

## Planning and Zoning at the Watershed Level: Lessons Learned

April / 2019

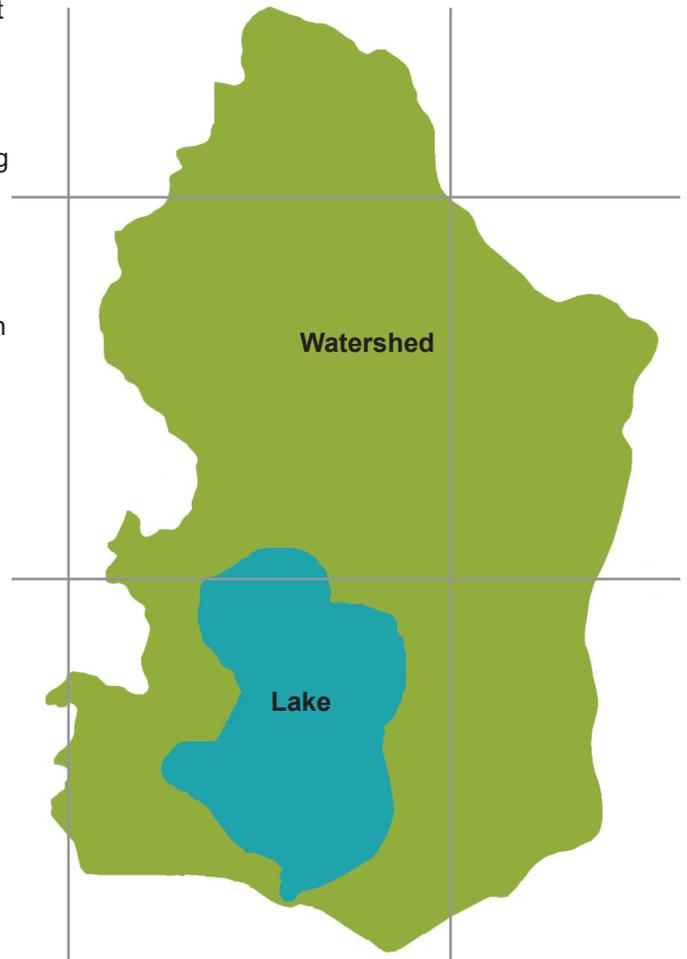
*by Water Resources Group  
Progressive AE*

There are a number of land use planning and zoning techniques that can be used to protect water quality, and watershed management plans often include a land use planning and zoning component. However, in Michigan, land use planning and zoning is largely in the hands of local units of governments such as townships. The resulting “fragmented authority” can present a major challenge to watershed management efforts, especially in watersheds with multiple political jurisdictions.

The planning and zoning process in a community usually begins with the drafting a master plan to guide future development. The master plan provides the justification and basis for land use regulations or ordinances to implement the plan. As a community grows and with the passage of time, community master plans and ordinances are periodically updated to reflect changing conditions. Thus, the planning and zoning process is iterative and evolves over many years.

To a large extent, local land use planning and zoning will dictate the type, location, and density of development in a watershed. In watersheds undergoing urbanization, planning and zoning can be a key element of a watershed management plan.

This article is intended to give those embarking on a watershed management project, especially a watershed project with a planning and zoning component, some insight into the planning and zoning process, and ways to overcome challenges associated with implementing land use policy on a watershed-wide basis.



### Lesson 1: Each community is unique.

Each community is unique in terms of the make-up of its decision-making bodies, issues that the community is facing, environmental attributes, attitudes about the level of environmental protection needed for the community, etc. In addition, each community may have a different set of local regulations and policies that guide development. Also, neighboring communities rarely rewrite or update their land use plans and zoning ordinances in concert with one another. When approaching a community with suggestions on how best to address a specific area of concern, it is important that research be done to determine what existing policies or regulations are in place to address the issue. It is equally important to get a sense for the “pulse” of the community with respect to the issue. It is a good idea to attend a couple of planning commission or township board meetings and to ask questions about the issue and listen to their responses.



### Lesson 2: Communicate clearly, consistently, and in a unified way.

Effective communication is often the key to success. Make every effort to communicate in a coherent and unified fashion. Make sure that your group is unified in its desire to advance a certain issue. Attempt to provide resource materials that frame the issues as clearly and concisely as possible.

A picture is worth a thousand words. Land use issues are often complicated and difficult to communicate in a succinct way. Visual tools such as GIS maps and graphic illustrations of various zoning techniques can be very powerful communication tools.

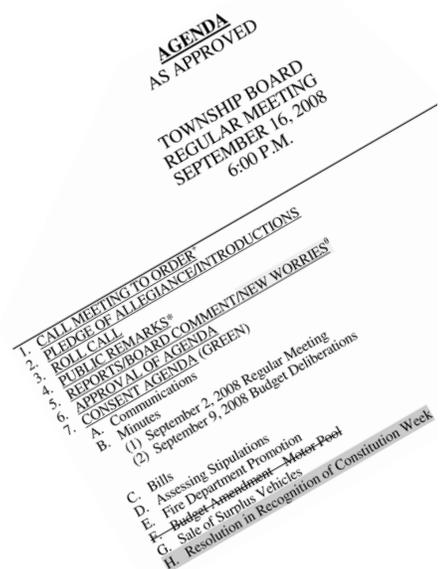
### Lesson 3: Pay attention to existing social and political networks.

Often there may be other groups within the community or region that share similar views and concerns about land use issues. Attempt to interface with these groups and to better utilize often-limited resources. Alliances can be fruitful if properly forged.

### Lesson 4: Local officials may have limited time for watershed issues.

This is a hard lesson to learn. We are often consumed by our desire to advance a certain issue and may feel issues related to watershed management and water resources protection are paramount on everyone’s mind. This is not necessarily the case. Local government decision-makers must deal with a myriad of problems and concerns on a daily basis. Watershed management is rarely the number one priority with public officials.

Recognize that local government representatives may not have much time to devote to your specific cause, and try to use your time (and their time) as efficiently as possible. For example, you may have only limited attendance by government representatives if you give a presentation on watershed management at a location other than the township hall (or similar public meeting place). However, if you can get on the agenda at a public meeting (before the planning commission or township board) you will have a captive audience. Remember, public meeting agendas are often long; use your time wisely. Never fail to leave them with some written material regarding your concerns. Keep it short, use graphics as much as possible to get across the most important information, and tone down or leave out technical language.



Similarly, any land use policy or regulation that you are trying to promote must be perceived by the decision-making body to be enforceable and defensible if challenged. Most communities have limited resources and time to spend on natural resources protection.

**Lesson 5: It is easy to be perceived as a threat.**

Be careful how you present an issue. Don't be confrontational or accusatory in your presentation. Many local government officials have lived in the community for a long time and they know a few things about how to get things done. Listen and try to understand their perspective on an issue and look for win-win scenarios. For example, Low Impact Development (LID) approaches that promote infiltration of stormwater at its source are gaining acceptance as both a cost-effective and environmentally sound way of managing stormwater. Thus, LID can present a winning scenario for the developer, the home buyer, and the community at-large.

Also, be respectful of a community's consultants. When possible, attempt to complement rather than supplant or override the advice given to a community by its own consultants.

**Lesson 6: It is easy to agree on goals, but hard to get consensus on specific policies.**

Many times, it is easy to agree on general goals but often "the devil is in the details" of implementation. It has been said that "for every complex problem, there is a simple solution—and it's wrong!" Land use and environmental issues are inherently complex. There are nearly always several alternative approaches (and combinations of approaches) that can be used to achieve a specific end. Be willing to compromise and to look at other alternatives.



**Lesson 7: Model ordinances may be only marginally helpful.**

It is rare that a "one size fits all approach" works. Each community is different and will need to have policies and regulations integrated into their planning and zoning documents in a manner that works for them. A model ordinance may be a good starting point for discussion and as a point of comparison to ensure that needed elements are included, but is rarely the end. Each community must make sure the regulation is justified, is supported by its master plan, and that the regulation or policy is properly integrated into their zoning or other ordinances.

**Lesson 8: Township boards have low turnover while planning commissions have high turnover.**

Most changes to zoning ordinances are first recommended by the planning commissions to the township board. The township board, in turn, takes the final action in formally adopting (or rejecting) the measure or regulation. Often planning commission members have a relatively high rate of turnover. This can be a problem in attempting to advance a cause or issue in that your audience becomes somewhat of a moving target. It may be necessary to slow the process on a periodic basis to allow new board members the opportunity to get up to speed on a particular issue. It is also important to identify a point of contact through which meeting arrangements, document duplication and mailing, and other logistics can be made.

**Lesson 9: Patience and persistence pay.**

Land use policies often only evolve after several months of discussion and work. While a year or two may seem like a long time, in the planning and zoning arena, it really isn't. This is especially true if the community is undergoing, or about to undergo, major changes in their master plans and ordinances. While this is an opportune time to introduce water quality issues, those issues must take their place among the several other concerns being addressed. Land use decisions take time, as does the planning process. The process is iterative and adjustments must be made with respect to alternatives and strategies as new legislation is enacted, players change, and issues are redefined. It is not always possible to accomplish everything within a few months time.

**Lesson 10: Professional assistance may be required.**

In order to ensure watershed regulations are defensible, they must be properly integrated into a community's planning and zoning documents. The planning and zoning process can be complicated and the assistance of a professional community planner or a municipal attorney can be a valuable asset in this regard.



## Some Planning and Zoning Techniques

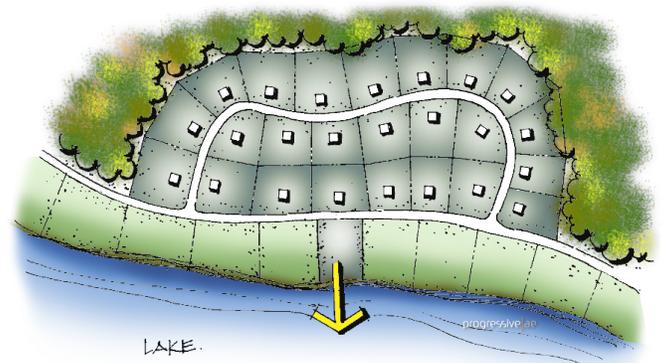
Site Plan Review is the review of documents and drawings specified in a zoning ordinance to ensure that a proposed land use is in compliance local zoning provisions. Specific Site Plan Review standards and requirements can be used to protect natural features and water resources. Site Plan review is required for all Special Land Uses and Planned Unit Developments and can be required for condominium, multiple-family dwellings, and commercial and industrial developments.

**Low Impact Development (LID)** – LID approaches that promote infiltration of stormwater at its source are gaining acceptance as both a cost-effective and environmentally sound way of managing stormwater. Many communities are beginning to incorporate LID strategies into their land use policies.

**Open Space Development** – Open Space Development, also known as clustering or cluster development, promotes the preservation of open space and/or natural features such as wetlands, by concentrating development on a smaller portion of the development site. A properly designed open space development can provide numerous environmental benefits.

**Overlay Zoning Districts** – Overlay zoning is the application of an additional set of regulations to an established zoning district. Overlay zoning can be used to ensure that uniform regulations are in place across several zoning districts or political jurisdictions where zoning rules may vary. Overlay zones can be used to protect areas with special characteristics such as floodplains, lake shorelands, watersheds, and high risk erosion areas.

**Keyhole and Anti-Funneling Ordinances** – Funnel or keyhole development occurs when a lakefront lot is used to provide lake access to a larger development located away from the lake. Funneling allows a large number of individuals to gain access to a lake through a small corridor of property. Keyhole ordinances can be used to regulate unbridled back lot access to lakes.



### About the Authors:

For over 30 years, Progressive AE's Water Resources Group has provided professional lake and watershed management services to communities across Michigan. The Water Resources Group created MichiganLakeInfo.com, a website for those interested in Michigan's inland lakes. On the site you can find this article and information on topics such as lake water quality, lake and watershed management, aquatic biology, emerging issues, invasive species and more.