



Donald L. Nordeen
Otsego Lake Township
Gaylord, Michigan 49735
Phone: (989) 939-8240

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Planning Commission
Otsego County, Michigan

Dear Commissioners:

Subject: Draft Otsego County Master Plan

I am sure that many of the commissioners and attendees at the Feb 09 meeting have reflected on the comments and discussion. Most probably have new ideas to offer. This letter provides some of my thoughts. I am available for further discussion.

As was revealed by the public comments and the resulting dialogue with Commissioners, there are significant problems with the Otsego County Master Plan. By their definitions, both planning and zoning place requirements or conditions on the use of land and accordingly limit “free use of property”. It also appears that the draft master plan is not consistent with the provisions in the applicable Michigan law. A significant part of the draft master plan should be redone to correct the obvious deficiencies.

Legal Requirements

With regard to planning, the legal requirements are defined in the law, which has been copied into Appendix A. Sec. 7(2) lists all of the criteria that must be met in the master plan. “Free use of property” is not one of the criteria. There may be case law in which the tension between the listed criteria and “free use of property” has been further defined by the courts. I did not find any in an internet search with [“master plan” “free use of property” and Michigan]. The Commission’s attorney should be able to summarize applicable cases.

“Free use of property” is not a transcendent requirement that should guide and shape the master plan. I favor free use of property with limits. Those limits or restrictions should be as few as possible, but not fewer.

An electronic search of the draft master plan for “legal” did not identify any listing of legal requirements to be met in the plan. The draft master plan does not appear to be consistent with the provisions in Appendix A. Discussed below are some of the corrective actions required, in my view.

Planning Expertise and Consultants

The use of consultants is described on page 7 of the draft master plan in one paragraph:

“Master Planning

In spring 2006, the team of R. Clark Associates, Inc. and the Land Information Access Association were hired to assist the community in completing the most current revision of the county master plan. The consultant team hosted community meetings to gather extensive public input on the goals and objectives of the new master plan, assisted with the development and revision of future land use definitions, provided a framework for the townships to engage in the preliminary mapping, and guided the community in the creation of a new master plan which reflects the consensus for what residents envision Otsego County to be in twenty years. [underline emphasis mine]

But the draft master plan doesn’t follow through and describe the underlined quantitative

information and conclusions.

Also, the draft master plan does not describe manuals, books and other references that may have been used in developing the draft plan. My quick internet search identified the [Michigan Association of Planning](http://www.planningmi.org/default.asp) at <<http://www.planningmi.org/default.asp>>as a planning resource for Michigan counties and townships. Their website indicates that many resources are available for use by counties and townships for master planning purposes. One of the important aspects of these types of resources is the knowledge of what has and has not worked well thus allowing Otsego County to avoid the known mistakes in planning. Since this type of planning resource is not referenced in the draft master plan, one must assume that such resources were not used.

Public Input

The draft master plan does not contain a section on public involvement and the inputs, preferences and direction from the public. The omission means that the writers did not consider the public comments and inputs to be important. There were a number of public meetings. As I recall, the visioning meetings polled those attending on preferred types of developments by a forced choice method. Accordingly, numerical results from those meetings should be available but are not in the draft plan. Some attendees including this writer objected to some of the forced choices since all choices were objectionable. Specifically, the choice of “none of the above” was not allowed. Further, the forced choices reflected the choices for the community, not what people would necessary buy. Consequently, the results may be unrealistic.

Numerous comments were made by the public during the public involvement phase. A summary of those comments and preferences is not included in the draft master plan — again indicating that the drafters of the plan didn’t consider the public important. Many of the inputs were repeated at the Feb 09 meeting. I have attempted to capture those comments with additions to better organize them in a Letter to the Editor which I have sent to the Herald Times. My submission is in Appendix B.

I drafted the letter to the editor before looking up the law on the internet. The preferences in the letter are consistent with the law and are similar to the concepts enumerated in the law.

As Mr. Pagels and I have stated, we believe a valid survey is a better way to get the preferences from the residents on how they would like to see Otsego County develop.

I am not asking that the Commission adopt the preferences listed in my letter to the editor. Rather as stated previously, I believe it is incumbent on the Commissioners to define the preferences that are to guide the development of the master plan. Public comment on the draft preferences should be provided.

Coordination with Plans for the City of Gaylord and Other Separate Plans

The strong factors in the planning are the geography, topography, environment, soils, water sheds, existing use, environmental sensitivities, etc. Fundamentally, these facts are not aligned with the city and township boundaries. The independence from city and township boundaries is also illustrated by the various maps in the draft master plan.

While Otsego County may not be able to dictate the content in the master plans for separate cities and towns, the Commissioners can ensure that the information from their plans is reflected in the analyses that support the County planning. Obviously, population trends, residential land use, retail land use, commercial land use, and industrial land use must all be comprehended in the development of the County master plan.

Realistic Range for Population Growth

A realistic range for population growth is required to avoid both under-planning and over-planning. Some numbers based on very old historical information are included in the draft plan. But none of those numbers reflect the facts and growth (including negative growth) trends in Otsego County. The decade of the 1990s had large growth that does not appear to be repeated in this decade. See my Feb 06 letter and Feb 09 notes for additional information. The estimated population growths for the separate cities and towns must be included in the analysis.

My recommendation is that the population growth projections be shown in a line graph with upper and lower lines defining the range of reasonable growth to be used in developing the land use plan and related descriptive plans. The hurricane path analogy applies. The further in the future, the wider the range of possible results.

The population growth projections should be deployed to the townships. The numbers used by the townships must be consistent with the graphs approved by the County.

Since none of this information is included in the draft master plan, one must conclude that it does not exist and was not used.

Build-out Populations for the Current Zoning and Current Land Use

Much of the realistic growth — maybe all — can be accommodated within the current zoning and land use. The numbers have to be known. As I have previously stated, the build-out numbers should be obtained for various levels of build out, say from 70% to 100%. Based on the numbers and the derelict properties, a realistic range of build-out populations should be selected. The land use and growth from the separate cities and towns must be included.

The build-out analysis can be done for both residential and retail zoning. Rules of thumb for ratio of retail land per 1000 people should exist.

The difference between the realistic range of population growth and the build-out populations for the current zoning and land use provide an estimated range of additional land that should be considered for residential and retail.

The build-out populations for the current zoning may well accommodate realistic growth projections for the next 20 years. Build-out populations should be one of the numerical parameters used to assess alternative plans.

Vacant Properties in Each Land Use Category

This is another set of very useful numbers. It is obviously needed for residential, retail, commercial, and industrial. The master plan should give preference to development of the properties that are already zoned. The separate cities and towns must be included in the analyses.

There are many residential developments scattered around the county. Most are sparsely populated, some are decaying, and others are derelict. We don't need more of these developments.

There are many vacant retail properties, both in older buildings and in new buildings never occupied. Further, much more land is zoned for retail, particularly if the Gaylord plan is integrated with the County plan.

Industrial Park #2 is mostly vacant. Some buildings in Industrial Park #1 are also vacant.

Numerical results for total lands and vacant lands give meaning to what currently exists.

Again, this information should be deployed to the townships. What the townships submit must be consistent with the County numbers.

Since none of this information is included in the draft master plan, one must conclude that it does not exist and was not used.

Legal Implications of the Master Plan

The more expansive the changes in land use in the master plan, the greater the risk of unintended consequences. Mr. Pagels described some of the legal implications on Feb 09. Expansive plans can easily lead to disjointed development. It is perhaps impossible to create harmonious development with expansive master plans.

Master plans that guide and shape growth to realistic changes in population growth do not rule out other opportunities. They can be considered through amendment in the zoning ordinance which will provide the needed public reviews.

While a singular master plan map may be required, alternative concepts (scenarios) can be provided as supplementary information in the master plan. Parcels of land could be shown on different scenario maps with different land uses. The scenario maps don't need to be complete, but all should show the current zoning and the singular master plan map. The supplementary information would not be binding, and maybe should be labeled opportunity planning. Many good ideas could be described.

Instructions to the Townships

To get everyone on the same page, there should be a common set of instructions. Since the instructions to the townships are not included in the draft master plan, one must conclude that they do not exist and were not used.

Maybe numerical parameters were used in the process as might be suggested to the Otsego County Fact Book. But without summaries of any numerical parameters used in the draft master plan, one must assume minimal use.

The minimum for the instructions to the townships should include the applicable law, applicable case law, public preferences, range of population growth, build-out projections for current zoning and land use, and information on vacant properties not used as designated in the current zoning. The instructions should also include what parameters to use and quantify in assessing alternatives and in the draft plan(s) submitted to the county. Opportunity scenarios should be encouraged, but made only a supplementary (not binding) part of the master plan.

Realistic, Realistic Realistic

One of the strong messages from the regional planning project in the Grand Rapids area was that the planning had to be realistic to be meaningful. One of the final checks in their process was to engage a real estate / land development consultant to evaluate the economic viability of the alternative plans. The consultant's report helped to weed out the wishful thinking.

Sincerely,



Donald L. Nordeen

Appendices

- Appendix A — Michigan Law
- Appendix B — Letter to the Editor

cc: Mr. Peter Comings, Gaylord HT
Mr. James F. Pagels

MICHIGAN PLANNING ENABLING ACT (EXCERPT)
Act 33 of 2008

125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.

Sec. 7.

- (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.
- (2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:
 - (a) Is coordinated, adjusted, harmonious, efficient, and economical.
 - (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
 - (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
 - (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
 - (i) A system of transportation to lessen congestion on streets.
 - (ii) Safety from fire and other dangers.
 - (iii) Light and air.
 - (iv) Healthful and convenient distribution of population.
 - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
 - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
 - (vii) Recreation.
 - (viii) The use of resources in accordance with their character and adaptability.

Letter to Editor Re Draft Otsego County Master Plan

Letter to the Editor
Gaylord Herald Times
Re: Draft Otsego County Master Plan

As the HT reported, I am a critic of the draft Otsego County Master Plan because it plans for an unrealistic 200,000+ population in 20 years and it does not reflect the preferences defined by the residents to guide and shape land use planning. I attended a number of visioning meetings at which residents provided their preferences. Their ideas can be organized and expanded into a set of preferences to be used by the county and townships:

- preserve what mother nature provided in the beauty of northern Michigan
- maintain northern Michigan recreation (golf, fishing, hunting, snowmobiling, skiing, ...)
- ensure orderly, harmonious development that is not disjointed
- integrate plans with other plans in Otsego County and coordinate with adjacent counties
- insist on planning based on facts and numerical parameters for assessing alternative plans
- understand the demographics of the population and their likely changes and then anticipate the needs and expectations of future residents for the plan
- integrate separate plans for schools, adult education, roads, water & sewer, other utilities, parks & recreation, transportation, services, government
- create an attractive environment for business and commercial operations
- enhance travel connections for Gaylord as regional hub
- change current land use only with compelling reasons and when renovation of vacant properties is not feasible — no wishful thinking
- limit expansion to the needs and major opportunities based on realistic population growth estimates
- discourage land use for which there is currently an excess of vacant properties for that land use
- ensure future land use that enhances the common good, the value of property and value of adjacent properties
- use sound planning and land use principles (provide list).

If the transcendent objective is to preserve and maintain the natural beauty, then the best predictor of future land use should be defined by the current zoning and current land use with only the minimum changes based on the above preferences.

While I believe the above reflects the preferences of many residents who attended the visioning meetings, others may have different views. I urge you to communicate your views to the Otsego County Planning Commission. What is included in the master plan can affect us all.