



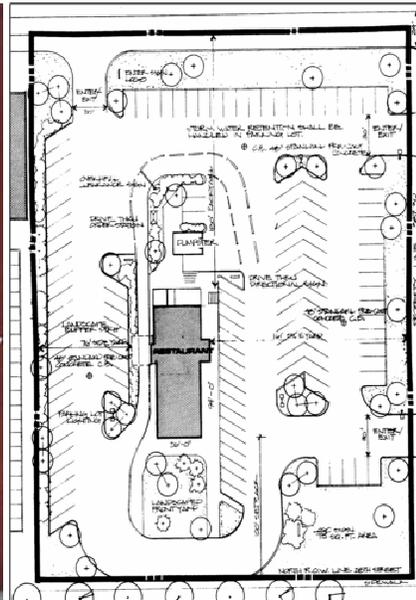
Michigan State University Extension  
Land Use Series

# Planning and Zoning\*A\*Syst # 5 Community Planning & Zoning Audit Administrative Structure

*A community planning and zoning assessment system.*

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*“Thirty seven million acres is  
all the Michigan we will ever have”  
William G. Milliken*

This is a fact sheet developed by experts on the topic(s) covered within MSU Extension. Its intent and use is to assist Michigan communities making public policy decisions on these issues. This work refers to university-based peer reviewed research, when available and conclusive, and based on the parameters of the law as it relates to the topic(s) in Michigan. This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for zoning or other regulation by Michigan municipalities and counties apply in other states. In most cases they do not. This is not original research or a study proposing new findings or conclusions.

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## Chapter 1: Introduction

The *Community Planning and Zoning Audit* is a comprehensive assessment of local government planning and zoning in Michigan. It covers basic topics and practices that members of every local planning and zoning entity should understand and should be doing. Each chapter of the *Community Planning and Zoning Audit* contains key points in the format of questions, checklists, and tables to assess your community’s land use

planning and zoning, including the adoption and amendment process, day-to-day administration and record keeping, and decision making about special land uses, planned unit developments, and site plan reviews.

### Purpose of the Audit

The *Community Planning and Zoning Audit* is intended for use by local units of government in Michigan to help perform a self-evaluation of the basics of the community's planning and zoning system. The reason for doing an assessment is to learn of shortcomings and problems before they become controversial issues. As a result of going through this booklet, local officials will be alerted to things that need "fixing" and deficiencies in the community's files. The document helps accomplish three objectives:

1. Identify liability risks from not following proper procedures and practices, and not having adequate documentation of those procedures and practices.
2. Learn to better manage the planning and zoning administration in your community.
3. Take corrective steps to improve your planning and zoning system.

### Organization and Content

This publication is one of a series of 11 Michigan State University Extension *Community Planning and Zoning Audits* available to walk a community through a performance audit. Topics are:

1. Basic Setup (MSU Extension bulletin number E-3051) makes sure that your planning commission and zoning board of appeals are set up properly and a system is in place to make sure the community keeps up-to-date.
2. The Plan (E-3052) reviews the process of plan and plan amendment adoption (to make sure that it was done properly) and reviews of an existing plan to determine if it needs to be updated, and reviews what should be in a plan.
3. Planning Coordination (E-3053) covers the process of coordination with neighboring government planning (review of each other's plans); coordination with state, federal and other government agencies; coordination practices; and joint planning commissions.
4. The Zoning Ordinance (E-3054) reviews the process of zoning ordinance and zoning amendment adoption (to make sure that it was done properly) and what needs to be in the file to document that the proper steps were taken. This publication also reviews what should be in a zoning ordinance.
5. Administrative Structure (E-3055) provides a performance audit for the operation of the planning commission, zoning administrator, and zoning board of appeals. It covers office procedures, job descriptions, filing systems, bylaws, rules of procedure, compliance with the Open Meetings Act, minutes, and process for meetings and decision making.
6. Special Land Uses (E-3056) provides a review of the administrative structure for handling special use permits: pre-applications, applications, public notification, record keeping, and use of standards in making decisions.
7. Planned Unit Development (E-3057) provides a review of the administrative structure for handling planned unit development handled as a special use permit and as a zoning amendment:

pre-applications, applications, public notification, record keeping, and use of standards in making special use decisions or basis in the plan for zoning amendment decisions.

8. Site Plan Review (E-3058) provides a review of the administrative structure for handling site plan reviews: applications, public notification, record keeping, and use of standards in making decisions.
9. Capital Improvement Program (E-3104) provides a review of the process of creating an annual capital improvement program (CIP).
10. Subdivision and Land Splitting Reviews (E-3105) provides a review of the administrative structure for handling land divisions, subdivisions or plats, site-condominiums, lot splits, and certified plats: preapplication meetings with the developer, public notification, plat review, record keeping, and use of standards in making decisions.
11. Capital Improvements Review (E-3106) provides a review of the process for the planning commission to review and comment on local government construction projects (which are otherwise not subject to zoning), and outlines how this review can be used as a constructive way to ensure that government-funded projects comply with the adopted plan and local ordinances.

Each of these Community Planning and Zoning Audits is available at <http://web2.msue.msu.edu/bulletins/subjectsearch.cfm> and [www.msue.msu.edu/lu](http://www.msue.msu.edu/lu), and from your county Extension office.

## How to use the Audit

The *Community Planning and Zoning Audit* is not difficult to complete. However, it does take time and the ability to search for and find various records in your local government. The actions taken as a result of this exercise should help reduce liability risk and improve your community's planning and zoning program.

The *Community Planning and Zoning Audit* can be utilized by local units of government in a variety of ways. A community can go through this booklet as a group (e.g., the planning commission or a subcommittee) or a community can have an individual do so. The advantage of performing the assessment as a group is that reviewing the community's documents and files in detail is a great educational experience for local officials. Alternatively, a staff person within the planning department may be able to perform the audit quicker because of having greater familiarity with how the unit or government maintains its records.

Additionally, a community can perform the *Community Planning and Zoning Audit* with certain chapters reviewed by various groups or individuals. For instance, the planning commission could review a few chapters of the audit while the zoning board of appeals addresses another set, and the legislative body performs the evaluations in the remaining chapters. Regardless of the approach taken, the main idea is to take the time to find out where various documents are and to make sure that proper documentation is on file. Then, where necessary, take action to correct any shortcomings.

Upon completion, if your community still has questions or wants help, please contact your county Extension office. They can contact the Michigan State University Land Use Team to provide further assistance and educational programming.

## Organization and Content

The *Community Planning and Zoning Audit* contains the following chapters:

1. Introduction.
2. Administrative Structure.
3. Smart Growth.
4. New Economy.

The audit is based on Michigan Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), Public Act 33 of 2008 (the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*), recommendations from members of the MSU Extension Land Use Team, and intergovernmental coordination and plan content “best planning practices” derived from a proposed Coordinated Planning Act developed by the Michigan Association of Planning.

The *Community Planning and Zoning Audit* is not designed to be a substitute for reading and understanding the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act. Nor is this document a substitute for legal advice or for professional planner services. It is important to document each step of the process in planning and zoning a community. Keep detailed minutes, affidavits of publication and mailing, open meeting notices, letters of transmittal, and communications all on file so that years from now they are still available.

## Defined Terms

“Appeals board” means the zoning board of appeals (ZBA).

“Certified” (resolution, minutes, ordinance, etc.) means the keeper of the records for the local unit of government (secretary of the planning commission or clerk of the local unit of government for the planning commission or the clerk of the municipality for the legislative body) provides an affidavit that the copy provided is a true and accurate copy of the document.

“Elected official” means a member of a legislative body.

“Legislative body” refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or any other similar duly elected representative body of a county, township, city, or village.

“Local unit of government” means a county, township, city, or village.

“Municipality” means a city, village, or township.

“Plan” means any plan or master plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

“Planning commission” means a zoning board, zoning commission,<sup>1</sup> planning commission, or planning board.<sup>2</sup>

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<sup>1</sup> On or before July 1, 2011, the duties of the zoning commission or zoning board shall be transferred to a planning commission. Thus, the zoning commission or zoning board will no longer exist (M.C.L. 125.3301(2)).

<sup>2</sup> Starting on Sept 1, 2008, “planning boards” need to be named “planning commissions” even if a charter, ordinance, or resolution says otherwise (M.C.L. 125.3811(1)).

## Chapter 2: Administrative Structure

The purpose of this chapter is to review the day-to-day operations and practices of planning and zoning in the community. It covers operations and practices at public meetings, the office procedures of the zoning administrator, and more.

To conduct this review, you will need the following:

1. The minutes of the planning commission for the past year.
2. The minutes of the zoning board of appeals for the past year.
3. The bylaws for the planning commission.
4. The rules of procedure for the appeals board.
5. A copy of the planning and zoning budget(s) for the current year.
6. A copy of the current zoning ordinance.
7. Access to case files for permits, appeals.
8. Access to the zoning administrator's office records and file system.
9. 9. A copy of the zoning administrator's job description or scope of service.
10. A copy of the zoning administrator's office policies or procedure manual(s).
11. A copy of the Michigan Planning Enabling Act.
12. A copy of the Michigan Zoning Enabling Act.
13. A copy of the Open Meetings Act.
14. A copy of the community master plan.

### Planning Commission Administrative Responsibilities

**Table for general operations (ByLaws, Meetings, Open Meetings Act**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
I. Are there procedures for election of the chair and secretary (and other positions if, desired)? (M.C.L. 125.3817(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Planning Enabling Act. Amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
2. Are elections held each year for the position of chair, secretary, and any other officers? (M.C.L. 125.3817(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Planning Enabling Act. Amend the bylaws to add such a provision, if not already in the bylaws, and start the practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
3. Do you prepare an annual report, work program, and yearly budget according to generally accepted accounting practices? (M.C.L. 125.3819(2) and 125.3823(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> The budget and annual report are required by the Michigan Planning Enabling Act. Statute requires a budget be adopted by the legislative body for all aspects of the local unit of government. The planning commission should be involved in establishing the budget for the planning and zoning parts of the local unit of government. The plan of work is a recommended best planning practice. Amend the bylaws to add a provision that this be done, and start the practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
4. Do you have provisions in your bylaws on public notice of regular meetings?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
5. Do you have procedures in the bylaws for dealing with issues of conflict of interest?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
6. Do you require members to receive training and/or continuing education?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
7. Do you have attendance requirements for meetings?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
8. Do you have rules for public participation (pursuant to the Michigan Open Meetings Act)? (M.C.L. 15.263(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Providing for public participation is required, adopting rules on public participation is not. If desired amend the bylaws to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
9. Were bylaws adopted appropriately?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> If not or if not known, then adopt the bylaws again.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
10. Are copies of bylaws provided to all members?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Provide a copy of the bylaws to each member.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
11. Is the planning commission meeting at least four times a year? (M.C.L.125.3821(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start holding meetings the minimum number of times (or more often).	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
12. Have meeting notices been posted within 10 days after the first meeting of the year? (M.C.L. 15.265(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start the practice of posting meetings.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
13. Does the public notice include: a. The name of the public body. b. Telephone number of the public body (if one exists). c. Address of the public body. d. The date(s) of the meeting(s). e. The time(s) of the meeting(s). f. The location(s) of the meeting(s). g. Other relevant contact information (optional). (M.C.L. 15.264(a) and 15.265(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Items a-f are required. Repost this year's meetings with the required information,	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
14. If the regularly scheduled meeting time was changed, did a public notice get posted within three days after the meeting at which the change was made? (M.C.L. 15.265(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Cancel the meeting, reschedule and properly post the notice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
15. If a special meeting is set up or a regular meeting is rescheduled, was the posting for that meeting done at least 18 hours before the meeting? (M.C.L. 15.265(4))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Cancel the meeting, reschedule, and properly post the notice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
16. Are public notices posted at the city/village/township/county hall or, if such a place does not exist, at the county clerk's office? (M.C.L. 15.264(d))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start always posting meeting notices at one of these locations.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
17. Is a deadline established for adding items to the agenda?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start this practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
18. Are opportunities provided for public comment/input during meetings? (It is a good idea for the public comment to occur prior to votes on an issue.) (M.C.L. 15.263(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Doing so is required by the Open Meetings Act. Start the practice of doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
19. Is a quorum (usually a majority of the full membership) present before proceeding with the meeting? (M.C.L. 15.263(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. Consider amending the bylaws to define a quorum (how many members).	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
20. Are you in compliance with the requirements of the Open Meetings Act (M.C.L. 15.261 et seq.)? (See Land Use Series: “Michigan Open Meetings Act Decision Tree” at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
21. If the meeting goes into a closed session, is it done in compliance with the requirements of the Open Meetings Act? (See <i>Land Use Series</i> : “Michigan Open Meetings Act Decision Tree” at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .) (M.C.L. 15.267 and 15.268)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

**Table for duties**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>22. Does the planning commission engage in and carry out each of the following activities?</p> <p>a. Prepare a plan.                      b. Conduct studies, investigations, and surveys.                      c. Cooperate with local, county, state, and federal units of government.                      d. Consult with adjacent and neighboring units of government.                      e. Receive and actually review and comment on neighboring and county proposed plans.                      f. Prepare and submit an annual report, plan or work, and budget to the legislative body.                      g. Recommend to the legislative body subdivision regulations.                      h. Review and act on proposed subdivisions.                      i. Prepare a capital improvement program each year.                      j. Review and make recommendations on infrastructure/capital projects.                      k. Carry out other duties as assigned by the legislative body.                      (M.C.L. 125.3831, 125.3861-125.3871)</p>	<p>Yes <input type="checkbox"/>                      Good. Go to the next question.</p>	<p>No <input type="checkbox"/>                      These are required by the Michigan Planning Enabling Act. Indicate which are not being done, and put in place a strategy to start the activities not currently being done. Some may be optional. For those which are not optional in your community. For those which are optional in your community indicate which are not being done, and if desired put in place a strategy to start the activities not currently being done.</p>	<p>Check this box: <input type="checkbox"/>                      to indicate this is an improvement that needs to be done.                      Check this box: <input type="checkbox"/>                      to indicate when improvement is done.</p>
<p>23. If zoning duties have been assigned to the planning commission, does it:</p> <p>a. Develop and present zoning ordinances to the legislative body?                      b. Recommend the administering and enforcement of the zoning ordinance?                      c. Review and act on site plans?                      d. Review and act on special land uses?                      e. Review and act on planned unit developments?                      (M.C.L. and 125.3101 et seq.)</p>	<p>Yes <input type="checkbox"/>                      Good. Go to the next question.</p>	<p>No <input type="checkbox"/>                      A planning commission has statutory authority to do any of these if assigned zoning powers. Indicate which are not being done, and put in place a strategy to start the activities not currently being done</p>	<p>Check this box: <input type="checkbox"/>                      to indicate this is an improvement that needs to be done.                      Check this box: <input type="checkbox"/>                      to indicate when improvement is done.</p>
<p>24. Does the planning commission never review and make decisions on any of the following items?</p> <p>a. Appeals of administrative decisions.                      b. Request for variances.                      c. Ordinance interpretation questions.                      (M.C.L. 125.3601-125.3607)</p>	<p>Yes <input type="checkbox"/>                      Good. Go to the next question.</p>	<p>These business items do come before the planning commission <input type="checkbox"/>                      These decisions are the responsibility of the zoning board of appeals and should NEVER be made by the planning commission. Stop doing so immediately.</p>	<p>Check this box: <input type="checkbox"/>                      to indicate this is an improvement that needs to be done.                      Check this box: <input type="checkbox"/>                      to indicate when improvement is done.</p>

**Table for Minutes**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
25. Are minutes kept on file in the office of the clerk of the local unit of government? (M.C.L. 15.269, 125.3821(2), and 125.3819(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. Also make every effort to recover minutes from past meetings so there are minutes of all meetings in the file.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
26. Are the minutes being reviewed and acted on (approved as written or approved as corrected) at the next regular meeting according to the Open Meetings Act and bylaws? (M.C.L. 15.269)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. Amend the bylaws and the agendas so this is a part of each regular meeting.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
27. Do the minutes show that administrative decisions have been based on materials that are sufficiently substantiated to be found to be true (having substance or capable of being treated as fact, not imaginary)? (Article VI, §28 Michigan Constitution)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
28. Do the minutes reflect enough of the debate to clearly indicate which statements made in discussion became the administrative body's list of facts found to be true and germane to the issue (the "findings of fact")? (Article VI, §28 Michigan Constitution)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>29. Do the minutes show that the amount of evidence supporting the administrative body's decision outweighs the material supporting other possible decisions? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>30. Do the minutes show that the decision is based on the entire record (minutes, application, attachments, and so on), not on a review of just part of the record? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>31. Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>32. Do the minutes include the following elements?</p> <p>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</p> <p>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</p> <p>c. The motion to close a part of the meeting to the public which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</p> <p>d. Who spoke and a summary of what was said.</p> <p>e. A statement of the approval being requested.</p> <p>f. The location of the property involved (tax parcel number and description, legal description, and common description).</p> <p>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</p> <p>h. Information considered (summary of discussion by members at the meeting).</p> <p>i. The administrative body's findings of fact.</p> <p>j. Reasons for the decision that has been made.</p> <p>k. The decision (i.e., approve, deny, approve with modification).</p> <p>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</p> <p>m. The list of all changes to the map/drawing/site plan submitted.</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

### Table for General Process for Meetings

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>33. Are the findings of fact based on the record, reports, and supporting documentation provided from the planning commission/zoning administrator?</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. The practice is usually the minimum amount expected. Start doing so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
34. Does the discussion focus on ensuring conformance with ordinance standards?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. The practice is usually the minimum amount expected. Start doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
35. Has all discussion occurred in public at a public meeting? (M.C.L. 15.263)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. If not, do it over: hold another meeting, and conduct all the discussion in public. Take steps to make sure all discussion at future meetings takes place in public.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
36. Has appropriate public opportunity for comment been provided before the decision is made? (M.C.L. 15.263)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Doing so is required by the Open Meetings Act. Start the practice of doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
37. Is the discussion taking place between planning commission members only, unless the public or staff has specific questions directed to them to answer? (M.C.L. 15.263(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Public participation should occur only during hearings or that part of the meeting set aside for public comment.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
38. Are the findings of fact, reasons, and the decision: a. Included as part of a motion or motions? b. Part of the minutes that summarize the discussion, with the decisions and reasons included in a motion or motions? c. Or a combination of both above? (Article VI, §28 Michigan Constitution)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>39. Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3501, 125.3502, 125.3503, 125.3504(4), 125.3504(5), 125.3604(7), 125.3606, Article VI §28 Michigan Constitution, 125.3861, and 125.3871(6))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>40. If conditions to the approval are imposed, are they: a. Designed to protect natural resources; the health, safety, and welfare; and/or the social and economic well-being of people? b. Related to a valid exercise of the police power? c. Necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards? (M.C.L. 125.3504(4))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required. Start doing so immediately. Each condition should be related to one or more of those three elements and should contribute to further complying with standards in the zoning ordinance or other ordinance.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>41. Has all documentation been filed with the designated keeper of records?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Start to do so immediately. Also make every effort to recover documentation of past actions so they are placed in the appropriate files.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>42. Do you send a copy of the final action to the applicant by mail or registered mail (return receipt) or personal delivery?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Start to do so immediately. Consider amending the bylaws to add specifics on who is responsible to do so.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Zoning Administrator

Table for Job Description

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. Does the zoning ordinance provide for a zoning administrator or other means of zoning administration?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is necessary to put actions required in the zoning ordinance into practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
2. Does the zoning ordinance assign the duties of the zoning administrator?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> These should be specified in the zoning ordinance.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
3. Does the zoning ordinance give the zoning administrator the power and responsibility of enforcing the zoning ordinance?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This power is not given to the zoning administrator in the zoning ordinance. This should be corrected.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
4. Is there a written job description (for an employee) or a written scope of services (for a contractor) for the zoning administrator?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> One should be prepared and adopted as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
5. Does the job description clearly indicate who the zoning administrator's immediate supervisor is (chair of planning commission, local government manager, administrator, or chief elected official)?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> An immediate supervisor should be established as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>6. Does the zoning administrator serve only in an advisory role to the planning commission, zoning board/commission, and zoning board of appeals?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Restrict the zoning administrator to an advisory (staff) role only immediately. The zoning administrator should be subservient to those boards. A zoning administrator should never be a member of those boards.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>7. Do the duties of the zoning administrator entail, at a minimum, the following concerning zoning administration?</p> <p>a. Administers and enforces the zoning ordinance. b. Reviews and investigates permit applications to determine compliance with the provisions of the zoning ordinance. c. Issues the appropriate permit when all provisions of the ordinance have been met. d. Performs inspection duties to ensure that proposed land use changes are and will remain in compliance with the ordinance. e. Identifies, inventories, and monitors nonconforming uses. f. Periodically attends planning commission, zoning board of appeals, and legislative body meetings, and reports on the status of zoning operations and any needed changes to the zoning ordinance. g. Conducts technical reviews and site inspections, and makes staff reports to the planning commission and zoning board of appeals.</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>8. Do the duties of the zoning administrator entail, at a minimum, the following concerning zoning enforcement?</p> <p>a. Investigates alleged violations of the ordinance and enforces corrective measures when required. b. Presents case facts and explains decisions of the zoning administrator's office before the zoning board of appeals. c. Develops recommendations on zoning amendments, zoning permit fee structures, and zoning forms, and may propose solutions to any problem encountered in administering the zoning ordinance.</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>9. Do the duties of the zoning administrator entail, at a minimum, the following concerning office administration?</p> <p>a. Submits, at least monthly, to the treasurer:</p> <ol style="list-style-type: none"> <li>1) Transmittal of zoning permit fees collected.</li> <li>2) Cash.</li> <li>3) Checks.</li> </ol> <p>b. Submits one copy of the zoning permit application to the tax assessor in a timely manner.</p> <p>c. Administers and follows procedures and policies established for the office.</p> <p>d. Turns in written reports that include permits issued/denied, appeals, requests for amendments, requests for variances, and other pertinent zoning administration information.</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>10. Do the duties of the zoning administrator entail, at a minimum, the following concerning public relations, assistance, and personal development?</p> <p>a. Provides information on zoning to citizens and public agencies upon request.</p> <p>b. Helps develop and conduct, in conjunction with the planning commission or zoning board/commission, a continuing program of public education on zoning matters.</p> <p>c. Takes advantage of continuing education on zoning administration.</p> <p>d. Performs other duties as specified by local ordinance.</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>11. Are any other duties and responsibilities of the zoning administrator, including approval or disapproval of site plans, special land uses, planned unit developments, etc., clearly stated in the zoning ordinance? (M.C.L. 125.3501-125.3509)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Either the zoning administrator should not be doing those things, or the zoning ordinance needs to be amended to state clearly that the zoning administrator can do so.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

**Table for Office Procedures**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
12. Does the zoning administrator assist citizens in determining what zoning forms and procedures apply to zoning requests and land use changes?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
13. Does the zoning administrator make himself/herself available for preapplication conferences if requested by the applicant? (Note: confidentiality is important during and after these meetings.)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
14. Does the zoning administrator assist citizens in the completion of required permit application forms (but not fill out application forms, etc., for the applicant)?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
15. Does the zoning administrator review the application to determine if the proposed use is a permitted use in that zoning district?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
16. Does the zoning administrator review the application and supporting documents to determine if the physical arrangement of the buildings, driveways, and all other structures complies with all the applicable provisions of the zoning ordinance?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
17. If the proposed use in the application complies with the provisions of the zoning ordinance, does the zoning administrator always issue a zoning permit?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
18. Does the zoning administrator visit the site periodically to inspect work as it progresses to ensure that work conforms with the zoning ordinance?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired this practice should be initiated as soon as possible.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

### Table for Filing System

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
19. Does the zoning administrator keep the zoning map, text, and office records up-to-date by recording all permits, appeals, and amendments, and retaining a copy of all pertinent official documents?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This practice should be initiated immediately, as per the zoning ordinance. Past records should be found and also placed in files for future reference.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
20. Does the zoning administrator maintain a file for each approved land use activity (special land use, planned unit development, rezoning, or zoning ordinance amendment/adoption) that contains, at a minimum, the following? a. Affidavits to show the notices were delivered. b. Affidavits of publication of public hearing notices in a newspaper of general circulation. c. Lists of those to whom notices were sent. d. Minutes of public hearings. e. Certified copies of final motions adopted by the planning commission or zoning board of appeals. f. A copy of the affidavits of notices sent to other government agencies.	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This practice should be initiated as soon as possible, as per the zoning ordinance. Past records should be found and also placed in files for future reference.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

## Zoning Board of Appeals Administrative Responsibilities

**Table for Appeals Board Administrative Responsibilities**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. Are there procedures for election of the chair (and other positions, if desired)? (M.C.L. 125.3602(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> A chairperson is required. Amend the rules of procedure to add such a provision and to indicate which officers exist and are elected.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
2. Are elections held for the position of chair?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
3. Do the rules of procedure clearly state or have procedures in place to make certain that the position of chair is not held by an elected official? (M.C.L. 125.3601(6))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
4. Do the rules of procedure or the zoning ordinance have provisions in place that make it clear that an employee of or contractor to the legislative body (such as the zoning administrator) may not serve on the zoning board of appeals? (M.C.L. 125.3601(6))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure or zoning ordinance to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
5. Are procedures laid down for an acting chairperson to administer an oath and compel the attendance of witnesses in the absence of the chairperson? (M.C.L. 125.3602(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
6. Do you prepare a yearly budget according to generally accepted accounting practices?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the rules of procedure to add a provision that this be done, and start the practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
7. Are there provisions in the rules of procedure on public notice of meetings? (M.C.L. 12.264)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
8. Are there procedures for dealing with issues of conflict of interest? (M.C.L. 125.3601(9))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
9. Are there procedures that would prevent the zoning board of appeals member who is also a member of the planning commission from voting again on an issue on which he/she has already voted on as a member of the planning commission? (M.C.L. 125.3601(13))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
10. Are members required to receive training and/or continuing education?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
11. Are there attendance requirements for meetings?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
12. Do you have rules for public participation (pursuant to the Michigan Open Meetings Act)? (M.C.L. 15.263(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
13. Were the rules of procedure adopted appropriately? (M.C.L. 125.3604(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> If not or if not known, then adopt the rules of procedure again.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
14. Are copies of rules of procedure provided to all members?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. Provide a copy of the rules of procedure to each member of the appeals board.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
15. Are meetings called in one of the following four ways? a. At the call of the chairperson. b. At the call of the chairperson and at other times as specified in the zoning board of appeals rules of procedure on a reserved meeting night every month (meeting only when needed). c. At the call of the chairperson and at other times as specified in the zoning board of appeals rules of procedure on a regularly scheduled meeting time every month. d. At the call of the chairperson and at other times as may otherwise be specified in the zoning board of appeals rules of procedure. (M.C.L. 125.602(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Meetings called by the chair and at other times as specified in the rules of procedure is required. Start the practice of doing so. Consider amending the rules of procedure to specify which procedure for calling a meeting will be used.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
16. Have meeting notices been posted within 10 days after the first meeting of the year? (M.C.L. 15.265(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start the practice of posting meetings.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
17. Does the public notice include the following? a. The name of the public body. b. Telephone number of the public body (if one exists). c. Address of the public body. d. The date(s) of the meeting(s). e. The time(s) of the meeting(s). f. The location(s) of the meeting(s). g. Other relevant contact information (optional). (M.C.L. 15.264(a) and 15.265(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Items a-f are required. Repost this year's meetings with the required information.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
18. If the regularly scheduled meeting time was changed, did a public notice get posted within three days after the meeting at which the change was made? (M.C.L. 15.265(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Cancel the meeting, reschedule, and properly post the notice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
19. If a special meeting is set up or a regular meeting is rescheduled, was the posting for that meeting done at least 18 hours before the meeting? (M.C.L. 15.265(4))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Cancel the meeting, reschedule, and properly post the notice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
20. Are public notices posted at the city/village/township/county hall or, if such place does not exist, at the county clerk's office? (M.C.L. 15.264(d))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start always posting meeting notices at one of these locations.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
21. Is a deadline established for adding items to the agenda?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start this practice.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
22. Are opportunities provided for public comment/input during meetings? (It is a good idea for the public comment to occur prior to votes on an issue.) (M.C.L. 15.263(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Doing so is required by the Open Meetings Act. Start the practice of doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
23. Is a quorum (at least a majority of the full membership) present before proceeding with the meeting? (M.C.L. 15.263(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. Consider amending the bylaws to define a quorum (how many members).	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
24. Are you in compliance with the requirements of the Open Meetings Act? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .) (M.C.L. 15.261 <i>et seq.</i> )	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start to do so immediately	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
25. If the meeting goes into a closed session, is it done in compliance with the requirements of the Open Meetings Act? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .) (M.C.L. 15.267-15.268)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

### Table Process (Minutes, Finding of Facts, etc.)

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
26. Does the zoning board of appeals review and make decisions only on the following items? a. Appeals of administrative decisions. b. Requests for variances. c. Ordinance and map interpretation questions. d. Appeals of special land use and/or planned unit development (PUD) decisions (if specifically provided for in the zoning ordinance). e. Other duties established by the zoning ordinance, such as requests for expansion of nonconforming uses. (M.C.L. 125.3604 and 125.3605)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Immediately stop performing any of the functions that are not listed with this question. Other functions are duties of another board or individual.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
27. Does the zoning ordinance or rules of procedure specify a deadline for the zoning board of appeals to hold a hearing following receipt of an appeal? (M.C.L. 125.3604(4))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the rules of procedure to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
28. Is a notice of the appeals board hearing published in a newspaper of general circulation within the local unit of government? (M.C.L. 125.3103(1) and 125.3604(4))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
29. Is the notice given not less than 15 days before the date the appeal will be considered? (M.C.L. 125.3103)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
30. Does the notice of the public hearing state the following? a. The time, date, and place of the public hearing. b. The nature of the appeals hearing. c. Where written comments will be received. d. And if the appeal involves specific parcels, the property that is the subject of the appeal using the street address (or other means of identification of location if a street address does not exist). (M.C.L. 125.3103(2) and 125.3604(4))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start always posting meeting notices with this information.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
31. Is a copy of the notice sent to the person requesting action by the zoning board of appeals not less than 15 days before the public hearing? (M.C.L. 125.3103(2) and 125.3604(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>32. If the appeal involves a specific parcel, is written notice sent by first-class mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>33. If the action before the zoning board of appeals involves a variance, does the written notice include a listing of all the properties subject to the variance request? (Note: addresses do NOT need to be created if none exist; other means of identification may be used in cases where an address does not already exist.) (M.C.L. 125.3103(4))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>34. Does the notice indicate when and where written comments will be received concerning the case? (M.C.L. 125.3103(4))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>35. Does the ordinance or rules of procedure state the time period within which an application for an appeal, variance, or interpretation may be filed with the zoning administrator or designated person? (M.C.L. 125.3604)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the rules of procedure to add such a provision.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>36. Are procedures set up for filing an application for an appeal, variance, or interpretation with the designated official? (M.C.L. 125.3604(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Create and start to follow procedures for filing an appeal, variance, or interpretation.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>37. Does the zoning ordinance or rules of procedure specify with whom an appeal is filed?</p> <p>a. The officer or body from whom the appeal is taken.</p> <p>b. The zoning board of appeals, specifying the person or office where delivered. (M.C.L. 125.3604(3))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Amend the rules of procedure to add such a provision.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>38. Does the filing of an appeal, variance, or interpretation request to the zoning board of appeals stay all proceedings, in furtherance of the action, until a decision is made by the zoning board of appeals? (M.C.L. 125.3604(3))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>39. Does the appeals board make findings of fact on the basis of appropriate sources of information, such as the application, ordinance requirements, physical characteristics of the lot and adjacent parcels, input from neighbors, and staff reports and agency reports regarding impacts on public services, natural resources, character of area, and streets, parking, and traffic? (M.C.L. 125.3606)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>40. Has all discussion on the case occurred at a public meeting? (M.C.L. 15.263)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required. If not, do it over: hold another meeting and conduct all the discussion in public. Take steps to make sure all such discussion takes place at future public meetings.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>41. Has appropriate public opportunity for comment been provided before the decision is made? (M.C.L. 15.263)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Doing so is required by the Open Meetings Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
42. Is the discussion taking place between appeals board members only, unless the public or staff has specific questions directed to them to answer?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Public participation should occur only during hearings or that part of the meeting set aside for public comment.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
43. Does the discussion focus on ensuring conformance with ordinance standards, the standards of “unnecessary hardship” for use variances, or standards of “practical difficulty” for non-use variances? (M.C.L. 125.3604(7)-125.3604(11) and 125.3606)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start doing so immediately. Each administrative decision should include the action/decision, reasons (based on standards), and findings of fact.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
44. Does the appeals board never issue use variances unless: a. It is an appeals board for a city or village. b. It is an appeals board for a township or county that, as of February 15, 2006, had a zoning ordinance provision that expressly authorized the granting of use variances (by using the phrases “use variance” or “variances from uses of land”). c. It is an appeals board for a township or county that actually granted a use variance(s) before February 15, 2006. (M.C.L. 125.3604(9))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Unless one of the three exceptions applies, immediately stop issuing use variances.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
45. If the zoning board of appeals in your community is authorized to grant use variances (see question 44, above), does the zoning ordinance or rules of procedure contain a provision that requires a vote of two-thirds of the members of the zoning board of appeals to approve a use variance? (M.C.L. 125.3604(10))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the rules of procedure or zoning ordinance to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>46. Are the findings of fact, the reasons, and the decision:</p> <p>a. Included as part of a motion or motions?</p> <p>b. Part of the minutes that summarize the discussion, with the decisions and reasons included in a motion or motions?</p> <p>c. A combination of both above? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>47. Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3604(7), 125.3606, Article VI §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>48. If conditions to the approval are imposed, are they:</p> <p>a. Designed to protect natural resources; the health, safety, and welfare; and/or the social and economic well-being of people?</p> <p>b. Related to a valid exercise of the police power?</p> <p>c. Necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards? (M.C.L. 125.3604(9) (see also 125.3504(4)))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required for administrative decisions. Start doing so immediately. Each condition should be related to one or more of those three elements and should contribute to further complying with standards in the zoning ordinance or other ordinance.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>49. Has all documentation been filed with the designated keeper of records?</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start to do so immediately. Also make every effort to recover documentation of past actions to be placed in the appropriate files.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
50. Do you send a copy of the final action to the applicant by mail or registered mail (return receipt) or personal delivery?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start to do so immediately. Consider amending the bylaws to add specifics on who is responsible to do so.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

### Table for Appeals Board Minutes

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
51. Are minutes are kept on file in the office of the clerk of the local unit of government? (M.C.L. 15.269, 125.3602(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. Also make every effort to recover minutes from past meetings so there are minutes of all meetings in the file.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
52. Are the minutes being reviewed and acted on (approved as written or approved as corrected) at the next regular meeting according to the Open Meetings Act and rules of procedure? (M.C.L. 15.269, 125.3606(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Start to do so immediately. If desired, amend the bylaws and the agendas so this is a part of each regular meeting.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
53. Do the minutes show that the appeal board's decisions have been based on materials that are sufficiently substantiated to be found to be true (having substance or capable of being treated as fact, not imaginary)? (Article VI, §28 Michigan Constitution)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons and findings of fact.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>54. Do the minutes reflect enough of the debate to indicate clearly which statements made in discussion became the appeals board's list of facts that it found to be true and germane to the issue (the "findings of fact")? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>55. Do the minutes show that the amount of evidence supporting the decision outweighs the material supporting other possible decisions? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>56. Do the minutes show that the review and decision are based on the entire record (minutes, application, attachments, and so on), not a review of just part of the record? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>57. Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is recommended but not required. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>58. Do the minutes include the following elements?</p> <p>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</p> <p>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</p> <p>c. The motion to close a part of the meeting to the public which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</p> <p>d. Who spoke and a summary of what was said.</p> <p>e. A statement of the approval being requested.</p> <p>f. The location of the property involved (tax parcel number and description, legal description, and common description).</p> <p>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</p> <p>h. Information considered (summary of discussion by members at the meeting).</p> <p>i. The administrative body's findings of fact.</p> <p>j. Reasons for the decision that has been made.</p> <p>k. The decision (i.e., approve, deny, approve with modification).</p> <p>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</p> <p>m. The list of all changes to the map/drawing/site plan submitted.</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>59. Is there a system of record keeping on each case that has documentation in the file that includes each of the following?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show that the notices were delivered.</p> <p>c. Affidavits of publication of public hearing notices in a newspaper of general circulation.</p> <p>d. Site inspection and other reports.</p> <p>e. List of those to whom notices were sent.</p> <p>f. Minutes of public hearings and meetings on the case.</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. The practice is usually the minimum amount expected. Start doing so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

**Table for General Process for Appeals Board Meetings**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
60. Are the findings of fact based on the record, report, and supporting documentation provided from the appeals board/zoning administrator?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. The practice is usually the minimum amount expected. Start doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
61. Does the discussion focus on ensuring conformance with ordinance standards, the standards of “unnecessary hardship” for use variances, or standards of “practical difficulty” for non-use variances? (M.C.L. 125.3604(7)-125.3604(11), and 125.3606)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This practice is the minimum amount expected. Start doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
62. Has all discussion occurred in public at a public meeting? (M.C.L. 15.263)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. If not, do it over: hold another meeting and conduct all the discussion in public. Take steps to make sure all discussion takes place at public meetings in the future.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
63. Has the opportunity for public comment been provided before the decision is made? (M.C.L. 15.263)	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Doing so is required by the Open Meetings Act. Start the practice of doing so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
64. Is the discussion taking place between appeals board members only, unless the public or staff has specific questions directed to them to answer?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Public participation should occur only during hearings or that part of the meeting set aside for public comment.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

## Michigan State University Extension Land Use Series

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>65. Are the findings of fact, reasons, and the decision:</p> <p>a. Included as part of a motion or motions?</p> <p>b. Part of the minutes that summarizes the discussion, with the decisions and reasons included in a motion or motions?</p> <p>c. A combination of both above? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>66. Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3604(7), 125.3606; Article VI §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>67. If conditions to the approval are imposed, are they:</p> <p>a. Designed to protect natural resources; the health, safety and welfare; and/or the social and economic well-being of people.</p> <p>b. Related to a valid exercise of the police power.</p> <p>c. Necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance (the standards of “unnecessary hardship” for use variances or standards of “practical difficulty” for non-use variances), and necessary to ensure compliance with those standards. (M.C.L. 125.3604(9); see also M.C.L. 125.3504(4))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required. Start doing so immediately. Each condition should be related to one or more of those three elements and should contribute to further complying with standards in the zoning ordinance or other ordinance.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>68. Has all documentation been filed with the designated keeper of records?</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. Start to do so immediately. Also make every effort to recover documentation of past actions so they are placed in the appropriate files.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

## Michigan State University Extension Land Use Series

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
69. Do you send a copy of the final action to the applicant by mail or registered mail (return receipt) or personal delivery?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. Start to do so immediately. Consider amending the bylaws to add specifics on who is responsible to do so.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

### Table for Appeals - Generally

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
70. Are forms and information available regarding initiating an appeal and supporting material required for an appeal that includes, at a minimum, the following? a. Demand for an appeal form. b. Requirements for an appeal. c. Appeal and other fee schedules.	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. Design and make available various forms and information bulletins for starting an appeal.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
71. Does the ordinance require the officer by whom the appeal was taken to immediately transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken? (M.C.L. 125.3604(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required. Amend the rules of procedure or the zoning ordinance to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
72. Does the zoning ordinance or rules of procedure allow the issuance of an order by the zoning board of appeals or circuit court to not stay all proceedings? This action would be taken if the officer from whom the appeal is taken certifies after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the zoning board of appeals cause imminent peril to life or property. (M.C.L. 125.3604(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the rules of procedure or the zoning ordinance to add such a provision.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.
73. Is the decision documented in writing, not only in the minutes but also in annotated notes for the zoning administrator, that includes the rationale for the decision?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.  Check this box: <input type="checkbox"/> to indicate when improvement is done.

**Table for Appeals - Variances**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>74. Does the zoning board of appeals grant a use variance only when the applicant demonstrates an “unnecessary hardship” exists? Unnecessary hardship means:</p> <p>a. No use may be made of the parcel as it is presently zoned.</p> <p>b. The property in question cannot be put to a reasonable use (i.e., there would be no reasonable economic return from the privilege of ownership) if permitted to be used only for uses allowed in the district in which it is located.</p> <p>c. The plight of the owner is due to unique circumstances peculiar to the property and not to general neighborhood conditions.</p> <p>d. The use variance, if granted, would not alter the essential character of the area or neighborhood.</p> <p>e. The problem is not self-created.</p> <p>(M.C.L. 125.3604(7))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Start to do so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>75. Does the zoning board of appeals grant a non-use variance only when the applicant demonstrates a “practical difficulty” exists? Practical difficulty means:</p> <p>a. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.</p> <p>b. A variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.</p> <p>c. The plight of the owner is due to unique circumstances of the property.</p> <p>d. The problem was not self-created.</p> <p>e. If the non-use variance is granted, it will not cause a substantially adverse effect upon adjacent properties and not essentially alter the character of the surrounding area.</p> <p>(M.C.L. 125.3604(7))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Start to do so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

**Table for Appeals – Ordinance (Including Map) Interpretations**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
76. If the appeal is about interpretation of the zoning map, does the appeals board follow the zoning ordinance standards for interpreting the zoning map?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start to do so immediately, as per the zoning ordinance.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.
77. Does the zoning board of appeals use the following guidelines, or something similar, when making a decision on a zoning ordinance text interpretation? a. Research the ordinance and supporting documentation. b. Considering the issue in light of the whole ordinance and not simply the section in which it is found. c. Considering the interpretation in light of the intent of the ordinance as it is written, not merely as it may have seemed to the people who drafted it. d. With advice of planning and legal counsel whenever it is available. e. Making the decision on narrow grounds and limiting the scope of an interpretation so that other unintended consequences do not result.	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

**Table for Appeals – Administrative Decision**

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
78. When reviewing an appeals case, does the zoning board of appeals keep in mind that its job is to establish whether the previous decision, based on the ordinance standards and other facts in the record, is warranted, and if the previous decision, based on ordinance standards and other facts in the record, is found to be warranted, does the zoning board of appeals always uphold the previous decision?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired start to do so immediately.	Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.

## Chapter 3: Smart Growth

The purpose of this section is to provide basic information and introduce communities to the 10 tenets of smart growth. Covered here are the basics necessary for the administration and operation of zoning. If your community is interested in incorporating the principles of smart growth into its ordinances and develop according to the smart growth principles, the Smart Growth Readiness Assessment Tool (SGRAT) can be used to guide your community through an evaluation of the plans and implementation tools currently used to guide growth. This assessment can also help your community identify tools that may help produce a smart pattern of growth in the future.

This document represents the first stage of a community assessment. To go on to the next step in assessing your community's planning and zoning, you should review the Smart Growth Readiness Assessment Tool on the Internet. Go to <http://www.landpolicy.msu.edu/sgrat/>.

- A. The Governor's Land Use Leadership Council used the following smart growth tenets<sup>3</sup> for many of the recommendations contained in its report on land use in Michigan. These 10 tenets can form the basis for establishing a set of state land use goals.
1. Mix land uses.
  2. Compact building design.
  3. Increase housing choice.
  4. Encourage walking.
  5. Offer transportation variety.
  6. Create a sense of place.
  7. Protect farms, unique natural features, open spaces.
  8. Direct new development to existing communities.
  9. Make development process fair, predictable, efficient.
  10. Involve stakeholders.
- B. What is smart growth?
1. Smart growth is development that serves the economy, the community, and the environment.
  2. It provides a framework for communities to make informed decisions about how and where they grow.
- C. Why smart growth? It makes dollars and sense because it is financially conservative, environmentally responsible, and socially beneficial.
1. Financially conservative
    - a. Makes responsible use of public money.
    - b. Reuses existing buildings.
    - c. Uses existing roads and highways.

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<sup>3</sup> Smart Growth Network. Getting to Smart Growth. Washington, D.C.: Smart Growth Network. [Online, cited 8/3/03.] Available at: <http://www.smartgrowth.org/PDF/GETTOSG.pdf>.

For more detail and examples, see <http://www.smartgrowth.org/pdf/gettosg.pdf>.

- d. Uses existing water/sewer infrastructure.
  - e. Uses higher density to maximize the value of publicly funded facilities and services.
  - f. Keeps taxes and public service costs low.
2. Environmentally responsible
- a. Uses and/or reuses developed areas.
  - b. Keeps impervious surfaces to a minimum by concentrating dense development.
  - c. Builds to fit existing land rather than changing the land to fit what is built.
  - d. Avoids oversized lots and yards to reduce excessive mowing, fertilizing, etc.
- D. Socially beneficial
- a. Encourages people to live close enough to one another for comfortable interaction.
  - b. Designs residential areas for conversation from the sidewalk to the front porch.
  - c. Encourages “eyes on the street” at all hours to reduce crime and fear of crime.

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## Chapter 4: New Economy

By Kurt H. Schindler, Distinguished Senior Educator Emeritus

### Part one: A new economic age and playing field

It is not news to most that Michigan was hit hard in the 2007-2014 recession. We lost the most manufacturing jobs of any state, had the highest unemployment and falling median income, and lost more population than any state.

What might be even more difficult news is that we have recovered. However, our recovery did not provide a return of all the lost manufacturing jobs and has not brought median income back up to past levels. In the past, Michigan’s economy was tied to the cycles of the automotive industry. We had economic downturns but, when automobile sales picked back up, Michigan’s economy rebounded.

With this recession, Michigan’s economy has undergone a fundamental change. With that change, the rebound will not be the same as in the past, and the automotive dominance will not be as significant.

A number of economists and Michigan State University President Lou Anna K. Simon recognized there was a fundamental economic shift some years ago. Recognizing this shift led to a cooperative effort of several Michigan universities. They took a close look at Michigan’s economy and provided research as to what has happened and what would be the most effective strategies for economic recovery.

*A very fundamental structural shift has occurred with economic development. In this new economic age, how one conducts business, governs and promotes economic development has changed.*



Figure 1 Dr. Adesoji “Soji” Obafemi Adelaja, Hannah Distinguished Professor in Land Policy, Agricultural and Food Resource Economics, MSU, and former director of the Land Policy Institute.

Dr. Adesoji “Soji” Adelaja,<sup>4</sup> the John A. Hannah Distinguished Professor in Land Policy and former director of the MSU Land Policy Institute,<sup>5</sup> led the multi-faceted research effort.<sup>6</sup> Dr. Adelaja came to Michigan State University from Rutgers University and agreed to work on at the Land Policy Institute and economic research for five to seven years.

Actually, the change in the world economy occurred in the 1990s and 2000s for most of the western world and many other states too. In Michigan, the shift did not occur as soon, largely due to the dominance and continued success of the automotive industry. The start of the 2009 recession brought the economic shift to a head in Michigan very abruptly.

The fact that the majority of the western world already experienced this shift can be seen as good news for Michigan. The research could then focus on learning what happened elsewhere, since many parts of the world were more familiar with the economic shifts, so to speak. The applied research<sup>7</sup> could identify economically prosperous and successful regions and backward-engineer what those communities did to achieve their success and economic recovery. In short, we could learn from others what worked in other western nations and states. That was the major focus of research done by Michigan universities and trainings brought to communities<sup>8</sup> by MSU Extension,<sup>9</sup> MSU Land Policy Institute, the Michigan Municipal League<sup>10</sup> and other organizations.

Future parts of this chapter will review the content of that training.

During the recession, the United States’ share of economic growth in the world fell from 19 percent to 10 percent (Business Week, 2008). That means other nations did much better than us. The bottom line is successful prosperous regions adopted a new approach to attracting growth, recognizing the characteristics of the new economy. It is not a choice as to whether we want to be in the new economy or not. It has already happened.

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<sup>4</sup> [http://www.afre.msu.edu/people/adelaja\\_a/bio-info](http://www.afre.msu.edu/people/adelaja_a/bio-info)

<sup>5</sup> <http://landpolicy.msu.edu/>

<sup>6</sup> <http://landpolicy.msu.edu/program/info/mpi>

<sup>7</sup> <http://landpolicy.msu.edu/program/info/mpi>

<sup>8</sup> <http://landpolicy.msu.edu/program/info/mpi>

<sup>9</sup> <http://msue.anr.msu.edu/>

<sup>10</sup> <http://www.mml.org/home.html>

This kind of economic change, any kind of economic change, is not new, and such change always happens. The employment in the agricultural sector peaked in 1900s. Agriculture is still important today, but now employees from this industry represent about three percent of the workforce. Traditional manufacturing employment peaked in the 1960s. That sector, in the United States, is now following the transition that agriculture underwent.

The new economy is world-wide competition. Every other town, city and region in the world is now competing with Michigan for prosperity. Many nations have some significant advantages over the United States:

- They have flexible infrastructure, a more flexible decision-making framework and better partnership between government and business.
- They do not have our legacy costs (pensions, health insurance, etc.).
- They can take more risk.
- They have nothing to lose and prosperity to gain.

Not only are they our competitors, it is also important to remember they do not care about us.

So, we have to change the way we think, act and do business at every level in the public, private and nonprofit sectors in order to compete globally in the new economy. From research, we know that a transition from manufacturing to service and manufacturing to advanced manufacturing has occurred. In the 2000s, most U.S. growth is attributable to the service, knowledge and advanced manufacturing sectors. Firms with the highest quality of knowledge tended to be the fastest-growing and most profitable. For example:

- Information-communications-technology industries were best in 2008.
- Service industries that were most integrated with global demand accounted for more than 75 percent of job gains in 2008, many of which were created by exports.

However, there is more to it than just knowledge assets. It is unrealistic to try to grow a local economy based on economic sectors past their peak. To be prosperous, we need to be increasing employment in those industries that are growing.

## Part Two: Old versus new: New economy is where we are at

Once research was completed by a partnership of several Michigan universities (see Part One), the task shifted toward presenting what was learned to state and local governments, so that those successful actions could begin in Michigan. The Land Policy Institute and Michigan State University Extension focused their efforts on that. Much of the activity in the past seven years has focused on working with numerous communities to shift gears and succeed in the new economy. It has allowed us to see, first-hand, these strategies work.

*A very fundamental structural shift has occurred with economic development. In this new economic age, it pays to know the difference between the old and new economy.*

Before going into the successful strategies, let's further explain what the new economy is and how it compares with what Michigan's economy used to be.<sup>11</sup>

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<sup>11</sup> [http://landpolicy.msu.edu/resources/chasing\\_the\\_past\\_or\\_investing\\_in\\_our\\_future\\_full\\_report](http://landpolicy.msu.edu/resources/chasing_the_past_or_investing_in_our_future_full_report)

First, there is a shift in what is most important for businesses when choosing where to locate. In the new economy, a community that is rich in talent<sup>12</sup> and ideas is most important. Today's competitive market requires innovation, adoptability and a community and labor force that has the talent and ideas to change and remain competitive. This replaced what used to be most important: low cost (low tax, tax breaks, pre-built industrial parks).

Second is a community or region's ability to attract educated people. Why? Because "educated people" is the best measure one has to determine if a community is rich in talent and ideas. In the new economy, one of the major economic development strategies is to do things that result in educated individuals wanting to come and live in their town or region. This replaced what used to be the strategy of attracting companies and factories.

Even factories need educated or knowledge workers. Advanced manufacturing is where the United States is competitive. In the mid-late 2000s, MSU Extension educators, working on this topic, toured parts of Ford Motor Company's Rouge industrial complex. The UAW worker that was our tour guide pointed to the Ford F-150 pickup truck assembly line and indicated all workers on that assembly line have a bachelor degree, the technical equivalent, or more.

Third is the realization of and action on the reality that physical and cultural amenities are key in attracting talent and knowledge workers. Those knowledge workers are who bring to a community the richness and talent in ideas, measured by level of education. That is what new economy businesses consider most important. It means that things like vibrant downtowns, theater, nature centers, green<sup>13</sup> and blue trails,<sup>14</sup> natural areas, forests, farms, historic features, arts organizations, and much more are the most important basic things for economic development. In many ways, things a community does to attract and accommodate tourists is now what is needed for attracting the talent to a community. Often, the strategies used by hospitals to attract doctors to a community are now the strategies that need to be used for the knowledge worker as an economic development strategy. In the old economy, that was not the case. A high-quality physical environment was a luxury, costing money, and a negative for a cost-conscious economic development effort.

Bend,<sup>15</sup> Oregon, is an example of this. Bend is where the spotted owl resided and, upon protection of that species' habitat, the logging industry in Bend saw a major downturn. That was also when the new economy shift was happening in Oregon. The town's economy rebounded to a point many times stronger than it was with logging – by promoting their natural environment and outdoor life. "If your business is in Bend, you can be on vacation at 5 p.m. every day."

Fourth, knowledge workers choose where they want to live. Then, the majority of them move there. Once they have arrived, then they find work or become entrepreneurs and create their careers. With the millennial generation, about 66 percent of college graduates follow this pattern: chose where they want to live, move there and then look for work. The recession has not significantly changed this percentage. I suspect that most reading this article know a child, grandchild, friend or friend's relatives that have done this. New economy businesses follow that talent to those regions where they are choosing to live. So, the economic strategy is to be the community that has the attractive qualities in your region where people

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<sup>12</sup> <http://searchcrm.techtargt.com/definition/knowledge-worker>

<sup>13</sup> <http://michigantrails.org/>

<sup>14</sup> <http://www.michiganwatertrails.org/>

<sup>15</sup> <http://www.bendoregon.gov/>

choose to live. That is done with physical, cultural amenities and natural resource play areas. So, knowledge workers, educated people, choose to locate there. That is how a community becomes a region that is rich in talent and ideas, which attracts new economy businesses.

For example, I met the director of a culture department in one Norway city while hosting a study group. Every city in Norway has this type of department funded by their national government as part of their economic development strategy. Her department had seven full time and seven part time employees. Her city population was roughly 7,000. Their job is to make sure there are activities to do in the city: nightlife, sporting events, culture and so on. They have to make them self-sustaining, as these departments cease to exist after so many years. Norway understands the importance of a variety of activities for attracting people and economic development. Norway is one of our competitors in the new economy.

There are additional comparisons between the old economy and new economy. The table illustrated with this article compares the old and new economy. Each illustrates a significant shift from the economy Michigan had prior to 2009 and now.

### Old versus New Economy

A side-by-side comparison of the old economy and new economy.

Old Economy	New Economy
Inexpensive place to do business was the key.	Being rich in talent and ideas is the key.
A high-quality physical environment was a luxury, in the way of attracting cost-conscious businesses.	Physical and cultural amenities are key in attracting knowledge workers.
Success = fixed competitive advantage in some resource or skill.	Success = organizations and individuals with the ability to learn and adapt.
Economic development was government-led.	Partnerships with business, government and nonprofit sector lead change.
Industrial sector (manufacturing) focus.	Sector diversity is desired, and clustering of related sectors is targeted.
Fossil fuel dependent manufacturing.	Communications dependent.
People followed jobs.	Talented, well-educated people choose location first, then look for a job.
Location mattered.	Quality places with a high quality of life matter more.
Dirty, ugly, and a poor quality environment were common outcomes that did not prevent growth.	Clean, green environment and proximity to open space and quality recreational opportunities are critical.

## Part three: People count: Population growth causes basic economic growth

Attracting people to live in your area is one of the most basic and important economic development strategies. It may also be one of the easiest<sup>16</sup> to do.

<sup>16</sup> [http://msue.anr.msu.edu/news/build\\_better\\_places\\_today](http://msue.anr.msu.edu/news/build_better_places_today)

It seems obvious to say it, but each time someone moves to your community,<sup>17</sup> that is economic growth. That person is a new customer. They buy food and services, patronize local businesses, get their car fixed, attend activities, invite others to visit them, and more. Likewise, if people move away, that hurts the community economy.

A state, county or community that is shrinking in population cannot grow. Also, consider that in the new economy, many people choose where they want to live, move there and then look for work or become entrepreneurs creating their own employment. And people choose to move to quality places.<sup>18</sup>

So, a new economy development strategy is to attract people. First, any growth in population equates to growth. Second, there are certain population groups that may be more important to target than others. For example, new retirees (baby boomers) bring with them a life-time of savings and skills. Also, retirees are one of the most prolific population groups that produce entrepreneurs – people who start new businesses and employ others. This should not be a surprise. This age group has a lifetime of experience and skills, and many have savings or connections for having the funds to start new ventures.

Another sought after group (which Michigan does very poorly) are EB-5 Visa immigrants<sup>19</sup> to the United States. Those from other nations eligible for EB5 are well-educated and able to invest a significant amount of money into a new business. First and second generation immigrants to the United States are this nation's most prolific group for starting new, very successful businesses that employ many people. These are highly prized immigrants<sup>20</sup> in many parts of the country, but, for the most part, Michigan does not even pursue them.

Educated youth (millennials) is a third desired group. This represents a talent pool – what advanced industry is looking for in a community where they might locate.

Remember, one of the characteristics of the new economy is that jobs follow people. People move to quality places. Currently millennials tend to seek urban, large city downtowns to live. That trend will continue for some years yet. It is a generalization. Not everyone fits that mold. The task for rural communities or small towns is to define their niche and target those people who seek the assets and attributes they have to offer.

The ultimate local goal for the new economy is to attract and retain these people-assets: well-educated youth, seniors, immigrants and entrepreneurs. For growth in the new economy, a community and region should have a deliberate, purposeful, formally-adopted population attraction strategy. Such a strategy may involve many of the same things the community does to attract tourists, attract medical staff to a local hospital, and more.

What attracts people to a town, county and region? The same things that have already been pointed out in this series: green<sup>21</sup> and blue<sup>22</sup> infrastructure, vibrant downtowns, arts, culture, activity and things to

*Population growth is economic growth. Taking steps to attract people to move to a community is an important strategy.*

<sup>17</sup> <http://landpolicy.msu.edu/resources/econimpactsctypopchangesmifullreport>

<sup>18</sup> <http://www.economicsofplace.com/2011/12/placemaking-in-small-towns-five-case-studies>

<sup>19</sup> <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/about-eb-5-visa>

<sup>20</sup> [http://msue.anr.msu.edu/news/new\\_americans\\_in\\_michigan](http://msue.anr.msu.edu/news/new_americans_in_michigan)

<sup>21</sup> <http://michigantrails.org/>

<sup>22</sup> <http://www.michiganwatertrails.org/>

do. But more specifically, it comes down to “place matters”. People are attracted to a place.<sup>23</sup> The types of places which are popular and successful in getting new population have the following:

- Entrepreneurial infrastructure<sup>24</sup> – a community that is supportive of new businesses startups and has programs such as economic gardening in place
- Diversity<sup>25</sup> – communities that are tolerant of and socially welcome diversity of race, religions, beliefs and life-styles.
- Green<sup>26</sup> and blue<sup>27</sup> infrastructure – natural areas, parks, trails, water resources and so on
- Social infrastructure – a community with social activities, events and things to do
- Public transportation infrastructure – a choice as to how one gets around the community, not just automobile, but also bike, walking, and public transportation to and between amenities
- Variety of housing<sup>28</sup> – a choice of different types of housing, not just single family homes on lots, but also housing downtown, apartment buildings, and so on (what is important is to provide choice)
- Information technology infrastructure – high-speed internet
- Collaborative capacity – a community that works together and has many collaborative and cooperatives efforts for accomplishing community-wide projects

In the next part, we will focus more on place, place matters and placemaking.<sup>29</sup>

## Part Four: Local government’s economic development role: placemaking and regions

A key strategy for development in the new economy is to attract more people to live in an area. At the most basic level, the idea is to simply have population growth.<sup>30</sup> More strategically would be targeting retirees (baby boomers), EB-5 Visa immigrants<sup>31</sup> to the United States, and educated youth (millennials) as desired newcomers.

In the new economy, we now see jobs and employers following talented people and talented people moving to quality places. This raises the issue of what are “quality places” and how does one make their own community a quality place? Part three of this series talked about that a little bit.

*It takes a region to provide the places, variety, resources and attributes to attract people. Attraction of people is attraction of new businesses and needs to be done at a multi-county regional level.*

<sup>23</sup> <http://miplace.org/placemaking>

<sup>24</sup> <http://edwardlowe.org/entrepreneurship-programs/>

<sup>25</sup> [http://od.msue.msu.edu/diversity\\_and\\_multiculturalism/](http://od.msue.msu.edu/diversity_and_multiculturalism/)

<sup>26</sup> <http://michigantrails.org/>

<sup>27</sup> <http://www.michiganwatertrails.org/>

<sup>28</sup> <http://missingmiddlehousing.com/>

<sup>29</sup> <http://miplace.org/placemaking>

<sup>30</sup> <http://landpolicy.msu.edu/resources/econimpactsctypopchangesmifullreport>

<sup>31</sup> <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/about-eb-5->



Figure 2: Components of placemaking | Graphic by Glenn Pape of MSU Land Use Institute from a similar graphic by Project for Public Places, New York.

The most important thing about “quality place” is that each community has its own unique characteristics. Each community has its own set of assets and attributes that are genuine for that community. One should build on those unique assets to enhance and build place.

Generically, one can point to some characteristics of a place. At a regional level (multiple counties),<sup>32</sup> they include attractive, high-quality cities, universities and colleges, first-class medical facilities, regional transit, transportation and highway access, and green<sup>33</sup>/blue<sup>34</sup> infrastructure.

Within a region, each community uses its assets to do its part in the region. No one local government area can be everything that is needed in a region. But they do have a role, contributing their assets as part of the whole for the region.

One of very important findings about successful communities in the new economy is their work was done with a regional (multi-county) partnership. The new economy is regional. People, companies and talent do not move to towns; they move to regions. So, the effort needs to be focused locally but with an eye as to how it works and fits in the larger region. That means local governments, schools and the private sector must all work cooperatively together to market the region.

In Michigan, as a result of the research done by MSU, there are the Michigan Prosperity Regions<sup>35</sup> put forth by Governor Snyder.

The process, or effort, to build “quality place” is called placemaking.<sup>36</sup> That is making place. To explain this it may be easiest to ask you to use your imagination. Think back to the last time you took a vacation or visited another city that you really liked. Now think back to what it is you liked about that place. Make a mental list of those things as you read this.

Now, think about your community. What things on your mental list about the place you visited could be done in your community? Be sure things you list for your community build on the existing strengths and assets your community has. You do not want to try to make your community something it is not. That would look and feel fake and does not work. Actually, doing the things on your list to build strengths and assets in your community is called “placemaking”.

Placemaking is one means of attracting people and prosperity to your community. Placemaking done by many communities in a region is one means of attracting people and development to your region.

The imagination example of placemaking, above, is a simplistic explanation. When working with a community, the discussion and making lists needs to be done in an open, inclusive way so many can participate. When done as part of a community, the process is more formal. It starts with knowing your economic region, or sub-region. This is so there is an understanding of what role the community fulfills in the region. For example, a very rural township may have the role to provide growing of local foods or green assets with forest or rivers. A city may be providing a downtown. Another small town may have the cultural arts assets and other communities offering their parts. All together they become a region or sub-region that has a cross section of most the assets that are globally competitive and economically prosperous.

To do all this, one needs to know the assets and resources. So, start with making a list of those things. Then, build on those. Think about how it fits in with the region. That means collectively making a model or region-wide economic plan which connects to demand (regional, national, global). Working as a community group and coordinating with a county and region means talking to your partners often. These

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<sup>32</sup> <http://www.michigan.gov/dtmb/0,5552,7-150-66155---,00.html>

<sup>33</sup> <http://michigantrails.org/>

<sup>34</sup> <http://www.michiganwatertrails.org/>

<sup>35</sup> <http://www.michigan.gov/dtmb/0,5552,7-150-66155---,00.html>

<sup>36</sup> <http://miplace.org/placemaking>

partners can be from neighboring communities, counties and regions. It also means partnerships that include each of the public, private, non-profit sectors.

This regional approach also means one gives up some of the old models (see chart with Part 2) of doing business. Economic development is no longer a territory issue. Everyone wins with any one community's gain. Everyone loses when time and resources are spent getting business to move from one place in the region to another place in the region. Be willing to rethink how local funds are spent, to invest elsewhere, or to help investment in another part of the region recognizing the whole region benefits.

In summary, economic development is now all about economic, social and environmental "placemaking". It is one of the main economic strategies for local governments in Michigan and is necessary to catch up with many other states and countries in the western world.

Finally, remember the shift to the new economy came to Michigan later than most places. That means we are behind in the process of creating places where people want to live, work and play. In order for communities to succeed and revitalize, embracing these concepts sooner rather than later is imperative to their success.

There are many excellent resources on placemaking. The main one, written specifically for Michigan is *Placemaking as an Economic Development Tool: A Placemaking Guidebook*.<sup>37</sup> It is a free PDF download for anyone in Michigan.

## Part Five: Prosperity comes from a focus on people, policy and place on a regional scale

Local governments are not the only ones with an important role to bring Michigan back to prosperity in the new economy. State government and educational institutions also have vital parts to do.

This series spoke of the new economic age and playing field and compared the old economy and new economy, pointing out this shift has already occurred and Michigan still needs to catch up with the change. The series then focused on the importance of attracting people and stated that population growth is economic growth. Thus, population attraction strategies by local communities are important with placemaking<sup>38</sup> and local government coordinating with regions.

*It takes a region to provide the places, variety, resources and attributes to attract people. Economic development also needs to be coordinated among state, regional, educational, local government and private sectors.*

For the state as a whole, the research done by MSU and other Michigan universities outlined fourteen broad categories of strategies for having prosperity. Those fourteen categories can be divided into three general areas: people, policy and place.

These three general areas also tend to fall into different camps for implementation. Issues around people are things most likely to be within the realm of the education system. Policy focuses on state-wide organizations and state government. Place are things best suited for local and regional government.

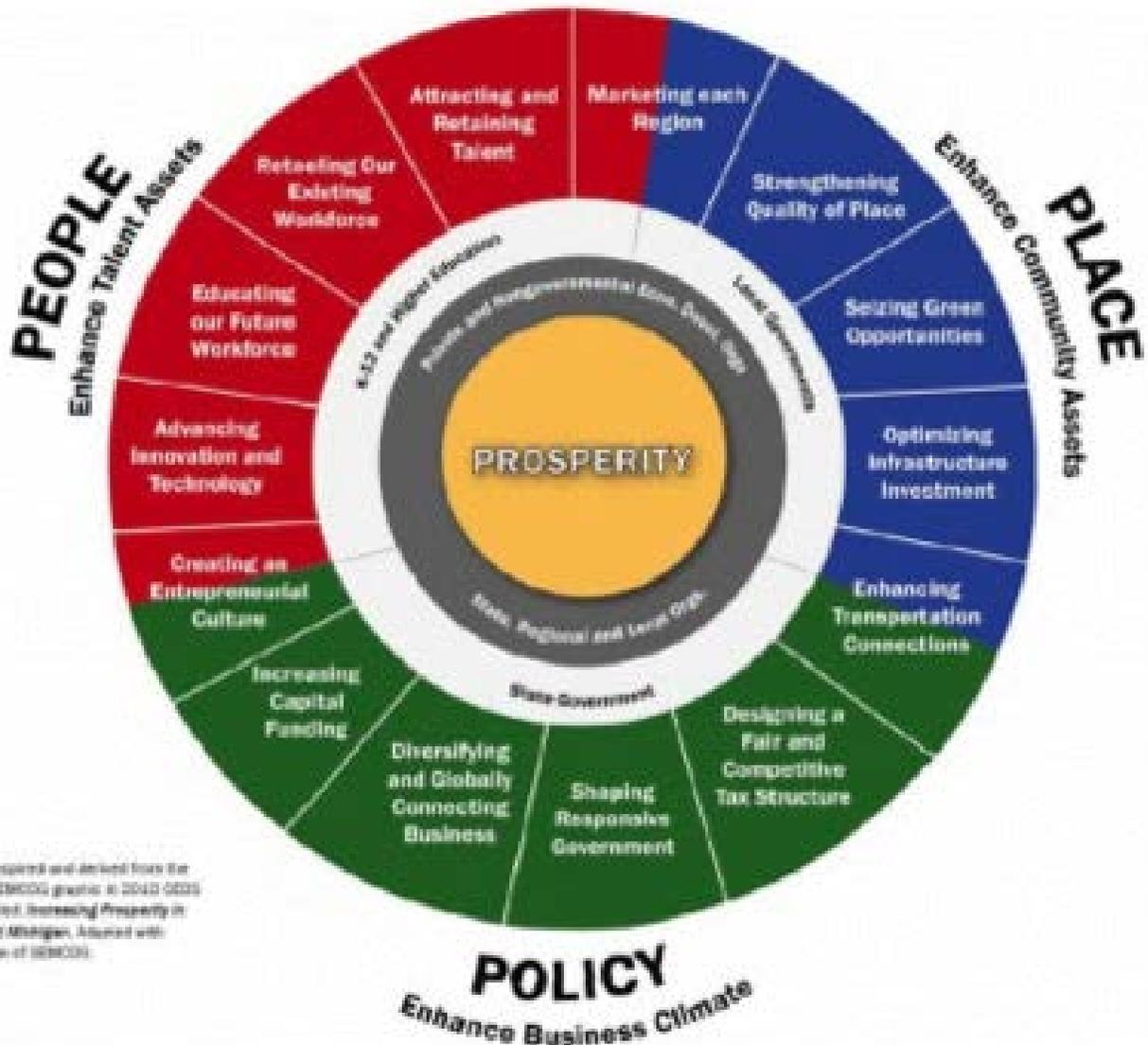
<sup>37</sup> <http://landpolicy.msu.edu/resources/pmedtguidebook>

<sup>38</sup> <http://landpolicy.msu.edu/resources/pmedtguidebook>

In the new economy, businesses think in regional terms. An industry does not choose to move to a township, village, county or a city. An industry is choosing to locate in a region or sub-region. The assets and attributes businesses look for is more than what exists in a single municipality. The customer base, labor pool, education system, medical services and many more things are regional (multiple counties) or sub-regional (maybe two counties) in size. If local government is not also thinking in regional terms and presenting a regional picture, it runs the danger of not even speaking the same language as the industry it is trying to attract.

This should not be a surprise. A question I often ask an audience is, “How many of you live, shop, work, play, learn, socialize, go to church and everything else without ever leaving the boundaries of your local government?” Of course, no one raises their hand. We all live our lives in a region or sub-region. The regional approach for new economy strategies about people, policy and place also apply.

Figure 1 – Fourteen Strategy Categories



Graphic inspired and derived from the original SEBCCO graphic in 2010-2011 Plan entitled, Increasing Prosperity in Southeast Michigan, created with assistance of SEBCCO.

Figure 3 Categories of across-the-board various strategies for Michigan to be competitive in the new economy. | Results of a Land Policy Institute Prosperity Initiative for Michigan

The first area is a focus on people, enhancing the talent and skills that people have. This largely falls to the educational system. That includes K-12, community colleges, universities, Michigan Works, private and nongovernmental organizations, and economic development organizations. Strategies include educating our future workforce. In the new economy, there is a direct relationship between how well the population is educated and the median income in the state. In the old economy, that was not the case, and Michigan did well median income-wise. Today it is very important. The states with the most economic success and highest median income have a workforce which has 50 percent with bachelor degrees or higher. Michigan's is around 25-27 percent. This is not saying everyone has to go to college, but a larger percentage of students should be receiving higher education. Additional strategies are re-tooling the existing workforce, attracting and retaining talent. It also means advancing innovation and technology with training, research and development. The educational and nongovernmental organizations also have a role to create an entrepreneurial culture through the teaching of creative arts and community acceptance and fostering of entrepreneurialism. A strategy is also to work to market and promote the region the education institutions are located within.

While the accompanying graphic and this article divide economic development tasks among various government entities, it does not have to be done that way. For example, Kalamazoo Promise<sup>39</sup> is a multi-government and non-profit effort. Many communities understand the attraction of knowledge/talent workers means getting education beyond high school. So, various structures of investment in higher education are being done within a number of Michigan communities. The goal is to grow that talent right at home. Success is pointed out by research done by the W. E. Upjohn Institute for Employment Research:<sup>40</sup> Kalamazoo scholarships increased the number college degrees received. For every \$1 invested in college, one can expect \$11 more in pay over the course of a person's career. Higher education pays back big time, not just for the individual with higher pay and health, but also for the region. The more educated the workforce, the faster the recovery from recessions, and the more attractive those communities are to potential new employers, according to the Kresge Foundation's<sup>41</sup> materials.

So, while education mainly falls to the education system, local government and non-profit organizations can also have an important role.

The second area focuses on policy and improving the business climate. It is largely a state government (legislature) function and deals with regional and local organizations. Shaping responsive government to the needs of the new economy (including focusing state services around the new state regions) becomes an important strategy. The state can also diversify and globally connect businesses. Financial issues include increasing capital funding and designing a fair and competitive tax structure. The state level efforts also have a role to create an entrepreneurial culture with the education system. Also, the state can enhance transportation connections and choices.

The local role for this means streamlining zoning and local review and approval processes. Things like one-stop-shopping so one can get all their permits with one stop and one location. Strategies include having deadlines decisions on site plan review, special use permits; considering home occupations as an "automatic" activity in a home; mixed use districts, downtowns; allowing a mix of housing types; broadly defined agriculture that allows many more types of activities; accommodating alternative energy (with such structures as part of buildings, etc.); fewer special uses replaced with permitted uses; and requiring affordable housing for the workforce.

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<sup>39</sup> <https://www.kalamazoopromise.com/>

<sup>40</sup> <http://www.upjohn.org/>

<sup>41</sup> <http://kresge.org/programs/education>

The third area is a focus on place, enhancing community through placemaking, and is done by city, village, township and county governments; regions; private and nongovernmental organizations; and economic development organizations. This series of articles already focused on strengthening quality of place (placemaking and all that entails) in part 4. This includes enhancing green and blue infrastructure opportunities. It also means optimizing infrastructure investment, such as re-directing some spending toward new technology like high-speed internet. It also means working with state efforts to enhance transportation connections and choices and working with educational systems to market and promote the region.

All these efforts need to work together. There are many different actors needed to do all these things. Coordination between them all is necessary. If that cooperation does not already exist, it needs to be initiated. In part three of this series, we pointed out that a community that works together has many collaborative and cooperative efforts (between public, private, non-governmental and non-profit organizations) for accomplishing community-wide projects and will be several steps ahead toward prosperity.

In part four, we indicated this cooperation needs to also span geography to be regional. It was one of the very important findings about successful communities in the new economy: having a regional (multi-county) partnership.

Two final thoughts: Dr. Adesoji “Soji” Adelaja,<sup>42</sup> the professor of economics that headed up the applied research behind what Michigan needs to be doing to be prosperous in the new economy, said in exasperation, “Michigan has the natural resources, people and all the other assets for economic success that the rest of the world envy. But no one seems to promote them or use them, and some do not even recognize them as assets.” How can a state be so blind to all it has at its disposal? The point is, Michigan has the resources<sup>43</sup> needed to be successful.

Finally, Michigan was a system of economic downtown for decades. It will take dedication, long-term commitment and many years for strategies outlined here to have full effect.

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<sup>42</sup> [http://www.afre.msu.edu/people/adelaja\\_a/bio-info](http://www.afre.msu.edu/people/adelaja_a/bio-info)

<sup>43</sup> [http://msue.anr.msu.edu/news/local\\_government\\_has\\_a\\_major\\_role\\_in\\_revitalizing\\_michigans\\_economy](http://msue.anr.msu.edu/news/local_government_has_a_major_role_in_revitalizing_michigans_economy)

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