

Community Facilities & Services

The facilities, services and programs offered by the Township to its residents and businesses are essential to maintaining an adequate standard of living and are an essential factor in determining whether or not a community can thrive and grow.

Township Hall

The Greenwood Township Hall is located on a 10-acre parcel at the intersection of Yale Road and Kilgore Road in Section 16. The Township Hall contains the Township administrative offices and a meeting room that is used for the public meetings of the Township. The Township Fire Department is located in an adjacent building on the Township Hall property.

Utilities

Currently there are no public water or sewer facilities available in the Township, nor is it expected that such will be provided during the period covered by this Master Plan. Residences and businesses in the Township are served by individual on-site wells and septic tanks. However, the Detroit Edison facility is served by Detroit water. Electric power is provided to all areas of the Township by Detroit Edison. Natural gas service is provided to some residences along Kilgore Road north of Oatman by the Southeastern Michigan Gas Company. Most residences utilize on-site propane or fuel oil tanks.

Schools

A wide range of educational opportunities and services are available to Township residents. They are described as follows:

YALE PUBLIC SCHOOLS

Greenwood Township is located almost entirely within the boundaries of the Yale Public School District. At this time, the district does not have any school sites within the Township and none are expected to be constructed within the Township during the planning period. The closest district facility is the Avoca Elementary School located near the intersection of Kilgore Road and Avoca Road (M-136), one mile south of Greenwood Township in Kenockee Township.

CROSWELL-LEXINGTON COMMUNITY SCHOOL DISTRICT

The extreme northeastern corner of the Township is served by the Crosswell-Lexington Community School District. The district does not have any school sites within the Township and none are expected to be constructed within the Township during the planning period. The closest district facilities are the high school, middle school and elementary schools in and near Crosswell, approximately 7–8 miles north of the Township.

INTERMEDIATE SCHOOL DISTRICT

The Intermediate School District of St. Clair County (ISD) provides adult education services, vocational programs and special education services to eight school districts in the County, including the Port Huron Area School District. These services are provided by facilities at the ISD Educational Service Center, located at 499 Range Road in Kimball Township.

One such facility is the Technical Education Center (TEC), which offers job training and placement opportunities for nearly 1,200 high school and adult students. These programs are competency based, allowing students to progress according to individual ability and experience.

As part of the ISD Educational Service Center complex, severely and profoundly mentally impaired students are provided training, education and enrichment opportunities at the Woodland Development Center.

Curriculum development, media, instructional materials and training for teachers and volunteers are other ISD supportive services designed to strengthen area school programs.

ST. CLAIR COUNTY COMMUNITY COLLEGE

St. Clair County Community College, located at 323 Erie Street in Port Huron, is a comprehensive community college offering associate degrees in both transfer and occupational areas. The college provides the freshman and sophomore courses needed to fulfill requirements for transfer to a senior college or university. The occupational curriculum is designed for those who plan to enter directly into business or industry from community college.

The Community and Business center of the Community College works closely with business to schedule seminars and classes for employee upgrading and training on campus as well as in the work place.

Public Safety Services

POLICE

Police protection for the Township is provided by the St. Clair County Sheriff's Department and Michigan State Police as part of their regular patrols and service.

FIRE PROTECTION

In addition to the existing facilities at the Township Hall (one fire truck), the Township contracts with the fire department of Kenockee Township to help provide fire protection for Township residents. That contract will expire in 2002, after which time the Township will be solely responsible for fire protection.

Thoroughfare Plan

An important element of the Master Planning process is the development of a plan for the over-all system of streets and roads in a community. This system provides for the movement of people and goods to and from places both inside and outside the community. Also, the right-of-ways of roads provide places for various public utilities such as: water lines, gas lines, sanitary and storm sewers, cable television lines, electrical power and telephone lines, in addition to the actual roadway surface. Because of these functions of roads, the system of roads in a community can impact on economic conditions, environmental quality, energy consumption, land development and the overall quality of life in a community.

With the implementation of the Thoroughfare Plan, strength will be lent to the development of the Township in the pattern envisioned by the Future Land Use Plan. Because of the close relationship between transportation and land use, improvements to the system of thoroughfares will increase the development possibilities for the Township.

Principles

To be effective, a Thoroughfare Plan must adhere to certain principles. The principles associated with developing an effective thoroughfare plan are as follows:

- The Thoroughfare Plan must provide for a road system in the Township that will be safe, convenient and efficient in the movement of people and goods.
- The Thoroughfare Plan must effectively integrate local roads with regional thoroughfares, but segregate through traffic from local residential streets.
- The Thoroughfare Plan must ensure adequate ingress and egress for all land uses.

- The Thoroughfare Plan must ensure right-of-way dedications, reservations consistent with local, county, and state proposals.
- There must be coordination of the Thoroughfare Plan with the existing and proposed patterns of land use.
- The Thoroughfare Plan must be developed to accommodate all types of traffic expected in the Future Land Use Plan.
- The Thoroughfare Plan must facilitate governmental and private development of streets and thoroughfares through an orderly and progressive Capital Improvement Program for the Township.
- Modern design standards must be used in planning rights-of-way, pavement width and other characteristics of streets.

Functional Classification of Streets & Roads

The first step in creating a thoroughfare plan is to inventory the Township road network by classifying each road by planned function/right-of-way categories. The four categories used in this plan will be:

1. Major Thoroughfares
2. Secondary Thoroughfares
3. Collector Thoroughfares
4. Local Thoroughfares

These functional classifications are defined as follows:

MAJOR THOROUGHFARES:

These roads have a planned right-of-way of at least 150' and are intended to carry high volumes of through traffic both within the Township and to or from the surrounding region. Major thoroughfares also can provide access to larger abutting properties and large commercial or business areas, such as shopping centers, factories and industrial parks.

SECONDARY THOROUGHFARES:

These roads have a planned right-of-way of 120' and serve many of the same functions as major thoroughfares (carrying through traffic and providing access to large scale abutting uses), but at somewhat lower traffic volumes and speeds. Furthermore, secondary thoroughfares primarily only carry through traffic within the Township, not to or from the surrounding region.

COLLECTOR THOROUGHFARES:

These roads have a planned right-of-way of 86' and have three purposes. First, they collect traffic from local streets and distribute that traffic to local destinations or major and secondary thoroughfares. Second, they funnel through traffic from major and/or secondary thoroughfares to local destinations. Third, collector streets can provide internal circulation and access to major shopping centers and industrial parks.

LOCAL THOROUGHFARES:

These roads have a planned right-of-way of 66' and are intended to provide access to adjacent land uses, such as residential neighborhoods. Generally, these roads carry relatively small volumes of traffic.

County Road Classifications

The St. Clair County Road Commissions also uses, for maintenance purposes, a classification system based on the source(s) of funding for repairs and upgrades. This classification system has two categories:

COUNTY PRIMARY:

These are roads for which the County is responsible for providing funds for maintenance and upgrades.

COUNTY LOCAL:

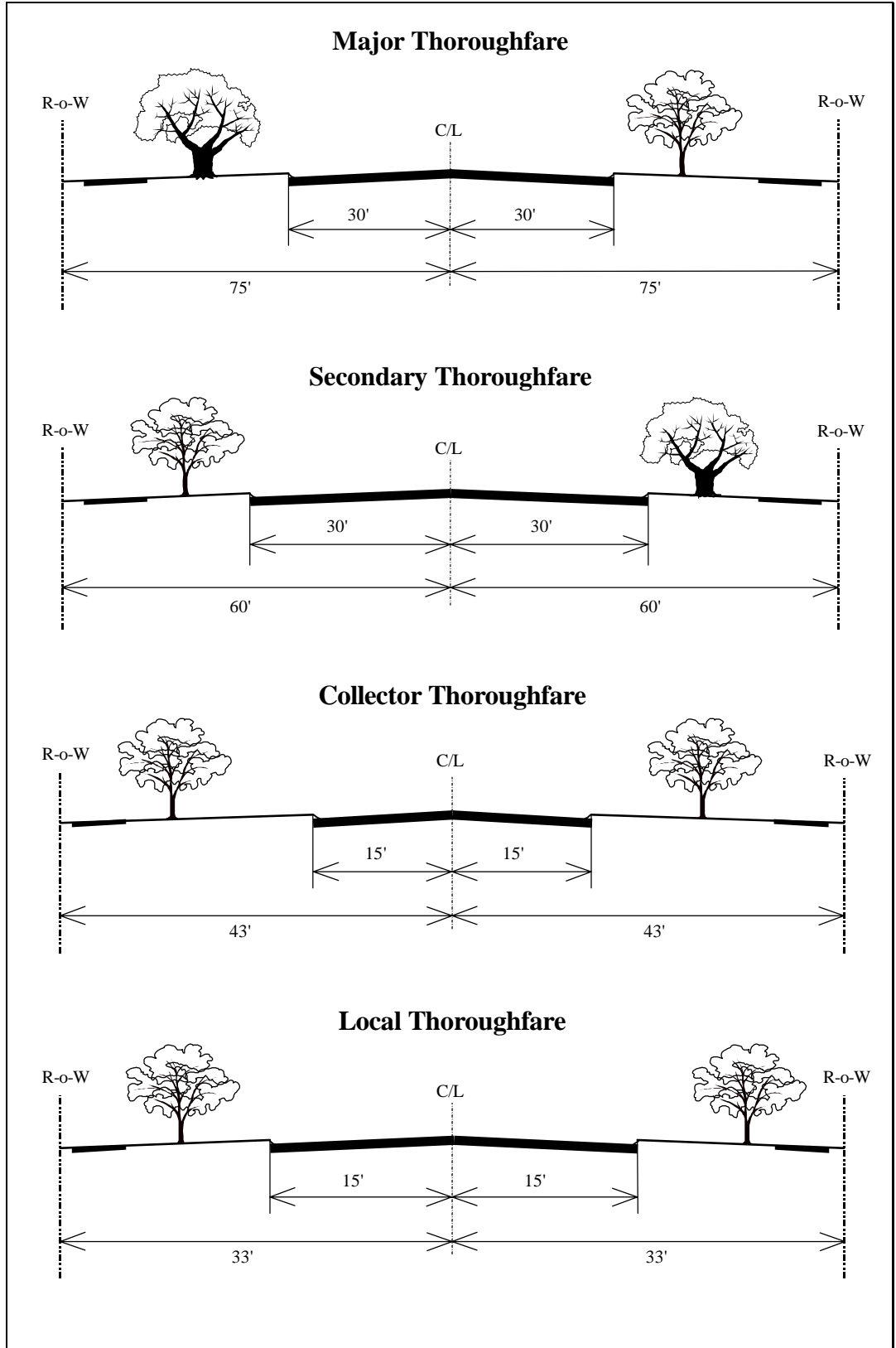
These are roads for which the County and the local community share in the maintenance and upgrade costs.

Cross - Section Standards

To aid local communities in implementing thoroughfare plans, the St. Clair County Road Commission has established cross-section standards (showing the arrangement of the road surface, shoulders, median strips and utilities/drainage located within the various widths of road right-of-way) for the four road classifications given above (as well as for expressways).⁴ According to these standards, local and collector thoroughfares (66' & 86' planned right-of-way) are limited to two lanes of traffic and major and secondary thoroughfares (150' & 120' planned right-of-way, respectively) can accommodate up to four lanes of traffic (two lanes in each direction) plus a left-turn lane. Major thoroughfares can also be divided with a 60' wide median.

⁴*St. Clair County Thoroughfare Planning Guide*, p. 33

Figure 10: Typical Cross-Sections



Existing Road Network

An effective thoroughfare plan can only be prepared after a study of the existing road network is complete.

COUNTY & STATE ROADS

The layout of Greenwood Township was influenced by the Land Ordinance of 1785, which established a land survey system that divided the land into six-mile square **townships** (containing 36 square miles). Each square mile in a township is called a **section**.

The establishment of townships and sections has created a logical system for the provision of County roadways along the mile-grid section lines. East-west mile roads in the Township include:

- **Metcalf Road** – a gravel County Primary road between Duce Road and Brown Road and a gravel County Local road west of Brown Road and east of Duce Road; the western end (less than ¼-mile) forms part of State Highway M-136;
- **Norman Road** – a gravel County Primary road that runs west of Brown Road and east of Duce Road;
- **Wilkes Road** – a gravel County Local road that runs from Cork Road to Brown Road;
- **Oatman Road** – a gravel County Local road that traverses the width of the Township;
- **Yale Road** - a paved County Primary road that traverses the width of the Township;
- **Jeddo Road** – a gravel County Local road that traverses the width of the Township;
- **Fisher Road** – a gravel County Local road that traverses the width of the Township;

Four other east-west roads lie parallel to, but not on any section lines. Holly Road and Hewitt Road are both County Local roads that run from Duce Road to Cribbins Road. Lohr Road is a County Local road that runs from Kilgore Road to Duce Road. Beckett Road is a County Local road that runs from Cork Road to Bricker Road.

North-south mile roads in the Township include:

- **Cork Road** – a gravel County Local road that runs intermittently from Norman Road to Fisher Road;

- **Bricker Road** – a gravel County Local road between Metcalf Road and Yale Road and a paved County Primary road between Yale Road and Fisher Road;
- **Brown Road** – a gravel County Primary road between Metcalf Road and Yale Road and a gravel County Local road between Yale Road and Fisher Road;
- **Kilgore Road** – a gravel County Local road that runs from Oatman Road to Fisher Road;
- **Duce Road** – a gravel County Primary road between Metcalf Road and Norman Road, a gravel County Local Road between Norman Road and Yale Road, and a paved County Primary road between Yale Road and Fisher Road;
- **Fargo Road** – a paved County Primary road between Metcalf Road and Yale Road and a gravel County Local road from Jeddo Road to Fisher Road;
- **Cribbins Road** – a gravel County Local road that runs from Norman Road to Fisher Road;

One other north-south road lies parallel to, but not on a section line. Logana Road is a gravel County Local road that runs north from Yale Road to Jeddo Road.

One road in the Township is not located on the mile-grid section lines. Comstock Road, a gravel County Local Road, runs diagonally from Cribbins Road to Fisher Road in the northeast corner of the Township.

All county roads in the Township are two- -lane roads with right-of-way widths of 66–100 feet.

LOCAL ROADS

Four roads in the Township can be considered local roads. These are all located in Fargo, are all gravel, and have right-of-way widths of 26–66 feet.

Problem Intersections

1. Two or more intersections falling closely together:

When this happens, the number of turning movements required of motorists will rise, thus increasing congestion and traffic hazard. In this category, the intersection of Duce and Fisher Roads is close to the intersection of Fisher and Comstock Roads. Also, the intersection of Comstock and Cribbins Roads is close to the intersection of Yale and Cribbins road, and the intersections of Fargo and Comstock Roads, Comstock and Jeddo Roads, Logana and Jeddo Roads, and the intersection of Fargo and Jeddo Roads are all located within

one-quarter mile radius of each other. Finally, the intersections of Logana and Yale Roads and Fargo and Yale Roads are located exactly one-quarter mile of each other.

2. Intersecting roads that meet at angles other than 90 degrees:

These kinds of intersections limit horizontal sight visibility between roads (making it difficult to see traffic approaching on the intersecting road) and can create odd shaped lots that can be difficult to develop. The instances where Comstock Road intersects with Cribbins Road, Jeddo Road, Fargo Road and Fisher Road all fall into this category.

3. More than two roads intersecting in one spot:

These kinds of intersections create additional turning movements and increased driver confusion, thus increasing congestion and traffic hazard. At this time, there are no intersections of this kind in the Township.

Generally, problem intersections can be corrected by realigning one or more of the roads in the intersection(s).

Thoroughfare Plan

In formulating the Thoroughfare Plan, two important points must be understood. First, the mile-grid section line road system prevails in the Township and cannot be easily altered in any major way. Second, St. Clair County owns, maintains and has jurisdiction over of the public roads in the Township. Thus, the Township Thoroughfare Plan must reflect the existing County Road Commission Thoroughfare Plans.

COUNTY THOROUGHFARE PLAN MAP

The most recent thoroughfare plan map was prepared for Greenwood Township in the early 1970's by the St. Clair County Road Commission in accordance with the Inter-County Highway Plan developed by the Inter-County Highway Commission of Southeastern Michigan (ICHC)⁵. The purpose of the ICHC (of which St. Clair County was a member) was to coordinate and acquire rights-of-way of inter-county highways on the ICHC Plan. No adoption date is shown on the map prepared by the Road Commission; however, this map is similar to the thoroughfare plan map found in the 1967 St. Clair County Thoroughfare Planning Guide. The County thoroughfare plan map divided the County Thoroughfares of the Township into three of the four function/right-of-way categories described above. The County's planned designations are as follows:

⁵Established in May, 1956 under the Inter-County Highway Commission Act of 1925, as amended by Act 195 of 1955.

Major Thoroughfares (150' R-o-W):

- Metcalf Road

Secondary Thoroughfares (120' R-o-W):

- Fisher Road
- Jeddo Road
- Yale Road
- Oatman Road
- Wilkes Road
- Norman Road
- Cork Road
- Bricker Road
- Brown Road
- Kilgore Road
- Duce Road
- Fargo Road (from Metcalf Road to Yale Road)
- Cribbins Road
- Comstock Road

Please note that portions of the Norman Road and Wilkes Road rights-of-way that run through the Detroit Edison property, and that part of Cork Road between Oatman and Yale Roads, have been de-certified by the Road Commission.

Collector Thoroughfares (86' R-o-W):

- Beckett Road
- Fargo Road (between Jeddo Road and Fisher Road)
- Logana Road
- Lohr Road
- Holly Road
- Hewitt Road

Please note that portions of the Holly Road and Hewitt Road rights-of-way that run through the Detroit Edison property have been de-certified by the Road Commission.

GREENWOOD TOWNSHIP THOROUGHFARE PLAN

In addition to the recommendations made by the County Thoroughfare Plan, this Master Plan makes three recommendations. First, it is recommended that Cork Road between Norman Road and Oatman Road be downgraded from a secondary

thoroughfare to a collector thoroughfare. This section of Cork Road has become isolated because of the de-certification of the section between Oatman Road and Yale Road. Therefore, it functions more as a collector thoroughfare than as a secondary thoroughfare.

Second, it is recommended that Yale Road be upgraded from a secondary thoroughfare to a major thoroughfare. Yale Road forms part of a County highway that runs from Lakeport west through to the City of Yale, then continues west into Lynn Township, then turns north to Brown City. Thus, Yale Road functions more as a major thoroughfare.

Third, it is recommended that all necessary corrections be made to the problem intersections listed above to make them as safe as possible.

Future Land Use Plan

The goal of land use planning is the improvement of the general welfare of the people of Greenwood Township through the proper development of vacant land and where necessary, the redevelopment of existing areas for new uses that create a better community in which to live, work and recreate. In general, this land use plan is a guide for locating private and public uses in Greenwood Township.

The land use plan is intended to be long range, comprehensive, generalized, flexible and regional, with the following broad objectives:

- Long range planning for land development to the year 2020.
- Comprehensive planning to provide for a variety of types of land uses, bearing a relationship to the land capability and transportation system.
- Generalized planning based upon broad principles of land use allocations and relationships.
- Flexible planning that is able to accept changes, yet not detract from the total plan.
- Regional planning transcending arbitrary boundaries and which is an integrated part of the regional system.

The land use plan is more than just a graphic presentation. Behind the graphics and maps are spatial distributions and relationships reflecting the specific goals and objectives described in the “*Goals & Objectives*” section of this Master Plan.

Concept Plan

The possible physical arrangements of the various land uses on vacant ground are infinite in number. Regional consideration, roads, existing land use, soils, topography, population growth and economic potential each are constraints on the

number of possible arrangements. The goals and objectives set out earlier in this Master Plan direct the possible array to a narrow band of alternatives. These possibilities are developed into a concept of the preferred general arrangement of land uses.

Due to the limited amount of concentrated development, the provisions of public utilities for all of Greenwood Township would be expensive. One of the assumptions in the land use plan is that public sewer and water service will not be available in the Township by the year 2020.

The long-range land use plan for Greenwood Township is based on analysis of the basic data presented in this Master Plan of trends in the Township and the surrounding areas. The recommendations for the separate land uses are graphically and statistically presented in seven classifications:

1. Agriculture & Rural Residential
2. Single-Family Residential
3. Multiple-Family Residential
4. Commercial
5. Public, Quasi-Public, Institutional
6. Industrial
7. Recreation, Conservation, Open Space
8. Right-of-Way

The future land use plan for Greenwood Township is designed so as to derive the maximum benefit for the residents of the Township. The land use plan illustrates the arrangement of land uses to meet the goals, capacity and trends in the Township.

Land Use Plan Map

A Land Use Plan Map has been prepared and is a part of this document. Following is a description of the general locations of the Plan's land use classifications: The rationales for the placement of the various land uses are also discussed.

AGRICULTURE & RURAL RESIDENTIAL

One of the Township objectives is to preserve the rural character of the Township through the thoughtful and proper arrangement of residential and rural land uses within the Township. The Future Land Use Plan has attempted to designate well-defined areas for future residential development. By doing so, agricultural and rural uses can remain relatively free from urban competition for land. Scattered residential development could put an end to the agricultural practices still operating in the Township.

The areas outlined for agricultural and rural residential use, comprising most of the area of the Township (19,203.80 acres or 83.20% of the land area of the Township), would be the last to receive any municipal services. It is not anticipated that there will be urban pressures on this land by the year 2020, but if changes are proposed in these areas, they should be carefully examined in light of the problems they may create in providing services such as utilities, schools, fire protection and roads.

Here the term “rural residential” refers to single-family homes built primarily on relatively large lots, lots that are larger than typically found in suburban residential developments, but smaller than would be practical for normal agricultural use (but could be used for small “hobby” farms). Residential unit densities in this area should be 0.2 units per acre or less. Rural residential development should be (in so far as is practical) limited or directed toward areas where the soils have only slight or moderate limitations for septic system use.

SINGLE-FAMILY RESIDENTIAL

On the Land Use Plan Map, over 37 acres⁶ have been designated for single-family residential use. All of this acreage is located in one area along Fargo Road in and around Fargo. Single-family residential unit densities should be 0.8 units per acre, the highest density usually allowed for on-site septic system use. This higher-density residential use has been planned in and around Fargo in order to revitalize and reinforce Fargo as a town center. Given a maximum density of 0.8 units per acre, approximately 30 single-family housing units would be allowed in this area. This should be a sufficient number of housing units for a small village-like settlement.

MULTIPLE-FAMILY RESIDENTIAL

To further revitalize and reinforce Fargo as a town center, a planned 12.37-acre multiple-family residential area is shown on the northeast corner of Fargo Road and Witt Road in Fargo. Given the lack of public sewer and water in the Township, only a small-scale, low-density multiple-family complex could be built, such as a small development of condominium duplexes or one-story townhouses. The development of any multiple-family residential complex on this land would be contingent on the provision of a well and septic system approved by the County Health Department.

Mobile Home Parks

It is not expected that a mobile home park could be built within this planned multiple-family residential area. Generally, a modern mobile home park should

⁶ In Table 23 on page 68, it can be seen that the planned single-residential area is 1,874 acres less than the existing amount of single-family residential acreage. These 1,874 acres have been designated as “agricultural & rural residential” on the Land Use Plan Map and are included in the figures for that category as listed in Table 23 and shown in Figure 11.

have a minimum of 50 units for it to be commercially viable.⁷ The development of a mobile home park of this size within the acreage available would require housing densities greater than envisioned by this Plan and therefore, would not be appropriate here.

Furthermore, given the unavailability of public services in Greenwood Township, a mobile home park would not be appropriate anywhere within the Township. Intense residential uses such as mobile home parks are more viable (and more attractive to potential mobile home residents) when located in or near urbanized areas, areas where urban amenities such as public water, public sewer, schools, shopping centers medical facilities and employment centers, etc. are available. This is borne out by the fact that, of the 5,370 mobile home units located within mobile home parks in St. Clair County, 83.45% of them are within mobile home parks located in or near the urbanized areas of the County. For example, two mobile home parks, with a total of 57 units, are found in the City of Yale, 1½ miles west of the Township border. Thus, no planned mobile home park areas are designated in Greenwood Township.⁸

COMMERCIAL

The Future Land Use Plan Map designates 11.24 acres in the Township for commercial use. This acreage is divided into three areas. To ensure proper access for commercial uses, one of these areas are at the intersection of two paved County Primary roads and the other one is located on one paved County Primary road. These commercial areas are located as follows:

1. The northwest and northeast corners of Yale Road and Duce Road (4.82 acres and 3.40 acres, respectively);
2. On the west side of Fargo Road in Fargo (3.02 acres).

Of these two sites, only the site in Fargo has any existing commercial uses (the Fargo Market occupying 0.22 acres). The other site contains some agricultural uses.

It is expected that the first planned commercial area will contain relatively low-density neighborhood and highway-oriented commercial uses. The third planned commercial area is intended to serve as a focal point for the Fargo town center and therefore, will contain relatively more intensive commercial uses (although still of a lower density than found in communities such as Yale or Capac).

⁷ DiChiara, *Time Saver Standards for Residential Development*, p. 619: 1984, McGraw-Hill, New York

⁸ The Township should continue to permit the erection onto individual parcels of individual manufactured homes that meet the width and area requirements of a dwelling as specified in the Greenwood Township Zoning Ordinance.

PUBLIC, QUASI-PUBLIC, INSTITUTIONAL

Approximately 127 acres of the Township are designated for public, quasi-public and institutional uses. This acreage includes the Township Hall and Fire Station on the southwest corner of Yale Road and Kilgore Road, as well as two cemeteries, three churches and a Detroit Edison utility corridor running through Sections 28, 29 and 30.

INDUSTRIAL

The Land Use Plan Map allocates 2,498.31 acres of land (10.82% of the total area of the Township) for industrial use. All of this acreage is located within Detroit Edison's 3,788-acre Greenwood Energy Center property. Originally, in the 1970's, Detroit Edison was to have constructed a nuclear power facility occupying most of the property. However, public concerns over the perceived dangers of nuclear power plants caused Detroit Edison to scale-back their plans. Currently, only 754 acres are being used by Detroit Edison for its one existing oil and gas-fired power plant (along with four gas-fired peak units). Thus, it is proposed that the 1,744 acres planned for industrial use not currently being used by Detroit Edison should be converted into a planned industrial park, with the balance of the excess Detroit Edison-owned land arranged into a 1,320-foot wide agricultural buffer around the perimeter of the property.

The kinds of uses envisioned for this proposed industrial park are small-scale manufacturing, processing, warehousing, and research facilities, uses that do not result in nuisances or negative environmental impacts. Furthermore, it is envisioned that industrial traffic will enter and exit the industrial park via Kilgore Road at Metcalf Road. At this point Kilgore Road, a paved County Primary Road, should carry industrial traffic south to state trunkline M-136 at Avoca, minimizing the impact on Greenwood Township's unpaved roads.

RECREATION, CONSERVATION, OPEN SPACE

In order to meet the various open space and natural resource objectives of the Township, 460.76 acres the Township (2.00% of the total area of the Township) have been designated as open space, conservation and recreation areas. An area of 86.33 acres with this land use designation is located in Section 16. This area consists of the existing Township Park and adjacent acreage to be used to expand the park.⁹

The remaining 378.98 acres consist mainly of flood prone Alluvial land, located along and near parts of Silver Creek in Sections 11, 12 and 14, and has been given this land use designation to discourage that land from being developed. Also the Township's Recreation Plan calls for some of this acreage to be used for a

⁹ *Greenwood Twp. Recreation Plan For The Years 2000–2004*, pp. 40-41

park/nature area.¹⁰

RIGHT-OF-WAY

Approximately 729 acres of right-of-way (3.16% of the total area of the Township) have been designated for existing roads (at existing right-of-way widths). These existing roads are described in the Thoroughfare Plan section of this document.

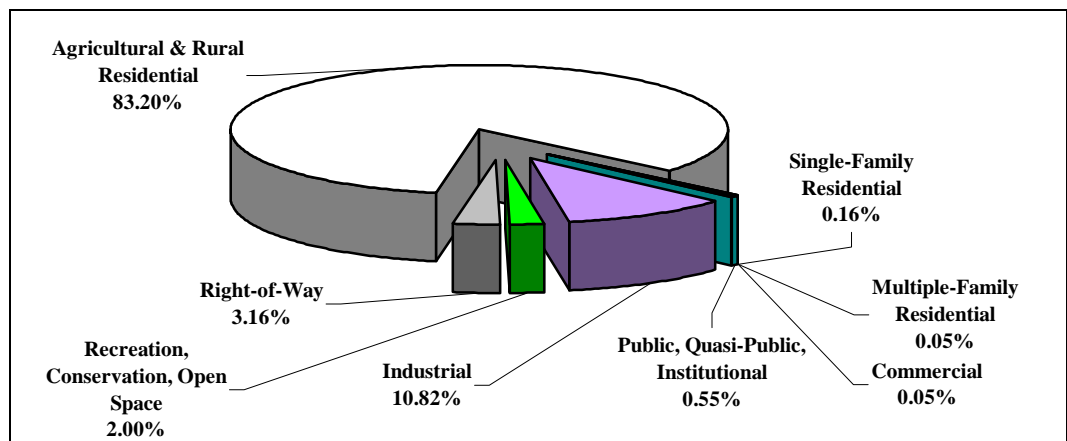
Acreage Allocations

The areas allocated to the various planned land use categories were measured from the Land Use Plan Map. The planned land use category measurements and a comparison with the existing land use categories are summarized in the following table and graph.

Table 23: Planned & Existing Acreage Comparisons

Land Use Category	Planned Acreage		Existing Acreage		Change	
Agricultural & Rural Residential	19,203.80	83.20%	15,084.75	81.67%	4,119.05	27.31%
Single-Family Residential	37.37	0.16%	1,885.11	10.21%	-1,847.74	-98.02%
Multiple-Family Residential	12.37	0.05%	0.00	0.00%	12.37	—
Commercial	11.24	0.05%	0.22	0.00%	11.02	5009.09%
Public, Quasi-Public, Inst.	127.44	0.55%	17.45	0.09%	109.99	630.33%
Industrial	2,498.31	10.82%	754.31	4.08%	1,744.00	231.20%
Recreation, Cons., Open Space	460.76	2.00%	0.00	0.00%	460.76	—
Right-of-Way	728.84	3.16%	728.84	3.95%	0.00	0.00%
TOTAL:	23,080.13		18,470.68		4,609.45	24.96%

Figure 11: Acreage Allocations



¹⁰ Ibid., pp. 41-42

Capital Improvements Programming

Each type of land use has different degrees of need for local public facilities. For example, a community will need different levels of water and sewer system improvements if the comprehensive plan recommends certain densities of residential development or commercial use for a certain location. These and other possible changes in land use policies necessitate a Capital Improvements Program (CIP).

The public improvement investments expressed in a CIP can also be used to permit or control phasing of land developments, since public facilities investment decisions directly influence the location, intensity and rate of land development.

Purpose and Uses

In its basic form, a CIP is a complete list of all proposed public improvements over the next six (6) year period, including costs and operation expenses. The CIP outlines the projects that will replace or improve existing facilities or that will be necessary to serve current and projected land use development in Greenwood Township.

Proper management of municipalities today requires not only that a CIP be developed, but also that it be updated annually. Advanced planning for public works projects ensures more effective and economical capital expenditures, as well as the provision of public works in a timely manner. Since municipalities face ongoing expenses, the development of a CIP makes it possible to strike a balance between maintenance and operational expenses for the construction of public works.

Recommendations presented in the CIP can serve to guide Greenwood Township investments in public facilities to provide necessary services to all land uses. Furthermore, with a CIP the Township can monitor its balance of borrowing power and municipal credit rating, which in turn affects the interest rates the Township must pay when it borrows for public works construction.

CIP Preparation

The CIP process includes the following:

- Determining the type, scale and level of service of public improvements.
- Establishing the timing and beginning date for recommended public improvements
- Determining the method of financing the public improvements, including the capability of paying operational expenses once the facility is finished.

The Greenwood Township Planning Commission has as one of its primary responsibilities, the preparation of a viable and fiscally responsible program of capital improvements. Keep in mind that, even though the Planning Commission may be responsible for preparing the CIP, the Greenwood Township Board of Trustees is always the final authority when it comes to allocating and spending money. Therefore, it is crucial that the Planning Commission work closely with the Board of Trustees and other Township officials every step of the way.

There are six major steps in the preparation of the CIP. The Planning Commission should:

1. Identify public capital facilities needed in the next six years to meet basic public service demands of Township residents.
2. Conduct special studies to further define specific public facility needs in advance of appropriating any funds for such a facility.
3. Provide Township residents with the opportunity to participate in the CIP process through public hearings.
4. Coordinate capital improvements with the Greenwood Township Comprehensive Plan.
5. Reconcile capital improvement costs of the Greenwood Township CIP with anticipated financial resources of the Township; identify all possible sources of revenues to aid in the financing of recommended public improvements.
6. Seek coordination of the Greenwood Township CIP with similar programs of neighboring units of government and public utility companies that provide services in the Township.

The scope and extent of a CIP will vary greatly among municipalities. In small population, slowly growing municipalities, the need for financial planning of public improvements may seem minimal, whereas in larger population, more rapidly growing municipalities the CIP may be a very sophisticated document. Regardless of the size of the municipality, the CIP must be based on realistic financing. Therefore, a working knowledge of the Township's financial position (budget revenues, annual operating expenses, debt costs and cash reserves) is necessary.

Financing a CIP

The capital improvements program provides an overview of what elected officials and policy makers within the Township foresee both as short and long term issues with respect to public investments, public facility needs and the ability of the Township to meet the investment requirements.

At this point, then, it is necessary to obtain a listing of all the sources of revenue available to the Township for financing public improvements. Among the financial sources that should be considered are: cash payments from general fund revenues, revenues from other operating funds, special assessments, general obligation (full faith and credit) bonds, revenue bonds, grants, loans or gifts.

In order to prepare a realistic set of capital project recommendations, however, it is also necessary to obtain a listing of the expenditures of the Township. This would include costs for all operations, maintenance, equipment and debt service.

Of all the expenditures a municipality incurs, debt service, of course, has priority, since it represents the Township's committed obligation to pay. Therefore, the real balance of CIP expenditures must be struck between the cost of operation and maintenance activities and capital expenditures. In short, the Township should not build that which it cannot afford to maintain.

If the Township is going to depend upon general fund revenues to finance the CIP, it will be necessary to analyze the sources of revenues for the general fund. These sources generally include property taxes, state and federal shared revenues, license and permit fees. The revenues for the life of the CIP will have to be projected from past and current general-fund revenues.

It may be possible to finance some public improvements, at least in part, from separate operating funds or voted special millage. Many public utilities operated by municipalities have special purpose funds designed to finance, operate, maintain and improve the utility system. These funds are, by law, separately accounted for and segregated from the general fund. The operating income for these funds comes from customer service bills and connection fees. Such funds should be evaluated in the same manner as recommended for the general fund.

In order to make use of the other possible sources of funding, the Planning Commission will need some specialized help. A planning commission, of course, cannot simply declare a special assessment or commit a community to bonding. If

these sources of revenue are to be tapped, it will be necessary to work closely with the Board of Trustees and Township Attorney. Permission to sell full faith and credit bonds must be given by the electorate. If the Township uses bonding to finance its CIP, it will be necessary to include the debt service costs in each year's operating budget.

Regardless of how the CIP is financed, only part of the work is done when revenues have been estimated. It is then necessary to estimate projected expenses for the next six years. Each year as the CIP is updated, it is necessary to add another year's revenues and expenses.

Projecting expenses, especially those to be incurred by the general fund, is neither easy nor precise. The need for services, maintenance operating costs and increases in personnel cannot be precisely predicted six years in advance. Furthermore, it is necessary to make predictions for every department in the Township, as well for all those functions operated jointly with other units that draw from the Township's general fund. Some allowances must also be made for inflation.

Once revenues and expenses have been evaluated for the next six years, the two must be compared to determine how much the Township can afford, at least from these sources, for capital improvements. If the revenues the Township has calculated do not cover the expenses expected, the CIP may have to be scaled down, unless some additional means of financing can be found or cuts operation expenses can be made.

Classification of Proposed Capital Improvement Projects

Once the evaluation of future revenues and expenditures is complete, the Planning Commission should make an inventory of all proposed public improvement projects. Quite likely, the cost of all the projects will far exceed anticipated financial resources. Therefore, it will be necessary to develop a system of project classification and priority selection that will balance the cost of the projects with the available money.

The procedure should ensure that the projects are judged objectively. The system should coordinate and time public projects to afford maximum public benefit and to ensure an adequate level of public service to developing neighborhood areas. One way to classify projects is to divide them into three categories:

PHYSICAL CAPITAL IMPROVEMENT PROJECTS

These are projects for land acquisition or for the development of physical assets in the Township. They include buying land for a new park, constructing bicycle paths, improving sidewalks, utilities, storm drains or public roads.

CAPITAL REPLACEMENT/MAINTENANCE PROJECTS

These projects include the replacement or major repair of a fixed tangible asset owned and used by the Township. Includes replacement of an automobile, fire truck or construction of a replacement garage. Examples of capital maintenance would be resurfacing a public street or renovating a Township owned building.

CAPITAL PROJECT FEASIBILITY/NEEDS STUDY

Sometimes studies are necessary to clarify and define proposed projects. Often there is a general awareness of the need for projects of a particular type, but there is insufficient information available to demonstrate the scale, time, feasibility or cost of such a project. Such studies provide a firmer information base for future capital improvements that more accurately reflect existing and expected needs.

Setting Priorities

When the projects have been identified and classified, they must be placed in order of priority. At this point, the goals and policies of Township development contained in the comprehensive plan should be carefully reviewed. These goals, general as they may be, can serve as a guide to setting priorities for public improvements.

Some of the important factors that should be considered in judging the CIP proposals are:

- Protection of life.
- Maintenance or improvement of public health.
- Protection of property.
- Conservation of resources.
- Maintenance of physical property.
- Provision of necessary and basic public services.
- Replacement of obsolete facilities.
- Public comfort and convenience.
- Reduction in operating costs.
- Recreation value.
- Economic value.
- Social, cultural or aesthetic value.

- Potential effect on future developments.
- Relative value with respect to other services.

CIP Process in Detail

1. The Planning Commission requests all publicly supported agencies to submit a CIP budget form for every proposed project for at least the next six years. Each proposal form for each project should include:
 - Name and description of the project.
 - Estimated cost.
 - Proposed method of financing.
 - Agency assigned priority for the project if more than one is submitted.
 - How the project conforms to the Township's comprehensive plan and zoning ordinance.
 - Beneficiaries of the project.
 - Estimated increase (decrease) in personnel, equipment, material and supply costs that will have to be added to the annual operating budget if the project is approved.
2. The Planning Commission summarizes the projects and forms the agencies of the total listing, along with the cost estimates of each project. This summary includes CIP proposals prepared by the Planning Commission itself.
3. The Planning Commission reviews each project individually as to the agency's need and priority.
4. The Planning Commission evaluates each of the projects, including its own; sets some preliminary priorities; and prepares a tentative Township CIP.
5. The Planning Commission meets individually and collectively with the agencies and Township officials to resolve differences and come to some general agreement on projects.
6. The Planning Commission convenes a public hearing.
7. The Planning Commission prepares the final CIP and recommends it to the Board of Trustees.
8. The Board of Trustees reviews the CIP, accepts and adopts it, or returns it to the Planning Commission with recommendations for amending.
9. If the CIP has been returned, the Planning Commission reviews and deals with the Board of Trustees' recommendations and returns it to the Commission for adoption.

10. The Board of Trustees makes the final determination on the CIP. Upon adoption, the first year of the CIP becomes the capital budget portion of that year's annual Township budget.
11. The CIP must be reviewed and updated annually. Priorities may be rearranged from one year to the next; funding may change, etc. Both the Commission and Board of Trustees must be alert to changes within the Township so that the CIP remains useful and current.

Implementation Strategies

It should be realized that the Comprehensive Master Plan represents what is felt to be the best future use of land based upon today's knowledge and trends. The Plan is not a rigid, unchanging document. Changes will be necessary and should be made not only to adjust to new trends as they become apparent, but also to allow flexibility in cases where an alternative use may be as desirable as the one shown on the Plan. Timing is a very important aspect. Some proposals should be carried out as soon as possible, especially those that require acquisition of land that will eventually become more expensive as development occurs. Other proposals, however, should be delayed until the need arises as the land use relationships indicated on the Plan begin to materialize.

If the Plan is to be eventually realized, planning must be established and worked at on a continuing basis. The Planning Commission should continue to take an active role in reviewing proposed developments in the light of the long-range goals of the Township. Certainly, the Plan must not be regarded as a “straight jacket” for growth. Changing conditions and technology will necessitate revision in the future. The Comprehensive Master Plan should instead be thought of as a flexible framework within which public and private action may take place, thus producing a Township in which the citizens are afforded a maximum of convenience and enjoyment.

Implementing the Plan

There are four primary means through which the policy recommendations of the Comprehensive Master Plan can be implemented:

1. Updating the Zoning Ordinance
2. Capital Improvements Budget
3. Site Plan Review

4. Code Enforcement

The following is a brief discussion of the various activities that should be considered in implementing the Comprehensive Master Plan.

UPDATING THE ZONING ORDINANCE

The Township upon adoption of the Comprehensive Master Plan should undertake a review of its zoning ordinance. The Comprehensive Master Plan should serve as the guide for future zoning action. The Plan illustrates what would be most desirable and shows the direction that future zoning changes should take. The zoning map may be thought of as a very short-range plan that is designed to protect existing development from encroachment by incompatible uses and where possible, promotes future land use in accordance with the Comprehensive Master Plan. The Zoning Ordinance should be reviewed in relation to the Plan. Certain changes in the Zoning Ordinance, particularly in the Zoning Map, may be desirable to better reflect policies set forth in the Plan.

CAPITAL IMPROVEMENTS BUDGET

The Capital Improvements Budget is basically a financial plan. It is guided by and includes improvements indicated as needed in the Comprehensive Master Plan. Improvements such as roads, sewer and water lines, parks, parking lots, etc. are included. The first step must be to determine the priority in which the improvements are to be provided. The Capital Improvements Budget covers a five or six year period and indicates the year in which a particular improvement is scheduled and the means of funding. At the end of the period, a new Capital Improvements Budget should be prepared. Sources of funds for improvements include: the general fund of the Township; proceeds from the sale of bonds (general obligation, building authority or revenue bonds); special assessment districts; tax increment finance districts; Federal & State grants.

SITE PLAN REVIEW

Site plan review is a process by which documents and drawings specified in the zoning ordinance are reviewed to ensure that a development proposal complies with local, state and federal regulations. As defined by Michigan law, a site plan is a plan, drawn to scale, showing the layout of proposed uses and structures. Unlike a plat—which only depicts the subdivision of a parcel into smaller lots along with necessary roads and easements—the site plan includes lot lines, streets, building sites, existing structures, reserved open space, landscaping, utilities, and any other required information. Site plans should be prepared and sealed by licensed professionals including land surveyors, engineers, architects, or landscape architects.

Site plan review can be applied to all development projects. State enabling legislation requires local site plan review for subdivision plats, planned unit developments (PUDs), cluster housing and special or conditional uses specified in the zoning ordinance. For other types of permitted uses to be subject to site plan

review, the procedures and standards must be specified in the zoning ordinance. Such permitted uses may include:

- Multiple family residential;
- Site condominiums;
- Commercial and industrial uses;
- Institutional uses;
- Public projects, such as utilities.

Site plan review should also be required for any changes to existing development, such as expansions, demolition, moving of structures, etc. Individual single-family homes are usually exempt from site plan review, requiring only a plot plan, which may include drainage provisions for a building permit.

Site plans are reviewed to assure:

- Compliance with applicable zoning standards;
- Public facilities are adequate to serve the site;
- The layout is compatible with the topography and natural features of the site;
- Structures are appropriately sited and the property landscaped to reduce impacts on adjacent properties;
- Compliance with applicable local, state and federal regulations.

The following elements should also be covered in the site plan regulations and standards contained in the zoning ordinance:

- Safe traffic flow, parking, ingress and egress, emergency vehicle access;
- Loading and unloading of goods;
- Topography and soils;
- Stormwater management;
- Sanitary sewer and water (if applicable);
- On-site septic systems and wells;
- Gas, electric, and other utilities;
- Landscaping/buffering/screening/fencing;
- Trash and dumpsters;
- Signage;
- Open space;
- Natural hazards;
- Historic structures;
- Lighting;
- Accessory structures;

Site plan review can be an effective and powerful land use decision-making tool. Any deficiencies in compliance can result in denying the proposed use for the land. From the community's perspective, site plan review can be used to ensure that development projects are consistent with the goals, objectives and policies of the Master Plan and that standards of the zoning ordinance are met. Site plan review also works well to ensure that the development has a good physical design, that it relates to the presence of the community's infrastructure, that it is compatible with adjacent land uses and it will not have an adverse effect on the natural environment. It is a tool that can help a community achieve and maintain its desired character.

CODE ENFORCEMENT

No matter how up-to-date the zoning, subdivision, or other land use ordinances may be, they are of little value unless the community has an effective code enforcement program. In order to provide an effective enforcement program, the community must have a code enforcement officer with the financial and political backing to consistently enforce the ordinances and consistent procedures for dealing with code violations.

Code Enforcement Officer

State statutes (MCL §764.9c and §41.183) implicitly allow Townships to establish by ordinance, the position of Code Enforcement Officer. The ordinance establishing the position must designate the official or other person to serve as the Code Enforcement Officer and the scope of his or her authority.

The state statutes also do not specify any specific official or other person as the Code Enforcement Officer, nor are the specific duties laid out, other than to state that the officer may issue appearance tickets for misdemeanors or citations for civil infractions. Most communities, however, may assign such duties to the Zoning Administrator or the Building Inspector.

Code Enforcement Procedures

The following is a listing of the typical steps involved in code enforcement:¹¹

1. The zoning ordinance (or subdivision, etc.) violations are "discovered" when the community becomes aware of their existence. The two primary means of discovery are active enforcement and complaint. Active enforcement occurs when the enforcement official seeks out violations by frequently monitoring properties in the community. For example, the enforcement official may periodically drive through residential areas looking for non-conforming uses. Complaint-based discovery occurs when an individual reports a possible violation to the Township. For example, someone reports that a neighbor is using a garage as an auto repair business. No matter what form of discovery is involved, photographs or videotape recordings, if appropriate, showing the

¹¹ *The Township Guide to Planning and Zoning*, pp. 186-189: 1998, Michigan Townships Association

violation should be taken when an ordinance violation is discovered. These should always be dated and the location and time of day noted.

2. The property owner is notified in writing of the violation. The written notice should indicate: the nature of the violation, including the appropriate ordinance reference or a copy of the ordinance or provision; the name and address of the property owner (who is ultimately responsible for the violation); the date the violation was discovered and by whom; actions necessary to bring the situation into compliance; potential penalties, and a date by which the violation must be corrected.
3. A reasonable time limit should be given that is related to the effort needed to correct the violation. If the violation is a clear safety hazard, it should be corrected immediately. Shortly after the date given for correcting the violation, the enforcing officer should recheck the situation to ensure compliance has been achieved. However, note that the violator may also appeal a zoning ordinance violation to the zoning board of appeals or request a variance.

If the recheck finds that the violation is still present, the enforcement officer may either proceed directly to legal action, or send a second notice. The second notice, which should be more strongly worded than the first, should be sent by return receipt mail. This notice may be prepared by either by the Township attorney or by the enforcement officer. If written by the enforcement officer, a copy should be sent to the Township attorney. The second notice should have the same information as the first, but will normally have a shorter completion date.

4. When written notices fail to produce compliance, the last step in the enforcement process is any legal action necessary to produce compliance. Depending on how the township zoning ordinance treats the violation, the violation may be enforced as a misdemeanor, a municipal civil infraction, or a Circuit Court injunction.

Until 1994, a violation of any township ordinance, including the zoning ordinance, could only be punishable as a criminal misdemeanor, subject to fines not exceeding \$500 and/or 90 days in jail. For violations involving misdemeanors, a notice to appear before the district court is served on the violator. If the violator fails to appear, a complaint and warrant for the violator's arrest and arraignment before the district court is issued.

Effective May 1, 1994, townships are authorized to decriminalize all or some of their infractions by amending ordinance penalty clauses to provide for civil infractions. PA 24 of 1994 amended the Township Zoning Act to either impose a penalty for violating an ordinance or designate the violation as a municipal civil infraction and impose a civil fine. Also, townships are authorized by the Municipal Civil Infractions statute (MCL §600.8701, *et seq.*) to establish by ordinance a municipal ordinance violations bureau to accept admissions of responsibility for municipal civil infractions and to retain the fines and costs

received on such matters for the township. The bureau must use a fee schedule adopted by the township board designating the prescribed fines and costs for each violation.

The civil infractions process is similar to that used by police for speeding tickets and other moving violations. Township officials can write civil infractions tickets with little or no involvement by the township attorney. A district court judge makes the final decision if a defendant challenges a civil infraction ticket. The court has much more discretion in setting fines for civil infractions than misdemeanors, including the possibility of ordering the defendant to reimburse the township for its attorney fees, engineering fees or other associated costs. The court also has some equitable jurisdiction where a civil infraction is involved, with the authority to issue an order requiring the violator to cease and desist or correct the situation, a power that is generally not present with a criminal misdemeanor.

In some situations, equitable relief such as an injunction or a mandatory order is more desirable. This may be accomplished more directly in Circuit Court by a written complaint and summons served on the violator. The township attorney will guide the actions of the enforcement officer in cases such as these. It is essential that all notes, pictures, videotape, copies of notices, copies of relevant ordinance provisions and any other materials related to the violation should be gathered and protected from loss. The enforcement officer should be aware of the legal process, including knowledge of depositions, testifying, and other relevant requirements.

Additional Strategies

Following are a few additional strategies that the Township may want to pursue in order to encourage and control development within the Township.

FARMLAND PRESERVATION

With regards to the Township's objective for preserving and protecting farmland, agricultural land uses and the rural character of the Township from development, the following tools may assist the Township in achieving those objectives:

Farmland Agreements (P.A. 116)

An important tool used across the State in protecting farmland from urban development is the Farmland and Open Space Preservation Act, P.A. 116 of 1974. Under the terms of this act, an owner of certain kinds of agricultural lands may enter into a Development Rights Agreement with the State, whereby the landowner agrees to keep the land in question in agricultural use for at least ten years (or up to 99 years, as established in the agreement). In return for this Agreement, all property taxes paid in excess of 7% of the landowner's income will be refunded in the form of a State income tax credit. In addition, the property in question will be exempt from any local special assessments. If the landowner breaks the Agreement before it expires, all benefits received up to that point must

be repaid to the State, plus interest (except for special cases, where repayment terms may differ). Agreements may be renewed for a minimum 7-year term. Eligible agricultural lands include:

- An operating farm of more than 40 acres in size;
- An operating farm of 5 to 40 acres with a gross annual income of \$200 per tilled and cleared acre;
- An operating specialty farm (as designated by the Michigan Department of Agriculture) of at least 15 acres with a gross annual income of at least \$2,000.

At least 51% of the land in an operating farm must be under active cultivation or in pasture. The property owner does not have to provide public access to the land and the property may be sold. New owners, however, are bound by the agreement until it expires.

Although this is a State program, local communities are responsible for processing and approving applications to enroll in the program. Furthermore, the Township can encourage owners of prime and unique agricultural land within the community (and lands designated for agricultural use in the Master Plan) to enroll in the program.

Purchase of Development Rights

Development rights represent the right of a landowner to develop property to the extent allowed by law. All parcels of property have a variety of rights associated with them, such as mineral rights, access and utility easements, and development rights. These rights may be conveyed or sold off by the property owner to other parties.

A purchase of development rights program (PDR) is a means of compensating farmers for their willingness to accept a deed restriction on their land limiting or prohibiting future development of the land for non-agricultural purposes (i.e., giving up the development rights). Generally, landowners are compensated for the fair market value of their land, based on the difference between what it could be sold for on the open market with no restrictions and what it could be sold for once an **easement** restricting development is placed on the land. An easement is a restriction on private property that is legally binding on present and future landowners (the easement “runs with the land”).

PDR—State Program

Section 3611b of the Farmland and Open Space Preservation Act, authorizes the State to protect valuable farmland from future development by purchasing development rights. Under the terms of Section 3611b, the State will pay a participating landowner for that portion of the value of the property that represents the right to develop that property. After selling the development rights, the land is restricted to agricultural uses and cannot be developed in the future. The landowner retains all other rights to the property including the fee ownership of the land. The land may be farmed, rented, sold or passed on to heirs and any agricultural buildings needed may still be built on the land. The State does not acquire the development rights in order to develop the land and

does not open the land to public access for fishing, hunting or other uses. The development rights value is usually the difference between the fair market value and the agricultural value, as determined by an independent certified appraiser contracted by the Department of Natural Resources. The money the State uses to pay for development rights comes from the Purchase of Development Rights Fund, which in turn comes from the repayment of tax credits when P.A. 116 Farmland Agreements are terminated.

Any farmland is eligible for consideration of development rights purchase, provided that at least 51% of the land is devoted to agricultural use. Section 36222b(3) of the Act establishes criteria to be used in the selection of property for purchase. Factors to be considered include:

- The productive capacity of the farmland.
- Whether the land is considered to be prime or unique farmland.
- Farmland that is or has been enrolled in a P.A. 116 Farmland Agreement.
- Prime farmland that is faced with development pressure that will permanently alter the productive capacity of the land.
- Farmland that would complement and is part of a documented, long-range effort or plan for preservation by a local government.

Interested landowners must apply to the Farmland Preservation Office to have their development rights purchased. Applications must first be approved by the local unit of government in order to be considered by the Farmland Preservation Office. Applications are then reviewed by the Purchase of Development Rights Review Committee and screened and scored against selection criteria found in the law and developed by the Natural Resources Commission and the Commission of Agriculture. If the application meets the selection criteria and is approved by the Director of the Department of Natural Resources and the Director of the Department of Agriculture, a request will be made to the State Legislature to appropriate the money in the Purchase of Development Rights Fund to acquire the development rights.

PDR—County Program

Some counties in Michigan have established (or are in the process of establishing) their own PDR programs to complement that run by the State. These county-level PDR programs are often supported by a specially designated millage. Unfortunately, St. Clair County does not have such a program, and at the time of this writing, has not taken any action to establish one. Greenwood Township officials should request that the County implement a well-funded PDR program with the cost being borne by all County residents.

PDR—Local Program

Generally, a local PDR program would not be feasible in most rural townships due to the lack of any urban tax base to support the program. The cost of such a program must be borne by a broad cross-section of society, not just the agricultural sector. However, Greenwood Township has a relatively large industrial tax base because of the Edison facilities located in the Township.

This results in a 1998 total taxable value of the Township of \$69,320,808, with almost 74% being industrial. Thus, a one-mill local PDR millage would contribute approximately \$69,000 per year to a purchase of development rights fund.

OPEN SPACE PRESERVATION

With regards to the Township's objectives for preserving and protecting open space from development, the following tools and techniques may assist the Township in achieving those objectives:

Land Acquisition

The most effective control over land use from the public perspective comes when the public owns the land. This is especially true when communities wish to set aside land for open space and conservation purposes. However, many communities, particularly rural ones, do not have the financial resources to purchase sufficient amounts of land.

Fortunately, there is Federal, State and County funding available to assist local communities in acquiring open space and conservation land. The Land and Water Conservation Fund, a Federal grant program, and the Michigan Natural Resources Trust Fund, a State grant program, both provide sources of funds for public acquisition of lands for recreation and conservation purposes. To qualify for funding under these two programs, communities must have a parks and recreation plan that complies with current Michigan Department of Natural Resources requirements. In addition, revenues from the St. Clair County Parks and Recreation Millage are distributed to the municipalities of the County, to be used to fund local recreation projects and programs, including land acquisition for parks.

Conservation Easements

A conservation easement is a method of preserving open space without purchasing all rights to a parcel of property. Rather than obtaining **fee simple**, or complete ownership, a community (or non-profit land trust or land conservancy) can purchase (similar to the purchase of development rights programs described earlier) or acquire by gift an easement to the property. Initiation of easements by the landowner is voluntary; however, after signing, the easement is an enforceable document binding both parties. When an owner places a conservation easement on a parcel of property, certain rights to develop all or part of the land are transferred to another person or organization. When the easement document is properly signed and recorded in the county land records, owners cannot exercise the rights that have been given up.

Under Michigan law, conservation easements may extend for a limited period (such as 10 to 20 years) or they may be permanent. However, to benefit from Federal income tax and estate tax reductions, a permanent conservation easement must be granted. Conservation easements must be donated to a government agency, a university or a non-profit organization to be eligible for tax reductions.

Furthermore, conservation easements:

- Are very flexible; the owner may restrict, limit or decide how development will proceed on the subject parcel;
- Do not remove the land from the property tax rolls;
- Do not automatically allow public access to the subject parcel, unless that is part of the easement agreement;
- Do not limit the owner's right to lease or sell the subject parcel, but because the easement runs with the land, subsequent owners/lessors are bound by the easement agreement;
- May specify what the land may be used for in future years;
- May identify where structures may or may not be placed;
- May provide access for fishing or hunting;
- May provide for future activities such as construction of trails or other recreation facilities;
- May prohibit location of commercial and multifamily structures or billboards, or other uses on the subject parcel;
- May prohibit excavation or removal of gravel, soil and/or vegetation.

Local government officials can take several steps to encourage the use of conservation easements:

1. Identify priority resource areas where conservation easements would be beneficial for the protection of water quality, wildlife habitat and environmentally sensitive lands and resources.
2. Contact landowners in the selected areas, informing them of the option of easements and related financial incentives.
3. Encourage the participation of local land trust and land conservancy organizations to promote the easement concept and to receive conservation easements if there is a high degree of citizen interest for the preservation of open space. Land trusts and land conservancies are non-profit organizations directly involved in protecting land for its natural, recreational, scenic, historical or agricultural value. Two land conservancies that serve St. Clair County are the Blue Water Land Conservancy and the Southeast Michigan Land Conservancy.

Open Space Agreements

Landowners may dedicate a portion of their development rights to either the State or the Township through the "open space" provisions in the Farmland and Open Space Act, P.A. 116 of 1974. The Act enables a landowner to enter into a development rights easement in exchange for property tax relief. The minimum time allotment for an Open Space Agreement is ten years. Agreements may be renewed if the property owner desires.

There are two open space options with which a property owner may become

involved: **designated** open space lands or **local** open space lands. Designated lands are those recognized as unique or sensitive by the State and include open spaces with historic, riverfront, or shoreland areas. The program requires that the parcel be undeveloped, and recognized as either historic by Federal standards or included in areas designated for protection under State acts (e.g., area designated as a natural river per P.A. 231 of 1970, or high risk erosion area under P.A. 245 of 1970). Designated open space agreements are between the property owner and the State. There is no loss of property taxes to the local government for state designated areas.

Local open space lands are those areas approved by a local governing body to conserve natural or scenic resources, promote conservation of soils, wetlands, beaches, or preserve historic sites and idle potential farmland. Local open space agreements are between the property owner and the local unit of government. The local governing body provides a tax break to the property owner based on the difference between the value of the unrestricted land versus the value of restricted land under the agreement.

The property owner does not have to provide public access to the land, and the property may be sold. New owners, however, are bound by the agreement until it expires. Although the community loses taxes in the form of reduced assessments, it can avoid many of the high costs of providing public services to lands that have been prematurely developed.

The local community does have the right to place a lien on the property in an open space agreement and to collect ad valorem taxes for the last seven years of the agreement if it is sold after the agreement is expired, or if it is converted to a use prohibited by the former open space agreement.

Rural Clustering

Rural clustering is a set of techniques (primarily zoning) that focus on preservation of open space in rural areas by encouraging new residential development to cluster in a few selected areas on a parent parcel, rather than being spread across the entire site. This permits large portions of the parent parcel to remain open. The dwelling units are clustered in areas that are screened from main roadway views, out of sensitive environmental areas, avoiding prime farmland (unless there is no other location), and in locations where they can be effectively provided with services. Open spaces remaining after clustering are protected in perpetuity through a range of legal mechanisms (such as conservation easements). While the development rights of open space on a parcel approved for rural clustering will have been permanently retired, the land can still be actively farmed, used for woodlots, nurseries, pasture, or recreation. Ownership typically remains with a property owners association, a condominium association, or the open space can be transferred to a conservancy or the community. Two principal variations include:

1. Clustering options that create common landscaped open space for recreation by residents of clustered units in addition to the larger, more natural (unaltered) open space, and,

- 2. Cluster layouts that focus more on individual lot open space that is integrated with the larger, more natural open space area.

Figures 9 and 10 illustrate examples of a standard subdivision and a cluster subdivision on the same parcel.

Figure 12: Standard Subdivision

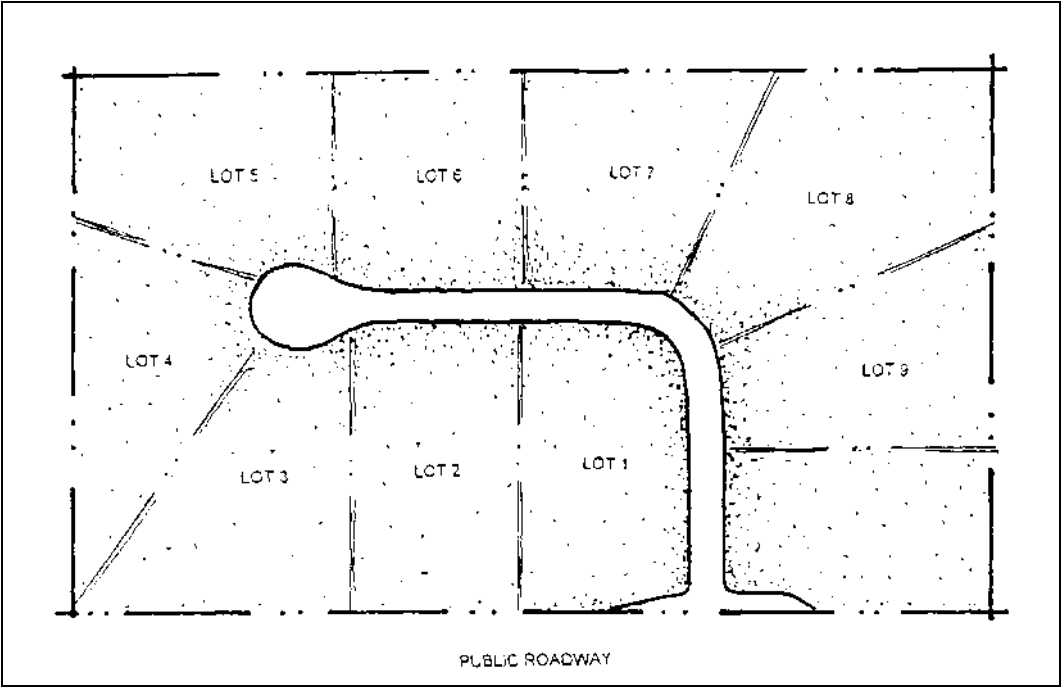
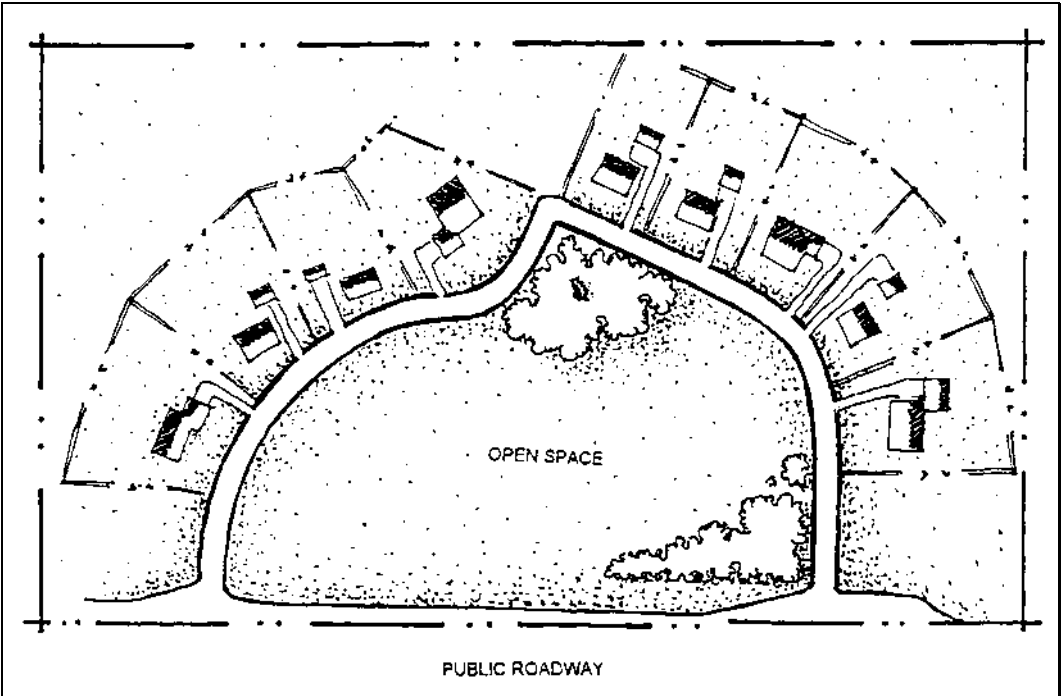


Figure 13: Cluster Subdivision



Appendix

Maps