removing a tree is not a harm unto itself meriting mitigation.

Of these troubling aspects, application of the unconstitutional conditions doctrine is the most problematic. The unconstitutional conditions doctrine only applies (or should only apply) when a condition imposed to receive a permit would indeed be unconstitutional in the first place. Because of that logic, the U.S. Supreme Court has held that, in a land use permitting case, the doctrine only applies when government demands dedication of an easement (or presumably some other

conveyance of a title interest in a property right) that, by itself and but for the permit, would be an unconstitutional taking.

Here, the township made no such demand. Nonetheless, the 6th Circuit arrived in this strange place through a very loose reading of an excerpt taken from the *Koontz* decision (i.e., a phrase quoted out of the context of the case by property rights advocates to assert that *Koontz* subjects all regulatory permits, not just those compelling the granting of an easement, to heightened *Nollan*—essential nexus—and *Dolan*—rough proportionality—judicial scrutiny), which the plaintiff had initially asserted, the township failed to initially dispute, and the trial court uncritically accepted. Or, in the alternative, the 6th Circuit quietly accepted the unarticulated

assumption that the ability to remove a tree from one's property is a constitutionally guaranteed right—a novel and dubious proposition. In either case, both interpretations dramatically increase the reach of the regulatory takings doctrine via the unconstitutional conditions doctrine.

That said, it is not clear what effect the 6th Circuit's decision of *F.P. Development* will be, especially because the court expressly acknowledged, but declined to address, whether the unconstitutional conditions doctrine should even apply to this kind of case at all. Looking forward, a community should first ensure that its tree and other resource conservation ordinances do not make demands for easements or other title interests in exchange for permits, unless absolutely necessary;

second, recognize if sued that *Koontz* arguably does not apply to ordinances that make no such demands (and make sure legal counsel for the community addresses that question); and third, ensure that any mitigation measures imposed are reasonable and fair.

The next issue of the *Michigan Planner E-dition* will have links to all of the cases referenced in this article.

Richard Norton, JD is a community planner, lawyer, and professor of urban and regional planning at the University of Michigan. A member of MAP's Planning Law Committee, he has authored several *amicus curiae* briefs for MAP on important zoning disputes in Michigan.

The American Planning Association offers the AICP exam twice a year to planners who qualify. In 2021, the following Michigan planners passed this rigorous exam.

Congratulations!

Emily Baxter, AICP Candidate

Elizabeth Knape, AICP

Jennifer Neal, AICP

Yichen Chen, AICP Candidate

Ming Han Li, AICP

Teresa Qu, AICP

Dan Commer, AICP

Robert Linn, AICP

Andrew Wald, AICP

Nicholas Fiore, AICP

David Mangum, AICP

Dean Walrack, AICP

Josh Gunn, AICP Candidate

Kimberly Marrone, AICP

Matthew Wojciechowski, AICP

Caitlyn Habben, AICP

Cassi Meitl, AICP

Gregory Holman, AICP

Nicholas Mucha, AICP



American Planning Association
Michigan Chapter

www.planningmi.org/transportation-bonanza

Missed the event?

Sessions recorded & available until Aug 1, 2022

TRANSPORTATION BONANZA

February 16, 2022 | 9 a.m. - 4:30 p.m.

Thank you partners!



Thank you sponsors!



The Michigan Association of Planning, in partnership with the Michigan Safe Routes to School Program and the Michigan Department of Transportation, designed this annual event to bring together professionals from the fields of planning, education, transportation, health, engineering, natural resource and environmental protection, architecture, landscape architecture, and others to connect around the topic of community building for health and accessibility.

It's a Tough Time for Tree Ordinances

How Documentation and Consistency Can Help

By now you may be asking yourself if a tree preservation ordinance can still withstand legal challenge following the decision in *F.P. Development, LLC v. Charter Township of Canton*? As Dr. Norton argues, application of the unconstitutional-conditions doctrine to a permitting situation that did not require an applicant to grant the municipality a real property interest (dedication or easement) is novel. The Sixth Circuit appears to agree to some extent with Dr. Norton: "There is an interesting question whether Canton's application of the tree ordinance to F.P. falls into the category of government action covered by *Nollan, Dolan and Koontz*." However, because "the parties did not raise it," the court declined to do so on its own, and proceeded to apply the essential nexus and roughly proportionality tests "as the parties request."

The answer to this question may be the lawyerly and unsatisfying one: "it depends." The *F.P. Development* case is not the only recent challenge to a tree ordinance. As Dr. Norton notes, there is a second challenge to Canton Township's ordinance. In *Charter Township of Canton v. 44650, LLC*, the state circuit court entered judgment in favor of the defendant, essentially following the holding of the federal district court in *F.P. Development*. The state court appeal has been held in abeyance pending a decision in *F.P. Development*. If the appeal proceeds, it may be another year before it's decided.

Another recent case challenging a tree ordinance is *KI Properties Holdings, LLC et al v. Ann Arbor Charter Township*. That case involved a dispute over the township's denial of a preliminary site plan approval and related permits, including a tree removal permit. In this case, the developer's proposed site plan included a 120,000



birches beckon
by Christian Collins

square-foot, 2 story building on heavily wooded property that required removal of 489 protected trees, including 28 trees in the landmark category.

The planning commission asked the developer to revise the plan in order to reduce the impact on natural features in accordance with based on township planning documents, land development regulations that emphasize the preservation of woodlands and natural features, and the township's consultants' views that the proposed development put too much burden on property and that alternative site configurations would permit development while minimizing impact on the site. The developer refused to modify the site plan, arguing that its plan met the minimum standards stated in the zoning ordinance and therefore required approval. The planning commission disagreed and denied the developer's applications. The ZBA denied the developer's appeal of the planning commission's decision, finding that the commission's decision was supported by competent, substantial, and material evidence.

The developer then appealed the decision of the ZBA to circuit court and filed a complaint in the circuit court alleging a violation of due process and an unconstitutional taking of property without compensation. The circuit court reversed the decision of the ZBA and planning commission and ordered that the ZBA approve the site plan and associated permits. As to the plaintiff's constitutional claims, the circuit court held that those were either mooted, resolved by its order reversing the decisions, or otherwise subject to dismissal.

Both the township and developer appealed. The Court of Appeals issued a lengthy unpublished decision reversing the trial court's decision on the appeal of the planning commission and ZBA decisions and remanded to the circuit court for entry of an order affirming the ZBA decision that affirmed the Planning Commission's decision to deny the permits. As to the developer's constitutional claims, the Court of Appeals reversed the decision to dismiss those claims and remanded for further proceedings.

What persuaded the Court of Appeals to rule in favor of the township?

A decision-making record showing that the township acted consistent with the authority granted to it under the planning and zoning enabling acts and its own planning policies as expressed in its master plan and carried-through in the zoning ordinance. Key findings of the appeals court included:

- A master plan that documented the character of the township landscape in terms of location, character, and quality, explained the landscape's importance to defining the township's character and distinguishing the township from the adjacent city, and tied its goal of retaining its rural character to the preservation of existing natural features, including its wood lots and fence rows.
- Zoning rules that were consistent with the goals of the master plan, including a research and development zoning district with the express intent of allowing low-density land coverage with a minimum of environmental disturbances and tree regulations that prohibited clear-cutting without a permit and only authorized the planning

commission to issue a permit to cut trees when preservation techniques described in its ordinance had been applied to the maximum extent practical and the commission determined that the tree removal was unavoidable according to standards incorporated into the ordinance.

- Planning commission adherence to the regulations governing its review of site plans, including review standards that bound it to consider whether a site plan preserved natural resources to the maximum extent feasible, and site plan requirements that provided the planning commission with sufficient information to make a determination and expressly required consideration of alternative approaches and designs to minimize disturbance to natural features.
- A written resolution that specifically identified the law governing the planning commission's review that included more than conclusory findings in the application of review standards and demonstrated that the record evidence precluded approval.

While open questions may remain about the constitutionality of tree preservation ordinances, it remains clear that decisions

made when applying those ordinances are unlikely to be disturbed when communities have well-documented master plans with coherently stated planning goals and policies that are translated into zoning regulations and standards of review and decisions are made with reference to a well-developed record.

Emily Palacios, JD, MUP is a Michigan-licensed attorney whose practice has focused on real estate, land use, construction, and municipal law. She is a long-standing member of the MAP Planning Law Committee and serves as an Associate General Counsel for the University of Michigan.



Maximizing Woodland Ordinance Benefits While Minimizing Legal Risks

The recent **F.P. Development v. Canton Charter Township** case presents a challenge and an opportunity for all communities to update their own ordinances. Most woodland (and other natural preservation) ordinances in Michigan are twenty or more years old and in light of the Canton Township case, they all need a thorough review. If performed soon, the review can focus on efforts to both “takings-proof” the woodlands or tree ordinance and enforcement mechanism, and increase its odds of successful implementation. Strongly linking your woodlands or tree protection ordinance to the master plan legally strengthens the ordinance as was recently demonstrated in the **KI Property Holdings, LLC et al v Ann Arbor Township** case, decided in February 2020 by the Michigan Court of Appeals.

What can a community do as part of an ordinance review and facelift? Here are eight suggested steps:

1. After reading this issue of the Michigan Planner and the Canton Township and Ann Arbor Township cases, *consider how easily a single landowner or developer could attack your woodlands or tree protection ordinance.* Does your ordinance have the strengths of the Ann Arbor Township ordinance and avoid the takings risks faced by the Canton Township case? What does your municipal attorney, planner, and enforcement officer think? What changes do they recommend?
2. Is the ordinance clearly rooted in the community’s master plan? If not, what amendments should be made to the master plan to strengthen the relationship between the ordinance and the master plan? Remember, woodlands ordinances don’t just



3. Examine your woodland or tree protection ordinance. Does it have clear and strong purpose statements laying out broad public purposes? Identify the amendments that should be made to make it “takings-proof” in the light of the arguments made in the Canton Township case. Identify the changes to administrative procedures that preserve trees and sequester carbon, they contribute to retention of rainwater, prevent flooding, provide wildlife and other plant habitat, provide places to observe nature and enjoy being outdoors, while also providing us with oxygen. These are strong public benefits!
4. Many communities have trouble implementing one for one (and many for one) tree replacement policies, and have made arbitrary decisions about where to plant new trees. Engaging an experienced forester to evaluate woodlands on undeveloped property, before property owners unilaterally take action will make for better, more rational decisions.

Depending on site conditions, and in consideration of local objectives, all trees are not created equally. For example, weeping willow, mulberry and boxelder, reproduce quickly, but are weak, have little shade value, and are very messy. Hardwoods like oak and maple are prized for shape, canopy, and height, but are slower growing. Some trees grow readily in wet areas, while others require dry soils; some do well on slopes while others do not. Each site is different. A forester can determine the areas of a property with existing high quality trees (relative to local objectives), and areas with poorer quality trees; places where concentrated or scattered replanting can bring greater value to the property, as well as to the local environment.

For example, removing poor quality trees from one part of a site and planting new trees of desired species next to an existing woodlot, on an adjoining property, or along a small creek on the property may expand the benefits of the trees beyond a random “tree for tree” replanting. Done well, many parties benefit. The community may want to consider paying for this service instead of charging the landowner.

5. Good site plan review can be used to lock in final decisions, but without an expert analysis by an experienced forester in the first place, the application of an existing woodland ordinance may simply appear arbitrary and not provide the benefits the community is trying to achieve.
6. Structure the ordinance so that there are incentives for the developer to make the best decision for the property *and* the environment. Allowing clustering of buildings, taller buildings, and greater density on some parts of the property will increase the amount of open space/woodlands/tree protection on other parts.
7. Don't structure the ordinance so that it reads like penalties are more important than achieving the environmental protection and open space goals of the ordinance. Penalties should be structured to apply only when all else fails, not simply when a violation is discovered.

Environmental and open space protection requires education of landowners and substantial dialogue between landowners/developers and ordinance administrators. Quality information from experienced foresters is paramount. Ultimately, several

development options may be considered—give and take on both sides may be necessary before settling on a design that best fits the landowner/developer and municipal interests. This process certainly takes patience on the part of the municipality, but consider the alternative: a lot of time and money potentially spent on litigation; and worst case scenario, maybe even a takings payout, with no long term benefit to the community and high costs for the municipality.

8. Repeat this same audit process with any other natural feature preservation ordinance as the same legal and practical issues apply.

The upcoming Michigan Planner E-dition will have links to resources.

Mark Wyckoff, FAICP retired in February 2018 as a professor at Michigan State University where he served as Interim Director of the Land Policy Institute and Director of the Planning & Zoning Center. He was a community planner with 43 years of experience and is a Fellow of the American Institute of Certified Planners. He continues to edit and publish the Michigan-specific monthly magazine, *Planning & Zoning News*, now in its 40th year.

Woodland Preservation Webinar

Want to learn more? This issue's authors, MAP Law Committee members, Richard Norton, Emily Palacios, and Mark Wyckoff presented a Woodland Preservation Webinar on January 25th. That recording is still available to view on demand!

MAP Member Price: \$25 Non Member Price: \$30
Register at www.planningmi.org

Earth, Wind, and Fire (and Water and Heat)! Landsat 9 has Launched!

Periodically, the Michigan Planner will highlight tools and technology that planners can use. Links to the resources mentioned here will be included in the upcoming Michigan Planner E-dition.

Landsat 1 was launched in 1972 as a joint effort between the U.S. Geological Survey (USGS) and the National Aeronautics and Space Administration (NASA). The latest satellite system, Landsat 9, was launched in September 2021 continuing the program and providing new and improved remote sensing opportunities for professionals throughout the country and around the world.

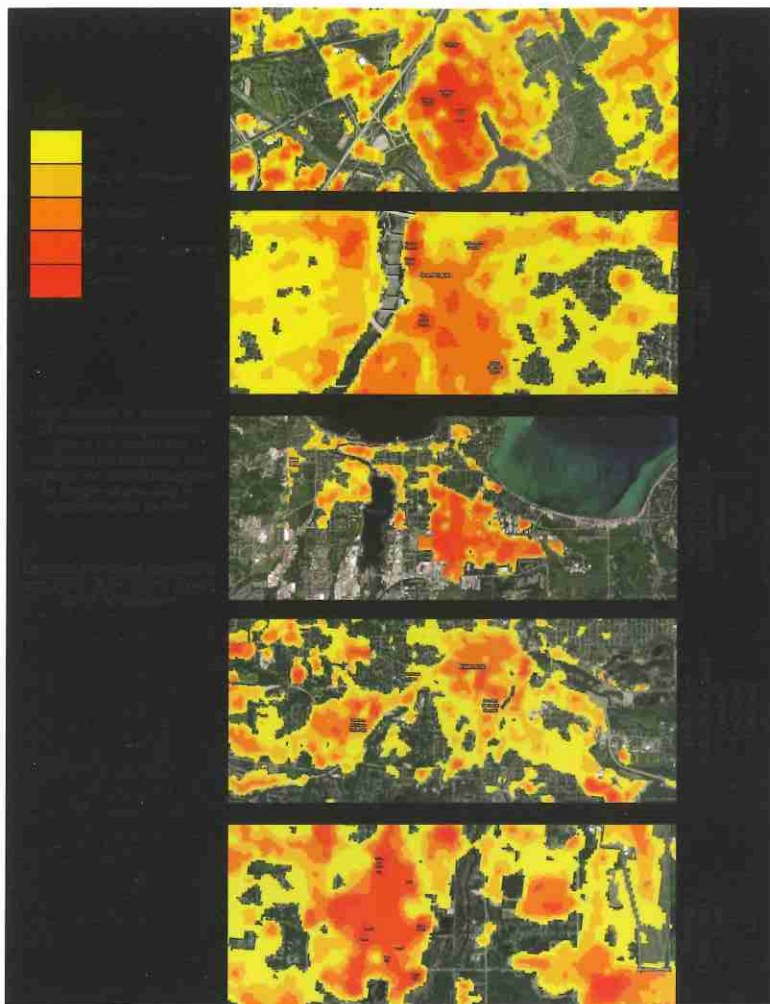
Landsat collects land-use data using OLI-2 and TIRS-2. These two pieces of equipment detect light, not just visible light, but near infrared and short wave infrared, both of which are associated with heat.

Crop Observation and Management

One of the first civilian applications of the Landsat system was LACIE (Large Area Crop Inventory Experiment) which demonstrated that global crop monitoring could be done using satellite imagery. It allowed gathering of information about the state of vegetation over large areas in a timely and objective way. The accurate reporting of agricultural statistics permits better forecasting of crops and food supply. Better forecasting promotes market stability and allows for early warning of food insecurity worldwide.

Heat Severity / Heat Island Effects

The ability to measure heat is of great importance as we try to mitigate the issues of climate change and historically problematic development patterns. In 2019-2020, the Trust for Public Lands partnered with



Created by Author. Select Michigan Cities showing Heat Severity or Heat Island.
Source: ESRI Living Atlas, Trust for Public Land and Descartes Lab, 2020.

Descartes Lab using Landsat 8 imagery to identify heat severity / heat island effects showing that imperviousness, lack of green space and spatial inequities are direct legacies of land use planning and zoning.

Changes

Layering of Landsat imagery over time (Landsat 1 launched in 1972) can demonstrate urban expansion. Timelapse videos from around the world showcase the spati-

ality of policy decisions, in migration, and market growth throughout a set of years. Using Google Earth, planners can look at their own communities to see the consequences of development decisions.

Lakeshores

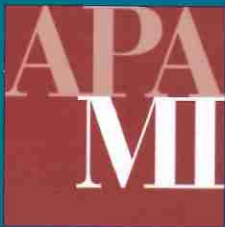
Lakeshore management is particularly important to planners in Michigan. Satellite imagery offers an ability to track and monitor riparian zones, beach zones,

and ecological changes; and to mitigate hazards. This technology when paired with drone services and oblique aerial photographs can be a powerful storytelling tool.

Finer resolution aerial imagery programs like the National Agriculture Imagery Program and MiSail can provide more data for planners and officials. Satellite images along with drone technology provide an unprecedented amount of data for planners. But of course, data is just the start.

What this type of data gives planners and officials is the opportunity to start asking questions, investigating phenomenon and confirming trends. For example, identifying heat severity allows planners to see where previous urban growth and large amounts of impervious surfaces may be posing health risks. Planners must then begin conversations to marry the data from satellite and aerial imagery with human stories that make the point of the larger narrative at play.

Nolan Bergstrom is a Community Planner with the City of Kalamazoo Community Planning and Economic Development Department and holds an M.S. in Geography from Western Michigan University. His current interests include Historical Inequities in the Planning field, leveraging spatial data to encourage equitable planning outcomes, and Community Arts and Engagement.



MAP'S 2022 TRAINING FOR PLANNING AND ZONING OFFICIALS *in person and online***

Register online at: planningmi.org/regional-workshops

Zoning Administration
via Zoom
March 1 & 2, 2022
2 PM to 4 PM

Risk Management
via Zoom
March 8, 2022
6 PM to 8:30 PM

Zoning Ordinance: A to Z
via Zoom
March 10, 2022
2 PM to 4:30 PM

Zoning Board of Appeals
via Zoom
March 15, 2022
6 PM to 8:30 PM

Capital Improvements Program
Frankenmuth - Bavarian Inn Lodge
March 16, 2022
5:30 PM to 8 PM

Planning & Zoning Essentials
Frankenmuth - Bavarian Inn Lodge
March 16, 2022
12 PM to 4:30 PM

Planning & Zoning Essentials
via Zoom
March 21 & 22, 2022
6 to 8 PM

****MAP member pricing for all workshops. Group discounts available. All workshop registrants receive a softbound reference book and completion certificate.**

Capital Improvement Plans

A Capital Improvement Plan (CIP) is a blueprint for planning a community's capital expenditures, and as such, is the implementation plan for all of your community's adopted policies and plans. It can help your community take advantage of one-time funding opportunities, such as grants or ARPA, as well as adapt to funding cuts, as we saw in 2008. A capital improvement plan coordinates planning, financial capacity, and physical development, and is a management tool for the budget and planning processes. Upon adoption by the legislative body, the CIP becomes a statement of policy regarding the timing, location, character, and funding of future capital projects. It must be updated regularly- ideally annually- to remain relevant and useful. This planning process helps your community plan for budget needs related to your community's needs and wants- avoiding (where possible) emergency expenditures and helping your community reach its long-term goals. The Michigan Planning Enabling Act requires most municipalities to assemble a six-year CIP.

The process of developing and adopting a CIP provides a method to implement the goals of your community's adopted plans, including master, recreation, transportation, &/or sustainability plans, as well as the more immediate goals of your legislative body. Aside from master plan goals, other projects may come up that should be incorporated into a CIP. For example, a community may be under a court mandate to improve a water system or to provide barrier free access. The CIP is a valuable document to catalog and communicate these requirements, and to coordinate them with the strategic goals of the adopted plans. Even if no new major improvements are forecasted, a community has an implicit responsibility to maintain the current level of service, and an explicit responsibility to bring capital assets, facilities, and infrastructure into compliance with local, state, and federal laws. That maintenance is costly and should be articulated in the CIP.

When planning for capital improvements, it is important to understand what assets are your community's responsibility, to note opportunities to coordinate with improvements that may be out of your community's direct control, and to note obligations that may become your community's in the long term. While these assets may not directly factor into your community's annual capital budgeting process, they can affect timing of your capital improvement projects. For instance, you may want to time a major road

project with significant utility work to minimize disruption to a neighborhood, or time parks improvements with school capital projects to capitalize on grant funding. In addition, responsibilities for assets may shift over time; perhaps your community wishes to work with MDOT to take control of a right-of-way, or the local cemetery authority becomes bankrupt and the cemetery becomes your community's responsibility. Knowing how the assets of others may affect those of your community in the long-term is important both for budgeting and for strategic planning purposes.

Establishing a clear annual update process, which works well for your community's needs and timelines and involves all of the relevant stakeholders, ensures that the CIP is included as a part of annual budget development and future strategic planning.

Once a CIP is established, it can help your community react quickly to changes in funding- whether windfall funding as we see with ARPA, or reductions in tax revenue due to the ever-changing real estate market. If your community doesn't yet have a CIP, never fear- this is a fantastic opportunity to create one! Take advantage of Michigan's many training opportunities, be they through MAP, the MEDC's Redevelopment Ready Communities program, or your area Council of Governments to set your community up for success!

Bonnie Wessler, AICP is a project manager for the City of Ypsilanti, and has served the city in many roles since March 2009, where she began as a planning intern, later becoming Planner I, Interim Planning Manager, and then to City Planner where she served for nearly 5 years. She was recently appointed as a project manager responsible for capital planning, transportation and parking planning, and parks planning.

Ron Akers, AICP is the Public Services Director of the City of Ypsilanti where he focuses on the administration and asset management of the City's solid waste, recycling, parks, and transportation programs and operations. Prior to this position he has served in roles for several Michigan communities related to planning, zoning/building administration, ordinance enforcement, and economic development.

MAP is hosting its CIP workshop on Wednesday, March 16 in Frankenmuth as part of its regional workshop series. Register at www.planningmi.org.

MAP APPOINTS NEW PROFESSIONAL DEVELOPMENT OFFICER (PDO)



Christina Anderson, AICP, City Planner for the City of Kalamazoo and MAP board member, has been appointed as our new Professional Development Officer (PDO). The PDO serves as the Chapter liaison to the American Planning Association (APA), our parent organization, and is responsible for promoting professional development and continuing education. She will promote AICP certification, provide input on MAP educational programs, and work with MAP staff to increase the visibility of the planning profession and the value of planning. Christina has more than 20 years of planning experience as a consultant, as a researcher with the Form Based Code Institute, with Farr Associates in Chicago IL, and as a village planner. Contact Christina at Andersonc@kalamazoo.city.org

CALLING CARDS

Firms listed provide a sponsorship contribution for this service, which helps defray the cost of publication. This does not constitute an endorsement of any firm by the Michigan Association of Planning.

Cassandra Jorae
 Director of Marketing, Communications, and Administration
cjorae@medaweb.org
 517.241.0011
 P.O. Box 15096
 Lansing, MI 48901-5096
MEDAWeb.org

MEDA
 Michigan Economic Development Association
 Your Partner in Growing Your Community

SAFEbuilt.
SAFEbuilt.com

PLANNING FOR THE FUTURE
 Planning & Zoning
 Municipal Planning
 Comprehensive Planning
 Land Development Codes
 Urban Development

Brian Borden, AICP
 Planning Manager
 248.506.0505
bborden@SAFEbuilt.com

B R I
Beckett & Raeder
 Landscape Architecture
 Planning, Engineering &
 Environmental Services

734.663.2622
www.bria2.com

Ann Arbor
 Petoskey
 Traverse City

MKSK
 Planning | Urban Design | Landscape Architecture

WORKING WITH COMMUNITIES ACROSS MICHIGAN

PASSIONATE ABOUT PEOPLE & PLACE

313.652.1101
MKSKSTUDIOS.COM

progressive|ae
 CREATIVE PEOPLE. STRATEGIC SPACES.
 URBAN DESIGN & PLANNING

1014 1/2 Mile Road NE
 Grand Rapids, MI 49503
 616.262.2864
progressiveae.com

Safe Routes to School
 Providing support to communities to create safe walking and biking routes for students.

MICHIGAN FITNESS COLLECTIVE
 Safe Routes to School
 1.800.434.8642
saferoutemichigan.org

giffels webster

Dedicated to Making Communities Better.
 Planners | Civil Engineers | Surveyors
 Landscape Architects | GIS Specialists

CIB COMMUNITY IMAGE BUILDERS
 PLANNING | MARKETING | ECONOMIC DEVELOPMENT

www.cibplanning.com
 810-734-0000

WE DELIVER RESULTS.

williams&works
 engineers | surveyors | planners

(616) 224 - 1500
williams-works.com

Cassin Planning Group

City Planning & Economic Development Consultants

586-924-9306
cassin@cassinplanninggroup.com
cassinplanninggroup.com

Gibbs Planning Group
 Town Planning & Market Research
 Birmingham Charleston Naples
 248 642-4800