



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1130 (Substitute S-1 as reported)  
Sponsor: Senator Arlan Meekhof  
Committee: Natural Resources, Environment and Great Lakes

### **CONTENT**

The bill would amend Part 353 (Sand Dunes Protection and Management) of the Natural Resources and Environmental Protection Act to do the following:

- Eliminate a provision allowing a local zoning ordinance regulating critical dune areas to be more restrictive of development than the model zoning plan of the Department of Environmental Quality (DEQ).
- Require a permit, or a variance or special exception to an ordinance, to be granted unless it was more likely than not that resulting harm to the environment would significantly damage the public interest or deplete or degrade the diversity, quality, or functions of the critical dune area.
- Revise the people who may request a public hearing on a permit for a use in a critical dune area, a formal hearing on a permit decision, or enforcement action for a violation of an ordinance regulating critical dunes.
- Allow only the DEQ or a local unit's governing body to request an action to remedy a violation of the model zoning plan or a local zoning ordinance.
- Require an affirmative vote of a local unit's governing body following a public hearing for the regulation of additional land determined essential to a critical dune area.
- Prohibit a local unit or the DEQ from requiring an environmental site assessment or environmental impact statement as part of a permit application or for a variance except for a special use project.
- Revise the conditions under which a variance is required for certain uses in a critical dune area.
- Extend from 90 to 180 days the time the DEQ has to review a local ordinance for compliance with Part 353.
- Reduce from 60 days to 30 the time a local unit has to review an application for a special exception under the model zoning plan.
- Reduce from 60 days to 30 days the time the DEQ has to review a local unit's decision to issue a permit allowing a special use project within a critical dune area.
- Establish limits on use on the first lakeward facing slope of a critical dune area or a foredune.
- Exempt from the operation of Part 353 a use involving the maintenance, repair, or replacement of existing utility lines, subject to certain conditions.
- Require the construction, improvement, and maintenance of a driveway and accessibility measures to be permitted for any building allowed in a critical dune area, subject to certain conditions.
- Allow a building constructed to replace one that was destroyed and its use to differ from the original use.
- Allow the DEQ to appoint a team of ecologists to review and update the "Atlas of Critical Dune Areas" every 10 years.
- Eliminate references to a local unit's consultation with local soil conservation districts.

The bill also would repeal a section requiring appropriations to several State departments for implementation and enforcement of Part 353, and to soil conservation districts to fulfill their responsibilities under this part.

MCL 324.35301 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. The bill would generally make it more difficult for the DEQ or local units to deny a permit under the critical dunes program by requiring that denials be subject to certain requirements detailed in the bill. These requirements could increase costs to the DEQ and local governments that issue critical dune permits. The bill also would allow the DEQ to appoint a team to review and update the "Atlas of Critical Dune Areas" every 10 years. The cost of this review is unknown, but the annual cost would likely be fairly small since the review would happen only every 10 years, if at all.

Date Completed: 6-1-12

Fiscal Analyst: Josh Sefton