

Act No. 264
Public Acts of 2001
Approved by the Governor
January 9, 2002
Filed with the Secretary of State
January 9, 2002
EFFECTIVE DATE: January 9, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. Koetje and Raczkowski

ENROLLED HOUSE BILL No. 5252

AN ACT to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending sections 4 and 5 (MCL 125.104 and 125.105) and by adding sections 4b, 4c, and 15.

The People of the State of Michigan enact:

Sec. 4. (1) The county planning commission shall make and approve a plan for the development of the county. The county plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole. The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory matter shall show the planning commission's recommendations for the development of the county. In the preparation of a county development plan, the planning commission shall make careful and comprehensive studies of the existing conditions and probable growth of the territory within its jurisdiction. The plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county that will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, prosperity, and general welfare of the residents, as well as for efficiency and economy in the process of development.

(2) The county plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the county. The plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the county:

(a) A land use plan and program. If the county has adopted a zoning ordinance under the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, the land use plan and program shall consist in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If the county has not adopted a zoning ordinance under the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, the land use plan and program may be a general plan with generalized future land use maps.

(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, public works for preventing pollution, and works for maintaining water levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities.

(d) Recommendations for implementing any of its proposals.

(3) The county planning commission shall do all of the following:

(a) Conduct studies, investigations, and surveys relative to the economic, social, and physical development of the county.

(b) Formulate plans and make recommendations for the most effective economic, social, and physical development of the county.

(c) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for the economic, social, and physical development of the county and seek the maximum coordination of the county programs of these agencies.

(d) Consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans may be avoided.

(4) The county planning commission may serve as a coordinating agency for all planning committees and commissions within the county.

(5) The county planning commission may meet with other governmental planning commissions to deliberate.

Sec. 4b. (1) A county plan shall be adopted under the procedures set forth in this section and sections 4c and 5.

(2) Before preparing a plan, a county planning commission shall send a written notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the county.

(b) The regional planning commission for the region in which the county is located, if any.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the county, and any government entity, that registers its name and mailing address for this purpose with the county planning commission.

(3) The notice to an entity under this section may request permission for the county to submit electronically any information required to be submitted to that entity under section 4c or 5. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 4c or 5 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

Sec. 4c. (1) The plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the county or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the county planning commission shall submit the proposed plan to the county board of commissioners for review and comment. The process of adopting a plan shall not proceed further unless the county board of commissioners approves the distribution of the proposed plan.

(3) If the county board of commissioners approves the distribution of the proposed plan, it shall notify the secretary of the planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, township, or county located within or contiguous to the municipality.

(b) The regional planning commission, if any, for the region in which the county is located.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the county, and any government entity, that registers its name and address for this purpose with the secretary of the county planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 5(5), shall reimburse the county for any copying and postage costs thereby incurred by the county.

(4) An entity described in subsection (3) may submit comments on the proposed plan to the county planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3).

Sec. 5. (1) The county planning commission shall adopt the plan by a resolution approved by a majority of the full membership of the planning commission after a public hearing. The hearing shall be held after the expiration of the deadline for comment under section 4c(4). The resolution shall refer expressly to the maps, plats, charts, and descriptive and explanatory matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the maps, plats, charts, and descriptive and explanatory matter and signed by the chairperson of the planning commission.

(2) Following approval of the proposed plan by the county planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the county board of commissioners.

(3) Approval of the plan by the planning commission under subsection (1) is the final step for adoption of the plan, unless the board of commissioners by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the county shall approve or reject the plan.

(4) If the county board of commissioners rejects the proposed plan, the county board of commissioners shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the county board of commissioners' objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the county board of commissioners.

(5) Upon final adoption of the plan by the county board of commissioners, copies of the plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 4c(3).

(6) An extension, addition, revision, or other amendment to a county plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 4b and 4c and this section. However, for an amendment other than a revision of the plan, the 65-day period otherwise provided for in section 4c(4) shall be 40 days.

(7) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(8) Until 1 year after the effective date of the 2001 amendments that added this subsection, a county may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

(9) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of funds by a county board, department, or agency for the acquisition of land, the erection of structures, the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission has been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. The requirement for planning commission's review is waived if within 30 days after the proposal has been filed with the planning commission, the planning commission fails to furnish in writing its report and advice upon the proposal. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

(10) A county plan describing the recommended development of an incorporated area shall not be recognized as the official plan or part of the official plan for that area unless adopted by the municipality in the manner prescribed by law or charter for the adoption of such plans by municipalities.

Sec. 15. As used in this act:

(a) "County board of commissioners" means 1 of the following, as applicable:

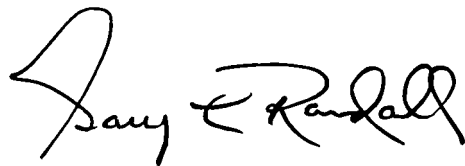
(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, the elected county board of commissioners.

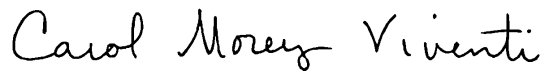
(b) "County plan", "development plan", or "plan" means a plan as described in section 4.

(c) "County planning commission" or "planning commission" means a planning commission as provided for under section 1.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

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Governor.