



**House
Legislative
Analysis
Section**

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AMEND SUBDIVISION CONTROL ACT

**House Bill 5474 with committee amendment
First Analysis (5-14-90)**

**Sponsor: Rep. Thomas L. Hickner
Committee: Towns and Counties**

THE APPARENT PROBLEM:

In Bay County, a group of about three hundred owners of resort properties along the west shore of Saginaw Bay formed a trust, the Bangor-Kaw-Fraser Roadbed Trust, to buy a six-mile long, 100-foot wide strip of abandoned railway property which runs from Bangor Township, through Kawkawlin Township, and ends in the north in Fraser Township. On July 17, 1989, the trust bought the land from the Detroit and Mackinac Railway Company. The trust plans to transfer small portions of this land to the resort owners in accordance with their frontage on the adjoining roadbed property, thereby allowing the owners to enlarge their lots. The owners all agree that the property will have to be surveyed before it can be conveyed, but wish to avoid the time and expense of the actual platting process and have asked for legislation that would enable them to do this.

THE CONTENT OF THE BILL:

The bill would amend the Subdivision Control Act of 1967, exempting from the definition of "subdivide" or "subdivision" a property transfer between two or more adjacent parcels of land if the property taken from one parcel was added to an adjacent parcel. The bill would further specify that any parcel of land resulting from such a transfer would not be considered a building site unless the parcel conformed to the act's requirements or to the requirements of applicable local ordinances.

The bill also would restore the definition of "public water," which the act makes by reference to a definition in a section of the sewage disposal act (Public Act 98 of 1913) that was repealed in 1976.

MCL 560.102

FISCAL IMPLICATIONS:

Fiscal information is not available. (5-14-90)

ARGUMENTS:

For:

Under the Subdivision Control Act, whenever a parcel of land is subdivided it must be re-platted, and whenever a parcel of land is divided into five or more parcels of less than ten acres in area it falls under the act's definition of "subdivision." Under the existing act, the process of replatting (changing the boundaries of a recorded subdivision plat), can be a costly and time consuming process. In fact, the increasing length of time required for the platting process is one of the problems identified by the Subdivision Control Study Committee, created in 1981 by the Department of Commerce to conduct a comprehensive review of the Subdivision Control Act. For example, while the total statutory processing time by agencies for preliminary and final plat approvals ranges from 215 to 345 days, in practice it may exceed 700 days. This is because approval time limits are frequently not met,

and because overlapping responsibilities and sequential approval by agencies often lead to unnecessary delays in processing plats.

While subdivision control is necessary to regulate the way in which land is divided and made ready for building development, enlarging existing lots (without thereby creating new building sites), as the Bangor-Kaw-Fraser Roadbed Trust proposes to do by adding sections of an abandoned railroad bed to existing private lots, should not fall under the Subdivision Control Act's requirements. Similar situations can arise with other owners' attempts to enlarge their lots without intending to create new building sites. Take, for example, the case of an owner wishing to build a garage but needing to acquire a few additional feet of property from his or her neighbor in order to conform to local zoning setback requirements. It seems foolish to require that owner to go through the entire platting process.

The bill would not only save the Bangor-Kaw-Fraser Roadbed Trust time and money (their surveyors estimate the platting process would cost the trust between ten and twelve thousand dollars and take about six months), it would in fact help a lot of land owners in situations where they are needlessly burdened by the Subdivision Control Act's requirements, as well as relieving local officials of a lot of work.

POSITIONS:

The Bangor-Kaw-Fraser Roadbed Trust supports the bill. (5-10-90)

H.B. 5474 (5-14-90)