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BILL ANALYSIS

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House Bill 5479 (Substitute S-2 as reported)

Sponsor: Representative Philip LaJoy

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

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 6-16-06

RATIONALE

A 2004 report by the Michigan Land Use Institute addressed how school construction decisions are made in Michigan and their effect on development patterns. The report, entitled *Hard Lessons: Causes and Consequences of Michigan's School Construction Boom*, noted "Business and government leaders 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 indicated that Michigan, compared with most other states, is building increasingly bigger schools farther out of town at a faster rate.

The report questioned whether building bigger new schools, rather than renovating existing structures, is better for students and communities. It noted that new school construction is likely to destabilize communities with long-term tax, economic, and community consequences. According to the study, since 1996, Michigan school districts built at least 500 new schools and closed 278 older schools, even though the school-age population grew by just 4.5%.

These new schools frequently are placed in farmland areas that could be preserved, and the previously undeveloped sites generate many new expenses for infrastructure and government services that eventually result in increased taxes on business and property owners. School districts rely on the spacious new schools to attract families with students, and thus obtain more State funding (which has been based on a per-pupil foundation allowance since the 1994 passage of Proposal A). According to the

report, these school projects can create severe challenges for both small rural and large urban districts with older buildings and small or badly eroded property tax bases. The Institute asserted that, based on its research, keeping an existing school open, rather than building a new one, has a positive effect on home values in surrounding neighborhoods and helps stabilize the area and its business activity. In contrast, the accelerated development associated with new school construction can price young families out of the housing market, eventually leading to declining enrollment.

Under State law, school officials do not have to abide by local land use plans. Consequently, when they undertake school building programs, they sometimes make decisions without taking into consideration their local governments' plans for managed growth and development. In light of the impact that school construction can have on communities, it has been suggested that a school board should be required to submit its building plans to the local zoning authority for review.

CONTENT

The bill would amend the Revised School Code to require the governing board of a public school, before building or expanding a high school building outside of a city or village, to submit a site plan to the local zoning authority for its review and concurrence.

Specifically, the bill would prohibit the governing board of a public school from

building or expanding a high school building on a site, unless the site were located within a city or village, without first submitting a site plan to the local zoning authority for administrative review. Within 60 days after receiving the site plan, the local zoning authority would have to respond to the governing board either with a written notice that the authority concurred with the site plan, or with written suggested changes to the plan. If the zoning authority did not respond with either of these options, the governing board would be considered to have received a written notice of concurrence.

If there were written suggested changes, the governing board would have to respond to the zoning authority with a revised site plan incorporating the changes or with an explanation of why they were not being made. The governing board's response would be required within 45 days after the board received the suggested changes. If both the governing board and the local zoning authority agreed, that response period and the authority's initial 60-day response period could be expanded.

The bill specifies that the communication between the governing board and the zoning authority would be for informational purposes only, and would not require the governing board to make any changes to its site plan. Once the process described above was completed, no further interaction between the governing board and a local zoning authority would be required.

The bill's requirements would apply to expansion of a high school building only if the expansion would result in an increase of at least 20% in the square footage of the building. The requirements would not apply to temporary structures or facilities that were necessary because of unexpected enrollment increases and were used for not more than two years.

A local zoning authority could not charge a governing body a fee that exceeded \$250 for an applicable administrative review, or \$1,500 for total costs incurred by the zoning authority for the specific project involved.

As used in the bill, "high school building" would mean any structure or facility used for instructional purposes that offered at least

one grade between 9 and 12, and that included an athletic field or facility.

MCL 380.1263

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Broadening the public's involvement in school construction decisions would increase the likelihood of school officials' developing long-term solutions that would enhance educational quality *and* managed community growth. The bill would require school officials to submit their school building site plans to local zoning authorities so that authority members--who generally are more knowledgeable about local land use plans than school board members are--could consider the systemic effects of the proposed school construction decisions within the region. The bill would enable school officials to become more familiar with land use planning and investigate lower-cost renovation and historic preservation projects to refurbish schools. Thus, school officials might be more resistant to the trend toward greenfield development and sprawl. As the Land Use Institute's report noted, "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."

Additionally, if a school board were planning to build a new school on the fringes of the community, the bill would facilitate early identification of infrastructure needs and problems to be addressed. Reportedly, some schools have been built near busy roads but new sidewalks have not been added, causing children to walk to and from school along major traffic arteries. Had there been more communication between the school boards and the local governments in the planning stages, the need for sidewalks might have been recognized and the matter of how they would be paid for settled, before students were subjected to potential safety hazards. The bill would not require a school district to adopt the zoning authority's suggestions, but simply would require a dialogue to occur.

Response: In addition to high schools located in townships, the bill should apply to elementary and middle schools, and perhaps administrative buildings, as well as schools located in cities and villages. Although the schools associated with sprawl issues generally are high schools in townships, the location of a new elementary or middle school certainly raises a number of issues concerning land use, traffic, and noise, as does a new school located in a city or village.

Opposing Argument

While the goal of the bill is admirable, communication between a school board and a local government should be voluntary, rather than mandated. Some school districts and local units have worked well together to address potential problems and improve site plans to the benefit of the entire community.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State government. A school district proposing to build or expand a high school by more than 20% outside of a city or village would incur costs up to \$250 for an administrative review of the proposal, or up to \$1,500 for total costs incurred by a local zoning authority for the project involved.

Fiscal Analyst: Kathryn Summers-Coty
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.