

# Legislative Analysis

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## HIGH SCHOOL SITE PLAN REVIEW BY LOCAL ZONING AUTHORITY

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5479 as enrolled**

**Public Act 276 of 2006**

**Sponsor: Rep. Philip LaJoy**

**House Committee: Natural Resources, Great Lakes, Land Use, and Environment**

**Senate Committee: Natural Resources and Environmental Affairs**

### Second Analysis (8-25-06)

**BRIEF SUMMARY:** The bill would amend the Revised School Code to require public schools to submit site plans for the construction or expansion of a high school located in a township to the local zoning authority.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state. Local school districts would incur the costs of up to \$1,500 per project in fees paid to local zoning authorities as well as any administrative costs of the district related to fulfilling the proposed requirements.

### THE APPARENT PROBLEM:

A recent report by the Michigan Land Use Institute issued together with the Michigan Chamber of Commerce, notes that “business and government leaders have begun to recognize that spread-out growth patterns are increasing taxes and fees that pay for expanding infrastructure, hurting the cities left behind, and diminishing the quality of life as open space and farmland are paved over.” The report, entitled *Hard Lessons: Causes and Consequences of Michigan’s School Construction Boom*, indicates that Michigan is building ever-bigger schools ever farther out of town at a faster rate than most other states. A 2002 construction report by *School Planning and Management*, a national trade magazine, found that annual expenditures in the United States for school construction doubled since 1992. In Michigan they tripled.

The report *Hard Lessons* asks whether building bigger, newer schools is always best for students and communities. It notes that new school construction is likely to destabilize communities with long-term tax, economic, and community consequences. The study concludes that since 1996, school districts built at least 500 new schools in Michigan and closed 278 older ones while the school age population grew by just 4.5 percent. Even though southeast Michigan will lose 1.5 percent of its school age population within 30 years, according to the Southeast Michigan Council of Governments, that region of the state recently spent \$6.2 billion on expanding or building new schools in the last eight years.

Frequently new schools are placed in farmland areas that could be preserved, and the undeveloped site generates many new expenses for infrastructure and government

services which eventually raise taxes for business and property owners. School districts use the spacious new schools to attract families with students. Because since the passage of Proposal A, funding is based on a per pupil foundation allowance, building a spectacular new school can be a profitable endeavor for a district that can afford it. The report warns that these extravagant projects create severe challenges for both small rural and large urban districts with older buildings and small or badly eroded property tax bases.

In every case the investigators studied, building a new school cost more than renovating an older one. Further, the group's preliminary research demonstrates that keeping an existing school open increases home values in surrounding neighborhoods, and helps stabilize the area and its business activity. In contrast, closing a neighborhood school slows the rise of home values. At the same time, building new facilities can accelerate housing and development, but price young families out of the market, leading, in turn, to declining enrollment. For example, Okemos Public Schools in Ingham County completed a \$47 million high school more than a decade ago, and property values in the area accelerated, while homes increased in value. In that community homes now cost \$300,000—unaffordable for young families. Today, local planners fear the school may be overbuilt as the number of graduating seniors has exceeded the number of entering kindergartners in recent years.

Under state law, school officials do not have to abide by local land use plans. Neither must they participate in land use planning efforts in their communities. Consequently, when school officials undertake school building programs, they often make their decisions unilaterally, without taking into consideration their local governments' plans for managed growth and development. Legislation has been introduced to require the members of a school board to seek review of their building plans by the local zoning authority.

### ***THE CONTENT OF THE BILL:***

Under the Revised School Code, the State Superintendent of Public Instruction is provided with the sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes.

House Bill 5479 would provide that, except for sites located in a city or village, the governing body of the public school would be required to submit a site plan for the construction or expansion of a high school building to the local zoning authority prior to construction. The local zoning authority would review the site plan and, within 60 days of receiving the plan, provide the school board with a written notice concurring with the site plan or offering suggested changes to the site plan. If the zoning authority does not respond within the required time, it would be considered that the zoning authority concurred with the site plan.

The school board would have to respond to any changes to the site plan suggested by the zoning authority within 45 days, by either incorporating the changes into a revised site plan or providing an explanation as to why the changes are not being included in the site plan. [The zoning authority's suggested changes would not be mandatory.] The 60- and 45-day response period could be extended upon mutual agreement of the governing board and the zoning authority.

The requirement for review would apply to the expansion of a building, if the square footage of the building increases by at least 20 percent. It would not apply, however, to temporary structures or facilities that are used for no more than two years and are necessary to meet unexpected enrollment increases. The zoning authority could charge the school board a fee of up to \$250 for an administrative review or up to \$1,500 for all costs incurred by the authority in review a school site plan.

The required communication between the school board and local zoning authority would be for informational purposes only and would not require the school board to make any changes in its site plan. Once the review process is complete, no further interaction would be required.

The bill defines "high school building" to mean any structure or facility that is used for instructional purposes, that offers instruction in Grades 9-12 (at least one), and that includes an athletic field or facility.

MCL 380.1263

#### ***BACKGROUND INFORMATION:***

House Bill 5479 is a reintroduction of House Bill 5660 of the 2003-2004 legislative session, also introduced by Representative LaJoy. That would bill would have applied to all public school buildings, not just high schools, and would have applied to cities and villages as well. The bill was reported from committee and passed the House. Some of the information in this analysis is derived from the HFA analysis of House Bill 5660, dated 5-18-04.

Last session, the legislature and governor enacted Public Act 307 of 2004 (House Bill 5446), which amended Public Act 282 of 1945, concerning county planning commissions, to require that at least one member of a county planning commission be a board member or administrative employee of a public school located within the county.

The Michigan Land Use Institute's report *Hard Lessons: Causes and Consequences of Michigan's School Construction Boom*, as cited earlier, can be found on the institute's website at [www.mlui.org/downloads/hardlessons.pdf](http://www.mlui.org/downloads/hardlessons.pdf)

## **ARGUMENTS:**

### ***For:***

The broader the public's involvement in school construction decisions, the greater the likelihood that school officials will develop long-term solutions that enhance educational quality *and* manage community growth. This bill would require school officials to submit their school building site plans to local zoning authorities, so that members of those authorities—generally more knowledgeable about local land use plans than school board members—can consider the systemic effects of the proposed school construction decisions within the region. Taken together with the recent act that requires that a school official to sit on a county planning commission, this legislation will allow school officials to become more knowledgeable about land planning and investigate lower cost renovation and historic preservation projects when they refurbish schools. In that way, school officials will be better able to resist the trend toward greenfield development and sprawl. As the report *Hard Lessons* concludes, “the more extensively a school district engaged its citizens, and the more intensively it studied existing facilities, the more frequently the district decided to either renovate existing buildings or construct new facilities near town centers.”

### ***Response:***

As written, the bill is much narrower in scope than the version of the bill that passed the House last session. The current bill only applies to high schools located in townships. The bill should be expanded to include elementary and middle schools, and perhaps administrative buildings. Also, the bill should apply to schools located in cities and villages. The siting of schools is an issue that is not limited to high schools or townships. The location of a new elementary or middle school certainly raises a number of issues concerning land use, traffic, and noise. Cities and villages also face these same issues.

### ***Against:***

Some people say that while the bill's goal is admirable, communication between a school board and other local governmental units should be voluntary not mandated. Many school districts and local units work well together on planning and building issues.

### ***Response:***

Note that the bill does not require school officials to modify their plans, but it does allow input from the local zoning authority. This hardly seems onerous.

Legislative Analyst: Mark Wolf  
J. Hunault

Fiscal Analyst: Mary Ann Cleary  
Bethany Wicksall

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