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WMU CONVEYANCE AMENDMENT

House Bill 4184 (Substitute H-1)
First Analysis (2-18-93)

Sponsor: Rep. Dale Shugars
Committee: Economic Development

THE APPARENT PROBLEM:

Western Michigan University and the CEO Council of Kalamazoo County have proposed constructing a research and business park on 260 acres owned by the university and located about two miles from the main campus. The site is described by project boosters as "located in the core of the urban area, at the intersection of the two freeways that bisect the community, . . . and within easy driving distance of the Kalamazoo-Battle Creek International Airport." (Critics of the project, however, describe the site as a "wildlife refuge.") Project planners have said the park is "a major component of the area-wide strategy for economic restructuring and is the top priority project for both the CEO Council and the Kalamazoo County Chamber of Commerce." The park is viewed as counteracting the decline in the region's traditional automobile, paper, and chemical industries: the county has reportedly lost over 6,000 jobs since 1988, half of those from the announced closing of a General Motors plant in Comstock Charter Township. Local economic development officials argue that the area needs to move to knowledge-based and technology-based industries to remain economically competitive and to retain its quality of life.

Part of the land on which the business and research park would be constructed is known as the Colony Farm Orchard and was conveyed to WMU by the legislature in 1977 for use "solely for public park, recreation, or open space purposes, except that the legislature, by statute, may authorize . . . some other public purpose." The orchard property had been under the jurisdiction of the Department of Mental Health as part of the Kalamazoo State Hospital complex and used for agricultural purposes and, by Michigan State University, for pesticide research. (The MSU research apparently has ended.) If that property is to be available for the business and research park, the legislature must amend the original conveyance.

THE CONTENT OF THE BILL:

The bill would amend Public Act 158 of 1977, which conveyed state property to Western Michigan University, to allow the property to be put to additional uses. In addition to use as a public park, recreation area, or open space area, the property could be used for a business, technology, and research park if the park met certain conditions. The conditions would be:

- the park could not include manufacturing facilities except facilities for the making of prototypes in conjunction with research and development activities.
- the park development would have to be consistent with the biodiversity of the conveyed property and the biodiversity of any adjoining property.
- the park would have to be developed in harmony with the development standards of Oshtemo Charter Township.

The bill would also specify, as the original conveyance did not, that the state retains all rights to oil, coal, gas, or other materials, excluding sand, gravel, clay, or other nonmetallic minerals found on, within, or under the conveyed land.

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:

For:

The bill is necessary for the Colony Farm Orchard parcel to become part of a proposed research and business park in the Kalamazoo area. That use is not currently permitted for the property, which was conveyed to Western Michigan University by the state in 1977 for public park, recreation, and open

House Bill 4184 (2-18-93)

space purposes. This acreage is to be included in the first phase of the project. Project planners have said the objectives of the research and business park project are to:

"1) provide a premier site for locating new technology business and research;

2) assist the community in restructuring the local economy by encouraging new linkages between the University's education and research capabilities and the applied research and development needs of private industry;

3) create jobs to replace those lost through the transformation the area economy is now undergoing;

4) put significant amounts of land back on the city and township tax rolls."

Project planners say only 259 of the 593 acres involved will be developed for research and business uses, with the remaining acreage left as permanent open space. They also say there will be no heavy industry, warehouses, or retailing at the park, and that community interests have been involved in the planning.

Against:

There is local opposition to the research and business park project. Critics say the property that is the subject of this bill is a wildlife refuge that was not intended for development when conveyed to Western Michigan University but for passive recreation and for biological and agricultural studies. There are concerns about the project's effect on traffic, air pollution, infrastructure costs, and on lakes, wetlands, and wildlife both in the immediate area and adjoining residential areas. There are fears that while the image of the development is that of a research park, the reality will be an industrial park with manufacturers and warehouses. Opponents question whether the proposed use is even a "public purpose" at all as envisioned by the original conveyance. The project as a whole intends to use portions of the 54-acre Colony Farm Orchard, to which this bill refers; the 265-acre Baker Farm; and the 274-acre Asylum Lake property. Opponents claim that opposition to the use of these parcels for the proposed development is "overwhelmingly high," based on a survey taken by the Asylum Lake Preservation Association and polls in the local press.

Response:

Controversy over the development of the research and business park is largely a local matter best decided locally. It should be noted that the bill was amended by the Economic Development Committee in an attempt to ensure that the property will be developed so as not to produce adverse environmental conditions on the property or adjacent properties and so as to comply with local development standards.

POSITIONS:

Representatives of Western Michigan University testified in support of the bill. (2-11-93)

The CEO Council, Inc., of Kalamazoo County and Consumers Power submitted letters in support of the bill. (2-9-93)

A representative of the City of Kalamazoo indicated support of the bill. (2-11-93)

A representative of the Asylum Lake Preservation Association testified in opposition to the bill. (2-11-93)