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2021: VOLUME 15, NUMBER 3 MICHIGAN CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

### LETTER FROM THE PRESIDENT

Greetings MiASLA members:

As the golden part of the year unfolds around us, it is with gratitude that I write this letter for all the amazing events that MiASLA members initiated, supported, and/or brought to fruition this past year. The accomplishments cover a broad spectrum of focused and successful activities. Let's reflect on this for a moment, because all of the efforts occurred under the limitations imposed by Covid. So, I say "good job" to all of you who planned and participated in these activities!

Several chapter members launched an effort to expand diversity, equity, and inclusion in our profession. It resulted in the first state chapter in the Midwest with a DEI Foundation. This foundation has been active in securing funding for student scholarships through a webinar series that features timely discussions on a variety of issues. It offers LACES credit as well and will be on-going over the year.

MiASLA was one of four state chapters that co-sponsored the Great Lakes Climate Action Seminar on June 17 and 24. Speakers presented the state of climate change in the Great Lakes region and discussed the types of activities being undertaken to address the short- and long-term consequences. Many positive reviews were sent to the chapter on the quality of the program.

The National ASLA Executive Committee visited downtown Detroit for their mid-year meeting. Tom Mroz, President of ASLA, invited the MiASLA Executive Committee to join him at the opening reception for the visitors. Perhaps the visit will result in Detroit once again having an opportunity to host a national ASLA conference in the future!

On July 28, the Michigan chapter hosted its annual golf outing at Misty Hills Golf Course. It was a great success in terms of attendance with nearly 100 participants including chapter members, landscape contractors, and landscape suppliers. Because of the attendance, this year's student scholarship fund should be well endowed!

And lastly, hopefully you attended this year's annual conference in Traverse City on September 16-18. The annual sketch crawl traveled to four wineries on the Old Mission peninsula; and let's just say that the sketches showed a real evolution in artistic license! The conference program had provocative speakers and a very nice silent auction with proceeds going to DEI student scholarships. The 6th annual LARide on Saturday was fun-filled and delightful, as professional photographer, John Robert Williams lead the bicycling group. Special thanks goes out to this year's Conference Committee, headed by president-elect Patrick Judd, and on the ground coordinator, Michelle Post, in addition to a host of volunteers. Thanks to all of you.

Best wishes.

Jo Westphal, FASLA, FCELA President, Michigan Chapter of ASLA

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### **UPCOMING EVENTS**

11/19-22 ASLA Conference on Landscape Architecture, Nashville, TN

### **STUDYING FOR THE LARE?**

To sign up for our LARE study groups, please email Allison at education@michiganasla.org.



@michiganasla

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ON THE COVER: A view of the courtyard at 440 Alfred, a residential building located at the City Modern mixed-use development in Detroit. Photo Credit: Bedrock Detroit via Hamilton Anderson Associates



### LANDSCAPE SPACES ON STRUCTURES KEY CONSIDERATIONS FOR SUCCESSFUL DESIGNS

### Meghan Sharp Diecchio, PLA | Hamilton Anderson Associates

For landscape architects in Michigan, there are fewer opportunities to work on projects that include landscapes on structure than there are in milder climates or denser areas of the country. In the last several years, Hamilton Anderson Associates (HAA) has been fortunate to work on several such projects. In this article, I share the key considerations that have guided the design, coordination, and construction of these HAA projects, drawing also on my deeper experience working on such projects in the San Francisco Bay area.

Landscapes on structure offer myriad opportunities and benefits to architectural projects of all types. In dense areas or on constrained sites, they can help maximize site capacity by moving desired site amenities or required recreation or open space area onto the structure, allowing a larger overall building footprint. Landscapes on structures can increase access to green open space for building occupants and even the community. This can add value to developer-led projects whether through increased rents or sale prices or municipal incentives. Landscapes on structures can also support a number of sustainability practices including reduced heat island effect, improved biodiversity and habitat, stormwater runoff reduction and retention, and energy conservation.

In recent decades, extensive green roofs – commonly characterized by lowmaintenance sedums and perennials that can root in soil depths of six inches or less – have become increasingly common, particularly in urban areas, thanks in large part to the advocacy of civic and sustainability leaders. Extensive green roofs are fairly straightforward to design and implement, particularly with the development of off-the-shelf products that simplify installation and maintenance. And, paired with simple lightweight pedestal pavers and contract furnishings, extensive green roofs can shape an economical landscape space on structure delivering many economic, social and environmental benefits.

Intensive green roofs, on the other hand, have soil depths over six inches and often exceeding 24 inches, allowing for the planting of trees, shrubs, and perennials typical to at-grade application. Successful intensive green roofs shape landscape spaces on structures that look and feel like landscapes spaces on grade. The design of these landscapes requires extensive multi-disciplinary coordination, not only with architects but also structural engineers, mechanical and electrical engineers, waterproofing consultants, and sometimes façade access consultants.

A number of considerations influence the programming and design of landscapes on structure which are not at play in landscapes at grade. These factors should be well understood by the landscape architect as they embark on programming and schematic design. Below I will highlight these considerations along with case studies of how they were handled on several HAA projects.

### STRUCTURAL DESIGN CONSIDERATIONS

The most structurally challenging aspect of rooftop landscapes is not the additional load of people, structures, amenities, or even planting material. The greatest challenge is the potential water volume retained by the soil contained in the planting system. Early coordination with the structural engineer will ensure the structural design accommodates, as best the budget and building program allow, a robust landscape design. Key considerations to discuss with the architect and engineer include:

- Is the building steel or wood construction? A steel building structure has the capacity to bear significantly more saturated soil than does a wood structure, with less additional reinforcement and associated cost.
- What are the structural constraints on locating intensive roof planting and particularly trees? Depending on the construction type and cost to strengthen the structural design to support the landscape, planting may be limited to locations on or very near the structural grid.
- Are there key locations where the roof slab could be depressed, allowing trees and planting that feels less containerized or perhaps to accommodate a pool or spa? Such depressions can typically only be made where the building program below the structure can accommodate lower ceiling heights, such as over parking decks or utility rooms.
- In the absence of other information, structural engineers will assume standard soil specification to the full depth of planters indicated. As soon as possible, provide sectional details or specifications to the engineer that outline the types and depth of backfill. Tall planters can be backfilled with lightweight geofoam or expanded shale in addition to or in lieu of drain rock, reducing soil depth to the minimum required. Engineered soils designed for rooftop planting are not only lighter but also drain more quickly, helping to mitigate structural concerns.

### WATERPROOFING & DRAINAGE CONSIDERATIONS

Of critical concern in every rooftop is the need to drain water quickly and prevent intrusion of water into the building. Roof decks will be waterproofed below the landscape installation. However, even over waterproofing, ineffective drainage of landscapes on structures can lead to leaks, especially in freeze-thaw climates. Key considerations to discuss with the architect and engineer include:

- Will containerized planters drain to the roof slab or will they drain independently a secondary set of drains? Note that drains within planters require inspection tubes to ensure ease of maintenance access.
- Basic freestanding planters generally only require drain mat to ensure movement of water. However complex planters and/or those tied into the roof structure will require additional attention and coordination with the architect to ensure adequate waterproofing of the planter itself. This may

be carried in either the landscape architect or architect's construction documentation.

A related concern is the need to protect the integrity of waterproofing underlying the landscape. Generally, architects seek to minimize penetrations through the structural slab, as every penetration introduces an opportunity for water infiltration. However, some penetrations are unavoidable to achieve an effective landscape on structure. At a minimum, penetrations will be required to service electrical, plumbing, and irrigation needs of the landscape. However, landscapes on structure may include railings, shade structures, planter walls, and other structures that require structural tie-in to the roof slab. Key consideration to discuss with the architect and engineer include:

- What is the design team's perspective on structural penetrations? Perspectives will vary based on the experience of the design team and waterproofing approach. Understanding these perspectives early on will mitigate surprises during design development and documentation.
- When structures require tie-in to the roof structure, there will typically be a curb wood or concrete to receive this connection. Curbs enable waterproofing to wrap up to extend above the drainage plane. Connections can then be made with post-welds to an embed plate or direct fastening, which may require additional waterproofing.

### PAVING DESIGN CONSIDERATIONS

Rooftops, even 'flat' ones, slope to drain, either to rain leaders on the face of the building or to roof deck drains that conduct water through the building to the storm sewer. Most commonly, buildings with landscapes on structure will have drains dispersed across the rooftop, much like area drains across a plaza, with drainage areas formed by parapet walls and ridges in the roof deck itself. The relationship between the ridges and finish floor of adjacent interior spaces will establish the minimum depth for the paving profile. Key considerations to discuss with the architect and engineers include:

• What is the minimum depth available for the paving profile? This will determine which paving options and profiles are feasible. The thinnest profile can be achieved with a porcelain paver on a pedestal, with a total



height of just over 1 inch. Where more depth is available, paving options expand to include more conventional pedestal unit pavers, decomposed granite, decorative gravel, and wood decking.

- While concrete or mortar set paving on rooftops may be structurally feasible, it is generally discouraged outside of plaza settings due to the barriers it introduces in terms of maintenance and repairs to the roof deck.
- If possible, ensure sufficient depth below pavement, whether between
  pedestals or in a backfill layer, to run irrigation lines and conduits, as this
  will minimize penetrations of the slab and simplify installation.
- Can the roof structure support a leveling course of clean aggregate? Or will
  pedestals be required to set pavers? Eliminating pedestals can save cost
  in terms of both material and labor, while an aggregate base allows for
  irrigation and electrical infrastructure to run easily below.
- Will there be insulation on the top of the roof slab? Is protection board and/or drain mat required over the waterproofing membrane? These will impact the space available for the paving build up.
- Do the paving surface areas need to drain independently from the structural slab? Most typically, the paving system will be permeable, draining to the structural slab, in which case pavement can be absolutely level. However in some applications, particularly plazas at street level, a double drainage system is required, in which paving may be impervious and should slope to area or trench drains.

### **IRRIGATION AND OTHER MEP CONSIDERATIONS**

In landscapes on structure, irrigation, water, gas and electrical supply are coordinated with building MEP engineers. Key considerations to discuss with the architect and engineer include:

- Where will the irrigation controller be located? Is it possible for control valves to be ganged together in that location, with lateral supplies running directly to each zone? Or will controllers be required at the roof level? Control valve boxes take up precious area in rooftop planters.
- Routing of water supplies and conduit to house control wires should ideally be located on MEP drawings, allowing the irrigation installer to pick up with a point of connection at the rooftop level. This ensures proper coordination and installation by the MEP trades at the appropriate phase of construction.

- Electrical and plumbing services to features such as sinks, grills or firepits must be carefully coordinated with engineers and may introduce constraints based on the location of chases within the building, particularly when there is not room for conduit and lines to run below pavers.
- Lighting design requires careful consideration, as conduits, footings and attachments must be fully coordinated with engineers. Wind loads on rooftops and associated structural requirements can limit lighting options.

Other considerations relate more to how building mechanical services will impact the landscape design, such as:

- Will rooftop mechanical equipment be adjacent to or visible from the amenity area and, if so, what constraints should inform their screening?
- Will there be vents or flues exiting the roof? To what height? Is there flexibility in those locations? On one project, the location of vents became a key driver shaping the design of the space. Some flues were able to be incorporated to features of the space, including a shade structure.

### **OTHER DESIGN FACTORS**

Other factors to be considered in the programming and design of rooftop amenity spaces include:

- What is the egress strategy for the space? How many users can be accommodated and how does this translate to occupiable square footage? Non-occupiable planting area can reduce the occupiable square footage to bring the number of users in line with the egress strategy.
- If raised planters will be concrete or masonry, can they tie into the roof deck? Or will they need to be free-standing, bathtub-style planters?
- Will there be unoccupied areas of the roof visible from the amenity area? Roof membranes can cause glare and be unsightly. Can they be screened or concealed with an extensive green roof or lightweight crushed stone?
- What are the requirements for facade maintenance and window cleaning, and how will they inform the program and design?
- How will snow be cleared and removed in the winter?
- Will the space be utilized in the winter? Heat trace systems can provide snowmelt to pedestal pavers, while outdoor heaters can extend the seasonality of the space.

#### CASE STUDY: WOODWARD WEST, MIDTOWN DETROIT

Woodward West is a 5-story mixed use building located in Midtown, Detroit. The building, developed by The Platform, features an 1800 SF amenity terrace on the fifth floor, adjacent to the clubhouse. The clubhouse and terrace were located on the south side of the building to take advantage of views to downtown. The terrace design includes a 7-person spa hot tub, custom planters with integral lounge seating surrounding a custom fire pit, gas grill and outdoor kitchen, and a number of seating and lounge areas for small gatherings, dining, remote work, yoga and sunbathing.

The upper levels of the building are wood structure and the terrace is built over a wood deck topped with waterproofed rigid insulation that slopes to roof drains.

A level pedestal paving system is used, allowing stormwater to permeate and flow to roof drains. Electric snow melt was considered but eliminated due to cost. Planting is achieved through aluminum raised planters and commercialgrade GFRC pots. Wood curbs support the hot tub and raised planters, while pots and cabinets for the grills and kitchen sit on the pedestal pavement.

HAA worked in close coordination with the structural engineer to calibrate the planter backfill and soil specification with the structural load allowances. The irrigation controller and valves are located in the fire pump room, with lateral lines running separately to service three control zones on the terrace. Electrical, gas and water connections are also stubbed from below the deck, directly to the fixtures.



### CASE STUDY: 440 ALFRED, MIDTOWN DETROIT

440 Alfred is a 5-story mixed-use building located in the City Modern development in Midtown, Detroit. The building features a generous 8400 SF amenity courtyard located on the second level and also accessible via a stair from street level. The courtyard, which is framed by building facade on three and a half sides, is accessible by the entire City Modern community. The design includes a gas grill with counter, firepit, five distinct lounge areas, and custom wood banquettes with under-lighting and integral planters. Six residential units open to the courtyard with enclosed patios.

The courtyard is located over a parking deck with steel structure. The floor-tofloor heights did not allow for recessed slabs. However the structural design permitted limited intensive planting with trees, provided these were located on or very near beams. This became a driver in the design of the space. To increase the planting area, and allow it to shape amenity spaces, HAA combined extensive green roof trays with trees and perennials strategically located in raised planters.

The waterproofed concrete roof slab below the courtyard slopes to slab drains. A pedestal system was considered for paving, however HAA opted to level the roof with a compacted 6A drain rock, to simplify installation of the various paving types and the green roof trays, reducing both material and labor cost. Paving, decking, green roof trays and raised planters all drain directly to the structural slab and roof drains.

Irrigation controllers are located in a mechanical room, with the mainline and control wire running to the courtyard, where control valves are located. Lateral irrigation lines run below the green roof trays and pavers to feed control zones. Electrical and plumbing, on the other hand, are routed below the deck and stubbed directly to the fixtures.

### CASE STUDY: CONFIDENTIAL PROJECT, DOWNTOWN DETROIT

This mixed use project in Downtown Detroit includes a variety of landscape spaces on structure. The street-level plaza features dynamic stone-veneer planters and seat walls, areas for outdoor dining and retail display, and a flexible



events space. The plaza is located over a parking deck with steel structure. We took advantage of the opportunity to recess the structural slab in key locations to allow intensive planting with 30-inch maximum soil depths. The recessed structure allows the finish grade of the planting area to drop to 4" above finish grade of the plaza. Structural soil cells are used in recessed slabs below paved areas to extend the soil volume supporting tree root growth. These are used in combination with paver grates to enable tree planting within the paving.

The plaza is paved with mortar set stone pavers laid over a 6-inch topping slab with integral snowmelt system. The topping slab slopes independently of the relatively level roof deck, thus it is laid over a build up of rigid insulation that is tapered to set the grading. The surface slopes to slot-style trench drains tied to the building stormwater system. Grade change over the plaza exceeds 1.5 feet. This grade change required stepping of the structural slab. And, despite a generally generous depth for the paving buildup, detailed sectional studies were required to coordinate the grading design with the structural system to ensure adequate depth for the paving buildup as well as insulation and waterproofing.

A unique feature of the plaza is a series of stone-clad planters that range in height from 4 to 30 inches, some with integral seat walls. Lightweight EPS Geofoam is used to backfill planters as required and create mounding forms in the landscape beds, to ensure the soil profile never exceeds 30 inches. Structural curbs and walls that tie to the structural deck form the majority of backing walls for the stone cladding. Geofoam is used in combination with lightweight fiber-reinforced concrete to form the planters and seat walls. Stone cladding is mortar-set, in combination with mechanical fastening, directly to both structural walls and the Geofoam/concrete build up. The planters drain directly to the structural deck with blockouts in structural walls strategically located to ensure adequate flow to deck drains.

The irrigation controller and valves are located in a utility room, with lateral lines stubbing into control zones on the plaza level. Electrical connections are also stubbed from below the deck, directly to light fixtures and power supplies. The plaza includes a snowmelt system that is embedded in the paving subslab.



### CONCLUSION

As this overview of key considerations and case studies illustrate, landscapes on structure require an integrated approach and close coordination throughout the design process. For landscape architects who love creative problem solving and multi-disciplinary collaboration, they offer many rewarding challenges. And for tenants, building owners and communities alike, landscapes on structure offer many tangible and intangible benefits that make the additional effort and cost worthwhile. •



# PROTECTING FARMLAND AND OPEN SPACE AT THE URBAN-RURAL INTERFACE

Joanne M. Westphal, Professor Emerita, Michigan State University Gordon Hayward, Planner Emeritus, Peninsula Township, Grand Traverse County, MI

#### HISTORY

Michigan is blessed with abundant natural resources, prime agricultural land, and a landmass that is the largest among states east of the Mississippi.<sup>1</sup> Over the past fifty years, however, resource managers, landscape architects, and planners in the state and across the country have grappled with the environmental and social costs that accompany suburbanization of farmland. From 1987 to 2017, Michigan has lost over 1/20 of its agriculture land to other land uses (10,316,861 acres to 9,764,090 acres)<sup>2</sup>, primarily residential use. With new neighbors and evolving farm practices, many local governments have tried a variety of planning strategies, including large lot zoning and clustered planned unit development with mixed results. The State also has passed bills to protect farmers from nuisance litigation, like Right to Farm (Public Act 93 of 1981; Amended Act 94, 1994)<sup>3</sup>. The State also has set compliance standards called GAAMPs (Generally Accepted Agricultural Management Practices)<sup>4</sup> for certain types of agriculture activities, in response to the actions of landowners and more recently, local governments.

The loss of open space and agricultural lands has been on going for a century and a half. Part of the problem lies in the U.S. Constitution. When it was being written, the states retained jurisdiction over their lands. With western expansion, this practice continued, eliminating the federal government from formulating a comprehensive national land use plan. While the constitution was being written, the states also agreed to three legal doctrines that provided the underpinnings to the regulation of land use in the United States–property rights, police power, and takings/eminent domain.<sup>56</sup> Retaining their sovereign rights to manage land use, each state developed their own strategy for delegating land use decisions. In Michigan, local bodies of government like counties, townships, or metropolitan areas were "enabled" by the state legislature to write ordinances that dealt with land use within their jurisdictions.

### LAND USE PLANNING TOOLS

The legal doctrines guiding land use regulation in the U.S. are as follows.

*Property rights* are a concept that emanated from the English land tenure system and goes back to the Middle Ages in terms of its origin. Although often thought of as an absolute right (Wright 1994)<sup>7</sup>, in the American system of land ownership, the real property owner actually holds the rights to use the property in an exclusionary manner. These rights include deed restrictions, liens, mineral resources, easements, use, and development rights (Michigan Department of Environmental Quality 1995)<sup>6</sup>. These property rights are "subject to the controls and limitations vested in the sovereign power", which are in this case, the states. Therefore, the overall interests of state regulations, especially as they affect the health, safety, and general welfare of the general public, will always supersede the individual rights to use the property.

Police powers involve the right to legislate and regulate on the behalf of the citizens. State, county, township and/or municipalities can exercise police powers through planning, land use controls, and ordinances on the grounds that they are protecting the general welfare. This power can be exercised even though it places burdens on the individual landowner's use and enjoyment of the property. Limitations exist in terms of the regulations/restrictions that can be placed on one's private property in the federal constitution so some balance between government and citizen interests in property is insured.

Takings and eminent domain are concepts that involve the authorization of government to take property for public use. Often this is done through condemnation or expropriation proceedings. In all cases, the property owner must be justly compensated for the loss, and due process of law must be

followed.

### PRACTICAL OPERATION OF THE LEGAL FRAMEWORK

Land use in the United States occurs within a legal as well as institutional framework; as such, it is not federally regulated. As a result, responsibility for land use planning has been assumed by the states. Few states have statewide land use planning systems; therefore, most planning activities are enacted at lower levels of government — often at county, township, and/or municipal levels. In Michigan where over 1800 planning entities are working in the absence of statewide and regional planning systems, the creation of effective land use policies that support sustainable ecosystems and protect open space and agricultural land are nearly impossible to achieve. Other states, even those with statewide plans, face similar situations because land use is evolving rapidly and the scale of development is expanding precipitously.

Old planning techniques used to regulate land use (e.g., zoning, districting, development review) and enforcement practices (e.g., fines, closure, and/or removal) used to insure compliance with local land use ordinances have proven inadequate in some areas. Other techniques used in planning to conserve open space including clustered Planned Unit Developments (PUDs), New Town Developments, and Special Use Permits. These have faced tedious approval processes; in some cases, non-compliance occurs after the development. All of these planning and zoning tools have been used in Michigan to control land use for some time and similar legislation exists in other states.

Less common planning methods and/or tools increasingly have gained acceptance over the past 25-30 years. "Use value assessments", the establishment of property tax value based on the parcel's current or designated use, rather than its maximum economic use, is one technique. "Concurrency", development only after, or concurrent with, the provision of public services like sewer, water, roads, schools, fire, police, etc. is another method. And "Service districts", also known as "urban growth boundaries" [UGBs], is a third growth management technique that establishes boundaries for public infrastructure development within a time and space context. Each has been used with varying

success depending on the community involved.

Other proposed techniques have recently received new or expanded enabling legislation in the State. These include Transfer of Development Rights (TDR), a method used to create "sending" and "receiving" zones for development rights within a jurisdiction or among jurisdictions. Thus, TDR increases density in some areas, and reduces density in others. Purchase of Development Rights (PDR) involves the creation of an ordinance that authorizes local government to purchase development rights from private citizens on the behalf of all citizens within a jurisdiction. Bond issues, loans, or property tax increases (i.e., millage increases) may finance PDRs.

The success of both old and new approaches to land use planning depends wholly on the ability of local governments to build public consensus regarding the short and long-term value of the planning effort to achieve particular community goals. In the case study that follows, Peninsula Township is a good example of how a public concern was addressed by local government in the creation of this nation's first local PDR program funded by a millage increase.

### CASE STUDY OF THE OLD MISSION PENINSULA

This case study was chosen to illustrate that sustainable land management can occur in the United States if citizens are willing to take some risks, and assume some costs, to protect the agriculture and natural resources of an area. The case study has evolved over the past 30 years and is still on going today. But it had its humble beginnings in the bankruptcy sale of a large farm on the Old Mission Peninsula that created a tsunami of concerned farmers and citizens at the doorstep of local government. The result was the implementation of first local PDR program in the nation funded by a millage increase. Standard planning and zoning techniques were combined with modem ones to create a unique Agricultural Plan for the study area.

The Old Mission Peninsula is in Peninsula Township, Grand Traverse County, in the Northwest corner of the lower peninsula of Michigan. A product of the Wisconsin Ice Age (12,000 years ago), the Peninsula comprises a narrow sliver

of land 17 miles long and 1.25 to 4 miles wide. Its location in Grand Traverse Bay literally bisects the bay it in a southwest to northeast direction. Glaciation created its unusual topographic relief while the Great Lakes create its unique microclimate, which permits the production of stone fruit (i.e., cherries, peaches, apricots, nectarines) at a latitude of 45 degrees north. In North America, this is one of the most northern areas on the continent for this type of fruit production. In recent years, production of *Venifera sp.* grapes has begun to support a high quality Riesling wine industry.

In 1972, the first subdivisions for residential development were created on two farms located near the base of the peninsula, approximately three to five miles from Traverse City, MI. As Traverse City grew in the 1970s and 1980s, more subdivisions were platted on agricultural land in the southern areas of the peninsula. Initially, shoreline parcels were sold by farmers because of their relatively low productivity (due to heavier soils) as compared to the sandier soils found in the upland areas of the peninsula. But as shoreline property became scarce and the value of shore lots began to quadruple in cost every decade, residential developments began to move further north and claim more prime agricultural land at the higher elevations. Subdivision development created conflicts for farmers, and removed highly prized agricultural land from cherry production. In 1989, the township was at a crossroad. It was losing one of its largest agricultural producers to bankruptcy. As this 507-acre farm with 1.25 miles of shoreline was put up for sale on the northern tip of the peninsula, the citizens of the township took action. A highly informed group of farmers and residents asked the township to go beyond their standard zoning regulations and seek out additional means to protect agriculture and the remaining natural areas on the peninsula.

At the time, township officials were working on updating the 1972 Master Plan for township. Planner Gordon Hayward had organized citizen groups to identify the key issues affecting quality of life on the peninsula. The groups focused on farmland preservation, open space and natural area conservancy, business development, and residential needs. Each group identified priorities that the Planning and Zoning Commission (PZC) needed to address in updating the 1972 Master Plan for the township. As a result of the citizen focus groups, the PZC put forth a number of proposed revisions to ordinances in the Master Plan. One of the revisions called for the creation of a sub-plan within the Master Plan, which was, called the Agricultural Preservation Plan. This "plan within a plan" called for the creation of a four-part program designed to protect the agricultural and natural resources (including visual resources) of the township. The four-part Agricultural Plan included: 1) a Purchase of Development Program (PDR); 2) a Transfer of Development Program (TDR); 3) a facilitated Planned Unit Development (PUD); and 4) a New Town Development (NTD). In at least one case (i.e., the TDR), enabling legislation from the State Legislature was not even written to enact such a program at the local level. The township, however, felt

confident that development pressure elsewhere in the state would inevitably lead to the State Legislature adopting enabling legislation for local government use. For the other parts of the plan, township officials were encouraged to interpret existing legislation for planning and zoning purposes very liberally with the expectation that at least one part (the PDR program) had a good chance of being challenged in court. Faculty from Michigan State University, Landscape Architecture Program assisted with the effort.

The facilitated Planned Unit Development was the easiest part of the four-part plan to adopt since only a revision of an existing township ordinance was needed to operationalize this planning tool. The New Town Development took several



years, and hundreds of man-hours in design, planning, and engineering activities, to develop concepts acceptable to the residents of the township and to private developers. The idea behind the New Town Development was that it would serve as a receiving zone for development rights that were sent from sending zones where the township wanted less development. Thus, a high density, village hamlet would serve to concentrate development rights that were not purchased in the PDR program. Since the private sector would purchase the development rights from local property owners, the township only served to define the boundaries of the sending and receiving zones within its legal jurisdiction. Two factors lead to the failure of this agricultural preservation strategy. The first involved economy of scale; Initially, the township planner called for the New Town Development to be modest in scale - 8 commercial businesses and approximately, 80 homes. Michigan State University Landscape Architecture faculty (Professors Westphal, Burley, and Rauhe) developed the first report and set of plans that went to the public. However, engineers working with the township took the plans and expanded the plans to address "economies of scale" in terms of sewer and water systems. This resulted in a new town development consisting of 80 businesses and 400 homes, which turned out to be unacceptable to township residents in terms of scale. Secondly, because the New Town Development depended on a Transfer of Development Rights program to become operational, it stalled the project long enough for public opinion to build and kill the option of NTD. The State Legislature finally passed enabling legislation for local TDR programs nearly 15 years later.

The mainstay of the four-part Agricultural Preservation Plan, however, was the Purchase of Development Rights (PDR) program. Dr. Joanne Westphal performed a literature review on other PDR programs across the country. The data that she secured was evaluated for its applicability to the smaller scale township level. She provided recommendations to and worked with Hayward on developing the standards, criteria, and procedure for prioritizing lands submitted to the program. The PDR program called for the purchase of development rights from local landowners who had agriculturally-zoned property in one of 13 designated view sheds and/or prime agricultural or natural resource lands. These three important criteria, i.e., Ag1 zoned land, view sheds, and prime agricultural/

natural ecosystem lands-were the basis upon which properties were prioritized for the program. A fourth consideration was whether adjacent properties were in the PDR program. Landowners who voluntarily entered the PDR program had all or a portion of their residential development rights stripped from the property. They were compensated for the difference between the fair market value of the property with, and without, the development rights. The township placed a conservation easement on the property for the development rights, which it would hold in perpetuity on the behalf of the residents.

To pay for the development rights, the township decided on a millage increase. The amount of mileage increase was determined by two factors: 1) the unlikeliness that voters would authorize a larger increase; and 2) the anticipated cost of purchasing development rights, which was believed to be around \$1800 per acre. Because development rights from at least 2,000 acres were projected as necessary to protect the critical mass of farms and open space, the mileage increase had to generate at least \$3.6 million dollars. A 1.25 mill increase in property taxes for 15 years was proposed in a summer referendum when no major election issues were being contested.9 (A 1.25 mill increase means that a person owning a \$100.000 home would be assessed an additional \$125.00/ year). The summer date was selected to coincide when most residents favorable to the proposal would be present and no contested election campaigns occurred. A successful campaign for passage of the ordinance and the referendum to fund the ordinance occurred in the spring and summer of 1994. respectively. With these successes, township officials opened the program to any landowner having 10 acres or more of agriculturally zoned land. To encourage farmers, the township, in conjunction with the American Farmland Trust, ran a pilot program on the Walter Johnson farm to show how the process worked. With a demonstration of the process, more farmers began submitting property for the PDR program. Based on the standards set on prioritization, the top sites were appraised for their fair market value, with and without their development rights. The PDR value was the difference between the fair market price and the value of agricultural land. Landowners voluntarily entered the PDR program. An ad hoc citizen committee was created to arbitrate any issues arising from the ordinance or its administration by the township. An outside land

management group like the Nature Conservancy was hired to conduct annual compliance monitoring on the PDR contracts.

Within 5 years, all of the millage funds were committed. At its conclusion in 1999, the PDR program actually protected approximately 1,100 acres of farmland and natural areas on the peninsula. Escalating land values and delays in entering conservation easements with landowners resulted in fewer acres being purchased at increasingly inflated market values. As development rights were removed through the PDR program, remaining lands with development rights became more valuable (a basic law of supply and demand). But despite fewer acres protected, a major stride forward was taken to preserve farmland and open space by the township.<sup>14</sup>

The effort was so successful that in 2002, Peninsula Township proposed a second millage for 2 mills over a twenty-year period to its residents. Unlike the first millage proposal that passed by a slim margin of 127 votes, the second millage passed with a margin of over 1,000 ballots. Using the leverage of their millage successes, the township applied for matching grant monies from the State and Federal governments. Today, nearly 5000 acres have been place in conservation easements for perpetuity.

### CONCLUSION

The success of the Old Mission peninsula in creating, funding, and implementing an initiative such as this, was entirely anti-thesis to the prevailing practice of land use planning and environmental protection in the 1990s in the United States. It is presented here to illustrate the power of citizens in a democracy to elicit change. Consensus building among citizens was central to the strategies that were effectively implemented on a local level. The cost of an initial PDR program is expensive monetarily. Initial findings suggest that long-term outcomes can be profound on a community. Today the township is considering a third millage proposal to reach its goal of 7,000 acres under contract in the PDR program. With public support, the program has met great success, and serves as an excellent example to other local government bodies to take on their own PDR program. •

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### EDUCATION SPOTLIGHT: DR. JON BRYAN BURLEY, FASLA O&A WITH A MICHIGAN STATE UNIVERSITY PROFESSOR

### MiSITES Editorial Board and Dr. Jon Burley | Michigan State University



### Hi, Jon. Please introduce yourself!

I am an old Michigan State University professor, nearing retirement, as I am now 66 years of age having served the fifth longest as a strictly landscape architecture tenured stream faculty member in the 123 year history of LA at MSU (after: Halligan, Gerlach, Glick, and Mezga- Barr, Boylan, Baron, and Cox served a lengthy time too but were also affiliated with either the campus planning division, urban planning, school administration, or extension). I have earned a PhD. from the University of Michigan (1995), an MLA from the University of Manitoba (1988), a BLA from the University of Minnesota (1978), I became a registered landscape architect in 1982 at the age of 27 (maintaining my registration in the state of Minnesota), an ASLA Fellow in 2010, earning 15 various ASLA and AI awards, and the American Society for Surface Mining and Reclamation researcher of the year in around 2005. Primarily I am a teacher and researcher, publishing about 400 articles/book chapters in my career, and remain in the top 50 of cited landscape scholars (according to Google Scholar) in the world. Nevertheless, early in my career before joining MSU, I had participated in about a half-billion US dollars planning and design projects during my career, primarily with Jim Hawks Jr., from Iowa/Minnesota and Bill Sanders (FASLA) from Minnesota, Currently I am president of the Sigma Lambda Alpha landscape architecture honor society.

#### How are you involved with CLARB?

Primarily, I have been involved with CLARB (Council of Landscape Architecture Accreditation Boards) indirectly, serving for many years as a grader for the comprehensive grading section in the old UNE (uniform national exam) and an instructor, providing a seminar for about 15 years to advise Michigan candidates

taking the registration exam. I have witnessed CLARB and the registration examination evolve for 40 years. I kept my registration to be a reference for those intending to take the exam and maintained by registration with continuing education requirements. One of the nice features about the Minnesota jurisdiction is that they accept self-directed study through the publication of landscape architecture related articles, which gave me many hours of credits, and since Michigan State University required faculty to complete certified and documented seminars that they offer, including a test at the end of each seminar. I have evidence each renewal concerning gender issues, diversity, and privacy rights. Upon retirement in 2022, I will not renew my license, but still plan to write many papers. At one time, my father (a civil engineer) my brother (a civil and geotechnical engineer), and I were each members of the Minnesota state professional licensing jurisdiction, with our names listed in the roster of licensed individuals. In some respects, I am an outsider and have more freedom to express my thoughts and opinions, being very academic, independent, and long winded with twists and turns in my narrative and a tendency to cite precedent and literature, but I am a big supporter of what CLARB does.

#### How have you seen CLARB evolve?

Like many professional organizations/institutions such as ASLA and CELA (Council of Educators in Landscape Architecture), I have observed CLARB evolve. CLARB is actually a group of licensing boards. CLARB has been highly influenced by registration activities in architecture and engineering, plus the need for having a defensible structure to develop the examinations. Early in my career, landscape precedent (history) and the comprehensive nature of landscape architecture was an important part of the registration exam. It was a rigorous exam with only a 2-6% of any candidate passing the whole exam the first time. However, Michigan State University students, along with Ball State University, and the University of Michigan ASLA Chapter.

Insight to the exam was offered by Miriam Rutz a now retired MSU landscape architecture professor, the first female landscape architecture professor at MSU, and actually one of the first female landscape architecture professors

across the nation. She took the exam early in her career in California. She is a brilliant scholar, teacher, and very practical. When she took the test, she did exactly what the exam requested, while other creative designers did not pass the full exam the first time. Garrett Eckbo, one of her professors at the University of California Berkeley, invited her to discuss how she was successful. It was a simple explanation, do what the exam requested, everything, and no more. That is what we taught in our seminar for the Michigan Chapter.

Changes to the exam though-out the years were initiated by CLARB by surveying the professional licensed landscape architecture membership. The exam is about minimal competency and protecting the public health, safety, and welfare. Over time it became clear that while learning history was helpful in creating imaginative designers, it had little to do with protecting the public and the comprehensive nature of the exam (site grading projects and transects of many details joined together) was not commensurate with minimal competency. CLARB naturally drifted towards eliminating history and began including vignettes (small grading problems and singular construction details) similar to the profession of architecture which had adopted vignettes for their exam. The number of exam sections were revised downward, based upon the statistical ordination of the survey results and actually gave a better opportunity/ probability for first-time test takers to pass the exam. In many ways, those who take the exam now are fortunate. The exam is much more focused and for the most part strictly based upon minimal competency related to health, safety, and welfare, plus portions of the exam can be taken upon completion of a qualifying college degree. I strongly urge those who are selected to be surveyed by CLARB to fully and thoughtfully participate. It is essential information for CLARB to develop their examinations.

### How do you see the relationship between CLARB and higher education?

One issue has remained constant, the need for practitioners to be successful in the competition amongst licensed professionals. Some amongst the various professions, public, and government are very supportive of landscape architecture while others see opportunities to remove competition, regardless of their own credentials to conduct site planning, site details, and managing the

exterior environment. Landscape architecture is a vital profession in this area and has managed to succeed very well. The profession keeps growing around the world, with a unique planning and design perspective to protect the environment, cultures, citizens, and economic settings. Landscape architects practiced sustainability (erosion control, climate control measures, ensuring vegetation and wildlife diversity, matching land-uses to landscapes) in their projects back in the 1850s, long before it became a necessity and fashionable (Burley and Machemer 2016). However, maintaining this competitive edge and the rigors of professional practice can cause divisions. Universities have a multitude of educational goals, beyond training a new generation of landscape architects. This includes creating responsible citizens being broadly educated in the arts, humanities, and social sciences. Many students of professional programs chose different pathways after their college education, and universities recognize this diversity. While pursuing professional practice in their trained profession is welcomed and admired, some students chose very different paths. Universities wish to train future leaders in whatever path the student chooses. Thus, a university education may not be as focused upon strictly the needs of a profession. This causes conflict. I have witnessed this conflict several times, guite heatedly when educators and CLARB representatives discuss the issues openly and frankly - there is a diversity of opinions, but everyone seems to remain very professional sincerely wishing to understand the various perspectives.

In addition, students also often desire training that gives them the edge in an entry position, such as being experts in new and emerging technology useful in the professional office. The university can at times provide answers to questions the student has yet to inquire about or consider or feel valuable. Universities would like to believe they are assisting in the education of tomorrow's leaders and not just training entry level employees. It is easy to understand where conflict arises. Balancing the needs of the profession and the desire to have broadly educated students is a difficult and sometimes an unappreciated task.

I remember times where at MSU we introduced various CADD programs, GIS, and graphic packages only to have firms that did not utilize such software in

their firms question the legitimacy of such offerings. Yet the students brought these skills to the offices they were hired within and added value to the firm. Now such skills are widely accepted and encouraged. But at MSU, Ball State, U. of Michigan, Guelph and other great schools of landscape architecture we also teach our students about process, creativity, and introduce them to other emerging technologies not yet widely employed in the professional office. Some schools around the world focus upon technology and focus less upon teaching process in planning and design solution generation. These schools may produce graduates who are great at entry level positions, but lack the insight to actually design. I am proud of the Midwestern design ethic where the graduates eventually enter positions of project designers because the former students were trained in process and how to adopt new information and cope with new problems. Even in places like Asia, Midwestern students and firms are hired for their ideas. But it is not strictly the realm of minimal competency and public safety, health, and welfare that CLARB must address.

With each new set of practitioner surveys, I image CLARB will continue to evolve the exam. New minimal competency skills and issues will be forthcoming and influence the contents of future versions of the examination. CLARB leadership and its members are very dedicated and professional. Everyone who serves in the CLARB leadership should be admired and thanked for their service.

### What is the importance of a CLARB Record?

One of the important aspects of participating in CLARB, is related to obtaining a professional license across other licensing districts/jurisdictions in a reciprocal manner. Having a CLARB record facilitates this process. Jurisdictions with similar requirements allow those with the appropriate record to obtain a license in that district. Some districts may have additional requirements pertinent to their environmental setting, but by establishing a CLARB record, certain requirements can be easily assessed. It is very useful to have a CLARB Council Record. Readers are encouraged to visit: https://www.clarb.org

In each district/state/jurisdiction across the United States and Canada, licensing is taken very seriously. Individuals practicing in a district without the

appropriate licenses can be fined, jailed, and even barred from further practice in that jurisdiction. I also advise, not to let one's license lapse and plan well in advance for obtaining the proper continuing education requirements. Licensure is a requirement in the jurisdictions of all 50 United States, as well as the Canadian provinces of Ontario, British Columbia, and Alberta, plus the American commonwealth of Puerto Rico. There are also a registration boards in the Northern Mariana Islands and District of Columbia. Everyone in professional practice is often quite busy, but it is important to be attentive to one's license and give the time it deserves.

#### What future issues do you see on the horizon?

I have observed a growing trend that actually emerged in universities 50 years ago, that may eventually affect CLARB, ASLA, CELA, and LAAB (Landscape Architecture Accreditation Board). The issue is explained in a forthcoming book chapter titled: "The American Landscape Architecture Research Universe and a Higher Education Ordination: Descriptive Insights into the Discipline and Profession of Landscape Architecture" in a book titled *Landscape Architecture* published by IntechOpen in the United Kingdom, and edited by Dr. Mustafa Ergen from Turkey.

Universities are in competition with each other for status and world ranking. The ranking is often based upon research publications and research dollars, something easy to measure. This has drifted universities over the decades to support academic programs that are heavily science based and have abundant supporting research dollars, such as in medicine, chemistry, engineering, and physics. Other majors are often streamlined, simplified or eliminated. Some universities have proposed folding planning and design majors into one general four-year degree focused upon a current trending topic such as sustainability and teach design without studio space—such an approach would simplify much for a university looking for ways to minimize costs and invest dollars into research programs. Majors that have accreditation requirements and five-year professional degrees are often resented by university. One has to remember that universities must "look-out" for their survival too. Often universities recognize

that planning and design professions do great things for people and environment, but without massive research funding and extensive citations in important journals, such noteworthy activities may not be "in-line" with the needs of the university. I am concerned that this situation will continue to impact the planning and design professions in higher education. I believe that CLARB's sometimes expressed skepticism towards universities is warranted. I am not sure how this issue will be resolved, but I do believe it will continue to grow and will impact many planning and design professions.

### Any closing comments?

There are always challenges, opportunities to make improvements, and find new solutions. I am ever optimistic about the future of the landscape architecture profession. It has grown immensely around the world. Organizations such as



CLARB are vital and do great service in licensing individuals to protect the public health, safety, and welfare. However, I envision changes ahead, where the structure and organizations/institutions related to the profession in the 1970s may be guite different in the 2070s. The value of education will not diminish, but the potentially often claimed overpriced value of a university education and emphasis upon science, research, and big money may influence how planning and design are taught and in turn affect the associated planning and design organizations/institutions like CLARB. There have already been attempts to move the higher education setting for aspiring landscape architects away from the madness of rising tuition to support unrelated and expensive research programs and the race for university status and ranking. In the forthcoming decades. I could envision a movement where a professional organization or a foundation leads the training of planning and design professionals (maybe over 1,000 or more students per year entering the landscape major) at a very reasonable tuition rate (\$5,000 per year), 124 semester credits over 4 years, be highly focused upon the needs of the planning and design majors, no need for a campus, and be distributive in nature. It certainly would be a different educational approach, as I believe eventually technically oriented professional planning and design majors will separate from the research university research race. Universities can pursue their research agenda and newly formed professional colleges/institutions can educate planning and design professionals. Social media technologies such as WhatsApp, WeChat, Skype, and Facetime and that fact that mobile phone has become an amazing computer facilitating one-on-one, face-to-face, immediate interaction and communication between instructor and student. In some ways, I think the old design studio could be on the way out, but there is still much resistance to that ways of thinking. It will not change overnight. Remember, a Frenchman, Eugene Viollet-le-Duc (1814-1879) foresaw and revolutionized planning and design thinking with the adoption of the design process, organic design, and the importance of the design concept, yet his ideas were not truly adopted until many years after his death (Burley and Machemer 2016).

Over the years, I have witnessed many gradual curriculum changes at my institution. The first was the elimination of surveying. I found surveying optimal

for students to learn about contours, slopes, and drainage. Without surveying, some students struggled to grasp grading concepts. The next step was the move away from physical geography, soil science, and ecology from the curriculum as departments were directed to teach only essential courses for their majors, reducing the offering of courses and the university wishing to limit the number of credits needed for graduation. Other topics were greatly diminished through retirements and refocusing faculty efforts, such as in planting design and history. Science and humanities courses were folded into large classroom settings with "pick-and-chose" topics. Undergraduate students are now urged to study science and conduct research investigations. It is a very different curriculum than it was in the 1980s. One enduring feature of the curriculum was the commitment and presence of overseas study. For me, I felt lucky to be educated in the 1970s in a 5 year BLA curriculum where I took close to 50 more credits in 5 years than I needed to graduate. I am afraid those days have long passed. Yet higher education has always been evolving and changing. CLARB will be part of the process influencing and responding to those changes. •

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# MICHIGAN ASLA GOVERNMENT AFFAIRS REPORT Matt Solak | KDA

**Governor Signs Historic K-12 Budget that Eliminates Per-Pupil Funding Gap** Before leaving for summer recess the Legislature passed a historic K-12 budget valued at \$17.1 billion which eliminated the 27-year-old per-pupil funding gap. The budget was signed by Governor Whitmer. This budget was the initial leaf to fall in Michigan's budgeting process for Fiscal Year (FY) 2022, featuring \$723 million to wipe out the gap between minimum and maximum state foundation allowances by setting each at \$8,700 per-pupil, a \$589 boost from the minimum allowance for the current year. A majority of K-12 public schools kicked off their next fiscal years on July 1, making this budget a priority.

### Michigan's Largest Annual Budget Signed

After signing the K-12 Education Budget, the Legislature and Governor Whitmer spent September hammering out negotiated general government and higher education budgets. On September 29, the Governor signed the final piece of Michigan's record-breaking \$70 billion FY 2022 budget. The budgets passed both legislative chambers overwhelmingly in a sometimes-rare moment of strong bipartisan support. The House passed the general government budget 99-6 after the Senate adopted the same spending document unanimously. Spending for state universities and community colleges passed the House 97-8 and the Senate 34-2. With higher extra federal funding and higher than expected state income tax and sales tax revenue, priorities for the Governor and Republican legislative leaders were able to be met resulting in a smoother than expected process. While all state budgets have been completed there is still approximately \$11 billion in federal COVID money that remains unallocated.

### **Parks Funding Proposals**

How to spend federal COVID relief money has dominated the conversations in Lansing the last 18 months. Of particular interest to landscape architects may be Governor Whitmer's call to spend a significant amount of money on state and

local parks. In June, Governor Whitmer announced a plan to spend \$250 million to upgrade state parks and trails. The Governor indicated the money was needed to address a backlog of \$264 million in parks maintenance requests. Proposed spending will include the upgrading of water and sanitary systems, preserving historical structures, and fixing vital park infrastructure.

The next month, the Governor announced a proposal to invest \$150 million in federal relief dollars from President Biden's American Rescue Plan to address critical needs in local park systems. The proposed investment would be administered as a grant program by the Michigan Department of Natural Resources and would support the economies, health, and recovery of communities across the state. Both spending proposals would require legislative approval, but there will likely be some bipartisan agreement on this issue. Senator Ed McBroom, Republican of Vulcan, and chairman of the Senate Natural Resources Committee, said he supports the idea, though he expressed the desire to hear more details.

### Legislature Repeals 1945 Emergency Management Law

While largely symbolic, the Michigan Legislature formally repealed the 1945 Emergency Powers of the Governor Act. This was the law Governor Whitmer used to issue her rolling executive orders for the first seven months of the COVID-19 pandemic until it was ruled unconstitutional by the Michigan Supreme Court in October 2020. The repeal of the Act came via a citizen's petition organized by Unlock Michigan, an organization against many of the Governor's emergency orders. Citizen's petition drives go directly to the Legislature for an up or down vote and are not subject to the Governor's veto. Unlock Michigan has launched a second petition drive to limit to 28 days how long state and local health officials' orders can last without additional approvals from the Legislature.



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