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BILL



ANALYSIS

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Senate Bill 721 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Darwin L. Booher
Committee: Natural Resources

CONTENT

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

- Revise the factors that a local unit of government must give primary consideration to when determining whether to issue a variance to its zoning ordinance.
- Require the Department of Environmental Quality (DEQ) to issue a special exception to the model zoning plan if the applicant were a local unit of government and certain conditions were met.

A person may not initiate a use within a critical dune area unless the person obtains a permit from the local unit of government in which the critical dune area is located or from the DEQ. (The Act defines "use" as a developmental, landscaping, or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person. Use does not include the removal of sand from sand dune areas for commercial or industrial purposes.)

A local unit may issue variances under a zoning ordinance, and the DEQ may issue special exceptions under the model zoning plan if a local unit does not have an approved zoning ordinance, if a practical difficulty will occur to the owner of the property if the variance or special exception is not granted. In making this determination, a local unit must give primary consideration to certain factors. Under the bill, these would be the protection of human health and safety, the protection of multiple human uses of the critical dunes, the benefits of public access to the critical dunes and enjoyment of them, and compatible economic benefits associated with critical dunes.

The bill would require the DEQ to issue a special exception if all of the following were met:

- The applicant was a local unit of government and the application involved public land that was public land on July 5, 1989.
- The purpose of the application was to restore a use, including public viewing areas, that was lawful and in existence on July 5, 1989.
- The proposed project would benefit the citizens and visitors of that local unit as evidenced by the adoption of a resolution in support of the special exception by local governing body.

MCL 324.35317

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-27-18

Fiscal Analyst: Josh Sefton

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Bill Analysis @ www.senate.michigan.gov/sfa

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