

TO:	Planning Commission	DATE:	July 3, 2024
FROM:	Rodney C. Nanney, AICP, Community and Economic Development Director		
PROJECT:	Updates to the 2018 Sidewalk and Pathway Construction Policies		
ACTION REQUESTED:	To review the revised set of proposed Sidewalk and Pathway Construction Policies and to make recommendations to the Board of Trustees for final action.		

Background Information

In 2017 the Township re-established the Sidewalks and Pathways Prioritization Committee in accordance with Section 5.0 of the Sidewalk and Pathway Ordinance No. 2009-03. A previous version of this committee established shortly after the adoption of Ord. No. 2009-03 had been disbanded and inactive for the previous five years. The 2017 Committee was charged with identifying on a map the “designated streets” where sidewalk implementation should be prioritized. They were additionally tasked with creating a policy to provide guidance for the Planning Commission to follow when considering requests for “provisional” or temporary relief from sidewalk construction under certain circumstances. By March of 2018 the Committee had completed both tasks. The Board of Trustees adopted the Sidewalk and Pathway Construction Policy in April of 2018.

The Policy Document is not an Ordinance

The 2018 policy document is not an ordinance, but rather a set of guidelines to follow to assist with implementation of the Sidewalks and Pathways Ordinance in the most effective and equitable manner. Ord. No. 2009-03 requires sidewalks or pathways to be constructed throughout the without any caveats or limitations. It is not a zoning ordinance, so there are no “grandfathered” or legal nonconforming situations protected from the general application of the requirements of this ordinance across the Township.

Before the 2018 policy, there were many times when the discussion of sidewalks would dominate Planning Commission site plan reviews. The 1991 Zoning Ordinance required sidewalks to be constructed, but the Planning Commission struggled with the timing of sidewalk construction on a project-by-project basis. After the 2018 policy was approved it was generally used by the Planning Commission as a tool to guide them through the issue of sidewalks and site plan reviews. Township staff would inform future applicants about the policy and the criteria needed to request relief from sidewalk construction. This significantly shortened site plan reviews and allowed the Planning Commission to be more consistent with addressing the sidewalk issue.

For all the good the policy provided the Planning Commission, it was not perfect. From its inception, there were some planning commissioners who took issue with the policy being adopted by the Board of Trustees instead of the Planning Commission. This was done because Ord. No. 2009-03 requires that the Committee make recommendations to the “Township Board.” Another common request made by some commissioners to the Board representative on the Planning Commission was that they would like to see some direction from the Board of Trustees regarding the sidewalk issue.

Finally, concerns have been periodically raised about where the 2018 policy appeared to prohibit any granting of provisional or temporary relief from sidewalk construction along designated streets. In fact, this is not actually the case. As a policy document, it does not “prohibit” any action but rather sets guidelines for decision-making. Although the granting of temporary relief is certainly discouraged by the 2018 policy along the designated streets, there have been at least two instances where the Planning Commission determined that it was appropriate to do so. There are also two relatively recent instances (both along E. Broomfield Rd. east of S. Lincoln Rd.) where property owners could have requested that temporary relief from sidewalk construction be granted in relation to their project but they chose not to do so.

Lack of Enabling Authority for the 2018 Policy

Public Act 246 of 1931, as amended, authorizes the Board of Trustees to order or direct the construction of sidewalks or pathways in designated areas of the Township. It is within this scope that the 2018 Sidewalk and Pathway Construction Policy was established. However, our current Ord. No. 2009-03 does not actually include any specific authorization for this policy. This is a deficiency that is proposed to be corrected in the proposed new Sidewalk and Pathway Ordinance.

Deficiencies in the Current Policy

The 2018 Sidewalk and Pathway Construction policy has been the subject of Planning Commission discussion during various meetings over the years, usually in relation to specific site plan projects. The following is a summary of some of the concerns that have been noted:

- Interest in potentially amending the list of designated streets (to add or to remove).
- The 2018 policy does not address where a pathway would be preferred over a sidewalk.
- The 2018 policy does not address the necessity for securing easements where a sidewalk or pathway must be located outside of the road right-of-way.
- Granting relief and tracking relief granted is problematic for cases “*where no car-pedestrian injury or fatality, due to the need of the pedestrian to walk in the roadway, has occurred for a distance of 1 mile in either direction of the development.*” The Township has no effective mechanism to collect and track crash data for this. In addition, any crash data or accident report we might secure from the County Sheriff's Office or the State Police through a Freedom of Information Act request would not be expected to include any determination by the accident investigator about “*the need of the pedestrian to walk in the roadway.*”
- The blanket guideline to grant relief for development “*located on a property zoned industrial*” is counterproductive to the Township’s planning goals and the Board of Trustees’ adopted Global Ends policies related to establishing a regional sidewalk network and promoting economic development. Non-motorized transportation connections between homes and employment centers should actually be a high priority of this policy to be consistent with the adopted Global Ends policies and the Master Plan. The lack of sidewalks in industrial areas means that employees who live within reasonable walking distances are not able to safely walk or bike ride to work.
- The guideline for granting relief related to development on “an unimproved road” needs to be clarified, as the Township has no seasonal or “unimproved” roads in its jurisdiction. There

would be benefit to tying relief consideration to rural private roads and to areas of the Township designated in the Master Plan as Rural Preservation or Rural Buffer areas.

- Generally, a sidewalk cannot end at an intersection where two roads meet without the construction of a landing area on the other side. The policy does not address this. In practice, developers are then required by law to construct a landing on property that does not pertain to their development or to which they have control or permission for the work.

Summary of the Board of Trustees’ Direction related to the Proposed Ordinance

During their 6/26/2024 regular meeting, the Board of Trustees introduced and held a First Reading for the proposed new Sidewalk and Pathway Ordinance, which included review and discussion of the Planning Commission’s motion to recommend adoption of the Ordinance subject to removal of subsections “B.4.” and “B.5.” from Section 4.0 of the proposed Ordinance. As part of their First Reading discussion, the Board of Trustees requested revisions to Section 4.0, subsection “A.” of the proposed Ordinance to expand the scope of the implementation policy language to include cost sharing guidance (see the marked-up excerpt below showing the Board’s requested revisions).

Section 4.0 Construction-Related-Timing Policies, Orders, and Assessments.

The Board of Trustees shall have the following authority pursuant to this Ordinance:

A. Adoption of Sidewalk or Pathway Construction Policies.

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy may include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.
5. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township’s adopted Master Plan and other adopted planning documents.
6. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

These revisions to subsection “A.” have been integrated into the proposed Ordinance presented for a Second Reading and Board of Trustees consideration for adoption during their upcoming 7/10/2024 regular meeting. The Board of Trustees did not request any other changes, so the remainder of Section 4.0 remains the same as the version reviewed by the Planning Commission.

Summary of the Proposed Policy Updates, as Revised

During their 6/26/2024 meeting, there was a general consensus among the Board of Trustees to invite the Planning Commission to consider and make recommendations on proposed policy language to provide *“cost-haring guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.”*

With these changes and direction in mind, staff has prepared an updated draft of the proposed Sidewalk and Pathway Construction Policy resolution for Planning Commission review. Changes

from the initial draft resolution (reviewed during your 6/18/2024 regular meeting) are highlighted in underline and ~~strikethrough~~ text. The updated policy resolution document includes the following key elements:

- 1. Cost-sharing guidance to assist the Board of Trustees.** Consistent with the Board of Trustees' direction, a new subsection "E." has been added to the updated draft resolution, which is entitled, "*Funding Priorities for Sidewalk or Pathway Construction.*" The highest priority is proposed to be public/municipal and associated grant funding, followed by developer/property owner funding of projects subject to site plan, subdivision plat, or equivalent development plan approvals.

Subsection "E.3." of this policy proposes to make clear that the "lowest priorities for funding...would be through property owner cost-sharing, posting of a cash deposit in lieu of construction, payment to have public sidewalks or pathways constructed at their own expense, or reimbursement to the Township for construction costs over a five-year period..."
- 2. List of designated roads.** No changes have been made to the proposed list of designated roads in the initial draft reviewed on 6/18/2024.
- 3. Temporary relief on designated roads.** Subsection "B.3." of the guidelines for temporary relief has been updated per the Planning Commission's direction.
- 4. State or county requirements for off-site improvements.** No changes have been made to the proposed guidelines included in the initial draft resolution to address how requests for temporary relief should be considered in cases where road authority requirements may necessitate off-site sidewalk or pathway construction.
- 5. Authority to grant temporary relief.** The updated resolution retains the same proposed language as the initial draft in subsection "B.7.," which adds authority for the Zoning Administrator to grant or reject temporary relief in cases where a site plan is subject only to administrative approval.
- 6. Easements.** Only a minor typographical change has been made to the proposed guideline from the initial draft that the Planning Commission should work with applicants to try to secure recorded necessary easements for sidewalk or pathway construction even in cases where temporary relief is granted.
- 7. Pathway construction.** No changes have been made to the proposed guideline from the initial draft to give direction for when a pathway is preferable to a sidewalk, which prioritizes pathway construction based on the Township's adopted planning documents.

Objectives

To review and make any recommendations to the Board of Trustees for final action on the proposed Sidewalk and Pathway Construction Policy Resolution to guide implementation of the new ordinance. Consistent with the proposed ordinance, this proposed policy resolution would be subject to Board of Trustees approval after recommendation by the Planning Commission.

Board of Trustees Goals Addressed

Board of Trustees goals (Ends or desired outcomes) addressed by this proposed policy resolution
(From Policy 1.0: Global End):

1. **Community well-being and common good**
3. **Safety and Health**
5. **Economic Development**

Adoption of the updated policy resolution would help facilitate the effective use of resources (1.0) and to help guide extension of a network of safe and accessible routes for pedestrians, bicyclists, and others (1.3.1). The updated sidewalk and pathway construction policies are consistent with commerce-friendly economic development policies (1.5).

Recommendations

For this item, the Planning Commission serves as a recommending body to the Board of Trustees.

Following review and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed Sidewalk and Pathway Construction Policy Resolution with a revision date of July 3, 2024 be adopted as presented** or be adopted with the following additional changes:

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

**RESOLUTION OF THE BOARD OF TRUSTEES TO ESTABLISH
SIDEWALK AND PATHWAY CONSTRUCTION POLICIES**

At a regular meeting of the Board of Trustees for the Charter Township of Union, Isabella County, Michigan held on the _____ day of _____, 2024:

WHEREAS, on _____, 2024, the Board of Trustees adopted a new Sidewalk and Pathway Ordinance No. 24-02 in accordance with the requirements of the Charter Township Act and after review and recommendation by the Planning Commission; and

WHEREAS, Section 4.0 (Construction-~~Related~~-~~Timing~~ Policies, Orders, and Assessments) of the new Ordinance No. 24-02 states in part that, *“The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township;”* and

WHEREAS, the Planning Commission reviewed the current policy for granting provisional relief from sidewalk construction under certain circumstances, which was adopted in 2018, and determined that updates are warranted.

NOW, THEREFORE, LET IT BE RESOLVED that sidewalk and pathway construction policies are established to guide implementation of the Sidewalk and Pathway Ordinance No. _____, as follows:

A. Identification of Designated Roads for Sidewalk or Pathway Construction.

1. The following are the “Designated Roads” where located within the boundaries of the Township for purposes of implementing policies that apply specifically to designated road corridors:
 - a. E. Pickard Road from S. Summerton Road west to S. Lincoln Rd.
 - b. E. Broadway Road from S. Summerton Road west to S. Lincoln Road.
 - c. E. Remus Road/High Street from US-127 west to S. Lincoln Road.
 - d. E. Broomfield Road from S. Isabella Road west to the City of Mt. Pleasant boundary.
 - e. E. Broomfield Road from Crawford Road west to S. Lincoln Road.
 - f. E. Blue Grass Road from S. Isabella Road west to S. Mission Rd.
 - g. S. Isabella Road from E. River Road south to E. Blue Grass Road.
 - h. Crawford Road from E. Broomfield Road south to E. Deerfield Road.
 - i. S. Lincoln Road from E. Pickard Road south to the Chippewa River.
 - j. S. Lincoln Road from the Chippewa River south to E. Broomfield Road.
2. These Designated Roads were identified to complete the sidewalk and pathway network; to connect with City of Mt. Pleasant, Saginaw Chippewa Indian Tribe, and Central Michigan University property and facilities; and to connect residential areas to local and regional schools, parks, activity centers, employment centers, retail, business, health care facilities, religious institutions, civic buildings, and community services.

B. Policy for Granting Temporary Relief from Sidewalk or Pathway Construction.

Temporary relief of sidewalk or pathway construction may be granted under the following circumstances:

1. The land is designated in the Township's adopted Master Plan for Rural Preservation or Rural Buffer, provided that:
 - a. The land is also located in an AG (Agricultural) or R-1 (Rural Residential) zoning district; and
 - b. The land is not served by both municipal water and sanitary sewer and any associated development project on the land does not require such services.
2. Less than 50% of the surveyed section(s) of the Township along the road(s) fronting the proposed development has sidewalks. If on a corner lot, the mile will extend in both directions along the frontage roads. Once the threshold has been met the sidewalk or pathway shall be required to be constructed within 365 calendar days.
- ~~3. If the cost of the sidewalk or pathway construction exceeds 50% of the estimated total project construction cost, as prepared by the project engineer or architect and subject to review and recommendation by the Township Engineer.~~
3. If the cost to construct the sidewalk or pathway is greater than 50% of the overall project construction cost, based on detailed cost estimates prepared by a civil engineer, architect, licensed builder, paving contractor, or similarly qualified professional. The estimates shall be subject to review and recommendation by the Township Engineer.
4. The requirements of the state or county road authority with jurisdiction would necessitate off-site construction of a sidewalk ramp or curb return on the opposite side of a public road to complete the sidewalk or pathway construction project.
 - a. In such cases, temporary relief may be limited to construction of the sidewalk ramps or curb returns within the public road right-of-way.
 - b. If full relief from construction is granted, the sidewalk or pathway should be required to be constructed within 365 calendar days following installation of the necessary sidewalk ramps or curb returns.
5. The development is located on a private road serving rural single-family dwellings in an AG (Agricultural) or R-1 (Rural Residential) zoning district and outside of the boundaries of any subdivision plat or condominium development.
6. For parcels of land identified with frontage on a Designated Road, such temporary relief may be granted based on any of the above circumstances, provided also that a paved shoulder or equivalent improvement of at least four (4) feet in width either:
 - a. Exists along 50% or more of the surveyed section(s) of the Township along the road(s) fronting the proposed development; or
 - b. Construction is planned by the road authority with jurisdiction to be completed before the end of the next construction season.

7. For ~~development or construction~~ projects where a site plan is subject to administrative review and approval by the Zoning Administrator (such as a minor site plan as authorized by the Zoning Ordinance, No. 20-06, as amended), the Zoning Administrator shall also have authority to grant or reject any request for temporary relief from sidewalk or pathway construction. If rejected, the applicant may submit a written request to the Planning Commission for reconsideration of the request for temporary relief. In such cases, the Planning Commission's action is final.

C. Easements for Sidewalk or Pathway Construction.

In any case where temporary relief from sidewalk or pathway construction is granted for a project subject to site plan approval under the Township's Zoning Ordinance No. 20-06 as amended, such relief should be made contingent upon the landowner authorizing and recording ~~of~~ any easements on the land at the County Register of Deeds Office needed to allow for future construction of the sidewalk or pathway as depicted on the site plan.

D. Designated Areas for Pathway Construction.

Where sidewalks and pathways are required to be constructed in the Township, a pathway design shall be the preferred wherever a road corridor or other area of the Township is designated on a Township planning document for planned future pathway construction. Such planning documents shall include but not be limited to the adopted Township Master Plan and any sub-area plans, the adopted Township Parks and Recreation Master Plan, any regional non-motorized transportation plans accepted by the Township, or any plans associated with an adopted intergovernmental agreement or Board of Trustees resolution addressing sidewalks or pathways.

E. Funding Priorities for Sidewalk or Pathway Construction.

It is the general policy of the Board of Trustees to prioritize cost-sharing methods to fund sidewalk and pathway construction projects in the Township as follows:

1. Charter Township of Union General Fund and East/West DDA Funds as budgeted and appropriated for public sidewalk and pathway projects planned for and constructed by the Township consistent with the Board of Trustees' Global Ends, supplemented by grant funding where available and consistent with the Board of Trustees' governance policy 2.7 (Ends of Focus of Grants).
2. Developer/property owner funding of new sidewalk and pathway construction to provide necessary barrier-free pedestrian accessibility to and within a lot subject to development or alteration in accordance with an approved site plan, subdivision plat, or equivalent development plan.
3. The lowest priorities for funding of public sidewalk and pathway projects would be through property owner cost-sharing, posting of a cash deposit in lieu of construction, payment to have public sidewalks or pathways constructed at their own expense, or reimbursement to the Township for construction costs over a five-year period as authorized by Public Act 246 of 1931, as amended.

Draft Date: July 3, 2024

The foregoing resolution was offered by _____ and supported by _____.

Upon roll call vote, the following voted:

<u>Board of Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

RESOLUTION DECLARED ADOPTED.

Bryan Mielke, Supervisor

Date

CERTIFICATION

I, Lisa Cody, Clerk for the Charter Township of Union, do hereby certify that the foregoing is a true and complete copy of the action taken by the Board of Trustees at a regular meeting held on the _____ day of _____, 202___. I further certify that public notice was given and the meeting was conducted in full compliance with the Open Meetings Act (Public Act 267 of 1976, as amended).

Lisa Cody, Clerk

Certification Date



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