

**LAND USE,
LAND VALUE, AND
LAND OWNERSHIP**

**Chapter of the
Marquette County Comprehensive Plan**



Adopted April 1, 2009 by the Marquette County Planning Commission

Approved June 2, 2009 by the Marquette Board of Commissioners

Prepared by:

Resource Management & Development Department
Planning, Community Development, Forestry, & Recreation Division
Marquette County, Michigan

**MARQUETTE COUNTY, MICHIGAN
RESOLUTION OF ADOPTION
MARQUETTE COUNTY PLANNING COMMISSION

LAND USE, VALUE, & OWNERSHIP CHAPTER
of the
COMPREHENSIVE PLAN**

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Comprehensive Plan for the use, development, and preservation of all lands in the County; and

WHEREAS, the Planning Commission updated the Land Use, Value, and Ownership Chapter of the Comprehensive Plan and submitted the plan to the County Board for review and comment; and

WHEREAS, on February 17, 2009 the Marquette County Board received and reviewed the proposed Chapter of the Comprehensive Plan prepared by the Planning Commission and authorized distribution of the proposed Chapter of the Comprehensive Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the Michigan Planning Enabling Act; and

WHEREAS, the Planning Commission held a public hearing on April 1, 2009 to consider public comment on the proposed Chapter of the Comprehensive Plan, and to further review and comment on the updated Chapter of the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the updated Chapter of the Comprehensive Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the County;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of Land Use, Value, and Ownership Chapter of the Comprehensive Plan.** The Planning Commission hereby approves and adopts the proposed 2009 Land Use, Value, and Ownership Chapter of the Comprehensive Plan, including all of the figures, maps, and tables contained therein.
2. **Distribution to County Board and Notice Group.** Pursuant to MCL 125.3843 the County Board has not asserted by resolution its right to approve or reject the proposed Land Use, Value, and Ownership Chapter of the Comprehensive Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843 and therefore the plan is effective as of April 3, 2009. In addition, the Planning Commission approves distribution of the adopted amendments to the County Board and Notice Group.
3. **Findings of Fact.** The Planning Commission has made the foregoing determination based on a review of existing land uses in the County, a review of the existing Comprehensive Plan provisions and maps, input received from the County Board and public hearing, and finds that the updated Land Use, Value, and Ownership Chapter of the Comprehensive Plan will accurately reflect and implement the County's goals and strategies for the use, preservation, and development of lands in Marquette County.
4. **Effective Date.** The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Planning Commissioner Kaiser. Second offered by Planning Commissioner Touchinski. Upon voice vote the following voted: "Aye":
Commissioners Kaiser, Touchinski, Kristola, Holmes, and Salo. "Nay": 0

The Chair declared the resolution adopted.

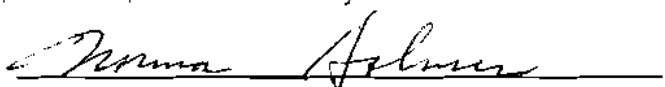


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INTRODUCTION

Land use, value, and ownership are features that are continuously changing. The rate at which change occurs is affected by numerous factors. The relationship between land use, value, and ownership is fragile and can make a community thrive or decline. This chapter will generally identify land use, value, and ownership throughout Marquette County, discuss concepts, and outline a general plan for land use into the future.

1.0 LAND USE

1.1 INTRODUCTION

Land use in this country has gone through a number of phases from early settlement dependent on wildlife and forest resources to an industrial revolution and urbanization to an exodus from the city to the suburbs and these same changes have taken place in Michigan. Recently, factors such as increased fuel prices, have forced Americans to reconsider the benefits of an urban lifestyle. “Sprawlers”, people who live in suburban areas, are moving back into the cities.

However, as a result of rural development, there are a number of current land use problems, issues, and conflicts that effect decision-makers from national to local levels.

In February 2003, Executive Order No. 2003-4 was signed forming the Michigan Land Use Leadership Council and charging the council to study and identify trends, causes, and consequences of urban sprawl. Further, the council was accountable for providing recommendations designed to minimize the negative effects of current and projected land use patterns on Michigan’s environment and economy.

The council’s report was finalized in August 2003. As the report says, Michigan’s place on Earth is obvious with the Great Lakes outlining us. The lakes contain 95% of the surface fresh water in the United States and our state is home to more than 11,000 inland lakes and 36,000 miles of streams.

“Michigan’s population density is falling. Average population density was 3.8 persons per acre in the early 1980s and dropped to 2.8 persons per acre by the late 1990s (Norris and Soule 2003). This is most obvious when land consumption rates are compared to population change.”

This section will provide some background as to historical land use in Marquette County, the importance of studying land use, land use controls, and current land use inventories.

1.2 FACTORS AFFECTING LAND USE

In order to coordinate existing and future land development and maximize the benefits of the land we use, it is necessary to be aware of factors affecting land use. Some of the more significant factors are 1) the public interest; 2) transportation; 3) land ownership; 4) land conservation; 5) land value; 6) natural determinants; and 7) economics. The following discussion briefly indicates how they impact land use.

1.2.1 Public Interest

Governmental action at all levels - federal, state, county, and local - plays an important part in resulting land use. The federal government, coupled with local community initiative, through various grant programs such as housing rehabilitation, infrastructure improvements, brownfield redevelopment, and planning funds impact development at state, regional, and local levels.

At the state level, enabling legislation is produced that assists local units of government in regulating development through planning and zoning. New zoning legislation in 2006 and planning legislation in 2008 guide local governments on statutory requirements. The Michigan Natural Resources Trust Fund Board funnels millions of dollars annually into the preservation and development of lands for public recreation. The state also channels federal money into programs that will achieve state developmental goals.

Many early settlements in Marquette County developed next to mining areas. Generally, new mining operations occur on undeveloped forested land and are a significant change in land use. When a new mining operation is proposed, an extensive local, state, and federal review and approval process must be completed. The process examines the impact that the new land use will have upon the environment.

It is at the local level where government can have the greatest influence on land use. Public investment in schools, parks, roads, water and sewer extensions, etc., all provide opportunity for development and often will determine what type of development will occur. The legislative authorities granted by planning and zoning laws as well as a variety of codes for building and sanitation issues allows local units to determine parameters within which development can occur.

1.2.2 Transportation

The effect of transportation on land use is apparent. The City of Marquette is a good example of development occurring near a transportation facility. In this case, a deep draft harbor. Other cities and towns within the County and throughout the U.P. grew around transportation centers associated with export of natural resources.

Modern residential development is not in response to resource transport. Instead, transportation infrastructure is used to enjoy a rural lifestyle and maintain road access to urban areas for work and services. This trend has had a

negative impact on land use as residential development took the place of valuable agricultural and forest lands in outlying areas. On the other hand, careful placement of new road networks and to a degree, improvements to existing roads, can guide where this type of development will take place. This type of development has contributed to areas of congestion in Marquette County, such as the US 41/ M-28 corridor in Marquette Township.

1.2.3 Land Ownership

Land ownership in Marquette County has been dominated by major corporate landowners. These lands are held for resource purposes such as timber production or mining. As such, ownership dictates the land use.

In recent years, major corporate landowners have begun to sell forested land in the Upper Peninsula. Well over a million acres of timberland is under new ownership and is subject to potential development. A trend of development companies purchasing large amounts of land, dividing the land into smaller parcels, and selling to people interested in a “piece of the northwoods” will not only impact land ownership and forest management practices, a significant change in land use and value in Marquette County will likely occur.

The second largest landholder is the public. Lands in public ownership constitute over 25 % of the County. Lands in this category are available primarily for recreation purposes and are frequently used for timber production as well.

The last property category, private, is the smallest segment in the County. These lands are frequently for residential use (may be seasonal/recreation), businesses, farms, clubs (such as Huron Mountain Club), etc.

1.2.4 Land Conservation

A rising trend throughout the country and in the Upper Peninsula is to have land voluntarily placed into a conservation easement by the property owner. Once land (private or owned by a conservancy organization) is placed under a conservation easement, certain development restrictions are held in perpetuity. The restrictions protect associated resources and can limit certain types of uses or prevent development. Under a conservation easement, an organization or agency is given the right to enforce the landowner’s promise defined in the conservation easement.

The Nature Conservancy and the Central Lake Superior Land Conservancy (CLSCL) are agencies that hold conservation easement enforcement rights in Marquette County. According to the agencies, 2,714 and 1,197 acres of private land are currently held by the two agencies, respectively. Additionally, the Nature Conservancy owns 921 acres and the CLSCL owns 573 acres in Marquette County. Presently, the Yellow Dog Watershed Preserve does not hold

easement enforcement rights for private land, but does own 372 acres and is working toward implementing conservation easement agreements with private landowners. In the near future, The Nature Conservancy expects to finalize a forest conservation easement that is expected to add thousands of acres of private land into a conservation easement.

1.2.5 Land Value

The correlation between land value and land use is that the amount a person will pay for property is related to the intended use. Generally, the highest land values will be associated with locations suitable for development and where infrastructure (roads, utilities, etc.) are in place such as urban core areas. Adjacent lands which may not have all municipal amenities but are served by good transportation systems that provide access to jobs and services in the urban area have increased in value in recent years. Land adjacent to water bodies has also increased in value.

A trend for land used for land-based industry is recognized in the council 2003 report and follows: "Land used for mining, agriculture, and forestry often cannot compete with the land's value for other uses, and the large contiguous parcels that these industries need for their operations are being fragmented into smaller blocks, which are less economically viable for these industries. Despite continued downward trends in real net cash income per farm during the 1990s, farm real estate values per acre rose in real terms. By 2001, the average value of farm real estate reached \$2,250 per acre, nearly 60% higher than five years earlier and double the price of a decade earlier (PSC 2001). But these values are far less than the value of the land for large lot single-family development."

Local units of government face tough decisions when weighing the negative long-term effects of fragmented development and the immediate increase in tax revenue.

1.2.6 Natural Determinants

The physical characteristics of the land are a fundamental component in determining suitable land uses. Of primary consideration are topography, soil conditions, drainage, and tract size. It is not necessarily each individual characteristic but their combined effect that determines use. A region may have good soils for residential development yet if slope (topography) is excessive, clearing of trees from the site may cause severe erosion, septic problems, etc., and the site would best be left in forest cover. Another site might be suitable in all ways yet may be located over valuable mineral resources such as iron ore, aggregates, etc., that could not be utilized if development were to take place. A full knowledge of these characteristics is necessary to develop a comprehensive land use plan. The Natural Features/Resources chapter of the Marquette County Comprehensive Plan discusses the characteristics of land in the County.

1.2.7 Economics

Economics can impact land use in a variety of ways. In a general way, when the economy is favorable, employment is up and financial resources are good (low interest rates), more residences are built and businesses are expanded, etc., which can increase existing land values or cause conversion of land to new use such as agricultural or forest to residential.

Developers can also have an impact on economics by providing an "economy of scale" which makes development possible in areas that may have been cost prohibitive to individual development.

1.3 LAND USE IN MARQUETTE COUNTY

Land uses in Marquette County are typical of those found throughout the Upper Peninsula. It was primarily mining and forestry activities that attracted early settlers to the area. Towns grew up near resource production centers and transportation facilities such as Marquette's harbor. The growing population prompted other land uses such as farming, commercial, industrial, and others. Mining and timber harvesting still remain as viable land uses in Marquette County. Development and conversion of land to "built" or "developed" has steadily occurred mainly along the periphery of the County's urban corridor, an area made up of the cities of Ishpeming, Negaunee, and Marquette. See figure A, Marquette County Generalized Land Use 2005.

1.3.1 Land Use Inventory

In 1978, the Michigan Resource Information System (MIRIS) Land Cover Maps were created. The data derived from the initiative were an inventory of land use cover. Updating the MIRIS land use information is necessary in identifying trends in land use and developing plans to encourage or discourage what is taking place. Initially, the state had intended to update their data every five years. Costs, however, have prohibited this from occurring.

In 2005, the County was flown and aerial imagery was acquired. The 2005 imagery was used to identify land that has become urban and "built up" (*refer to section 2.3.2.1 Urban and Built Up of this chapter for a description of land use types*) since the 1978 MIRIS data were created. A detailed update, denoting the land use type should be performed when time and resources allow. The County should encourage and participate in any future efforts to update land use information as it is a valuable tool in the planning process.

1.3.2 “Current” Land Use (2005)

As previously stated, 1978 MIRIS land cover data was updated using 2005 aerial imagery to create a general 2005 county land use layer. Figure 1-A shows land use in a broad form for Marquette County. In the representation, approximately 4% of the land is classified as urban and built up, 85% as agriculture/forest, 7% wetlands and the remaining is classified as water features.

Table 1-A displays the percent change in the amount of urban and built up land between 1978 and 2005 by local unit of government. The three cities have experienced the highest percentage of change from undeveloped to developed land. Outside from the cities, Negaunee and Marquette Townships are experiencing the most conversion of land from undeveloped to built up. A further analysis of land use change in Negaunee Township follows on page 9 of this section.

**Figure 1-A Marquette County
Generalized Land Use 2005**

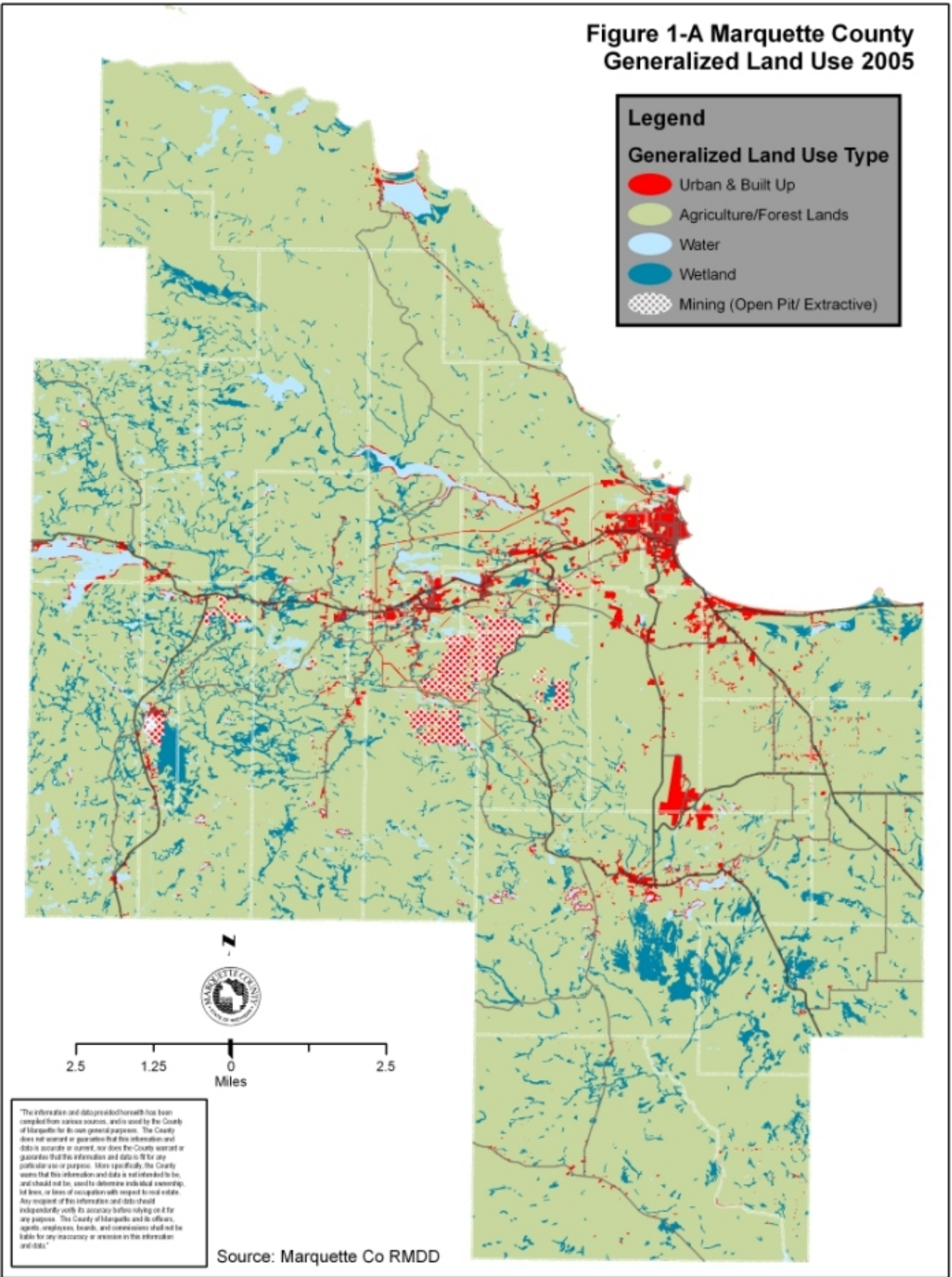


Table 1-A: Percentage of Land Classified as Urban & Built Up

Name of Township	Total Acres			% Change 1978 to 2005
		1978	2005	
Negaunee (City)	9,176	13%	25%	12%
Ishpeming (City)	5,987	23%	31%	9%
Marquette (City)	7,392	50%	55%	5%
Negaunee Twp	27,932	8%	12%	4%
Marquette Twp	35,576	5%	8%	3%
Sands Twp	45,000	6%	8%	2%
Richmond Twp	36,923	8%	10%	2%
Chocolay Twp	38,423	6%	8%	1%
West Branch Twp	22,841	2%	3%	1%
Tilden Twp	61,336	11%	12%	1%
Forsyth Twp	114,728	2%	3%	1%
Ely Twp	90,082	2%	2%	1%
Skandia Twp	46,183	1%	1%	1%
Ishpeming Twp	58,621	2%	3%	1%
Powell Twp	103,670	1%	1%	0%
Ewing Twp	31,298	0%	1%	0%
Wells Twp	99,246	0%	0%	0%
Turin Twp	53,747	0%	0%	0%
Michigamme Twp	90,884	1%	1%	0%
Champion Twp	79,900	0%	0%	0%
Humboldt Twp	61,222	3%	2%	-1%
Republic Twp	76,530	4%	2%	-1%
MARQUETTE COUNTY	1,196,700	3%	4%	1%

The conversion of undeveloped land to built up in Negaunee City can mainly be attributed to mining operations. Since 1978, Cliffs Natural Resources, formerly Cleveland Cliffs Iron Company, has spread north into the southern part of the City converting forested land into extractive/open pit. The iron company owns over 4,000 acres in the southern part of the City that are mainly forested and have the potential to become part of their mining operations in the future.

Negaunee Township has experienced the greatest amount of land use change from 1978 to 2005 outside of the County's three cities. In 1978, 8% of the township was considered urban and built up. After analysis of 2005 imagery, it has been determined that 12% of Negaunee Township is now developed.

Not all land can be developed. Factors such as water bodies and hydric soils limit what use land can have. The Natural Features and Resources chapter of the County Comprehensive Plan further discusses land not suitable for development. Approximately 4,000 acres in Negaunee Township are water bodies or have hydric

soils. Considering this, 14% of the Township’s potentially developable land was already developed in 2005.

Humboldt and Republic Townships reflect a decrease in urban and built up land since 1978. Rarely after land is impacted by man does it revert back to an undeveloped state. In this case, a majority of land, over 2,000 acres, that was used for the Republic Mining operations has been converted into a wetland preserve. Both townships have experienced small amounts of development since 1978.

DETAILED LAND USE ANALYSIS OF A TOWNSHIP- NEGAUNEE TOWNSHIP

If current development trends continue, more single-family homes will be constructed in wooded areas. To determine the potential land use impact of such development, an evaluation of zoning districts and minimum lot sizes is necessary. Table 1-B lists zoning districts, minimum lot sizes, number of acres per district, and the acres of land that can be developed in the future for Negaunee Township. Residential districts, all of which have 1 acre minimum lot sizes, cover nearly half of the developable land in the Township. The forest district makes up nearly 45% of the land and allows single family residential on 10-acre minimum lots. Business (minimum lot size of ¼ acre) and Industrial (5-acre minimum) districts make up the remaining 8% of developable land.

Table 1-B: Undeveloped Land per Negaunee Township Zoning Districts

	Developable Land (acres)*	% of Land	Already Developed (2005, acres)	% Developed	Land not yet Developed (acres)	Minimum Lot Size (acre)**	Number of Possible Additional Developments
Business One	164	1%	35	21%	129	0.25	516
Business Two	947	4%	171	18%	776	0.25	3104
Forest	10492	45%	602	6%	9890	10	989
Industry	791	3%	254	32%	537	5	107
Residential One	512	2%	103	20%	409	1	409
Residential Two	8718	37%	1431	16%	7287	1	7287
Residential Three (lake shore/river)	1813	8%	419	23%	1394	1	1394
TOTAL	23437		3015		20422		13806

*Water bodies and hydric soils acreages were removed to determine the total amount of developable land.

**Minimum lot size was determined per the Negaunee Township Zoning Ordinance.

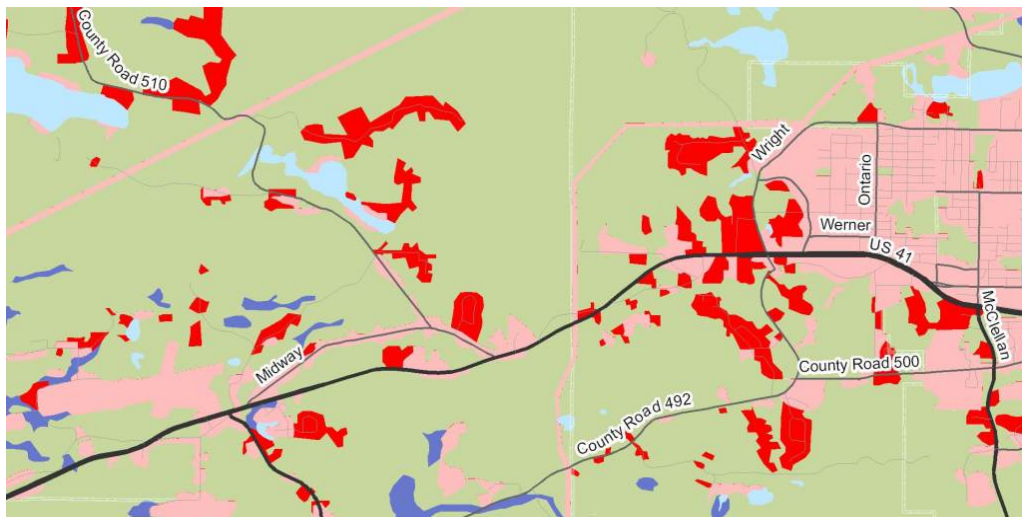
As the zoning districts and minimum lot sizes are currently defined, Negaunee Township could experience tremendous impact to land. If the undeveloped land in each zoning district was divided into minimum lot sizes and then developed, 10,000 single-family homes, 3,500 businesses, and 100 industrial developments would be the result.

1.3.2.1 Urban and Built Up

Urban and built up land is a general land use category that encompasses “developed” land uses such as residential, commercial, extractive, institutional, and industrial.

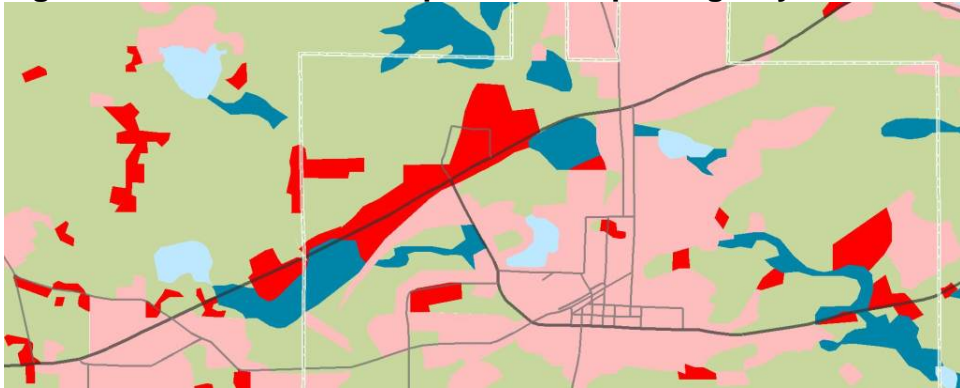
Residential land use has steadily occurred throughout the County. Most of the residential growth is in or near the county’s urban corridor which encompasses Marquette, Negaunee, and Ishpeming. However a number of inland water bodies scattered throughout the County have experienced a range of residential development including: small cabin development, conversion of seasonal dwellings to year round homes, and construction of expansive single family dwellings. The dark red in Figure 1-B shows land that has been developed in part of the urban corridor since 1978.

Figure 1-B: Development in Marquette and Negaunee Townships



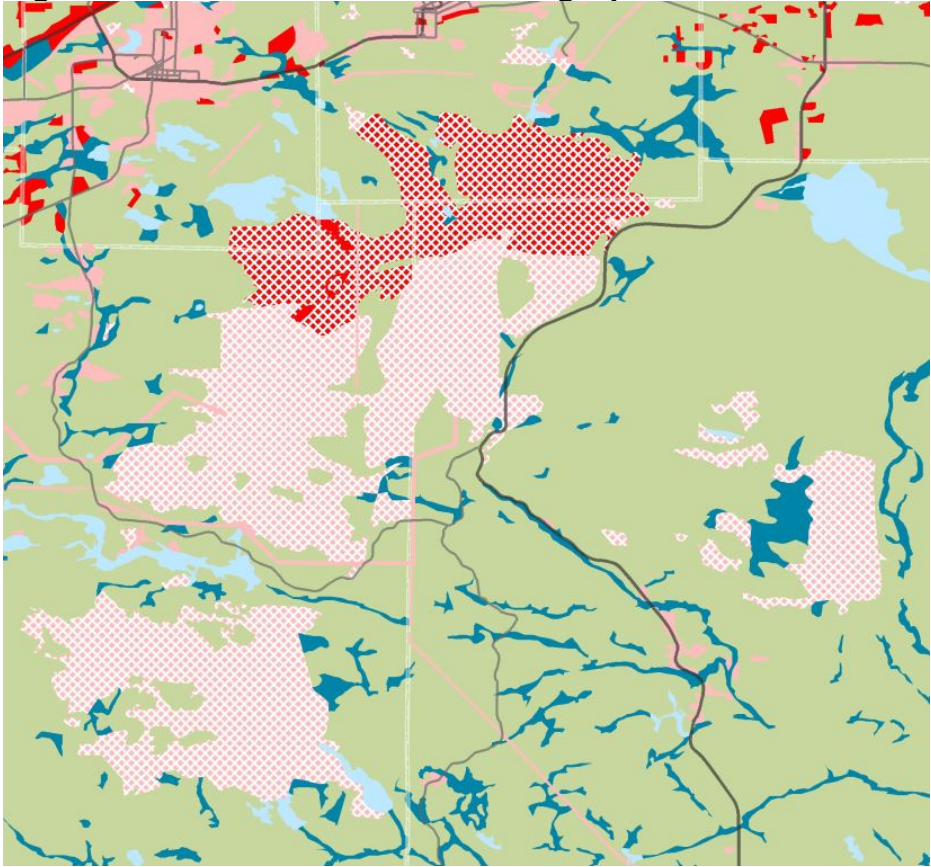
Commercial land use continues to expand along transportation corridors. Figure 1-C shows land along the US 41/ M-28 highway in the City of Ishpeming. Since 1978, much of the corridor through the west part of the City has been developed. A new Bell Memorial Hospital was constructed in this area and opened in September of 2008.

Figure 1-C: Corridor Development in Ishpeming City



Industrial uses continue to change the land make up of Marquette County. The mining industry is a land intensive use. Figure 1-D shows built up land in red that has been converted from forest since 1978 near the Tilden and Empire mines. More than a third of the land in Marquette County characterized as urban and built up has been used for the mining industry. Mining related lands are crosshatched in the figure.

Figure 1-D: Land Converted to Mining Operations



1.3.2.2 Forest/Agriculture

An astonishing 85% of land in Marquette County falls under the general category of forest/agriculture. This category includes: coniferous and deciduous forests, cropland and pastures, and rangeland. The amount of land in this category decreases as land becomes urban and built up. Since 1978, approximately 10,600 acres have been converted from this category to urban and built up. This equates to about 400 acres of undeveloped land becoming developed every year.

1.3.3 Effects of Current Land Use

Many of the land use problems we encounter in the county are similar to those experienced throughout the state and nation such as development along transportation corridors and sprawl. According to the 2001 Michigan Land Resource Project if current land use patterns continue, Michigan's built or developed areas will increase 178% by 2040 (PSC 2001). Instead of 9% presently, 17% of Michigan would be developed.

Land use issues of local significance will be described in the following subsections.

As growth takes place, the opportunity for conflicts in land use increases. The wide variety of land cover and uses that exist in Marquette County provide many challenges in determining the compatibility of proposed new uses with existing uses and with the environment.

1.3.3.1 Transportation

One use of land, transportation, not only has an impact on land itself as a feature that "takes up space" but facilitates and even encourages changes in adjacent land uses. Some of these changes are positive and some are negative. Changes that started out as positive can, in time, become negative. These characteristics are true of transportation as it relates to land, air, and water. All of these modes are part of the transportation system in Marquette County.

The road system probably is the clearest example of how transportation impacts land use. It does so through improving access to new areas which opens them up to development. For example, roads that were once built to access areas for purposes of timber production also provide opportunities for the "rural lifestyle" which has been the trend nationwide. As residential development proliferates and land is fragmented into small ownerships, timber management becomes less practical. Increased road usage brings demand for road improvements that make the area even more attractive to additional development. Soon there are demands for

other infrastructure such as water, sewer, etc. Eventually, heavy truck traffic in the "neighborhood" becomes a nuisance, and trucks are banned from the roadway, eliminating the original purpose of the road.

Another type of development associated with the road system is strip development. A classic example of this is along US 41/M-28 in the urban corridor (Marquette, Negaunee, Ishpeming) of Marquette County. A facility developed purely to provide efficient transportation has provided something else . . . customers. Catering to travelers is a myriad of motels, restaurants, gas stations, and shops. These businesses not only serve transients traveling through the County but also add to the convenience of residents or commuters who can easily access services without venturing far from a main travel route.

On the surface, this may seem to be good development as it meets many service needs. Simultaneously, however, vehicles turning on and off the corridor to access these services greatly impair the roadway's ability to carry out its primary function of moving traffic.

Aviation is another mode of transportation that will affect land use. There will obviously be a "clustering" of associated commercial enterprises such as car rentals, restaurants, gas stations, parking rentals, etc., that compliment the actual service provided by an airport. Additionally, there are impacts on adjoining properties as to permitted uses. You would not want tall buildings, industrial facilities producing smoke or distracting lights that would impair flying located near the runway. Sufficient clear areas (crash zones) are necessary to protect the population. Noise levels associated with airport operation might discourage residential development nearby.

The water transportation system will also produce impacts on land use where transportation systems interface (such as the ore dock and coal dock). It is necessary to identify compatible land side uses that will not interfere with the transfer of commodities from land to lake and vice versa. Preservation of transportation corridors associated with these facilities must also be preserved.

1.3.3.2 Sprawl

The American Heritage Dictionary defines sprawl as "the gradual spreading of urban dwellings, businesses, and industry to the relatively unexploited land adjoining the urban area."

The City of Ishpeming's downtown is experiencing economic struggle as recent development has occurred along the US 41/M-28 highway corridor. The development along the highway is removed from the City's residential areas and is auto dependent.

Sprawl is particularly wasteful in its consumption of tax dollars to provide extension of infrastructure (utilities, water, sewer) and in providing services such as fire and police protection, snowplowing, student bussing, etc. The existing urban areas typically have the infrastructure base necessary to support development.

Development of this type is low density and requires large amounts of land when compared to the more compact urban development. Much of the area being consumed by this type of development in Marquette County is being converted from forest cover. Sprawl is also auto-dependent in that everything in the developing area is spread out, and the development itself is removed from services and employment that are most typically in the urban area.

Sprawl is a resource consumptive (both economic and physical) type of development. It is essential that sound land use planning and strong land use controls are in place to deter proliferation of this type of development.

1.3.3.3 Wildland/Urban Interface

This section follows "closely on the heels" of the discussion of sprawl and is, in fact, one of the results of sprawl. Due to the rural characteristics of Marquette County and the extensive areas of the County covered by forest, it is significant enough a topic to be described separately.

FIRE DANGER

"Throughout the County, the greatest fire risks are in areas of jack pine forests. The strip of forest along the shoreline of Lake Superior in Chocolay Township has a relatively high density of year-round homes, which increases damage potential in spite of the relatively small size of the area. The concentration of jack pine near the Dead River basin presents a high risk due to the concentration of camps and year-round homes, distances to water sources and difficult access to some areas. Other areas present challenges because of the size of the contiguous tracts and road patterns." -Hazard Mitigation Plan

The expansion of residential use into rural areas presents several land use problems. Much of the area being consumed by this type of development in Marquette County is being converted from forest cover. Inherent in residential development of these areas is the increased risk of wildfire. This forest/residential zone is referred to as the "wildland/urban interface." In these areas, there is a significant threat of wildfire to residences, and, inversely, a great threat to the forest from fires of a human origin.

According to Paul Kollmeyer, the Michigan Department of Natural Resources fire prevention program coordinator, "More than 90% of Michigan's wildfires are caused by humans, and more than one-third of those fires are started by burning debris, such as yard waste or brush."

Residential development in forest areas puts additional stress on fire fighting resources of rural townships which are better equipped for residential fire suppression than fighting wildfires. When large tracts of land become subdivided and sold for residential development, often expert knowledge of the terrain is lost. In this situation, upon arriving at the fire, the emphasis is on protection of structures rather than suppression of the wildfire to protect the timber resource. Herein lies the conflict with "highest and best use" of the land.

If sprawl cannot be curtailed through planning and zoning, then zoning ordinances must at least apply fire safety as a consideration in developing regulations for residential construction such as setbacks, clear areas, sufficient driveway widths, and other precautionary measures.

1.3.3.4 Mineral Extraction

Mining was the single most important factor in making Marquette County what it is today. Discovery of iron ore and the subsequent extraction industry was what originally drew people to this area. As the population of miners and families grew so did other support industries, businesses, and services. Though no longer the biggest employer in the County, mining is still a significant component of the economy and a significant land use. Various entities involved in mining own approximately 70,000 acres in Marquette County and lease or hold mineral rights on thousands more.

A variety of land uses are associated with mining operations. Land is used for excavation of the ore, industrial areas for processing, waste (tailings) disposal areas, transportation, and forest land (areas of potential future expansion). With these varied uses are a number of past, present, and future impacts.

Originally, rather high-grade ore was mined from the Marquette Range. In those "earlier" days, it was economically feasible to underground mine



with shafts found in several locations around the County. As ore quality declined, it was necessary to switch to an open pit approach which is currently used. The legacy of underground mining is surface subsidence (caving grounds). As lateral drifts (branches from the mine shaft) spread out from the central core the surrounding area became "honeycombed" causing in many areas severe land use conflicts between previous mineral extraction and current residential and transportation land uses. Areas that are at risk have been identified,

cataloged, and should be evaluated before future development. Currently developed areas can only be monitored for cave-ins.

Present mining operations are also an activity that has an impact on adjacent land uses. The open pit mining method currently employed requires extraction of great volumes of material which is then processed to concentrate the ore. This processing produces vast amounts of waste that need to be disposed of near the site requiring conversion of nearby forest land for this purpose. There have also been use conflicts with nearby residences that have had their homes discolored by the reddish dust emitted during ore processing.

Future mining activities in Marquette County will likely be accompanied by additional land use changes such as removal of timber cover and the elimination of wildlife habitats. It will require careful management to return these areas to their pre-mining condition (reclamation) when the extraction process is complete. The Natural Resources and Environmental Protection Act, Act 451 of 1994, is an act to protect the environment and natural resources of the state, The act regulates the extraction of natural resources and requires a reclamation plan after mining operations cease.

1.3.3.5 Solid Waste Management

The management of solid waste is an important component in land use and land use planning. Initiatives of the Solid Waste Management Act assisted Marquette County in gaining control over "scattered" landfills (more appropriately, dumps) found in many locations around the County. During the 1980s, the county's Resource Management and Development Department identified 78 old landfill sites scattered throughout Marquette County. Solid waste management planning has resulted in closure of these outlying sites and concentration of waste disposal at one site engineered to precise technical specifications in order to maintain environmental integrity at present and into the future. The Marquette County Board of Commissioners adopted the Marquette County Solid Waste Plan in 1999.

Landfill sites are typically not readily convertible to other uses in the future. Waste deposited in these facilities is encapsulated in plastic liners that can be easily damaged and costly to repair. As a relatively "permanent" land use, proliferation of multiple sites is not only inefficient from a standpoint of economics but makes little sense from a land use perspective as well.

1.3.3.6 Flood Plains

A flood plain is that area adjacent to rivers, streams, etc., that is subject to flooding under high water conditions. Much of the early development in this country was associated with "water corridors" because of their ability to move people and goods to remote areas that otherwise were inaccessible. The easiest place to build along the river was, of course, the flat flood plain along the banks. These areas, though, were designed by nature for another purpose. In times when water flows exceed the capacity of the river channel, flood plain areas help to absorb and retain the excess water until flows return to more normal levels.

Flood plain development in Marquette County is not so much related to rivers as transportation corridors, but, instead, primarily related to the aesthetics associated with living near them. There are 22 watersheds or drainage basins with approximately 4,000 miles of rivers and creeks and over 1,900 inland lakes in Marquette County. Over 70 miles of Lake Superior shoreline attracts seasonal or year-round residential development.

No matter what the reason for development on flood plains, the inherent risk of loss to flooding exists. The attraction to these areas means some flood loss will take place and, therefore, one should plan to minimize the loss. The main methods by which this may be achieved are: engineering works (dams, dikes, etc.), regulation of development, and modification of structural requirements for construction. From another perspective, financial loss can be reduced through flood insurance.

Regulation of development is clearly a means of recognizing that flooding is a "natural determinant" that dictates the type of land use that should take place on a flood plain, which, to many, is no development at all. Short of this suggestion is limited development complimented with special structural requirements to make buildings better able to withstand flood conditions.

The basis for the belief that land use in these areas should be controlled by the government results from the public investment to support the use of private properties. Other than the obvious costs associated with fighting the flood, monitoring flood conditions and performing evacuations, there are often public investment in streets, power lines, and other utilities as well.

There are a variety of mechanisms by which land use on flood plains can be managed such as statutes, zoning ordinances, subdivision regulations, building codes, and many others. The Federal Emergency Management

Agency (FEMA) manages the National Flood Insurance Program (NFIP) both of which are described in the Marquette County Hazard Mitigation Plan.

1.4 FUTURE LAND USE

Earlier sections of the chapter related how land use has historically developed and some of the current problems inherent with previous land use practices. Factors that affect land use such as public interest, transportation, land ownership, land value, and natural determinants were also presented. With knowledge of the dynamics of land use, it is possible to anticipate future land uses. Superior to this is land use planning, which, through various control measures, strives to achieve a people/land relationship and a balance of desirable land uses in an area.

1.4.1 Land Use Planning

Planning, as defined by the Michigan Society of Planners is “a comprehensive, coordinated, and continuing process, the purpose of which is to help public and private decision-makers arrive at decisions which promote the common good of society.”

The practice of land use planning has developed over hundreds of years and continues to evolve today. As land use issues have proliferated so has land use planning, expanding from a local activity to regional, state, and national levels. Planning can be single-purpose with one goal or comprehensive where a majority of problems are solved simultaneously. Between these extremes are varying degrees of comprehensiveness. Land use problems generally require a comprehensive approach because of the number of variables that influence these decisions.

Land use planning is similar in process to other types of planning. In its simplest form, it consists of these basic steps listed below.

1. IDENTIFY THE PROBLEM, OPPORTUNITY, OR NEED THAT EXISTS.
2. ASSESS WHAT SOCIAL, ECONOMIC, AND ENVIRONMENTAL RESOURCES WILL BE NEEDED TO SOLVE THE PROBLEM.
3. DEVELOP ALTERNATIVE PLANS.
4. SELECT AN ALTERNATIVE FOR IMPLEMENTATION.

To perform this activity at the local level, the goal is to utilize the land for what it is best suited. In making this determination, the factors affecting land use described previously come into play. To this process are added social,

economic, and political pressures that will cause adherence to or deviation from the plan.

The land use planner must then determine what the land is currently used for (an inventory), assess what effect the current use has on the land, and determine what can be done to improve how the land is being used.

Though this approach can be very effective, it is greatly underutilized. In areas where land use planning is exercised, it is often uncoordinated. Numerous jurisdictions (some 1,800 in Michigan) independently exercise control over land use. Though control of land use ends at the border of the jurisdiction, factors that affect the "suitability" of land for particular uses extends from jurisdiction to jurisdiction and recognizes no governmental boundaries. This lack of "integrated" planning is considered to be a main issue in land use.

Many organizations have considered how to deal with this problem ranging from new legislation to guidelines or even just better cooperation. Public Act 226 of 2003 called the Joint Municipal Planning Act allows more than one local unit of government to form a Joint Planning Commission and plan together. No matter what option eventually prevails, there are a number of objectives that should be met.

Some of these objectives are: 1) consideration should be given to improving housing locations as compared with jobs; 2) more compact development that conserves land and more efficiently utilizes infrastructure should be encouraged; 3) incorporation of transportation alternatives, walkable communities, non-motorized trail development, and transit accessibility in development plans; 4) protect environmentally sensitive areas; and 5) protect agricultural land. Additionally, a mandatory regional review process should be created.

1.4.2 Land Use Controls

Before describing land use controls, it is important to remember that regulating land use should begin with a plan for the use of land and that regulation is merely a method to ensure conformance with the plan.

The land use control movement in this country began with the first comprehensive zoning ordinance implemented in New York City in 1913, and since that time, many other techniques have been developed and utilized. Early land use controls originated from social concerns. The 60's and 70's increased the focus on environmental concerns. Newer approaches such as "impact zoning" incorporate both social and environmental concerns. Of greatest importance in this trend is the change from "control" to "growth guidance" or "growth management".

Of the variety of mechanism available, zoning is by far the most commonly used developmental control device. Conventional zoning regulates the type of land use, land use densities, bulk and height of buildings, and other site-specific requirements and conditions. The primary interest of zoning being to eliminate (or at least reduce) some of the side effects of individual land use decisions and still provide for the "highest and best use" of lands while reducing conflicts between adjacent land uses.

Zoning comes in a variety of forms and for discussion here will be only generally identified. Some of the variations are conditional zoning which obtains a promise of limited development or other concessions in return for rezoning; contract zoning involves rezoning in exchange for deed restrictions; planned unit development substantiates specific plans for conventional zoning and allows greater developmental density, for example, but would provide instead a common open space; flexible zoning also allows variation in densities as long as an overall density ratio is not exceeded (such as cluster development); performance standard approach uses standards of acceptable nuisance levels of development that cannot be exceeded; bonus and incentive zoning provides additional amenities in a development such as more open space in return for economic incentives; other types of zoning would include special permit, variances, and floating zones.

As indicated previously, a number of other mechanisms exist to guide land use though not as commonly or comprehensively applied as zoning. Some of these are subdivision regulations, tax and fee systems, annexation, official mapping, capital programming, public improvements, geographic restraints, and deed restrictions/ covenants.

Land use in Marquette County is controlled through a combination of zoning and other mechanisms such as subdivision and planned unit development. These programs are administered at the township and city level with overview being provided at the County level by the Marquette County Planning Commission.

1.5 LAND USE DEVELOPMENT STRATEGIES AND CONCEPTS

1.5.1 Smart Growth. The smart growth concept shifts from a short-term focus of tax base expansion to long-range sustainability. General goals of smart growth include achieving a unique sense of community and place; a choice in transportation, employment, and housing options; preservation of natural and cultural resources; and a healthy public.

THE TEN SMART GROWTH TENETS

1. Foster distinctive, attractive places with a strong sense of place.
2. Create walkable neighborhoods.
3. Create a range of housing opportunities and choices.
4. Mix land uses.
5. Provide a variety of transportation choices.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development toward existing communities.
8. Take advantage of compact building design.
9. Encourage community and stakeholder collaboration.
10. Make development decisions predictable, fair, and cost-effective.

1.5.2 Infill Development. Infill development includes developing in areas that are generally considered developed. Existing infrastructure is utilized and upgraded by the developer, if necessary. Infill development reduces the need to expand utilities, reinvests in existing systems, and can help revitalize communities and promote mixed use.

Like infill development sites, brownfield and greyfield sites typically have existing infrastructure in place. Although it can be extremely costly to remove environmental contamination, the benefit to the surrounding community and the cost savings of not extending utilities is great.

**BROWNFIELD-
ABANDONED,
UNDERUTILIZED,
OFTEN CONTAMIN-
ATED SITE**

**GREYFIELD- AGING
STRIP MALL OR
SHOPPING CENTER**

Incentives for infill development can include density and/or height bonuses, expedited permit reviews, or reduction in permit fees. Federal and state brownfield funds can be sought for site remediation.

1.5.3 Mixed Use Development. The concept of mixed use development includes allowing several different uses to occur in one area. The “mix” can include a range of different uses from varied types of residential to a multitude of general land uses such as residential, commercial, and office. The benefits of incorporating mixed use as a development strategy have proven to be astonishing. Vibrant communities that are walkable, less auto-dependent, have higher density and capitalize on existing infrastructure result from mixed use development.

A mixed use zoning district can be created where appropriate. Existing zoning districts can be modified to promote mixed use. Residential uses, such as apartments above commercial space, can be permitted. Likewise, low-impact

commercial uses can be allowed in residential districts.

1.5.4 Cluster Development. The idea of clustering is to develop residential units close in proximity on small sites resulting in a large area of undeveloped commonly shared land. Cluster development typically costs less to build and promotes efficient use of infrastructure and utilities.

Per the Michigan Zoning Enabling Act, municipalities must provide a cluster option to developers either as a permitted or special land use. The undeveloped portion of the land should be placed in a conservation easement.

1.5.5 Planned Unit Development (PUD). PUDs allow development to be designed and built as one unit and encourages innovative techniques. PUDs tolerate a variation in controls such as density, uses, open space, and timing and sequencing of the development without sacrificing public concerns for compatibility with adjacent uses of land.

1.5.6 Conditional Rezoning. Conditional rezoning allows a property owner to request the rezoning of property by voluntarily offering conditions regarding the use and/or development of land as a condition of approval. With “traditional” rezoning, once land is rezoned, any of the uses allowed under the new zoning district would be permitted regardless of the intent of the property owner. Conditional rezoning allows the developer to define and agree upon what uses will occur and permanently prohibits all other uses that would have traditionally been allowed.

1.5.7 Subdivision and Condominium Design Standards. Subdivision and condominium design standards regulate the layout of structures and infrastructure within a site. The standards protect the community by ensuring that lots are adequately served by proper utilities and roadway access.

1.5.8 Transfer and Purchase of Development Rights (T/P DR). The transfer of development rights is where the development rights of a parcel is sold to another parcel. The selling parcel will not be developed while the buying parcel will be able to develop at a denser rate. This technique is used nationally as a method in preserving farmland as well as environmentally sensitive areas. The Michigan Association of Planning supports legislation that should explicitly authorize county and municipal governments to adopt and fund purchase of development rights and transfer of development rights programs for the preservation of prime Agricultural land.

2.0 LAND VALUE

The word "value" is an abstract word that can mean many things and be defined many ways. Value, as it applies to land, can perhaps be best defined in one of two ways: 1) value in use as it has the ability to satisfy a particular need; or 2) the economic connotation of its worth in its ability to command money in exchange. The former may fit better as a factor in determining "highest and best use" from a planning perspective as described in an earlier section of this chapter. The later definition is the manner in which people most commonly interpret land value as a monetary feature and is the subject of this section.

In order for property to have value, there are three features it must possess: utility, scarcity, and desirability. The term utility refers to the desire of someone to own it. Scarcity and desirability tie to the economic forces of supply and demand. Either an increase in demand or a decrease in supply will increase the value of land. The inverse is also true where an excessive supply of land or a lack of demand exists, value will be lower.

2.1 VALUE PRINCIPLES

A working knowledge of concepts and principles of valuation is basic to an understanding of methods of value measurement. A number of principles have evolved that are generally considered to have a direct effect on the concept of value. These principles are interrelated and typically compliment or accompany one another. It is these principles that, when combined, determine the highest and best use from which land value may be determined. See "12 Principles of Value" to the right (from the Appraisal Institute) for a brief explanation.

12 PRINCIPLES OF VALUE

Principle of Anticipation - the present worth of all future benefits from the property

Principle of Balance - complimentary land uses reach equilibrium in a neighborhood (residential neighborhood need stores, gas stations, schools, etc.)

Principle of Change - many forces are at work which change the market value of land (because of this, an estimated market value is only valid on the day it is made)

Principle of Competition - when profits are being made from a particular land use, additional similar use often results

Principle of Conformity - when the degree of economic and social composition is expected to be uniform in the foreseeable future

Principle of Consistent Use - a property must be valued as a single use of the entire property

Principle of Contribution - the value of a piece of property depends on its contribution to the whole

Principle of Increasing and Decreasing Returns - adding amenities will increase value to a point, and after that point, more additions will not bring as large a gain as the initial improvements

Principle of Progression and Regression - the value of an object of lower value (a house for example) increases when it is located with objects of higher value, and vice-versa

Principle of Substitution - provides a value based on comparison with securing a property of similar suitability

Principle of Supply and Demand - an increase in supply would result in a decrease in value while an increase in demand results in an increase in value, and vice-versa

Principle of Surplus Productivity - this is a complex calculation dealing with business properties after production costs have been subtracted from income, the net income that remains is attributed to the land.

2.2 MARKET VALUE

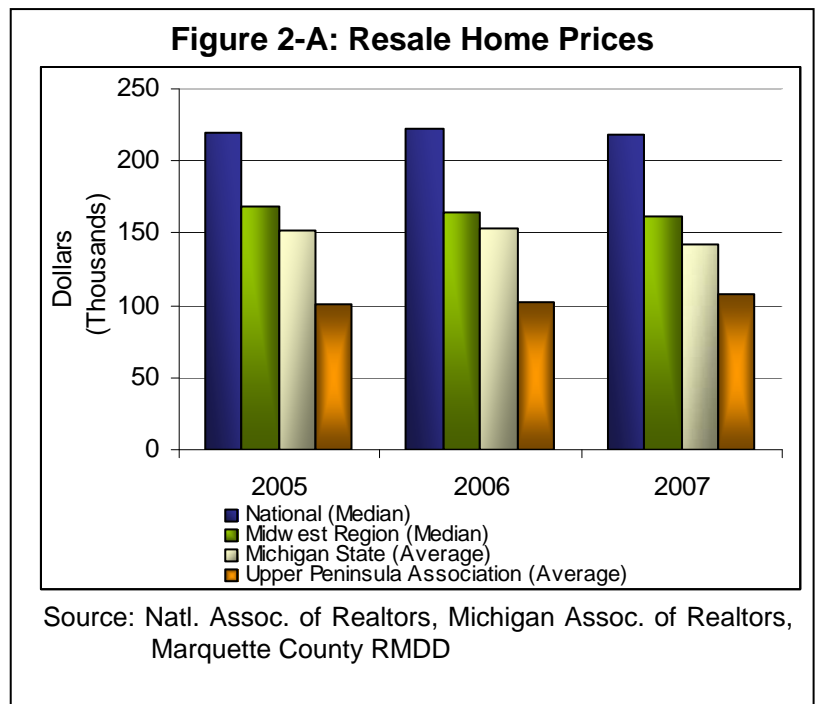
For purposes of comparing or rationalizing the worth of anything, there needs to be a mechanism by which value can be gauged. Probably the oldest and simplest measure is market value.

"Market value is the most probable price expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's-length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which it is capable of being used." -International Association of Assessing Officers

Market value is further defined as it deals with personal, real, or public utility property. Personal property consists of moveable items that are not permanently affixed to the land. In this case, the value is what the seller will take and the buyer will give in the ordinary course of trade. Real property is the land and all things attached to the land. The definition differs from the previous by considering future uses to which the property may be put. Public utility property uses yet another definition that is the present value of the property plus costs of improvements less depreciation.

2.2.1 Residential Market Analysis - Marquette County

One measure of value that can be easily compared between states, regions, and communities is the average resale price of housing. The National Association of Realtors posts single-family home sales data for the nation and by region. Similarly, the Michigan Association of Realtors posts residential sales statistics for the State and by local associations. Marquette County is part of the Upper Peninsula Association of Realtors which is composed of Escanaba, Iron Mountain, Keweenaw, Western Upper Peninsula, and North Central Upper Peninsula. Figure 2-A compares information provided for the years 2005 through 2007.



From the graph, it can be seen that the 2007 average residential sales price in the Upper Peninsula (\$107,187) lags considerably behind the national and Midwest region median figures and the State of Michigan's average figure (\$217,900, \$161,400, and \$142,438 respectively). The Upper Peninsula average, however, does show continued growth while the national, Midwest region, and state show a decline.

In this discussion, average prices have been used because most data is available in that format. The median price, however, is a more reliable measure as it is less effected by extremes. Closser Associates, Inc., in its review of the Marquette area residential market, has kept track of both average and median prices and show that the average sale price exceeds the mean sale price. The reader should keep this relationship in mind while reviewing the following tables.

The 2007 Marquette Area Residential Market Analysis, by Closser Associates, Inc analyzes existing and new residential home sales sold through the multiple listing service (MLS) member realtors in the Marquette Area. The Marquette Area is defined as the City of Marquette, Marquette Township, Chocolay Township, and parts of Sands Township north of County Road 480. Table 2-A shows the median residential sales price in the Marquette Area by year as well as the percent of change from previous years.

Table 2-A: Marquette Area Median Residential Sales Price

Year	Median Sales Price	% Change from Previous Year
1990	\$55,950	13.0%
1995	\$74,600	2.9%
2000	\$93,250	9.7%
2001	\$92,500	-0.8%
2002	\$102,700	11.0%
2003	\$113,250	10.3%
2004	\$130,000	14.8%
2005	\$135,000	3.8%
2006	\$147,000	8.9%
2007	\$150,000	2.0%

Source: Closser Associates, Inc 2007

2.2.2 Building Permit Analysis - Marquette County

Another measure of value is the amount of building activity occurring in an area. The Marquette County Building Codes, a division of the Resource Management and Development Department, issues permits that are required for all new construction, additions, alterations, and remodeling within the County. Permits are also required for new or replacement plumbing, mechanical, or electrical systems, demolition or removal of buildings, change in use, and the moving of any building. Figure 2-B displays the number of permits issued through the Building Codes Division since 2000 and the estimated cost of construction. Recent years signify a decline in the number of permits issued within the County of Marquette.

Figure 2-B: Total Permits Issued Through Marquette County Building Codes Division



Source: Marquette County RMDD

Table 2-B compares the rate of change from the previous year in the number of permits issued annually in Marquette County since 2000, by local unit of government. It should be noted that prior to 2006, Marquette County was not responsible for issuing permits in Ishpeming Township. In 2005, the number of issued permits in the County increased by nearly 9%. That same year, local units averaged a 40% increase in permit activity. It is important to recognize that the rate of change could fluctuate substantially when small numbers are being analyzed. Several municipalities, such as Turin and Wells townships, had less than 10 permits issued in a given year.

Table 2-B Change from Previous Year in the Number of Permits Issued by the Marquette County Building Codes Division

	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	Average Change Over Time
Sands Twp	-15.9%	-20.7%	15.2%	-13.2%	0.0%	6.5%	-34.7%	-15.6%	-9.8%
Forsyth Twp	-8.5%	-7.4%	19.0%	-21.8%	-10.8%	2.4%	-1.2%	-41.7%	-8.7%
Tilden Twp	-15.0%	-11.8%	20.0%	-16.7%	13.3%	17.6%	-30.0%	-35.7%	-7.3%
Powell Twp	-38.6%	34.3%	-17.0%	-5.1%	48.6%	-32.7%	-13.5%	-12.5%	-4.6%
Ely Twp	-20.4%	-17.9%	0.0%	9.4%	-22.9%	22.2%	-3.0%	-3.1%	-4.5%
MARQUETTE COUNTY	-1.3%	-4.1%	6.6%	-8.9%	8.9%	-0.2%	-12.0%	-17.2%	-3.5%
Chocolay Twp	15.1%	-17.2%	20.7%	-18.2%	-1.2%	31.3%	-30.5%	-23.3%	-2.9%
West Branch Twp	-33.3%	0.0%	100.0%	-35.7%	22.2%	-18.2%	22.2%	-68.2%	-1.4%
Negaunee Twp	22.6%	-1.3%	2.7%	10.4%	-17.6%	-10.0%	-19.0%	5.9%	-0.8%
Negaunee	25.0%	-7.5%	-29.7%	26.9%	36.4%	8.9%	-32.7%	-30.3%	-0.4%
Republic Twp	-25.0%	18.5%	25.0%	-35.0%	38.5%	-30.6%	8.0%	0.0%	-0.1%
Marquette Twp	6.3%	9.4%	-15.1%	-3.8%	36.8%	2.9%	-12.1%	-23.4%	0.1%
Marquette	18.7%	11.6%	-3.1%	-1.3%	10.9%	-11.0%	-3.2%	-16.1%	0.8%
Ishpeming	4.0%	-13.5%	15.6%	-3.8%	-2.0%	12.2%	-29.1%	25.6%	1.1%
Richmond Twp	14.3%	-50.0%	75.0%	-28.6%	40.0%	57.1%	-45.5%	0.0%	7.8%
Michigamme Twp	26.7%	-21.1%	0.0%	-13.3%	7.7%	-21.4%	154.5%	-60.7%	9.0%
Skandia Twp	-16.7%	-13.3%	84.6%	-29.2%	47.1%	-44.0%	-42.9%	87.5%	9.1%
Humboldt Twp	-16.7%	-33.3%	-30.0%	185.7%	-55.0%	88.9%	-23.5%	-15.4%	12.6%
Champion Twp	-22.2%	-42.9%	50.0%	0.0%	100.0%	-75.0%	33.3%	75.0%	14.8%
Wells Twp	0.0%	-20.0%	25.0%	-70.0%	0.0%	266.7%	-72.7%	0.0%	16.1%
Turin Twp	100.0%	-33.3%	-75.0%	100.0%	50.0%	-33.3%	-50.0%	200.0%	32.3%
Ewing Twp	-62.5%	33.3%	125.0%	-77.8%	500.0%	-33.3%	-37.5%	-40.0%	50.9%
Ishpeming Twp							153.8%	-3.0%	75.4%

Source: Marquette County RMDD

2.3 TAX ASSESSMENT AS A VALUE MEASUREMENT

An assessor is assigned the task, per Michigan statute, of establishing property value for ad valorem tax purposes. Assessment is carried out at many levels of government: state, county, and local (townships, cities, villages). In Marquette County, the process begins at the city and township level with the assessor being responsible for accurately representing the value of each and every parcel to insure fair treatment of the individual landowner as well as the property tax paying public as a whole. To monitor the

accuracy of the "unit" assessors, the County Tax Equalization Department selects a number of parcels in the unit and independently appraises them for comparative purposes. A uniform degree of accuracy for local appraisals can therefore be maintained on a countywide basis. The next highest level in the chain is the State Tax Commission that carries the uniformity consideration from county to county.

The appraiser has a number of tasks that are necessary in arriving at "assessed value." The first step is discovery of property, a process of assuring all parcels in the unit have been identified. Buildings and other improvements to the land require on site inspection. Personal property is also identified (items other than the land and things attached to the land) that may be taxable. The property is assigned a tax identification number, and the information gathered previously is classified as real property, personal property, and exempt property.

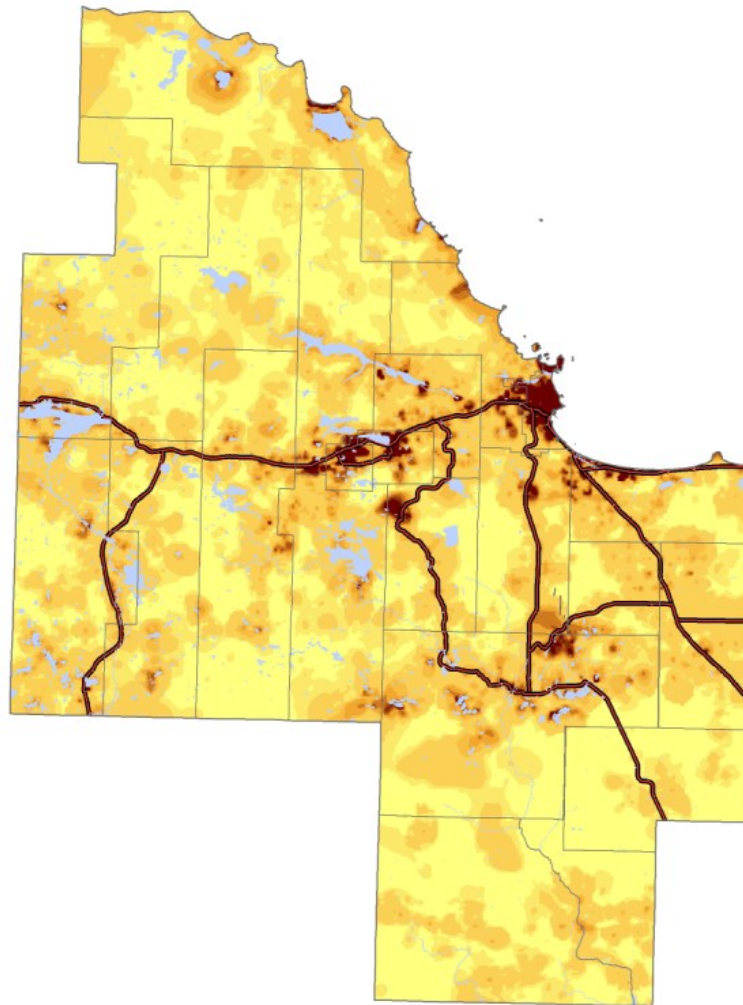
After discovering, identifying, and classifying the property the assessor will use the information to value the property. The property will then be, by Michigan law, assessed at half of its fair market value.

Landowners are notified of their assessed value and can accept the valuation or pursue avenues of relief through discussion with the appraiser, or, if necessary, through a more formal appeals board review.

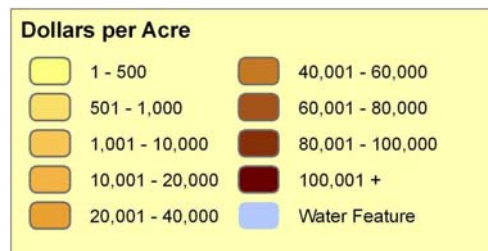
2.3.1 Marquette County Equalized Valuations

Assessed property values, in a generalized form, are depicted in Figure 2-C. The 2006 data and map are designed to show interpolated values across the County and includes areas of non-assessed land. Features such as towns, lakes, businesses, and even transportation corridors have significant effects on values of specific locations.

Figure 2-C Marquette County Assessed Values (Generalized), 2006



Source: Marquette County RMD



The property with the highest value per acre typically is within urban areas, such as the city limits. The urban areas are represented by small parcels and high-density development and historically have been more valuable. The brown shades in Figure 2-C represents land valued at \$40,000 per acre and up. The darkest brown shade represents land over \$100,000 per acre. The various

shades of orange in Figure 2-C depict areas consisting of larger parcels that provides a transition from small urban parcels to large tracts in more remote locations. Generally, land in this category ranges from \$1,000 up to \$40,000 per acre. The yellow shade in Figure 2-C represents land valued under \$1,000 per acre. Land in this category, for the most part, is sparsely populated and consists of large tracts of land that are essentially unimproved.

Total equalized value exceeded one billion dollars (\$1,046,033,165) for the first time in 1996. Valuation has steadily increased in Marquette County at an average rate of 5.13% per year since 2000. Table 2-C shows the increases in valuation over time.

The township portion of total county valuation trailed that of the cities in the late 1980s. During the 1990s, growth in the townships increased the townships' portion of the total county valuation. In 2008, townships accounted for 63%, or \$1,562,389,365, while cities accounted for 37%, or \$916,209,351, of the total county valuation.

The increase in township valuation is, of course, related to accelerated growth in these areas. Probably the most significant factors

contributing to the townships appeal are lower taxes and the availability of land at a lower cost than land within city boundaries. Taxes in the cities can range from about \$35 to \$45 per \$1,000 valuation whereas township taxes are generally less than \$30 per \$1,000. Some townships are offering amenities such as municipal water and sewer as well. The ties to land use are also strong in that available land is not only desirable but also suitable for the proposed use. Table 2-D lists the 2007 millage rates per local unit of government in Marquette County.

2.3.2 Marquette County Tax Structure

Marquette County has certain categories of land that are taxed differently. Land enrolled under the Commercial Forest Act is taxed at a reduced rate. This type of tax break is discussed further in the Land Ownership section of this chapter.

Table 2-C Equalized Value in Marquette County

Year	Total Equalized Value (Millions)	Total Equalized Value In 2008 Dollars (Millions)	Change from Previous Year
1996	\$1,046.03	\$1,416.21	n/a
2000	\$1,318.04	\$1,625.93	n/a
2001	\$1,425.16	\$1,709.42	4.88%
2002	\$1,521.28	\$1,796.32	4.84%
2003	\$1,634.86	\$1,887.42	4.83%
2004	\$1,777.40	\$1,998.75	5.57%
2005	\$1,957.32	\$2,128.95	6.12%
2006	\$2,163.25	\$2,279.41	6.60%
2007	\$2,307.48	\$2,364.04	3.58%
2008	\$2,478.60	\$2,478.60	4.62%

Source: Marquette County Equalization Department

Land that is state-owned is considered tax exempt. Instead of paying taxes, the state makes a payment in lieu of taxes (PILT), or “swamp tax” in some cases, which is considerably less than tax payments for land under private ownership. Iron mines pay a different type of tax. Taxes are based on the production of iron ore rather than land value.

2.4 FORECLOSURES

According to a RealtyTrac report, foreclosure activity in the United States rose 75% in 2007. Michigan was documented as the nation’s third highest state for foreclosures, a 68% increase in total filings from 2006. Typically, urban counties in Michigan, such as those in the Detroit area, are experiencing a higher rate of foreclosure than rural counties like Marquette.

Foreclosed properties can lead to a reduction in local property values. Owners facing foreclosure have limited finances for properly maintaining their property. Once foreclosed, the property can become abandoned leading to blight and the potential for vandalism. Foreclosed property sells at a reduced amount and when used as a comparable, can contribute to the lowering of the appraisal value of nearby properties for sale. Foreclosed property also contributes to the reduction of property value in the surrounding area by increasing the supply of property.

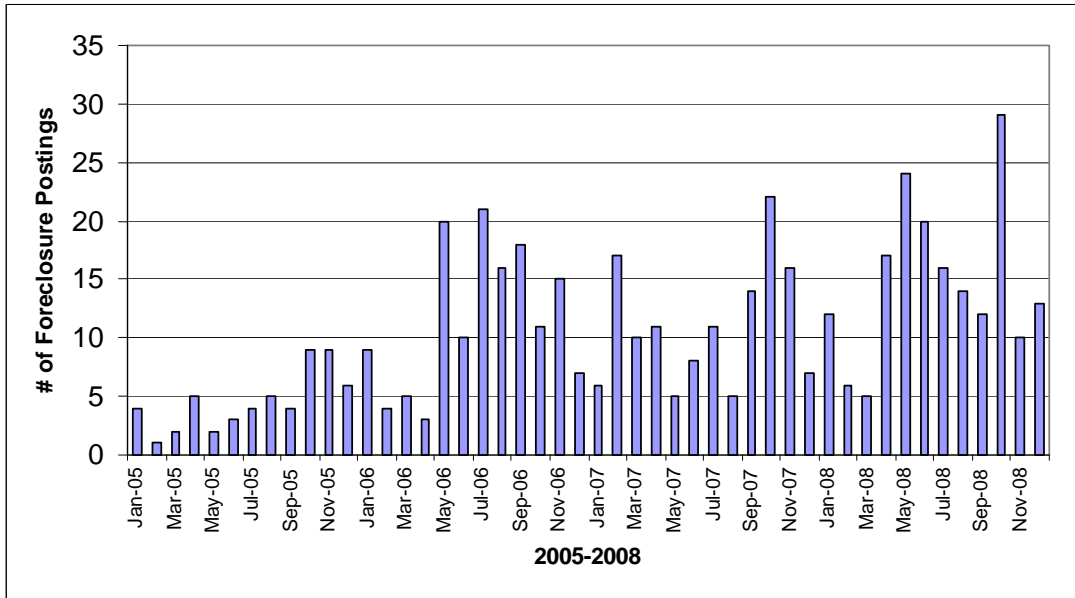
Figure 2-D shows the trend of foreclosed property sales posted by deputies of the Marquette County Sheriff’s Department. The data offers a glimpse of local trends and does not include all foreclosure activity such as initial foreclosure filings like default notices, auction sale notices, and bank repossessions. From the figure, it can be determined that the number of foreclosed properties in Marquette County is

Local Unit (School District)	HOMESTEAD	NON-HOMESTEAD
Champion Twp (NICE Portion)	29.92	47.92
Champion Twp (Powell Portion)	25.75	43.20
Chocolay Twp	23.94	41.94
Ely Twp	22.86	40.86
Ewing Twp	30.82	48.33
Forsyth Twp	23.76	41.76
Humboldt Twp (NICE Portion)	27.78	45.78
Humboldt Twp (Republic Portion)	24.21	42.21
Ishpeming	43.34	61.34
Ishpeming Twp (NICE Portion)	23.30	41.30
Ishpeming Twp (Ishpeming Portion)	25.18	43.18
Ishpeming Twp (Negaunee Portion)	23.25	41.25
Ishpeming Twp (Powell Portion)	19.13	36.58
Marquette	34.16	52.16
Marquette Twp (Mqt Portion)	25.21	43.21
Marquette Twp (Gwinn Portion)	23.91	41.91
Michigamme Twp (NICE Portion)	29.51	47.51
Michigamme Twp (Republic Portion)	25.94	43.94
Negaunee	39.49	57.49
Negaunee Twp	26.04	44.04
Powell Twp	20.82	38.27
Republic Twp	23.62	41.62
Richmond Twp	27.75	45.75
Sands Twp (Gwinn Portion)	22.23	40.23
Sands Twp (Mqt. Portion)	23.53	41.53
Skandia Twp	20.99	38.99
Tilden Twp	22.86	40.86
Turin Twp	25.97	43.48
Wells Twp (Wells Portion)	21.40	39.40
Wells Twp (Escanaba Portion)	24.73	42.73
West Branch Twp	19.57	37.57

Table 2-D 2007 Millage Rates

rising. Foreclosure activity significantly increased in mid-2006 and has continued to throughout 2008. December 2008 statistics are only for the first half of the month.

Figure 2-D Foreclosed Property Sales Posted by the Marquette County Sheriff Department



Source: Marquette County Sheriff's Department and RMDD

3.0 LAND OWNERSHIP

3.1 INTRODUCTION

An obvious but important feature of land is immobility. The fact that land "stays where it is" provides the basis for ownership. Because there is a finite amount of land and land is essential to human existence, control of the land is of crucial importance.

The basic concept of ownership is tenure which is the holding of property, especially real estate, by a superior. In Europe, this "superior" would have been the King. In North America to the Native Americans living here the "Great Spirit" was the superior. With the passage of time, the concept of tenure gave way to individual ownership and protection by law. Today, the most complete concept of ownership is known as "fee simple absolute" which is the highest form of tenure and is evidenced by legal written title.

FEE SIMPLE- Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. - *the free dictionary.*

3.2 OWNERSHIP RIGHTS

Land ownership carries with it a variety of rights. To look at it from the fee simple approach, you could consider the land to be yours from the surface to the center of the earth. Herein lies a problem of land ownership in that people consider it a right rather than a responsibility (though this notion is gradually changing as things such as the environmental movement have raised our awareness of the land). From this total all encompassing right, subtractions are made by the government and possibly by the previous owner as well as those "surrendered" by the current owner.

Significant rights held by the government:

1. *right to tax,*
2. *right to condemn,*
3. *police power,*
4. *right of escheat.*

The right to tax is an extremely powerful land right. The previous section of this text, land value, described land taxation and how the process affects landowners in the

County. Taxation not only has an impact on land ownership but also may exercise some control over land use.

Condemnation is another land right reserved by the government. This right allows superior levels of government to take privately held land for public use (building roadways for example).

The police power is a broad but important power retained by the government. The government has the responsibility of protecting and promoting the public health, safety, and welfare. This power as pertains to land, can restrict the landowner from using land for some purposes they desire. This topic was discussed under Land Use Controls in a previous section of this chapter.

A fourth power is that of escheat. This is a process whereby land ownership itself reverts back to the government. Probably the most common cause of reversion is from non-payment of taxes. A large portion of property owned by the State of Michigan came about through tax reversion during the Great Depression of the 1930's. Land may also revert in cases where a person is deceased and there is no heir.

A previous owner can retain rights to property even though legal title to the land has been transferred. Examples of this type of transaction are not uncommon in our area where corporate lands may be sold to individual owners without mineral or timber rights.

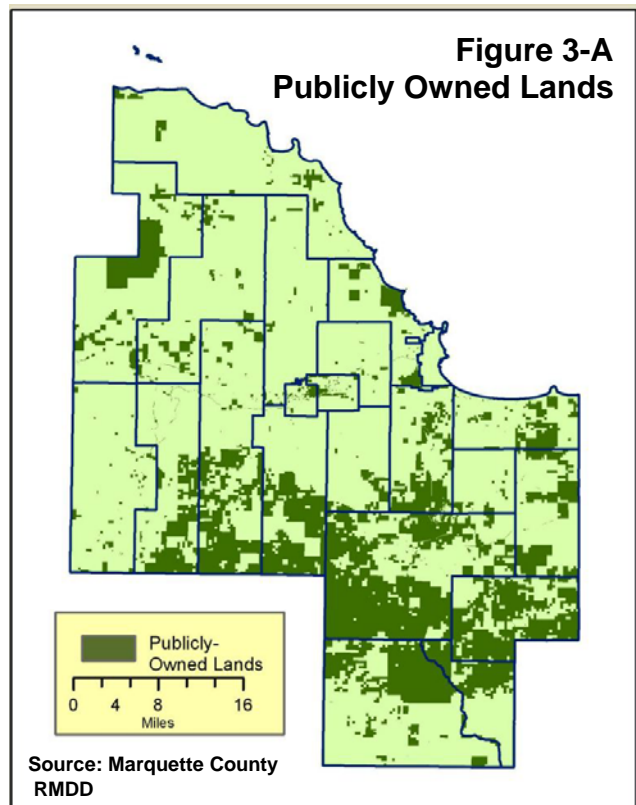
The owner may also separate rights from property in a variety of ways. The owner can grant easements, lease, rent, etc. and all other rights except title.

3.3 MARQUETTE COUNTY LAND OWNERSHIP

Roughly, 25% of this land (302,275 acres) is publicly owned while the remaining 75% is under private ownership. A significant amount of privately owned land is held by corporate (large) ownerships.

Publicly owned lands are located primarily in the south central, south eastern, and eastern regions of the County though less consolidated public ownerships occur throughout the County and are depicted in Figure 3-A. Public land totals (in acres) are listed in Table 3-A. Local government ownership represented in the table includes county, township, school board, and city-owned properties.

The large public ownership in Marquette County has many ramifications. In terms of land use planning, large tracts of state forest lands will not likely be used for purposes other than recreation and timber production. From a value standpoint these lands are not "on the market" which means the County "supply" of land is reduced by a quarter which keeps values up. From a valuation standpoint, a quarter of the land in the County does not fully contribute towards the tax burden in the County



**TABLE 3-A Public Land Ownership
(Marquette County)**

Government Unit	Approximate Acres	% of Total County Land	% of Total Public Land
Federal	21,210	2%	7%
Local	23,274	2%	8%
State	257,790	21%	85%

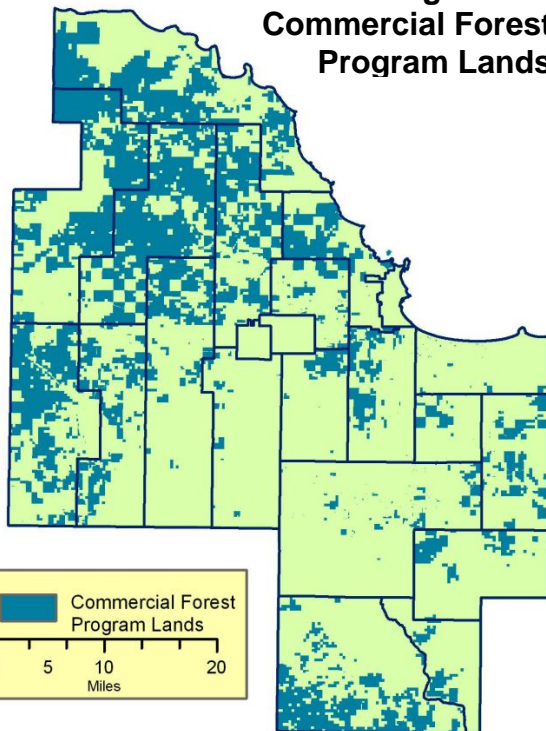
Source: Marquette County RMDD

The 75% of the County in private ownership is split between large corporate ownerships and small landowners. Corporate owners such as Cliffs Natural Resources, Plum Creek Timber Company, Longyear Realty Corporation, and the Heartwood Forests Lands hold the largest amount of private land in Marquette County.

3.4 CHANGES IN OWNERSHIP (MARQUETTE COUNTY)

Land ownership in Marquette County is continually changing. Typically these changes occur as large properties are reduced in size through splitting and platting of parcels. The majority of former wood-using companies have sold their land often to other large companies, such as real estate corporations, who do not utilize the forested lands in the same way.

**Figure 3-B
Commercial Forest
Program Lands**



Source: Marquette County RMDD

3.4.1 Commercial Forest Reserve Act

The Commercial Forest Reserve Act (CFA) is a program devoted to the production of commercial forest products on private lands. The program is mentioned here in that withdrawal of land from CFA status has resulted in ownership changes in many instances. Figure 3-B shows CFA land in the County and Table 3-B acreage enrolled under the Commercial Forest Act by township.

The intent of the CFA program is to devote land to the long-range production of forest products. As an "incentive" to participate in the program a degree of tax relief was provided to the owner until such time as the timber was harvested and a "yield tax" of 10% was assessed on the stumpage value of any forest products removed. This process therefore,

deferred some tax on the property (taxed at a rate of \$.15/acre annually) until such time as the receipts from sale were available which made the long-term investment in forest production affordable.

The program was very helpful and heavily utilized by corporate landholders. A large number of small parcel owners also participated in the program in order to receive the tax "break". Many landowners in this group, however, were not managing their properties for timber and simply taking advantage of the opportunity to pay less tax. In 1994, the Commercial Forest Act was revised eliminating the yield tax in a manner that would eliminate this abuse by requiring landowners enrolled in the program to file a timber management plan for their properties. The amount of tax payable by the landowner was also increased from \$.15 per acre to \$1.10 per acre. A window of opportunity was provided (all of 1994) in which land could be withdrawn from the program without penalty. Many took advantage of this opportunity.

Table 3-B Acres of Land Enrolled in the Commercial Forest Program	
Champion Twp	51,028
Chocolay Twp	773
Ely Twp	17,628
Ewing Twp	3,959
Forsyth Twp	4,625
Humboldt Twp	16,574
Ishpeming Twp	26,254
Marquette Twp	12,821
Michigamme Twp	45,015
Negaunee Twp	6,076
Powell Twp	43,780
Republic Twp	32,349
Richmond Twp	3,869
Sands Twp	9,518
Skandia Twp	10,992
Tilden Twp	2,443
Turin Twp	7,149
Wells Twp	29,544
West Branch Twp	2,787
Marquette County	327,181

Source: Michigan Dept. of Natural Resources
Marquette County RMDD

3.4.2 Land Sales

Another measure of ownership or, more specifically, change in ownership is the record of land sales that have taken place in the County. Figure 3-C shows the number of warranty deeds per local unit of government in the County over the past three years (July 1, 2005 through June 30, 2008). Since July 2005, one in every six to nine parcels within the cities have had a warranty deed registered with the County. Champion and Wells Townships had the least amount of land transaction activity with one parcel in every twenty-five or more registering a warranty deed.

Figure 3-D breaks down the number of warranty deeds in the most active municipalities over the past three years. Despite nationwide housing market woes, the figure reflects an increase in activity for 2008, with the exception of Marquette City.

Figure 3-C Warranty Deeds by Municipality 2006-2008 Combined, Marquette County

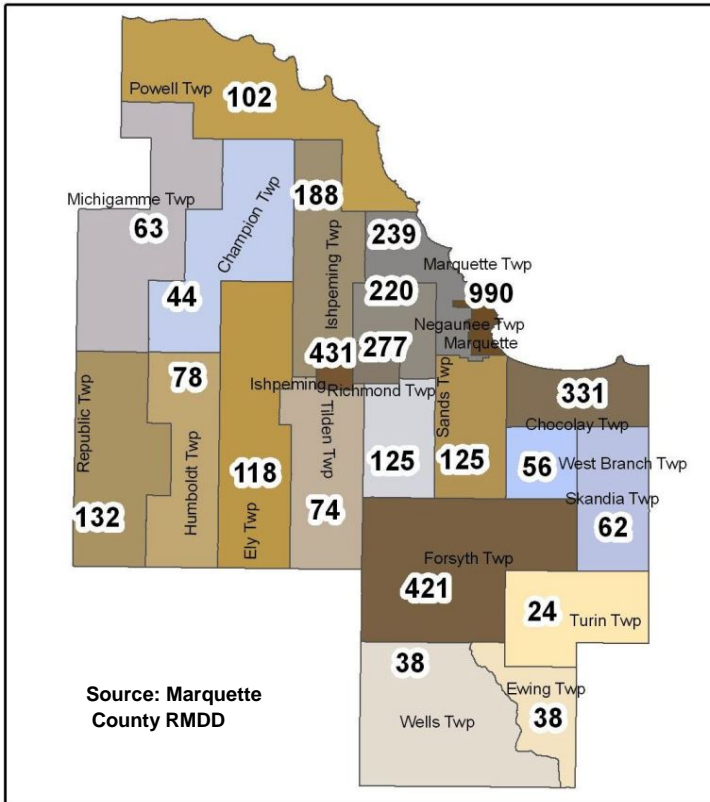
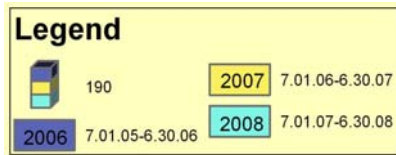
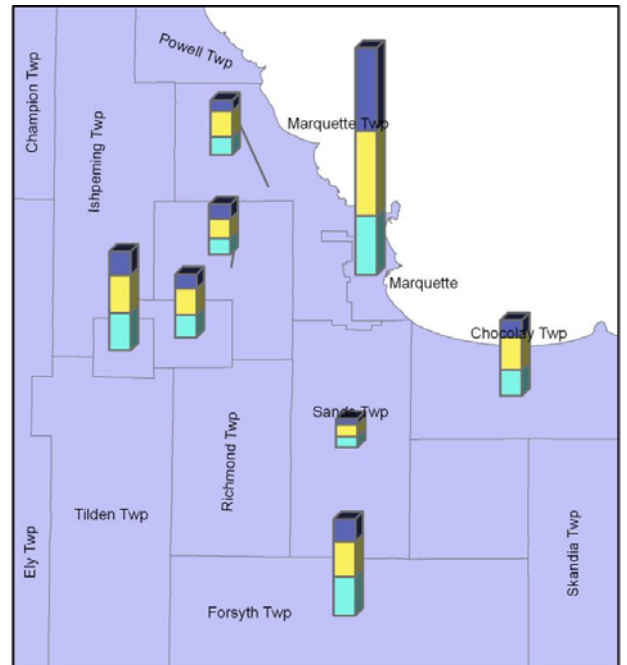


Figure 3-D Three-year Comparison of Warranty Deeds, Select Municipalities in Marquette County



Source: Marquette County RMDD



3.4.3 Subdivision in Marquette County

Subdividing and platting of land is a means by which large properties are broken down into smaller parcels for development. This activity has a long history in Marquette County with the first plat having been recorded in 1854. Historically, three to four subdivision plats occur in a typical year.

Throughout this long history, many changes in the requirements for subdividing land have been developed in order to reduce the abuses in land development which have occurred. By ensuring compliance with at least some minimum standards, land development that protects the health, safety, and welfare of the general public has been promoted. The Land Division Act, Public Act 288 of 1967, provides the minimum standards. In addition to the Act, townships are granted the authority to provide even more strict requirements.

The subdivision of land impacts all three sections of this chapter: land use, value, and ownership. The information in Table 3-C is provided to illustrate the number of plats done each year, the amount of "parent" acreage converted and the number of lots created through the process.

Where platting is occurring in the county is also an important indicator of where growth is taking place. This is important information from a planning perspective as these developments will impact traffic flows, provision of emergency services, infrastructure such as water and sewer, and a variety of other public concerns. Table 3-D provides plat location information.

Data from the table indicates that over 75% of the plats created since 1986 occurred in townships while less than 25% of the total subdivision plats occurred within city limits. On average, more lots were created per subdivided plat within the cities (23) than in the townships (15). The amount of acreage converted is also higher in the townships, nearly 90% of the total

Table 3-C Subdivision Platting, Marquette County

Year	Platted Sub-divisions	Lots Created	Acres
1990	6	140	158.14
1995	2	104	50
1996	3	46	35.24
1997	0	0	0
1998	1	29	41.65
1999	21	300	514.984
2000	13	179	526.002
2001	2	72	82.28
2002	3	57	82.2768
2003	3	118	93.89
2004	1	24	15.94
2005	2	20	23.25
2006	2	24	27.524
2007	1	25	32.24
2008	1	13	43.96
1996-2008	53	907	1519.24

Source: Marquette Co. Register of Deeds
Marquette County RMDD

converted land. Contribution to this occurrence is the greater availability of vacant land in the townships.

3.4.4 Condominium Development in Marquette County

Condominium, or condo, is a term often used to refer to a kind of multi-family housing. This is not true, however, and condominium actually refers to a type of ownership. Individual units are owned privately and common areas, such as hallways or land, are shared among all owners and controlled by an association.

Condominium development in Marquette County can be classified into three types. The first type, “building condominium,” is a structure with more than one dwelling unit. The second type of condominium development is “site condominium.”

A site condominium development consists of single-family detached structures on separate lots and resembles a typical subdivision. A third type of condo development is called “condominium conversion,” and involves converting existing structures into a condominium development by the creation of a condominium association.

Since 2006, there have been five building-type condominium developments constructed, and one partially constructed, in Marquette County. Together, the developments accounted for approximately 45 new dwelling units. According to data from the County Register of Deeds, at the end of 2008 a deed transfer had been recorded for nearly 20% of the new building condominiums.

Table 3-D Subdivision Platting by Unit of Government (1986-2008)

Municipality	# of Plats	# of lots	# of acres
Negaunee Twp	16	173	461.7
Ishpeming Twp	10	166	385.5
Marquette City	7	143	79.8
Negaunee City	4	108	81.5
Marquette Twp	4	65	189.6
Champion Twp	4	27	140.5
Forsyth Twp	3	100	91.2
Sands Twp	3	46	43.0
Chocolay Twp	1	25	32.3
Ishpeming City	1	20	14.2
Cities	12	271	175.5
Townships	41	602	1343.8
Grand Total	53	873	1519.3

Source: Marquette County Register of Deeds
Marquette County RMDD

Table 3-E Condominium Development, Marquette County

Year	Condos	Units
2008	3	70
2007	7	81
2006	0	0
2005	3	57
2004	2	48
2003	2	64
2002	0	0
2001	2	31
2000	1	45
1999	0	0
1998	1	5
1997	0	0
1996	0	0
1995	1	19
1994	1	11
1993	0	0
1992	1	26
1991	0	0
1990	0	0
1989	0	0
1988	1	32
(1988-2008)	25	489

Source: Mqt Co. Register of Deeds
Marquette County RMDD

Site condominium development has become a popular method for developers to divide land. According to Kurt H. Schindler, a Regional Land Use Educator with the Michigan State University Extension, “the largest difference between site condo and a subdivision is the process for review, approval, and recording (with the subdivision process usually taking much longer).” Since 2006, five proposed site-type condominium developments, with over 70 platted lots for single-family homes, have been recorded with the County Register of Deeds.

Condominium conversions have mainly occurred in the Sawyer area. Since the closure of the Air Force base, over 300 existing dwelling units have been converted into five condominium associations.

Since 1988, there have been 25 condominium developments (excluding condominium conversions) recorded with the Register of Deeds in Marquette County. Table 3-E lists the number of condos and units recorded by year since 1988. In the 20-year span, nearly 500 units (building and site) have been recorded in the County.

Table 3-F, following page, lists the number of building and site units recorded with the

Register of Deeds per local unit of government in the County.

Condominium development has increased during the 2000s. Building-type condos can be a method utilized to increase the density of housing stock and, in turn, the tax base. The low maintenance lifestyle is favorable to the aging population or individuals not interested or able to perform maintenance to their property.

Condominium development can also present a hazard to local units of government. Although increasing the housing stock and density is beneficial, over saturation of a particular housing type must be avoided. Balanced housing options, including affordable housing, contributes to a vibrant community.

Table 3-F Condominium Development by Unit of Government (1988-2008)

Municipality	Condos	Units	Avg Units per Condo
Marquette City	14	319	23
Chocolay Twp	4	54	14
Marquette Twp	3	77	26
Ishpeming City	1	12	12
Negaunee City	1	5	5
Negaunee Twp	1	10	10
Powell Twp	1	12	12
Cities	16	336	21
Townships	9	153	17
Grand Total	25	489	20

Source: Marquette Co. Register of Deeds
Marquette County RMDD

The Michigan Condominium Act does not require state review for site condominium developments as the Land Division Act requires for platting subdivisions. The reduced reviewing and processing time is attractive for developers. Section 141 of the Condominium Act permits local governments to enact regulations governing condominium projects and reads, “A condominium project shall comply with applicable local law, ordinances, and regulations. Except as provided in subsection (2), a proposed or existing condominium project shall not be prohibited nor treated differently by any law, regulation, or ordinance of any local unit of government, which would apply to that project or development under a different form of ownership.” If not done so already, local units of government should consider adopting regulations of condominium projects.

4.0 GOALS AND POLICIES.

This chapter has presented historical trends and current conditions of land use, value, and ownership in Marquette County. As previously stated these features are continuously changing at a rate that is affected by numerous factors. The relationship between land use, value, and ownership is fragile and can make a community thrive or decline.

Sustainable, responsible growth and development can be achieved by adhering to goals, sub-goals, and policies set forth in the Marquette County Comprehensive Plan. The following goals and policies are defined to guide decision-making in the County.

4.1 DEFINITION OF TERMS

In what follows, the term “goal” is defined as “a desired end or product of the planning process, to be attained by means of a planning policy or related policies.”

“Sub-goals” are then stated which more specifically illustrate the various related subjects under the general heading.

“Policy” is defined as “a means of attaining a stated end or a goal.”

4.2 GENERAL GOAL

Achieve long-range sustainability through sound land use decisions while adhering to the following tenets of smart growth.

1. Foster distinctive, attractive communities with a strong sense of place.
2. Create walkable communities.
3. Create a range of housing opportunities and choices.
4. Mixed land use development through mixed-use zoning.
5. Provide a variety of transportation choices.
6. Preserve open space, farmland, scenic, and critical environmental areas.
7. Strengthen and direct development toward existing communities.
8. Take advantage of compact building design.
9. Encourage community and stakeholder collaboration (in development decisions).
10. Make development decisions predictable, fair, and cost-effective.

4.3 SUB-GOALS

1. The infill development of areas with existing impervious surfaces and/or utilities.
2. Correlation of land use with land capability/suitability.
3. Avoidance of “strip”, “ribbon”, “leap-frog” or “sprawl” developmental patterns.
4. Balancing of human individual needs with broader societal needs, now and in the future
5. Pleasant, walkable, residential neighborhood environments that provide transportation alternatives and recreational opportunities.
6. Sufficient, well-located commercial centers, with emphasis on design, convenience, safety, and energy conservation.
7. Maximization of effectiveness of all resources, human and non-human.
8. Through land-use decisions, improve safety along the urban corridor (US41/M28 –Marquette, Negaunee, Ishpeming).
9. Minimize unsustainable development such as sprawl, that is consumptive of land and tax dollars in provision of infrastructure (utilities, water, sewer) providing services such as fire and police protection, snow plowing, student busing, etc.

4.4 POLICIES

1. Encourage redevelopment of brownfields and greyfields.
2. Discourage development in unsuitable areas, such as those containing steep slopes, flood plains, caving areas, high water tables, wetlands or shallow soils or areas adjacent to airports or other activities detrimental to human health, safety, and welfare. Encourage development in areas capable of supporting appropriate land uses.
3. Encourage preservation of environmentally fragile and sensitive areas, such as wetlands, swamps, marshes, dunes, and aquifer recharge sites. Encourage preservation of scenic sites, such as waterfalls, scenic drives, and shorelines.
4. Encourage preservation of prime agricultural areas, prime forestlands, and mineral-resource and ancillary areas (tailings basins, process-water reservoirs)

and watersheds) from intrusion by residential, recreational, or other types of incompatible development.

5. Encourage preservation and management of high-quality fish and wildlife habitats.
6. Recognize the important value of recreational lands and promote public access to forests, streams, lakes, and rivers.
7. Encourage, within existing infrastructure boundaries, development through land use planning and controls where needed utilities and services can be provided economically.
8. Encourage control and location of seasonal and second-home development through appropriate land-use controls at the local level, so as to be consistent with the County Comprehensive Plan.
9. Encourage control of access to primary roads in recognition of their high-speed, traffic-carrying capacity.
10. Encourage development of industrial and technology centers.
11. Encourage relating of land use planning and development to overall energy and energy-conservation considerations.
12. Maintain participation in the US 41/ M-28 Access Management Advisory Group.
13. Encourage local units of government to adopt access management regulations.
14. Discourage residential expansion into forest areas (wildland/urban interface) as it greatly increases threat of forest fires and possible loss of life, property, and forest resources.
15. Land use controls (zoning setback distances from watercourses) should be established and uniformly applied on a countywide basis.
16. Townships in which flood potential exists should participate in the National Flood Insurance program to reduce economic loss due to property damage.
17. Update and maintain land use GIS (Geographic Information Systems) data.
18. Encourage local units of government to plan for mine closure by establishing closure criteria and reclamation plans for existing and future mine sites.

19. Encourage forest management and agricultural practices on land that is part of a conservation easement as appropriate.
20. Encourage local units of government to adopt appropriate condominium regulations to ensure development that is consistent with community goals.