



Interjurisdictional Plans and Agreements



**MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION**

What you will learn:

The benefits of interjurisdictional planning and agreements

How other Michigan communities have cooperated

Interjurisdictional coordination brings together leaders and decision makers from two or more municipalities to identify concerns, discuss issues, examine solutions, resolve problems, and employ joint approaches, where appropriate, to manage government, planning, services, or development. This coordination typically comes in the form of plans or agreements.

Interjurisdictional Plans

Often interjurisdictional plans look at the development of a corridor or sub-area that several entities share. Along with describing a vision of the future, the plans lay out an implementation strategy for each of the governmental entities.

The Michigan Planning Enabling Act enables all local units of government to develop master plans. When undertaking a master plan process, a local unit of government is required to notify neighboring jurisdictions of its intent to plan and consider the neighboring jurisdictions when making decisions--good planning process should consider and coordinate development.

However, there are many issues that transcend municipal boundaries, like transportation, water quality management, climate change, and economics, or market areas that require a more regional scope to sufficiently address. More recently, the lack of housing options near employment centers could be better managed through a coordinated, regional approach.

Interjurisdictional planning may be done permanently or on a more ad-hoc basis. Michigan's Joint Planning Act provides that two or more municipalities may each adopt an ordinance approving an

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What the Law Says:

Public Act 7: Urban Cooperation Act. Provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies.

Public Act 8: Transfer of Functions and Responsibilities Act. Provides for intergovernmental transfers of functions and responsibilities.

Public Act 425: Transfer of Property. Permits the conditional transfer of property by contract between certain local units of government; provides for permissive and mandatory provisions in the contract; provides for certain conditions upon termination, expiration, or nonrenewal of the contract; and prescribes penalties and provide remedies.

Public Act 120 of 1961: Principal Shopping Districts and Business Improvement Districts. Authorizes the development or redevelopment of principal shopping districts and business improvement districts; permits the creation of certain boards; provides for the operation of principal shopping districts and business improvement districts; provides for the creation, operation, and dissolution of business improvement zones; and authorizes the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects.

Public Act 292: Metro Council. Authorizes certain local governmental units to create certain councils under certain circumstances; prescribes the powers and duties of councils established under this act; and authorizes certain councils established under this act to levy a property tax.

Public Act 226 of 2003: Joint Municipal Planning Act. Provides for joint land use planning and zoning by local units of government; and provides for the establishment, powers, and duties of joint planning commissions and zoning boards of appeals.

Public Act 33 of 2008: The Michigan Planning Enabling Act. The Act states in part: in the preparation of a master plan, a planning commission shall do all of the following, as applicable: make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions and consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

agreement to create a Joint Planning Commission. The agreement must specify:

- The composition and jurisdictional area of the commission.
- The members' qualifications, the selection process, and terms of office.
- Conditions and procedures for removal from office, and for filling vacancies.
- How the operating budget will be shared.
- Procedures enabling municipalities to join or withdraw.
- Which planning act the commission would follow.

Once established, the commission has all planning powers and duties of the previous local planning commissions and zoning boards within the designated joint jurisdictional area.

The only city/city/village consolidation in Michigan occurred in 2000 when Iron River, Stambaugh and Mineral Hills merged.

WHAT COMMUNITIES ARE DOING THIS?

2018 Livingston County Master Plan focuses on features that connect each municipality such as natural features and transportation networks. An alternative to the future land use map identifies border issues or conflicts, community strengths, weaknesses, opportunities and threats. The county's extensive research provides a communal toolkit to help local government make educated decisions.

Kalamazoo County Master Plan process engaged each municipality and identified and confirmed the county's understanding of local issues. It educated the municipalities about countywide and significant trends. The county reinforced its redefined role as an entity that more appropriately serves as a resource provider and facilitator. The county planning commission continued to deliver on its goal with an action plan, and a go-to guide for assistance of all kinds.

Wexford Joint Planning Commission. The largest joint planning commission in Michigan, with 11 townships participating together to create one planning commission in Wexford County (near and around Cadillac, Michigan).

Division United. The project is a partnership between Grand Rapids, Kentwood, Wyoming, and The Rapid (Interurban Transit Partnership), and is being led by a diverse steering committee that represents neighbors, businesses, and other important local organizations. The purpose is to plan and suggest projects that will grow economic opportunity.

Reimagine Washtenaw. Existing land use practices along Washtenaw Avenue resulted in a sprawling and congested, auto-centric development pattern limiting the ability to provide the high quality of place residents' and visitors' expect. In 2010, the communities along Washtenaw Avenue including the City of Ann Arbor, Pittsfield Township, Ypsilanti Township and the City of Ypsilanti, created a new vision for Washtenaw Avenue, as well as an implementation strategy. To achieve this vision, leaders from local government, business, public interest groups, community service associations and residents created specific land use, design and transportation improvement goals. Over the last 10 years, many projects have been accomplished.

The Eight Mile Boulevard Association (8MBA). Established in 1993 by thirteen communities and three counties along Eight Mile Road, along with the Michigan Department of Transportation, the Southeast Michigan Council of Governments, and the Greater Detroit Economic Group to facilitate collaboration between these stakeholders toward the revitalization of Eight Mile Road, with a focus on the corridor from I-94 to I-275, a span of 27 miles. The 8MBA is an IRS-designated 501(c)(3) non-profit charitable organization whose projects include business assistance, code compliance, public safety interventions, and beautification projects.

Housing North. Housing North was founded by Rotary Charities of Traverse City, the Frey Foundation, and Networks Northwest. Housing North is a 501c3 organized in 2018 by a cross-sector group of regional housing partners to overcome the communications, policy, and financial barriers that stand in the way of housing solutions. It's governed by a ten-county Board of Directors that works to create housing in Northwest Michigan.

City of Fremont, Dayton Township and Sheridan Charter Township. These three communities established a joint planning commission with full planning and zoning authority for all. The three communities also share a zoning ordinance.

Resources:

City of Fremont Joint Zoning Ordinance.

Land Use Planning and Growth Management: Comparative Policy Perspectives on Urban Sprawl and Future Open Space Preservation, Michigan Agricultural Experiment Station, Michigan State University

Legal Barriers to Intergovernmental Cooperation Agreements in Michigan Structure of Local Government by Member Resource Services

MEDC Fact Sheets on Public Act 425, Principal Shopping Districts and Business Improvement Districts

Michigan Municipal League's Conditional Land Transfer Fact Sheet

Wexford Joint Planning Commission Agreement and Ordinance

More often, communities want to maintain their autonomy, but cooperate. In those instances, an ad-hoc committee is agreed to by the individual legislative bodies for a specific planning goal, such as corridor or recreational improvements.

Interjurisdictional Agreements

Agreements, on the other hand, focus on providing services, goods, or a finite project. It is difficult for communities to tackle everything on their own. Local governments can reduce costs and maintain service levels through an agreement with another unit of government. Agreements may be short term, such as the purchase of road salt where local government X buys and stores the road salt, while local government Y agrees to buy the salt only from local government X. Agreements may be longer term or more complex, such as providing ambulance or EMS, or sewer and water services. Local governments may also share libraries or senior centers.

The Michigan Public Act 425 Conditional Land Transfers provides a means for two local units of government to share tax revenues resulting from new or expanding development in the areas of their

jurisdiction. Typically, a city and a nearby township are the parties to such an agreement. The conditional transfer of land from one unit of government to another is for a limited period of time, not to exceed 50 years. The agreement must involve an economic development project— defined by the Act as “land and existing or planned improvements suitable for use by an industrial or commercial enterprise, or housing development, or the protection of the environment, including, but not limited to, groundwater or surface water.”

Interjurisdictional competition for economic development investments can result in major tax concessions and subsidies. Business demands for cash rewards, free buildings, worker training and lucrative tax breaks result in a less resilient government. By working together, rather than at odds, communities are better able to address their immediate challenges, plan together for their futures, and achieve more efficient and effective results.

This tear sheet was developed by the Michigan Association of Planning (MAP) for the Michigan Economic Development Corporation (MEDC). The Michigan Association of Planning is a 501 c 3 organization, dedicated to promoting sound community planning that benefits the residents of Michigan. MAP was established in 1945 to achieve a desired quality of life through comprehensive community planning that includes opportunities for a variety of lifestyles and housing, employment, commercial activities, and cultural and recreational amenities.

