

# HOUSE BILL No. 4571

April 17, 2001, Introduced by Reps. Birkholz, Vander Veen, Minore, Lockwood, DeWeese, LaSata, Mans, Scranton, Zelenko, Dennis, Kolb, Hansen, Jamnick, Rison, Woodward, Neumann, Stallworth, Richner, DeVuyst and Thomas and referred to the Committee on Local Government and Urban Policy.

A bill to provide for coordinated land use and capital facility planning among cities, villages, townships, counties, regions, and state and federal agencies; to provide for the creation, organization, powers, and duties of planning commissions; to provide for the preparation of capital improvement programs; to provide conditions for funding or construction of capital improvements; to authorize the review of land divisions, plats, and condominium projects; to establish a grant program to assist with the financing of plans; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## CHAPTER 1

## SHORT TITLE AND DEFINITIONS

Sec. 1. This act shall be known and may be cited as the "coordinated planning act".

Sec. 3. As used in this act:

(a) "Capital facility" means land, an interest in land, or a structure if acquired or constructed with public funds or constructed or operated with public funds by a private entity under contract to a state or regional governmental entity or political subdivision and used to provide a public service. Capital facility may include, but is not limited to, all of the following, as determined by the governing body of the appropriate local unit:

(i) Schools, police stations and other law enforcement offices, correctional facilities, fire stations, hospitals, libraries, government administration buildings, and buildings housing ambulance or rescue services or other government services.

(ii) Infrastructure for communication systems; mass transit systems; electric utilities; public health and sanitation; water supply wells, storage, or treatment; sewage or storm water collection, treatment, and disposal; solid waste collection, disposal, or recycling; flood control; or shoreline protection.

(iii) Parks, open space, and recreational facilities; roads, streets, highways, and alleys; airports; railways; harbor facilities; sidewalks; bicycle paths; road or path lighting systems; traffic signals; or bridges.

1 (b) "Capital improvement program" or "CIP" means a document  
2 that meets all of the following requirements:

3 (i) Contains a schedule for the purchase, sale, construc-  
4 tion, improvement, or replacement of capital facilities.

5 (ii) Includes all of the following with respect to capital  
6 facilities that are to be acquired, sold, constructed, or  
7 improved within the current year and the next 5 or more years:

8 (A) A description of the capital facilities.

9 (B) A map of the location of the capital facilities.

10 (C) A schedule for the acquisition, sale, construction, or  
11 improvement of each capital facility.

12 (D) The anticipated useful life of each capital facility.

13 (E) The cost and means of financing the acquisition, con-  
14 struction, or improvement of each capital facility.

15 (F) Projected impacts of the capital facilities on future  
16 operating budgets.

17 (G) The projected costs and means of financing maintenance  
18 of each capital facility over the useful life of the capital  
19 facility.

20 (iii) Contains a schedule for the purchase, sale, or  
21 replacement of major equipment necessary to provide capital  
22 facilities the level of service determined by the governing body  
23 of the appropriate local unit.

24 (c) "Chief administrative officer" means 1 of the following,  
25 as applicable:

26 (i) In a city, the city manager, or, if there is no city  
27 manager, the mayor.

1       (ii) In a village, the village manager, or, if there is no  
2 village manager, the village president.

3       (iii) In a township, the township manager. If there is no  
4 township manager, "chief administrative officer" means the town-  
5 ship superintendent, or, if there is no township superintendent,  
6 the township supervisor.

7       (iv) In a county organized under 1966 PA 293, MCL 45.501 to  
8 45.521, the county executive or chief administrative officer.

9       (v) In a county organized under 1973 PA 139, MCL 45.551 to  
10 45.573, the county manager or county executive.

11       (vi) In any other county, the chairperson of the county  
12 board of commissioners.

13       (d) "Comprehensive plan" means a plan as described under  
14 section 49.

15       (e) "County plan" means a plan for the development of a  
16 county as specified under section 43.

17       (f) "County planning commission" means a planning commission  
18 established under section 11(3).

19       (g) "Department", unless the context indicates a different  
20 meaning, means the department of management and budget.

21       (h) "Future land use plan" means a plan described under  
22 section 47.

23       (i) "General plan" means a plan as described in section 45.

24       (j) "Governing body" means the following:

25       (i) With respect to a city or village, the legislative body  
26 of the city or village.

1       (ii) With respect to a township, the township board.

2       (iii) With respect to a county, the county board of  
3 commissioners.

4       (iv) With respect to a public school district, the board of  
5 education.

6       (v) With respect to a public school academy, the board of  
7 directors.

8       (vi) With respect to a local authority established by or  
9 pursuant to state law, the board of that authority.

10      (k) "Growth management plan" or "redevelopment plan" means a  
11 plan as described in section 51.

12      (l) "Guideline" means that term as defined in section 3 of  
13 the administrative procedures act of 1969, 1969 PA 306,  
14 MCL 24.203.

15      Sec. 5. As used in this act:

16      (a) "Issue of greater than local concern" means a land use  
17 or capital facility whose size, scale, or projected use may  
18 create a significant, measurable impact on the infrastructure,  
19 environment, or economy beyond the borders of a single jurisdic-  
20 tion and which may include, but need not be limited to, a solid  
21 waste landfill, hazardous waste disposal facility, airport, sta-  
22 dium, freeway, freeway interchange, power plant, regional shop-  
23 ping center, community college, large manufacturing facility,  
24 prison, or new harbor facility.

25      (b) "Joint municipal plan" means a plan for the development  
26 of all or part of the combined territory of 2 or more  
27 municipalities as specified under section 43.

1 (c) "Joint municipal planning commission" means a planning  
2 commission established under section 11(2).

3 (d) "Local unit" means a municipality or county.

4 (e) "Municipal" or "municipality" means or refers to a city,  
5 village, or township.

6 (f) "Municipal plan" means a plan for the development of a  
7 municipality as specified under section 43.

8 (g) "Municipal planning commission" means a planning commis-  
9 sion established under section 11(1) or exercising the powers and  
10 duties of such a planning commission pursuant to section 11(1).

11 Sec. 7. As used in this act:

12 (a) "Participating" means either of the following:

13 (i) With reference to a municipality, that the municipality  
14 has taken part in the establishment of a joint municipal planning  
15 commission or joined an existing joint municipal planning commis-  
16 sion and that has not withdrawn from the joint municipal planning  
17 commission.

18 (ii) With reference to a local unit, public school district,  
19 public school academy, special authority, or other political sub-  
20 division, that the political subdivision has taken part in the  
21 establishment of a regional planning commission or joined an  
22 existing regional planning commission, as applicable, and that  
23 has not withdrawn from the regional planning commission.

24 (b) "Plan", unless the context indicates a different mean-  
25 ing, means a county plan, municipal plan, joint municipal plan,  
26 or regional plan.

1 (c) "Planning commission", unless the context indicates a  
2 different meaning, means a county planning commission, municipal  
3 planning commission, joint municipal planning commission, or  
4 regional planning commission.

5 (d) "Planning director" means either of the following:

6 (i) A community planner as defined in section 2301(b) of the  
7 occupational code, 1980 PA 299, MCL 339.2301, who is in charge of  
8 the office responsible for community planning in a local unit or  
9 region, and whose office may provide staff support to the plan-  
10 ning commission in that local unit or region.

11 (ii) The planner in charge of an office responsible for com-  
12 munity planning, economic development or housing assistance, or  
13 air, land, water, transportation, or other capital facility plan-  
14 ning in a state agency, whose programs, plans, or decisions may  
15 affect the plans or capital improvement, land use, or zoning  
16 decisions of a local unit or regional planning commission.

17 (e) "Plat" means that term as defined in section 102 of the  
18 land division act, 1967 PA 288, MCL 560.102.

19 (f) "Political subdivision" means a local unit, a school  
20 district, or an authority established by 2 or more local units by  
21 or pursuant to state law.

22 (g) "Proposing", when used to describe a planning commis-  
23 sion, means a planning commission that intends to prepare or has  
24 prepared a proposed plan. Proposing, when used to describe a  
25 governing body or governing bodies, means a governing body or  
26 governing bodies acting jointly by agreement that have prepared a

1 proposed CIP and submitted it for review and comment under  
2 section 71.

3 (h) "Region" means the jurisdictional area of a regional  
4 planning commission.

5 (i) "Regional plan" means a plan for the development of the  
6 area under the jurisdiction of a regional planning commission as  
7 specified under section 43.

8 (j) "Regional planning commission", unless the context indi-  
9 cates a different meaning, means any of the following:

10 (i) A regional planning commission established under  
11 section 11(4).

12 (ii) A regional planning commission or regional council of  
13 governments exercising the powers provided for in section 29 and  
14 following, pursuant to section 11(5).

15 (iii) A metropolitan area council established under  
16 section 5 of the metropolitan councils act, 1989 PA 292,  
17 MCL 124.655, or a regional council of governments, exercising the  
18 powers provided for by this act, pursuant to section 11(6).

19 (k) "Reviewing" when used to describe a planning commission,  
20 state or federal agency, or entity means a planning commission,  
21 state or federal agency, or entity to which a municipal plan,  
22 joint municipal plan, county plan, or regional plan is required  
23 to be submitted for review under section 55(2) or a CIP is  
24 required to be submitted for review under section 71, as  
25 applicable.

26 (l) "Zoning plan" means a part of a future land use plan  
27 described in section 47(2)(f).



## CHAPTER 2

## PLANNING COMMISSIONS

1           Sec. 11. (1) By ordinance, the governing body of a munici-  
2           pality may establish a municipal planning commission or, if the  
3           municipality has a population of less than 2,500, may provide  
4           that the governing body shall serve as the municipal planning  
5           commission. A planning commission established before the effec-  
6           tive date of this act by municipal charter may continue to oper-  
7           ate on and after the effective date of this act subject to the  
8           charter provisions without being reconstituted under this act.

9           However, a municipality may by ordinance or charter amendment  
10          alter the powers and duties of a planning commission established  
11          by charter to include the powers and duties of a municipal plan-  
12          ning commission under this act. Furthermore, any municipal  
13          charter amendment related to a planning commission and adopted  
14          after the effective date of this act shall conform to this act.

15          (2) The governing bodies of 2 or more contiguous municipali-  
16          ties may by resolution adopt an agreement establishing a joint  
17          municipal planning commission. The jurisdictional area of the  
18          joint municipal planning commission shall consist of the combined  
19          territory of the participating municipalities. The agreement  
20          shall include a procedure by which a participating municipality  
21          may withdraw from the joint municipal planning commission and a  
22          procedure by which a municipality may join the joint municipal  
23          planning commission.

24          (3) The county board of commissioners of a county may by  
25          ordinance establish a county planning commission.

1       (4) The governing bodies of 3 or more contiguous counties,  
2 and of any number of other political subdivisions within those  
3 counties, may by resolution adopt an agreement establishing a  
4 regional planning commission. The agreement shall describe the  
5 area over which a regional planning commission has responsibility  
6 to prepare a coordinated plan. The agreement shall include a  
7 procedure by which a participating political subdivision may  
8 withdraw from the regional planning commission and a procedure by  
9 which a political subdivision may join a regional planning  
10 commission.

11       (5) Notwithstanding subsection (4), a regional planning com-  
12 mission created under 1945 PA 281, MCL 125.11 to 125.25, a  
13 regional council of governments to which the activities, func-  
14 tions, and programs of such a regional planning commission were  
15 transferred under section 14 of 1945 PA 281, MCL 125.24, or a  
16 regional economic development commission created under 1966  
17 PA 46, MCL 125.1231 to 125.1237, may exercise the powers provided  
18 for a regional planning commission in section 29 and following,  
19 but only if the regional planning commission created under 1945  
20 PA 281, MCL 125.11 to 125.25, regional council of governments, or  
21 regional economic development commission was in existence on the  
22 effective date of this act, has boundaries as defined in  
23 Executive Directive 1992-2, and complies with the requirements of  
24 section 29 and following.

25       (6) A regional planning commission created under 1945  
26 PA 281, MCL 125.11 to 125.25, and either a regional council of  
27 governments or a metropolitan area council established under

1 section 5 of the metropolitan councils act, 1989 PA 292,  
2 MCL 124.655, may by resolution adopt an agreement to transfer  
3 that regional planning commission's powers, functions, staff,  
4 assets, and liabilities under this act to the regional council of  
5 governments or metropolitan area council if the territory served  
6 is coterminous with county boundaries and is not less than before  
7 the transfer. To be effective, the agreement shall also be  
8 approved by a resolution of the governing bodies of a majority of  
9 the political subdivisions participating in that regional plan-  
10 ning commission. If the agreement takes effect, the regional  
11 council of governments or metropolitan area council may receive  
12 and disburse grants-in-aid and other revenues that would other-  
13 wise be available to that regional planning commission. This  
14 subsection is subject to subsection (5).

15 (7) Upon establishment of a municipal planning commission or  
16 joint municipal planning commission under this act, a planning  
17 commission for that municipality or for 1 of those municipalities  
18 established under 1931 PA 285, MCL 125.31 to 125.45, or 1959  
19 PA 168, MCL 125.321 to 125.333, is abolished. Upon establishment  
20 of a county planning commission under this act, a planning com-  
21 mission for that county established under 1945 PA 282,  
22 MCL 125.101 to 125.107, is abolished.

23 Sec. 13. (1) Except in a municipality where the governing  
24 body is serving as a municipal planning commission pursuant to  
25 section 11(1) and consists of less than 5 members, a municipal  
26 planning commission or county planning commission shall consist  
27 of 5 or more regular, voting members. A joint municipal planning

1 commission shall consist of 5 or more regular, voting members as  
2 determined by the agreement establishing the planning  
3 commission. A regional planning commission established under  
4 section 11(4) shall consist of 9 or more regular, voting members  
5 or such membership as determined by the agreement establishing  
6 that regional planning commission. Each municipality participat-  
7 ing in a joint municipal planning commission or each county par-  
8 ticipating in a regional planning commission established under  
9 section 11(4) shall be represented on the regional planning com-  
10 mission by 1 or more members as determined by the agreement.

11 (2) Except in a municipality where the governing body is  
12 serving as a municipal planning commission pursuant to  
13 section 11(1), a municipal planning commission or county planning  
14 commission may include not more than 2 alternate members. A  
15 joint municipal planning commission may include a number of  
16 alternate members not to exceed 1/3 of the total number of regu-  
17 lar members as determined by the agreement establishing the plan-  
18 ning commission. A regional planning commission established  
19 under section 11(4) may include a number of alternate members,  
20 not to exceed the total number of regular members, as determined  
21 by the agreement establishing the planning commission. An alter-  
22 nate member may be called on a rotating basis, under circum-  
23 stances specified by the ordinance or agreement establishing the  
24 planning commission, to serve in the absence of a regular member  
25 if a regular member has been absent for 2 or more consecutive  
26 meetings or is expected to be absent for 2 or more consecutive  
27 meetings. An alternate member may also be called to serve as a

1 regular member if a regular member has abstained on a matter  
2 because of conflict of interest. The alternate member appointed  
3 shall serve until the return of a regular member. However, if  
4 requested by the chairperson of the planning commission, the  
5 alternate member shall continue to serve on a pending individual  
6 case after the return of the regular member until a decision is  
7 made, and the regular member shall not participate in that case.

8 (3) A member of a planning commission shall be appointed by  
9 the following officer or body of the political subdivision repre-  
10 sented by that member:

11 (a) The mayor of a city, the president of a village, or the  
12 supervisor of a township with the concurrence of a majority of  
13 the members of the governing body of the municipality.

14 (b) The county executive or chief administrative officer of  
15 a county organized under 1966 PA 293, MCL 45.501 to 45.521, or  
16 the county manager or county executive of a county organized  
17 under 1973 PA 139, MCL 45.551 to 45.573, with the concurrence of  
18 a majority of the members of the county board of commissioners.

19 (c) The county board of commissioners of a county other than  
20 a county described in subdivision (b), acting by the affirmative  
21 vote of a majority of its members.

22 (d) The superintendent of a public school district or the  
23 chief administrator of a public school academy with the concur-  
24 rence of a majority of the members of the board of the public  
25 school district or public school academy.

1 (e) The board or other governing body of a political  
2 subdivision, acting by the affirmative vote of a majority of its  
3 members.

4 (4) A member of a planning commission shall be a qualified  
5 elector and shall reside within the jurisdictional area of the  
6 planning commission. An officer or body appointing members of a  
7 planning commission under subsection (3) shall strive to provide  
8 representation of the members' jurisdictional area that is bal-  
9 anced geographically as well as by race, sex, and age, and major  
10 interests.

11 (5) A member of a zoning board or zoning board of appeals of  
12 a local unit shall not be a member of a planning commission  
13 established by that local unit or of a joint municipal planning  
14 commission in which that local unit is participating.

15 (6) The chief administrative officer of a local unit, a  
16 building inspector, zoning administrator, or employee of a local  
17 unit, or a community planner employed by or under contract to a  
18 local unit shall not be a member of a planning commission estab-  
19 lished by that local unit or of a joint municipal planning com-  
20 mission in which that local unit is participating.

21 (7) Subject to subsection (8), not more than 1 member of a  
22 governing body of a municipality or county shall be a member of a  
23 municipal planning commission or county planning commission  
24 established by that municipality or county. The mayor of a city,  
25 the president of a village, or the supervisor of a township shall  
26 not be a member of a municipal planning commission established by  
27 that city, village, or township. The chairperson of the county

1 board of commissioners of the county shall not be a member of a  
2 county planning commission established by that county.

3       (8) Subsection (7) does not apply to a municipality with a  
4 population of less than 2,500 in which the governing body serves  
5 as the municipal planning commission or to a planning commission  
6 established before the effective date of this act by municipal  
7 charter if the municipal charter provides otherwise.

8       (9) Notwithstanding a requirement as to the size of the  
9 planning commission or any other requirement under this section,  
10 the governing body of a local unit may provide by resolution that  
11 an individual serving immediately before the effective date of  
12 this act as a member of a planning commission established by that  
13 local unit or as a representative of that local unit on a  
14 regional planning commission may continue to serve, for the dura-  
15 tion of his or her term, as a member of a successor planning com-  
16 mission established by that local unit under this act or as a  
17 representative of that local unit on a successor regional plan-  
18 ning commission established under section 11(4), respectively.

19       Sec. 15. Subject to sections 11(1) and 13(9), the term of a  
20 member of a municipal planning commission, a joint municipal  
21 planning commission, or a county planning commission is 3 years.  
22 However, the officer or body appointing members of a planning  
23 commission under section 13 shall make initial appointments of  
24 shorter terms as necessary so that as nearly as possible the  
25 terms of 1/3 of the members expire each year. The term of a  
26 member of a regional planning commission established under

1 section 11(4) shall be as established in the agreement creating  
2 that regional planning commission.

3       Sec. 17. (1) A vacancy in the office of a member of a plan-  
4 ning commission shall be filled for the remainder of the term in  
5 the same manner as the original appointment was made.

6       (2) A member of a planning commission may be removed from  
7 office by the officer or body authorized to appoint members of  
8 the planning commission under section 13, with the concurrence of  
9 the body authorized to concur in the appointment of the member,  
10 if any. The member may be removed only after a hearing under the  
11 open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A member  
12 of a planning commission may be removed from office for malfea-  
13 sance, misfeasance, or nonfeasance in office as defined by ordi-  
14 nance or charter provision or in the agreement establishing the  
15 planning commission. Nonfeasance may be defined to include, but  
16 need not be limited to, either of the following:

17       (a) The failure of a member, without good cause, to attend 1  
18 or more orientation, training, or other educational conferences  
19 or programs related to community planning, capital improvement  
20 programming, land use regulation, or other relevant topics as  
21 required by the ordinance or agreement establishing the planning  
22 commission.

23       (b) Poor attendance as defined by ordinance or charter pro-  
24 vision, in the agreement establishing the planning commission, or  
25 in the rules of procedure of the planning commission.

26       Sec. 19. (1) A member of a municipal planning commission or  
27 county planning commission or of an advisory or other committee



1 thereof may receive compensation and reimbursement for actual,  
2 reasonable expenses pursuant to standards and procedures adopted  
3 by ordinance or resolution of the governing body of the local  
4 unit. A member of a joint municipal planning commission, of a  
5 regional planning commission established under section 11(4), or  
6 of an advisory or other committee of either such planning commis-  
7 sion may receive compensation and reimbursement for actual, rea-  
8 sonable expenses pursuant to standards and procedures in an  
9 agreement adopted by the governing bodies of the participating  
10 municipalities by resolution. The standards and procedures may  
11 authorize compensation and expenses for attending orientation,  
12 training, or other educational conferences or programs related to  
13 community planning, capital improvement programming, land use  
14 regulation, or other topics related to community planning or com-  
15 munity development.

16 (2) Compensation under subsection (1) may consist of a per  
17 diem. An individual shall not receive a per diem for attending  
18 more than 1 meeting of the planning commission or more than 1  
19 meeting of the same committee of the planning commission per  
20 day.

21 Sec. 21. (1) The governing body of a local unit in which  
22 there is a municipal planning commission or a county planning  
23 commission shall include in the general budget an annual operat-  
24 ing budget for the planning commission and shall appropriate the  
25 budgeted amount to the planning commission. The governing body  
26 of each local unit participating in a joint municipal planning  
27 commission shall adopt resolutions agreeing upon an annual

1 operating budget for the planning commission and upon the share  
2 of the operating budget to be contributed by each local unit.  
3 The governing body of each local unit participating in a joint  
4 municipal planning commission or a regional planning commission  
5 established under section 11(4) shall include in the general  
6 budget of that local unit the local unit's share of the annual  
7 operating budget for that planning commission and shall appropri-  
8 ate the budgeted amount to that planning commission.

9       (2) The budget of a planning commission, or a local unit's  
10 share of that budget, may appear in the general budget as a  
11 single line item or multiple line items. The budget may include  
12 1 or more of the following:

13       (a) Compensation and reimbursement for reasonable expenses  
14 of planning commission members.

15       (b) Educational literature.

16       (c) Orientation, training, and educational conferences or  
17 programs for the planning commission and staff.

18       (d) Staff salaries and benefits.

19       (e) Equipment, supplies, and office space.

20       (f) Consultant and other professional services.

21       (g) Preparation, adoption, duplication, and dissemination of  
22 plans and ordinances.

23       (h) Studies and information acquisition.

24       (i) Organizational memberships and dues.

25       (j) Other items related to the activities of the planning  
26 commission.

1       (3) The expenditures of a planning commission shall not  
2 exceed the amounts appropriated without prior approval according  
3 to established procedures.

4       (4) A planning commission of a local unit with approval of  
5 the governing body, a joint municipal planning commission with  
6 approval of the governing bodies of the participating municipali-  
7 ties, or a regional planning commission established under  
8 section 11(4) may accept and enter into agreements concerning  
9 receiving, lending, transferring, or conveying grants or gifts of  
10 funds, personnel, or other assistance from any source that pro-  
11 motes broad public interests consistent with the purposes of this  
12 act, to be used in carrying out the planning commission's  
13 functions. Money so accepted shall be deposited with the trea-  
14 surer of a local unit or the treasurer of the regional planning  
15 commission in a special nonreverting planning commission fund for  
16 expenditure by the planning commission for the purpose, if any,  
17 designated by the grantor or donor. The treasurer shall draw  
18 warrants against the special nonreverting fund only upon vouchers  
19 signed by the chairperson of the planning commission or chief  
20 administrative officer of the regional planning commission estab-  
21 lished under section 11(4), unless another procedure with ade-  
22 quate accounting safeguards is adopted by the governing body of  
23 the local unit, for a municipal planning commission; by the gov-  
24 erning bodies of the participating municipalities, for a joint  
25 municipal planning commission; or by the regional planning  
26 commission.

1       (5) A municipal planning commission or county planning  
2 commission shall submit a written annual report to the governing  
3 body of the municipality or county. A joint municipal planning  
4 commission or regional planning commission shall submit an annual  
5 report to the governing bodies of the participating political  
6 subdivisions. The annual report created under this subsection  
7 shall cover the planning commission's operations and the status  
8 of its planning activities, including its expenditures and recom-  
9 mendations related to planning and development. The planning  
10 commission shall prepare an annual work program for activities  
11 and funding requests from all sources during the succeeding year  
12 and submit it to the appropriate governing body or governing  
13 bodies in time to be considered as part of the general budget  
14 under subsection (1).

15       Sec. 23. (1) A political subdivision may hire a planning  
16 director. The municipalities participating in a joint municipal  
17 planning commission, acting jointly, or the political subdivi-  
18 sions participating in a regional planning commission, acting  
19 jointly, may hire a planning director.

20       (2) The authority to hire a planning director may be dele-  
21 gated to the chief administrative officer of a local unit by the  
22 governing body.

23       (3) The planning commission of a local unit may hire a plan-  
24 ning director, if so authorized by the governing body and if  
25 funds have been appropriated for that purpose.

26       (4) A planning commission, planning director, chief  
27 administrative officer, or governing body may contract with

1 consultants for planning related services pursuant to any  
2 procedures governing such contracts in the local unit or regional  
3 planning commission.

4 (5) Except as otherwise provided in this act, this section  
5 does not affect contracts entered into or charter provisions  
6 adopted before the effective date of this act.

7 Sec. 25. (1) A planning commission shall elect from its  
8 members a chairperson, a vice-chairperson, a secretary, and such  
9 other officers as it considers advisable. The term of each offi-  
10 cer shall be 1 year.

11 (2) A planning commission shall adopt rules of procedure,  
12 which shall include, but need not be limited to, all of the  
13 following:

14 (a) The election of officers, including whether or not offi-  
15 cers may succeed themselves.

16 (b) The circumstances and procedures under which alternate  
17 members may sit.

18 (c) Ethical conduct.

19 (d) The adoption or amendment of plans.

20 (e) The review and approval or rejection of proposed public  
21 facilities.

22 (f) The conduct of public hearings and other public  
23 meetings.

24 (g) The preparation of findings of fact.

25 (h) Votes on motions.

26 (i) The circumstances, if any, under which a matter may  
27 receive reconsideration.

1 (j) The tabling of business.

2 (3) In the conduct of its business, a planning commission  
3 shall establish procedures that encourage and provide opportunity  
4 for input by any individual, without regard to geographic area of  
5 residence. The planning commission shall keep a public record of  
6 its resolutions, transactions, findings, and determinations.

7 (4) A planning commission shall hold not less than 4 regular  
8 meetings each year. A special meeting shall be called by the  
9 chairperson upon written request to the secretary by at least 2  
10 members or such greater number of members as may be required by  
11 the planning commission's rules of procedure. The business that  
12 the planning commission performs shall be conducted at a public  
13 meeting of the planning commission held in compliance with the  
14 open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public  
15 notice of the time, date, and place of a regular or special meet-  
16 ing shall be given in the manner required by the open meetings  
17 act, 1976 PA 267, MCL 15.261 to 15.275, and the secretary shall  
18 send written notice of a special meeting to commission members  
19 not less than 18 hours in advance of the meeting.

20 (5) A writing prepared, owned, used, in the possession of,  
21 or retained by the planning commission in the performance of an  
22 official function shall be made available to the public in com-  
23 pliance with the freedom of information act, 1976 PA 442,  
24 MCL 15.231 to 15.246.

25 (6) Members of a planning commission are subject to any  
26 applicable law or ordinance concerning incompatible offices or  
27 conflicts of interest including, but not limited to, 1978 PA 566,

1 MCL 15.181 to 15.185, and 1968 PA 317, MCL 15.321 to 15.330. An  
2 ordinance or agreement establishing a planning commission shall  
3 describe the circumstances under which a conflict of interest  
4 exists and set forth the procedure for abstention, if abstention  
5 is required. The rules of procedure of the planning commission  
6 shall incorporate these circumstances and may add procedures and  
7 circumstances not in conflict with those in the ordinance or  
8 agreement establishing the planning commission.

9       Sec. 27. A planning commission may appoint committees of  
10 its members and advisory committees on which qualified individu-  
11 als who are not members of the planning commission may serve.  
12 The procedures for committee appointments shall be established in  
13 the rules of procedure of the planning commission.

14       Sec. 29. (1) When preparing or revising a plan, a planning  
15 commission shall encourage broad-based input from citizens,  
16 interest groups, and public officials from across the jurisdic-  
17 tional area of the planning commission, such as that obtained  
18 from opinion surveys, local visioning or futuring, town meetings,  
19 focus groups, advisory committees, and related participation  
20 techniques.

21       (2) A planning commission shall act as coordinating agency  
22 for information and program activities related to its  
23 objectives. A planning commission shall coordinate its plan with  
24 related plans of the departments or subdivisions of the local  
25 unit or participating local units and the relevant plans of the  
26 county, region, state, and federal government subject to any  
27 requirements of this act.

1       (3) Each county planning commission shall maintain planning  
2 data and maps with a wide range of information pertinent to plan-  
3 ning in the county or region in formats that are easily accessi-  
4 ble to the public. A county planning commission and regional  
5 planning commission whose jurisdiction includes that county may  
6 agree that the regional planning commission shall assume the  
7 county's responsibilities under this subsection.

8       (4) Public officials at every level of government shall,  
9 upon request by the planning commission or its staff or represen-  
10 tative, furnish such information as a planning commission may  
11 require for accomplishment of its responsibilities and may fur-  
12 nish technical assistance.

13       (5) A planning commission may conduct workshops, meetings,  
14 and seminars relative to its functions. A planning commission  
15 shall promote public understanding of and interest in the plan.  
16 A planning commission shall prepare and periodically distribute  
17 copies of adopted plans and educational materials about proposed  
18 and adopted plans to citizens of the jurisdictional area of the  
19 planning commission.

20       Sec. 31. (1) A planning commission has those powers neces-  
21 sary to prepare plans, coordinate planning with adjoining units  
22 of government and other governmental agencies, promote and, to  
23 the extent provided for by this act, maintain consistency between  
24 adopted plans and land development regulations and capital  
25 improvement programs adopted to implement those plans, and other-  
26 wise carry out the purposes of this act or a plan adopted under  
27 this act.



1       (2) A county planning commission, municipal planning  
2 commission, or joint municipal planning commission may implement  
3 a task or program delegated to the planning commission. The task  
4 or program shall be delegated to the planning commission by  
5 agreement or by ordinance. However, a specific project may be  
6 delegated by resolution of the governing body, or, for a joint  
7 municipal planning commission, resolution of the governing body  
8 of each participating municipality. The power to sell land, to  
9 acquire land by gift, purchase, or condemnation, or to acquire  
10 any other property by condemnation shall not be delegated to the  
11 planning commission. However, a planning commission may arrange  
12 for the sale or acquisition of land subject to the approval of  
13 the governing body or governing bodies. The task or program del-  
14 egated may include, but need not be limited to, 1 or more of the  
15 following:

16       (a) Arranging for the acquisition, by gift or purchase, of  
17 the necessary land for rights-of-way and easements for streets  
18 and highways, trails, greenways, telecommunications, flood con-  
19 trol, drainage, utilities, hazard mitigation, environmental con-  
20 tamination mitigation, public housing projects, job development  
21 projects, redevelopment projects, parks and recreation projects,  
22 civic centers, nature preserves, public buildings, historic pre-  
23 servation, preservation of farmland, forestland, or other open  
24 space, or other public facilities or purposes as defined in the  
25 plan.

26       (b) Arranging for the acquisition by gift or purchase of the  
27 necessary land for the site of a project as defined in the plan.

1 (c) Arranging for acquisition by gift or purchase,  
2 construction, reconstruction, repair, renovation, restoration,  
3 operation, and maintenance of buildings and structures for a  
4 project as defined in the plan.

5 (d) Dedicating projects, land, buildings, and structures  
6 acquired by gift or purchase to governmental units and public  
7 agencies for their use, maintenance, and operation.

8 (e) Entering into agreements with private or public entities  
9 for the execution of the powers as provided in this subsection.

10 (f) Carrying out zoning, condominium, and subdivision review  
11 responsibilities as provided in chapter 5.

## 12 CHAPTER 3

### 13 LOCAL UNIT AND REGIONAL PLANS

14 Sec. 41. (1) Subject to the requirements of this chapter, a  
15 planning commission shall prepare a plan for the development of  
16 the jurisdictional area of the planning commission.

17 (2) The purpose of a plan is to promote public health,  
18 safety, and general welfare through the creation of economically  
19 and environmentally sustainable communities whose plans are com-  
20 patible with and consistent with other plans of other local units  
21 and state agencies, as specified in this act, and with plans  
22 listed in section 53(1). The purpose of a plan also includes all  
23 of the following:

24 (a) The embodiment of a common future vision of new develop-  
25 ment and redevelopment for at least the next 20 years after adop-  
26 tion of the plan and the identification of feasible steps to  
27 achieve that vision.

1 (b) The coordinated and harmonious long-range physical,  
2 social, environmental, and economic development or redevelopment  
3 of the community in a fiscally sound and feasible manner.

4 (c) The availability of adequate light, clean air, and clean  
5 water.

6 (d) The promotion of safety from fire, floods, erosion,  
7 storm surge, and other dangers, as applicable.

8 (e) The use of natural and physical resources in accordance  
9 with their character and adaptability.

10 (f) The appropriate use of any agricultural lands, forests,  
11 wetlands, shorelines, sand dunes, and other open spaces consider-  
12 ing their economic and environmental values.

13 (g) Avoiding the overcrowding of land and the underutiliza-  
14 tion of land by buildings or people.

15 (h) Promoting population densities and distribution patterns  
16 that are attractive, healthy, safe, and convenient to workplaces  
17 and services and that can be efficiently served by sewer, water,  
18 public safety, garbage collection, transportation, and other  
19 services, as applicable.

20 (i) Retention of existing employers and attraction of new  
21 ones so that the area will have suitable employment opportunities  
22 with adequate wages sufficient to support the needs of people  
23 living in the community.

24 (j) The provision of adequate land in a planned pattern for  
25 all the land uses necessary to meet the identified needs, in par-  
26 ticular, the need for affordable housing near places of  
27 employment.

1       (k) The provision of a system of interconnected roads,  
2 highways, and streets and of bicycle, pedestrian, transit, and  
3 other transportation modes as appropriate in the community.

4       (l) The prevention and mitigation of congestion on public  
5 roads and streets and the management of access to prevent acci-  
6 dents and preserve vehicular capacity.

7       (m) The provision of a cost-effective environmentally sound,  
8 safe, and efficient system of capital facilities.

9       (n) The consideration of the character of each community and  
10 its suitability for particular uses judged in terms of such fac-  
11 tors as the trend in land and population development in the area  
12 and the physical features of existing buildings and landscapes in  
13 a community.

14       (o) The promotion of quality building designs and improved  
15 or preserved community appearance.

16       (p) The promotion of good civic design and arrangement of  
17 public buildings and public spaces.

18       (q) Providing the basis for specific programs to improve  
19 community quality of life in accordance with adopted plans.

20       (r) Promoting land use patterns that prevent unreasonable  
21 inequities between communities, races, income groups, or  
22 generations.

23       (s) The establishment of a rational legal basis for zoning,  
24 subdivision, condominium, and related land development regula-  
25 tions as provided in subsections (3) to (5).

26       (3) A municipal plan or joint municipal plan shall serve as  
27 the principal general policy guide for future land use and

1 capital facilities within the municipality or municipalities that  
2 adopted the plan. In addition, all of the following shall be  
3 based on the municipal plan or joint municipal plan:

4 (a) Any municipal zoning, land division, subdivision, or  
5 condominium, redevelopment ordinances and rules.

6 (b) Any municipal capital improvement programs.

7 (c) Any other municipal programs recognized in the municipal  
8 plan or joint municipal plan as being related to the development  
9 or redevelopment of the jurisdictional area and required by law  
10 to be based on a plan.

11 (4) A county plan that has received a recommendation for  
12 approval from the governing bodies of at least 60% of the munici-  
13 palities within the county that have planning commissions, based  
14 on the recommendations of their respective planning commissions,  
15 shall serve as the principal general policy guide for future land  
16 use and county capital facilities as defined in the county plan.  
17 In addition, all of the following shall be based on the county  
18 plan:

19 (a) Any county zoning and land division ordinances and  
20 rules.

21 (b) Any county capital improvement programs.

22 (c) Any other county programs recognized in the county plan  
23 as being related to the physical growth or redevelopment of the  
24 county and required by law to be based on a plan.

25 (5) A regional plan shall serve as the principal general  
26 policy guide for future land use and capital facilities serving  
27 the region. Any program that the regional planning commission

1 has authority to implement and required by law to be based on a  
2 plan shall be based on the regional plan.

3       Sec. 43. (1) A regional plan or a county plan for a county  
4 that has not adopted a zoning ordinance shall be a general plan  
5 as described in section 45. A municipal plan, a joint municipal  
6 plan, or a county plan for a county that has adopted a zoning  
7 ordinance shall be a future land use plan as described in  
8 section 47, a comprehensive plan as described in section 49, or,  
9 as appropriate, a growth management plan or redevelopment plan as  
10 described in section 51.

11       (2) Additional provisions concerning the contents of plans  
12 are found in section 53.

13       (3) Procedures for the preparation, adoption, and amendment  
14 of plans and to ensure coordination of plans are found in  
15 sections 55 to 65.

16       Sec. 45. A regional plan or a county plan for a county that  
17 has not adopted a zoning ordinance shall be a general plan. A  
18 general plan shall be a policy-based plan with generalized future  
19 land use maps. A general plan shall include all of the  
20 following:

21       (a) A separate section on needs for affordable and assisted  
22 housing and a strategy to meet those needs, as well as a section  
23 on job retention and expansion and a strategy to meet those  
24 needs.

25       (b) A separate section on the relationship between jobs,  
26 housing, and transportation within the county or region.

1 (c) A separate section on multimodal transportation  
2 including streets and highways, public transit, airports,  
3 railroads, ports, and pedestrian and bicycle ways.

4 (d) A separate section on capital facilities owned or oper-  
5 ated, or both, or privately contracted for by the county or by a  
6 regional governmental entity, together with long-range fiscal  
7 plans for the provision of new capital facilities for the county  
8 or region. The long-range fiscal plans shall be the basis for  
9 the county or regional capital improvement program. The section  
10 on capital facilities in a county plan shall include any capital  
11 facilities or capital improvements included in a capital improve-  
12 ment plan or capital facilities plan prepared by a county road  
13 commission, drain commissioner, parks and recreation commission,  
14 or other county agency unless the county agency's plan is incon-  
15 sistent with the future land use plan of the county or regional  
16 governmental entity, in which case the county planning commission  
17 or regional planning commission shall so indicate to the county  
18 agency and request changes that would eliminate the  
19 inconsistency.

20 (e) If the general plan is for a county, an analysis of all  
21 the municipal plans and joint municipal plans of municipalities  
22 within the county to ensure coordination and consistency includ-  
23 ing, but not limited to, buildout, economic, fiscal, environmen-  
24 tal, and social impact analyses according to a common methodology  
25 established by the department of management and budget.

26 (f) Such other elements as determined by the planning  
27 commission.

1 (g) A program of implementation.

2 Sec. 47. (1) A municipal plan, a joint municipal plan, or a  
3 county plan for a county that has adopted a zoning ordinance may  
4 be a future land use plan.

5 (2) A future land use plan shall address land use at least  
6 20 years into the future and shall include all of the following  
7 elements:

8 (a) If the local unit is a county that has adopted a zoning  
9 ordinance, all of the elements of a general plan.

10 (b) The arrangement of future land uses, as well as the  
11 intensity and density of such uses and the degree to which they  
12 are or are not compatible with the future land use plans and  
13 zoning regulations of adjoining jurisdictions or the management  
14 plans of state or federal agencies with public lands within the  
15 jurisdictional area. Future land use shall be described in the  
16 text and depicted on a future land use map showing the general  
17 location and arrangement of future land uses. Individual parcel  
18 lines shall not be evident on a future land use map.

19 (c) A future transportation network, including, but not  
20 limited to, roads and streets, bridges, railroads, airports,  
21 bicycle paths, and pedestrian ways.

22 (d) Provision for a network of electronic communication  
23 facilities.

24 (e) Future capital facilities.

25 (f) A zoning plan for the control of the height, area, bulk,  
26 density, location, and use of buildings and premises, for current  
27 and future zoning districts and an explanation of their



1 relationship to the future land use plan. The zoning plan shall  
2 provide specific guidance for the zoning map and other short-term  
3 zoning decisions over a period of not more than the next  
4 5 years. The text shall describe how the community intends to  
5 move from present conditions illustrated on the current zoning  
6 map and described in the zoning plan to the proposed future rela-  
7 tionship of land uses illustrated on the future land use map.  
8 This subdivision applies only if the local unit has adopted  
9 zoning regulations, is in the process of adopting zoning regula-  
10 tions, or is subject to adopted zoning regulations of a county or  
11 joint municipal planning commission.

12 (g) A discussion of measures considered and included in the  
13 development of the future land use plan to avoid possible takings  
14 of private property without just compensation if land use regula-  
15 tions were to be subsequently adopted or amended consistent with  
16 the plan. In the development of this part of the plan, the plan-  
17 ning commission shall consider takings assessment guidelines  
18 issued by the attorney general under the property rights preser-  
19 vation act, 1996 PA 101, MCL 24.421 to 24.425.

20 (h) A program of implementation.

21 (3) Each of the elements of a future land use plan listed in  
22 subsection (2) shall incorporate goals, objectives, policies, and  
23 strategies to be employed in fulfilling the plan. Each element  
24 of a future land use plan shall utilize maps and, if helpful,  
25 plats, charts, and tables. Maps, plats, charts, and tables shall  
26 be accompanied by explanatory text.

1       Sec. 49. (1) A municipal plan, a joint municipal plan, or a  
2 county plan for a county that has adopted a zoning ordinance may  
3 be a comprehensive plan.

4       (2) A comprehensive plan shall include all of the  
5 following:

6       (a) All the elements of future land use plan.

7       (b) Recommendations for environmental protection and for the  
8 social, economic, or physical development or redevelopment of the  
9 jurisdictional area. The comprehensive plan shall identify the  
10 amount and source of the fiscal and other resources to be used to  
11 implement the recommendations in the comprehensive plan.

12       (c) An analysis of existing community differences in employ-  
13 ment, housing, and transportation and recommendations for public  
14 and private measures to rectify differences.

15       (d) A separate section on multimodal transportation facili-  
16 ties, together with long-range fiscal plans for the provision or  
17 replacement of transportation facilities. This section may be  
18 part of the future transportation network element of a future  
19 land use plan.

20       (e) Additional information on capital facilities necessary  
21 for the comprehensive plan to serve as the basis for the develop-  
22 ment and annual updating of a capital improvement program under  
23 chapter 4. The comprehensive plan shall include a map of the  
24 location of new capital facilities on which construction is pro-  
25 posed to begin, or which are proposed to be acquired, within a  
26 period at least as long as that covered by a capital improvement  
27 program prepared under chapter 4.

1 (f) An analysis, including maps and text, covering existing  
2 conditions of and strategies to address identified problems,  
3 needs, and opportunities with all of the following:

4 (i) Housing, including, but not limited to, specific needs  
5 for affordable and assisted housing.

6 (ii) Economic development, including, but not limited to,  
7 job retention and expansion.

8 (iii) Environmental protection, including, but not limited  
9 to, air and water quality.

10 (iv) Management of natural resources, including, but not  
11 limited to, each of the following, if it exists within the local  
12 unit:

13 (A) Agricultural lands.

14 (B) Forest lands.

15 (C) Mineral lands.

16 (D) Wetlands.

17 (E) Floodplains.

18 (F) Headwater areas.

19 (G) Sand dunes.

20 (H) Areas at high risk of erosion.

21 (I) Other sensitive areas.

22 (J) Endangered or threatened species habitat.

23 (K) Land use related to preserving biodiversity.

24 (v) Measures to develop, protect, enhance, or change commu-  
25 nity character.

26 (g) A program of implementation.

1       (3) A comprehensive plan also may include 1 or more of the  
2 following elements:

3       (a) Soil and water conservation.

4       (b) Open space protection.

5       (c) Intergovernmental coordination.

6       (d) Human services, including, but not limited to, child  
7 care services, senior citizen programming, and mental health  
8 services.

9       (e) Historic preservation.

10       (f) Coastal zone management.

11       (g) Solid waste management.

12       (h) Energy conservation.

13       (i) Watershed planning and management.

14       (j) Community corrections.

15       (k) Boundary issues.

16       (l) Redevelopment.

17       (m) An analysis of existing community differences in income,  
18 education, and crime and recommendations for public and private  
19 measures to rectify differences.

20       (n) Other elements.

21       (4) A comprehensive plan, except for the portion consisting  
22 of a future land use plan, may be adopted by successive parts  
23 that correspond to major geographical divisions of the jurisdic-  
24 tional area of the planning commission or with functional divi-  
25 sions of the subject matter of the comprehensive plan, such as  
26 housing or transportation.

1       Sec. 51. (1) A municipal plan, a joint municipal plan, or a  
2 county plan for a county that has adopted a zoning ordinance may  
3 be a growth management plan or redevelopment plan.

4       (2) A growth management plan or redevelopment plan shall  
5 include all of the following:

6       (a) All the elements of a comprehensive plan.

7       (b) A mechanism for phasing growth or redevelopment  
8 efforts.

9       (c) One or more of the following elements:

10       (i) Maximum density of land use based on available public  
11 services and facilities and specified level of service standards  
12 for those services and facilities.

13       (ii) Consistent with the city and village zoning act, 1921  
14 PA 207, MCL 125.581 to 125.600, the township zoning act, 1943  
15 PA 184, MCL 125.271 to 125.310, or the county zoning act, 1943  
16 PA 183, MCL 125.201 to 125.240, as applicable, a program for the  
17 purchase of development rights.

18       (iii) Maps showing the location of proposed future road  
19 right-of-way and of other capital facilities beyond 5 years in  
20 the future.

21       (iv) A strategy that links future jobs, housing, and trans-  
22 portation in mutually supportive ways.

23       (v) A strategy for land assembly and redevelopment.

24       (vi) Other elements as necessary to implement the growth  
25 management or redevelopment goals of the growth management plan  
26 or redevelopment plan.

(d) A program of implementation.

Sec. 53. (1) Subject to subsection (2), a municipal plan, joint municipal plan, or county plan shall include or incorporate by reference the relevant portions of any of the following adopted plans that apply to the territory covered by the plan:

(a) A development plan adopted by a tax increment finance authority under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(b) A development plan adopted by a downtown development authority under 1975 PA 197, MCL 125.1651 to 125.1681.

(c) A development plan adopted by a local development finance authority under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(d) A development plan adopted by an international tradeport development authority under the international tradeport development authority act, 1994 PA 325, MCL 125.2521 to 125.2546.

(e) A brownfield plan adopted by a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672.

(f) A plan adopted by a county or regional economic development commission under 1966 PA 46, MCL 125.1231 to 125.1237.

(g) A project plan adopted by an economic development corporation under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(h) A plan adopted by a housing commission under 1933 (Ex Sess) PA 18, MCL 125.691 to 125.709c.

1 (i) A development plan approved by a planning commission and  
2 supervising agency under the urban redevelopment corporations  
3 law, 1941 PA 250, MCL 125.901 to 125.922.

4 (j) A county or regional park or recreation plan adopted by  
5 a county parks and recreation commission or regional parks and  
6 recreation commission under 1965 PA 261, MCL 46.351 to 46.367.

7 (k) A plan adopted by an historic district commission under  
8 the local historic districts act, 1970 PA 169, MCL 399.201 to  
9 399.215.

10 (l) An airport approach plan adopted by the aeronautics com-  
11 mission under the airport zoning act, 1950 (Ex Sess) PA 23,  
12 MCL 259.431 to 259.465.

13 (m) Any plan for the construction or closure of school  
14 buildings adopted by a public school district or public school  
15 academy.

16 (n) A sewer system or sewage disposal plan adopted by a  
17 local unit or adopted by an authority under 1955 PA 233,  
18 MCL 124.281 to 124.294.

19 (o) A water supply system plan adopted by a local unit or  
20 adopted by an authority under 1952 PA 196, MCL 124.251 to  
21 124.262, or 1955 PA 233, MCL 124.281 to 124.294.

22 (p) A solid waste management plan adopted under part 115 of  
23 the natural resources and environmental protection act, 1994  
24 PA 451, MCL 324.11501 to 324.11550.

25 (q) A blighted area rehabilitation plan adopted under 1945  
26 PA 344, MCL 125.71 to 125.84.

1 (r) A neighborhood area improvement plan adopted under 1949  
2 PA 208, MCL 125.941 to 125.952.

3 (s) A plan for redevelopment of principal shopping areas,  
4 1961 PA 120, MCL 125.591 to 125.987.

5 (t) A comprehensive development plan under the enterprise  
6 zone act, 1985 PA 224, MCL 125.2101 to 125.2123.

7 (u) A strategic plan under the empowerment zone development  
8 corporation act, 1995 PA 75, MCL 125.2561 to 125.2591.

9 (v) Any capital facility or other metropolitan plan prepared  
10 by a metropolitan area council under the metropolitan councils  
11 act, 1989 PA 292, MCL 124.651 to 124.729.

12 (w) Any other plan related to land use, redevelopment, eco-  
13 nomic development, environmental protection, or transportation or  
14 other public facilities adopted in or applicable to the territory  
15 covered by the municipal plan, joint municipal plan, or county  
16 plan.

17 (2) A municipal plan or joint municipal plan need not incor-  
18 porate or include by reference a plan or a portion of a plan  
19 listed under subsection (1)(a) to (w) that is inconsistent with a  
20 regional plan or county plan or with 1 or more elements of the  
21 municipal plan or joint municipal plan that achieves a purpose  
22 listed in section 41. A county plan need not incorporate or  
23 include by reference a plan or a portion of a plan listed under  
24 subsection (1)(a) to (w) that is inconsistent with a regional  
25 plan.

26 (3) After a plan under this act has been adopted, an  
27 amendment to a plan listed in subsection (1)(a) to (w) shall not



1 be inconsistent with the purpose of a plan as set forth in  
2 section 41(2) and shall be submitted to the planning commission  
3 for comment a reasonable time before adoption.

4 (4) A municipal plan or joint municipal plan may include  
5 special purpose, sub-area, functional, neighborhood, corridor, or  
6 strategic plans as necessary to provide greater detail in achiev-  
7 ing the purposes of this act.

8 (5) A plan may incorporate by reference plans, or portions  
9 of plans, adopted by other agencies of political subdivisions,  
10 this state, or the federal government. A county may adopt the  
11 relevant portion of a regional plan as the county plan if that  
12 portion of the regional plan meets the requirements for a county  
13 plan. A municipality may adopt the relevant portion of a county  
14 plan as the municipal plan if that portion of the county plan  
15 meets the requirements for a comprehensive plan under  
16 section 49(2).

17 (6) A zoning map adopted as part of a zoning ordinance by  
18 the governing body of a local unit under the county zoning act,  
19 1943 PA 183, MCL 125.201 to 125.240; the township zoning act,  
20 1943 PA 184, MCL 125.271 to 125.310; or the city and village  
21 zoning act, 1921 PA 207, MCL 125.581 to 125.600, is not a future  
22 land use map, and neither a zoning map, nor the text of a zoning  
23 ordinance, constitutes a plan under this act. Likewise, a plan  
24 is not a zoning ordinance and a future land use map is not a  
25 zoning map under these zoning enabling acts.

26 (7) A plan shall be entitled and known as "general plan",  
27 "future land use plan", "comprehensive plan", "growth management

1 plan", or "redevelopment plan", as appropriate based on the  
2 content of the plan. A part of a plan adopted under  
3 subsection (4) shall have a title reflective of its contents and  
4 also indicate, as part of the title, that it supplements a spe-  
5 cific type plan under this section described by its title.

6       Sec. 55. (1) Before preparing a plan, a proposing planning  
7 commission shall send to all of the following entities a written  
8 notice explaining that the planning commission intends to prepare  
9 a plan and requesting the recipient's cooperation and comment:

10       (a) Each political subdivision whose territory is contiguous  
11 to or includes all or part of the jurisdictional area of the  
12 planning commission.

13       (b) Each federal, state, or local governmental entity pro-  
14 viding services to property within the jurisdictional area of the  
15 planning commission, including, but not limited to, the county  
16 road commission and county drain commissioner.

17       (c) Each railroad; public airport; oil or gas pipeline com-  
18 pany; electric, natural gas, steam, sewer, or water public utili-  
19 ty; or telephone, fiber optic, cable, or other communications  
20 company that has facilities or, to the knowledge of the planning  
21 commission, intends to install facilities, within the jurisdic-  
22 tional area of the planning commission.

23       (d) Each entity listed in section 53(1).

24       (e) If the proposing planning commission is a regional plan-  
25 ning commission, to each municipal planning commission or joint  
26 municipal planning commission whose jurisdictional area is

1 contiguous to or includes part of the jurisdictional area of the  
2 regional planning commission.

3 (2) A proposing planning commission shall also send a notice  
4 described in subsection (1) to each of the following reviewing  
5 entities:

6 (a) To each state or federal agency responsible for managing  
7 at least 10 contiguous acres of public lands within the jurisdic-  
8 tional area of the planning commission.

9 (b) If the proposing planning commission is a municipal  
10 planning commission or joint municipal planning commission, to  
11 each municipal planning commission, joint municipal planning com-  
12 mission, and county planning commission, or if there is not a  
13 county planning commission, to each regional planning commission,  
14 whose jurisdictional area is contiguous to or includes all or  
15 part of the jurisdictional area of the proposing planning  
16 commission.

17 (c) If the proposing planning commission is a county plan-  
18 ning commission, to each municipal planning commission, joint  
19 municipal planning commission, county planning commission, and  
20 regional planning commission whose jurisdictional area is conti-  
21 guous to or includes all or part of the jurisdictional area of  
22 the proposing planning commission.

23 (d) If the proposing planning commission is a regional plan-  
24 ning commission, to each county planning commission and regional  
25 planning commission whose jurisdictional area is contiguous to or  
26 includes all or part of the jurisdictional area of the proposing  
27 planning commission.

1       (3) The notice under this section may request permission for  
2 electronic submission of any information required to be submitted  
3 under section 57, 59, or 63(3). If the entity to which the  
4 notice is sent grants such permission, information submitted to  
5 or by that entity under section 57, 59, or 63(3) may be submitted  
6 electronically. Otherwise, such information shall be submitted  
7 in writing.

8       (4) Any person entitled to notice under this section shall  
9 be given an opportunity to meet with the planning commission or a  
10 representative of the planning commission to discuss the proposed  
11 plan.

12       (5) The planning commission shall consider the written or  
13 electronic comments of persons entitled to notice under this sec-  
14 tion and the written or electronic comments of other interested  
15 persons as it prepares and revises a proposed plan.

16       (6) Public officials shall furnish in a timely manner infor-  
17 mation, advice, and technical assistance requested by a planning  
18 commission to achieve coordination, compatibility, and consis-  
19 tency between plans.

20       Sec. 57. (1) As the starting point for preparation of a  
21 plan under this act, a planning commission shall use any existing  
22 plan that was adopted under an act listed in section 111 if  
23 adopted before the effective date of this act or that was in the  
24 process of being prepared or adopted under an act listed in sec-  
25 tion 111 on the effective date of this act and was adopted within  
26 2 years after the effective date of this act.

1       (2) After preparing a proposed plan, a municipal planning  
2 commission or joint municipal planning commission shall submit  
3 the proposed plan to the governing body of the municipality for  
4 preliminary approval or the governing bodies of the participating  
5 municipalities for preliminary approval by agreement. A county  
6 planning commission for a county in which the county board of  
7 commissioners has adopted a resolution stating that it will exer-  
8 cise authority to approve or reject the plan or has adopted a  
9 zoning ordinance shall submit the proposed plan for preliminary  
10 approval to the county board of commissioners.

11       (3) After obtaining preliminary approval under subsection  
12 (2), if applicable, the proposing planning commission shall  
13 submit a copy of the proposed plan as follows:

14       (a) To each entity entitled to notice under section 55(1).  
15 The proposed plan shall be submitted to such an entity with a  
16 notice that, not more than 63 days after the date of submittal of  
17 the proposed plan, the entity may submit to the proposing plan-  
18 ning commission any comments on the plan, consistent with section  
19 55(3).

20       (b) To each reviewing entity. The proposed plan shall be  
21 submitted to a reviewing entity with a notice that, not more than  
22 63 days after the date of submittal of the proposed plan, the  
23 reviewing entity may submit to the proposing planning commission  
24 its consent or objection to the plan, along with any other com-  
25 ments on the plan.

26       Sec. 59. (1) A proposing planning commission shall give  
27 serious consideration to, reply to, and attempt in good faith to

1 address every objection or other comment made by a reviewing  
2 entity. If the proposing planning commission disagrees with any  
3 objection or other comment made by a reviewing entity, the reply  
4 shall so state along with the reasons why the proposing planning  
5 commission disagrees. The reply may propose changes to the pro-  
6 posed plan. The proposing planning commission may employ dispute  
7 resolution services to resolve a disagreement with a reviewing  
8 entity.

9 (2) A reviewing entity shall be considered to consent to a  
10 proposed plan unless the reviewing entity objects to the plan  
11 within the time provided under section 57 and does not withdraw  
12 its objection in writing before final adoption of the plan, the  
13 objection includes specific facts supporting the objection, and  
14 the objection is based on failure of the plan or an element of  
15 the plan to satisfy 1 or more of the following requirements:

16 (a) The proposed plan and each element of the proposed plan  
17 shall comply with the requirements of this act.

18 (b) The proposed plan and each element of the proposed plan  
19 shall be feasible. A proposed plan or element is feasible if the  
20 jurisdiction for which the plan is being proposed has sufficient  
21 authority and resources, including, but not limited to, finances,  
22 personnel, and facilities, to carry out the program of implemen-  
23 tation in the proposed plan.

24 (c) The proposed plan and each element of the proposed plan  
25 shall be sound. A proposed plan or element is sound if both of  
26 the following apply:

1       (i) The facts, statistics, maps, analysis, and other  
2 information included or referred to in the proposed plan or  
3 element are substantially correct and substantially reflect  
4 present and future conditions in the jurisdictional area of the  
5 proposing planning commission, as described in the proposed plan,  
6 and, as applicable, the jurisdictional area of the reviewing  
7 entity.

8       (ii) Based on professionally accepted planning principles,  
9 the goals and policies of the proposed plan or element are an  
10 appropriate response to the facts, statistics, maps, analysis,  
11 and other information included or referred to in the proposed  
12 plan or element.

13       (d) The proposed plan shall be consistent. A proposed plan  
14 is consistent if both of the following apply:

15       (i) The goals, policies, and program of implementation for  
16 each element of the plan would further, or at least not interfere  
17 with, the goals, policy, and program of implementation of other  
18 elements of the same plan.

19       (ii) The goals, policy, and program of implementation of the  
20 plan and each element thereof would further, or at least not  
21 interfere with, the goals, policy, and program of implementation  
22 of a plan of the reviewing entity adopted under this act or under  
23 an enabling act in effect at the time of adoption of the review-  
24 ing entity's plan. Circumstances that violate the requirements  
25 of this subparagraph include, but are not limited to, all of the  
26 following:

1 (A) If the jurisdictional area of the reviewing planning  
2 commission and the jurisdictional area of the proposing planning  
3 commission are contiguous, land use intensity, land use density,  
4 or capital facilities in the jurisdictional area of the proposing  
5 planning commission and near the common border are incompatible  
6 with or would conflict with land use intensity, land use density,  
7 or capital facilities in the jurisdictional area of the reviewing  
8 planning commission and near the common border.

9 (B) If the reviewing entity is the planning commission of a  
10 local unit or a regional planning commission, the proposed plan  
11 would create 1 or more specific, verifiable threats to the health  
12 or safety of individuals within the local unit or region.

13 (C) If the reviewing entity is the planning commission of a  
14 local unit or a regional planning commission, cumulative effects  
15 of the proposed plan or element are likely to reduce the existing  
16 or planned quality of life in the proposed local unit or region  
17 in reasonably identifiable and verifiable ways.

18 (3) A regional planning commission shall adopt a plan pursu-  
19 ant to procedures set forth in this chapter and additional, con-  
20 sistent procedures adopted by the regional planning commission.  
21 The additional procedures shall, at a minimum, require that at  
22 least 60% of the counties lying in whole or part within the  
23 jurisdictional area of the regional planning commission consent  
24 to the plan before it is adopted. If a municipality submits com-  
25 ments on a proposed regional plan to the regional planning com-  
26 mission, the municipality shall submit a copy to the county  
27 planning commission or, if there is no county planning



1 commission, to the county board of commissioners of the county in  
2 which the municipality is located.

3       (4) This section does not prohibit a reviewing entity, when  
4 formulating its response to the proposed plan based on the cri-  
5 teria set forth in this section, from considering the comments  
6 and objections of any other person, including, but not limited  
7 to, any local unit of government to which the plan was not  
8 required to be submitted.

9       (5) Notwithstanding any other provision of this section, a  
10 reviewing planning commission, other than a regional planning  
11 commission, shall be considered to have consented to a plan pro-  
12 posed by a municipal planning commission or joint municipal plan-  
13 ning commission unless that reviewing planning commission's plan  
14 meets 1 of the following requirements:

15       (a) The plan was adopted under this act and reviewed if  
16 required under section 65(2).

17       (b) The plan was adopted under an act listed in section 111  
18 and meets both of the following requirements, as applicable:

19       (i) The plan was adopted not earlier than 10 years before  
20 the effective date of this act.

21       (ii) If 5 years have elapsed since the effective date of  
22 this act, the plan was reviewed during that 5-year period by the  
23 entity that adopted the plan.

24       Sec. 61. After satisfying the requirements of section 59,  
25 the proposing planning commission shall hold a public hearing on  
26 the plan. The planning commission shall publish notice of the  
27 public hearing twice in a newspaper having a general circulation

1 in the jurisdictional area of the planning commission. The  
2 notices shall be published at least 2 weeks apart and not more  
3 than 28 days or less than 7 days before the hearing. The notices  
4 shall include the following information:

5 (a) The jurisdictional area of the planning commission.

6 (b) A list of the elements identified in sections 45 to 53  
7 that are covered by the proposed plan.

8 (c) The place and time at which a copy of the proposed plan  
9 may be purchased or inspected.

10 (d) The place, time, and telephone number at which further  
11 information on the proposed plan can be obtained.

12 Sec. 63. (1) After the hearing under section 61, the pro-  
13 posing planning commission shall approve or reject the plan, with  
14 or without any changes proposed by the planning commission under  
15 section 59, by majority vote of the members of the planning  
16 commission.

17 (2) Approval by the planning commission under subsection (1)  
18 is the final step for adoption of either of the following plans:

19 (a) A regional plan.

20 (b) A county plan. This subdivision does not apply to a  
21 county if the county board of commissioners has adopted a resolu-  
22 tion stating that it will exercise authority to approve or reject  
23 the plan or has adopted a zoning ordinance.

24 (3) The final step for adoption of a county plan for a  
25 county to which subsection (2)(b) does not apply, for a municipal  
26 plan, or for a joint municipal plan is approval by the governing  
27 body of the county, by the governing body of the municipality, or

1 by agreement of the governing bodies of the participating  
2 municipalities, respectively. After the planning commission  
3 approves the plan, it shall submit the plan to the governing body  
4 or governing bodies for approval. If the governing body deter-  
5 mines or the governing bodies agree that the plan should be  
6 changed, the governing body or governing bodies shall submit a  
7 clear statement of each proposed change and the rationale for the  
8 proposed change as follows:

9       (a) To each entity entitled to notice under section 55(1).  
10 The statement shall be submitted along with a notice that, not  
11 more than 63 days after the date of submittal of the statement,  
12 the entity may submit to the proposing planning commission any  
13 comments on a proposed change.

14       (b) To each reviewing entity. The statement shall be sub-  
15 mitted along with a notice that, not more than 63 days after the  
16 date of submittal of the statement, the reviewing entity may  
17 submit to the proposing planning commission its consent or objec-  
18 tion to a proposed change, along with any other comments on a  
19 proposed change.

20       (c) To the proposing planning commission. Not more than 28  
21 days after the deadline for submitting comments under  
22 subdivisions (a) and (b), the proposing planning commission shall  
23 submit to the governing body or governing bodies its comments on  
24 the changes proposed by the governing body or governing bodies.

25       (4) The governing body, or the governing bodies by agree-  
26 ment, shall approve or reject the plan, with or without any  
27 changes proposed under subsection (3), by vote of a majority of

1 its members. If any changes were proposed under subsection (3),  
2 both of the following apply:

3 (a) The governing body shall approve or reject the plan  
4 after the deadline for the proposing planning commission to  
5 submit comments under subsection (3)(c).

6 (b) The governing body or governing bodies shall document  
7 responses to any written or electronic comments on the plan  
8 received by the governing body or governing bodies during the  
9 process provided for by subsection (3) and to any oral comments  
10 received at a meeting under subsection (3).

11 (5) Notice of final adoption of any plan under this section  
12 shall be published once in a newspaper of general circulation in  
13 the jurisdictional area of the planning commission not more than  
14 14 days after adoption. The notice of adoption shall include the  
15 following information:

16 (a) That a plan was adopted pursuant to this act.

17 (b) The jurisdictional area of the planning commission.

18 (c) A listing of the elements identified in sections 45 to  
19 53 that are covered by the plan.

20 (d) The effective date of the plan which shall not be ear-  
21 lier than the date of publication of the notice.

22 (e) The place and time at which a copy of the plan may be  
23 purchased or inspected.

24 (f) The place, time, and telephone number at which further  
25 information on the plan can be obtained.

26 (6) The final page of the plan shall include all of the  
27 following:

1 (a) The date of adoption of the plan.

2 (b) The roll call vote of the planning commission and, if  
3 applicable, the governing body or governing bodies.

4 (c) A list of the reviewing entities that indicates whether  
5 each reviewing entity responded to the proposed plan under  
6 section 59, when it responded, and whether it consented or  
7 objected to the proposed plan.

8 (7) At the time of adoption, a plan shall have an appendix  
9 that includes all of the following:

10 (a) A written copy of all correspondence from reviewing  
11 entities before adoption, along with all written replies.

12 (b) A summary of all written or oral comments on the pro-  
13 posed plan received from the public at the public hearing on the  
14 proposed plan under section 61 and of all written or electronic  
15 comments received from the public after that public hearing.

16 (c) A list of all reviewing entities that did not consent to  
17 the plan and specific reasons why the objections raised were not  
18 accommodated before adoption of the plan.

19 (8) Promptly after a plan is adopted, the planning commis-  
20 sion shall transmit a certified copy of the plan to all of the  
21 following:

22 (a) To each reviewing entity.

23 (b) If the plan is a joint municipal plan or regional plan,  
24 to the governing body of each participating political  
25 subdivision.

26 (c) If the plan is a municipal plan or joint municipal plan,  
27 to the regional planning commission whose jurisdictional area

1 includes all or part of the jurisdictional area of the planning  
2 commission submitting the plan.

3       (d) If the plan is a municipal plan, joint municipal plan,  
4 or regional plan, to the county planning commission or, if there  
5 is not a county planning commission, the county clerk of each  
6 county that includes all or part of the jurisdictional area of  
7 the planning commission transmitting the plan. The county plan-  
8 ning commission or county clerk shall make a record of receipt  
9 for all adopted plans, which shall include the date, means of  
10 transmittal, and name and address of the planning commission that  
11 transmitted the plan. The county planning commission or county  
12 clerk shall maintain the record of transmittal with the original  
13 copy of the plan.

14       (9) Subject to subsection (10), in the office of the county  
15 planning commission, or, if there is no county planning commis-  
16 sion, in the office of the county clerk, each county shall main-  
17 tain in writing at a single location and make available for  
18 public inspection during normal business hours all of the  
19 following:

20       (a) Any plan that has been submitted to the county planning  
21 commission as a reviewing entity under section 57(b) and that has  
22 been adopted or whose adoption is pending.

23       (b) The county plan, if any.

24       (c) The regional plan adopted by the regional planning com-  
25 mission in which that county is located, if any.

26       (d) The capital facilities map prepared under section 71.

1       (10) A county may instead maintain all or part of the plans  
2 or capital facility map under subsection (9) on a publicly  
3 accessible internet site in a readily accessible format.

4       (11) A municipal plan or joint municipal plan adopted under  
5 this act supersedes a plan for that municipality or 1 of those  
6 municipalities adopted under 1931 PA 285, MCL 125.31 to 125.45,  
7 or 1959 PA 168, MCL 125.321 to 125.333. A county plan adopted  
8 under this act supersedes a plan for that county adopted under  
9 1945 PA 282, MCL 125.101 to 125.107.

10       Sec. 65. (1) A successive part of a plan or other amendment  
11 to a plan shall be adopted pursuant to the same procedures that  
12 govern the adoption of a plan except as follows:

13       (a) An entity to which notice of the start of a plan amend-  
14 ment process is given under section 55 may reply in writing that  
15 it does not desire to review a plan amendment. If so, the  
16 entity's consent may be presumed and a draft of the plan amend-  
17 ment need not be submitted to it, unless, before a draft of the  
18 plan amendment has been sent to any other such entity for review,  
19 the entity notifies the planning commission in writing that it  
20 has reversed its decision and desires to review and comment on  
21 the successive part or other amendment.

22       (b) The period for responding to a proposed successive part  
23 or other amendment to a plan under section 57 is 42 days.

24       (c) Before approving an amendment to a plan, a planning com-  
25 mission shall make written findings that the proposed plan amend-  
26 ment is consistent with and promotes the CIP under chapter 4, if  
27 any, for the jurisdictional area of the planning commission.

6           (3) All proposals for amendments to a plan shall be pro-  
7 cessed concurrently so the cumulative effect of the various pro-  
8 posals can be ascertained. A governing body shall document the  
9 reason for a plan amendment in the motion to approve the plan  
10 amendment.

## CHAPTER 4

15       Sec. 71. (1) If a county plan, municipal plan, or joint  
16 municipal plan is adopted, the governing body of the county or  
17 municipality or the governing bodies of the municipalities acting  
18 jointly by agreement, that adopted the plan shall prepare or have  
19 prepared and adopt a capital improvement program. The CIP shall  
20 be adopted by 1 year after the plan is adopted and may be adopted  
21 before the plan is adopted.



1       (3) A county CIP adopted under this chapter shall aggregate  
2 the CIPs of municipalities within the county. In addition, if  
3 the county has adopted a county plan, a county CIP adopted under  
4 this chapter shall also include all capital facilities to be  
5 acquired, constructed, or improved using funds under the control  
6 of the county board of commissioners, county road commission,  
7 county drain commissioner, or other special entities created with  
8 the county as a partner or sole responsible entity. A county  
9 board of commissioners may withhold funds from any county agency  
10 that does not submit its proposed capital facility plan or capi-  
11 tal improvement plan to the county board of commissioners.

12       (4) After a governing body or governing bodies acting  
13 jointly prepare a proposed CIP for adoption under this chapter,  
14 the governing body or governing bodies acting jointly shall  
15 submit a certified copy of the proposed CIP to the chief adminis-  
16 trative officer, of the local unit, and to each public agency  
17 that requests a copy.

18       (5) After a governing body or governing bodies acting  
19 jointly prepare a proposed CIP for adoption under this chapter,  
20 the governing body or governing bodies acting jointly shall also  
21 submit a certified copy of the proposed CIP for review to each  
22 municipal planning commission, joint municipal planning commis-  
23 sion, and county planning commission whose jurisdictional area is  
24 contiguous to or includes all or part of the jurisdictional area  
25 of the governing body or governing bodies acting jointly. If a  
26 county is contiguous to or includes all or part of the  
27 jurisdictional area of the governing body or governing bodies

1 acting jointly and the county has no county planning commission,  
2 the proposed CIP shall be submitted to the county board of com-  
3 missioners of that county. The proposed CIP shall be submitted  
4 with a written notice that, not more than 42 days after the date  
5 of submittal of a proposed CIP, a reviewing entity shall notify  
6 the proposing governing body or governing bodies whether there is  
7 any element of the proposed CIP that is inconsistent with a plan  
8 of the reviewing entity that meets 1 of the following  
9 requirements:

10 (a) The plan was adopted under this act and reviewed if  
11 required under section 65(2).

12 (b) The plan was adopted under an act listed in section 111  
13 and meets both of the following requirements, as applicable:

14 (i) The plan was adopted not earlier than 10 years before  
15 the effective date of this act.

16 (ii) If 5 years have elapsed since the effective date of  
17 this act, the plan was reviewed during that 5-year period by the  
18 entity that adopted the plan.

19 (6) The notification from the reviewing entity under subsec-  
20 tion (5) shall describe in detail any inconsistency.

21 (7) The proposing governing body or governing bodies shall  
22 give serious consideration to and attempt in good faith to  
23 address each allegation of a reviewing entity that an element of  
24 a proposed CIP is inconsistent with the plan of the reviewing  
25 entity. The proposing governing body or governing bodies may  
26 employ dispute resolution services to resolve any disagreement  
27 with the reviewing entity.

1 (8) Not less than 42 days after a CIP proposed for adoption  
2 under this chapter is submitted to reviewing entities under sub-  
3 section (5), the proposing governing body or each proposing gov-  
4 erning body shall conduct a public hearing on the proposed CIP  
5 and may approve the CIP. Approval of the proposed CIP by the  
6 governing body or governing bodies is the final step for adoption  
7 of a CIP under this chapter. The CIP is effective upon  
8 adoption.

9 (9) Promptly after a CIP is adopted under this chapter, the  
10 governing body or governing bodies adopting the CIP shall submit  
11 a certified copy of the CIP to the planning commission. Promptly  
12 after a CIP, other than a county CIP, is adopted under this chap-  
13 ter, the governing body or governing bodies adopting the CIP  
14 shall submit a certified copy of the CIP to the county planning  
15 commission of each county within which all or part of the juris-  
16 dictional area of the governing body or governing bodies is  
17 located, or, if there is no county planning commission, to the  
18 county clerk.

19 (10) A planning commission may request permission for elec-  
20 tronic submission of any information required to be submitted  
21 under this section. If the entity to which the notice is sent  
22 grants such permission, information submitted to or by that  
23 entity under this section may be submitted electronically.  
24 Otherwise, such information shall be submitted in writing.

25 Sec. 73. (1) If a CIP was adopted under this chapter, the  
26 governing body or governing bodies that adopted the CIP shall  
27 review the CIP at least annually.

1       (2) If a CIP was adopted under this chapter, an amendment to  
2 the CIP shall be adopted pursuant to the same procedures under  
3 this chapter that govern adoption of a CIP.

4       Sec. 75. (1) Capital facilities included in CIPs that meet  
5 all of the following requirements shall have a higher priority  
6 for state appropriations, including, but not limited to, appro-  
7 priations of federal funds passed through this state, than capi-  
8 tal facilities included in CIPs that do not meet all of the fol-  
9 lowing requirements:

10       (a) The CIP was adopted under this chapter.

11       (b) The plan of the local unit that adopted the CIP is con-  
12 sistent with relevant adopted plans of state departments and  
13 agencies and the statutes governing those departments and  
14 agencies.

15       (2) If a CIP proposes to finance a capital facility using  
16 state funds, including, but not limited to, federal funds passed  
17 through this state, the governing body of the local unit or local  
18 units that prepared the CIP shall submit to the department all of  
19 the following:

20       (a) A request for funding assistance.

21       (b) A description of the proposed capital facility.

22       (c) A copy of the CIP or the specific portion of the CIP  
23 relevant to the capital facility.

24       (d) If the CIP was adopted under this chapter, a copy of any  
25 written comments relative to the capital facility received from a  
26 reviewing entity under section 71.

1 (3) The joint capital outlay committee shall consider the  
2 effect of a proposed new local or state capital facility or of  
3 disposition of state land upon the municipality in which the cap-  
4 ital facility or state land is located.

5 CHAPTER 5

6 PLANNING COMMISSION POWERS RELATED TO ZONING,

7 CONDOMINIUM, AND SUBDIVISION REVIEW

8 Sec. 81. Within 1 year after the effective date of this  
9 act, the governing body of a local unit, by ordinance or resolu-  
10 tion, shall transfer to a planning commission all powers and  
11 duties for a zoning board or commission provided by the county  
12 zoning act, 1943 PA 183, MCL 125.201 to 125.240; the township  
13 zoning act, 1943 PA 184, MCL 125.271 to 125.310; or the city and  
14 village zoning act, 1921 PA 207, MCL 125.581 to 125.600, as  
15 applicable, if the zoning board or commission has been in exis-  
16 tence for more than 3 years. If the zoning board or commission  
17 is nearing the completion of drafting an interim zoning ordi-  
18 nance, the governing body shall postpone the transfer of the  
19 zoning board's powers and duties until the completion of the  
20 zoning plan and adoption of an interim zoning ordinance by the  
21 governing body, but the postponement shall not exceed 1 year.

22 Sec. 83. Once a plan has been adopted under chapter 3 and a  
23 certified copy of the plan is filed in the office of the county  
24 register of deeds of each county in which the jurisdictional area  
25 of the planning commission is located, a subdivision of land  
26 within the jurisdictional area of the planning commission shall  
27 not be filed or recorded unless the planning commission and

1 governing body have approved the subdivision as complying with  
2 regulations adopted under section 85 and the chairperson or sec-  
3 retary of the planning commission and the clerk of the local unit  
4 have entered the approval of the planning commission and govern-  
5 ing body in writing on the plat.

6       Sec. 85. (1) The municipal planning commission, joint  
7 municipal planning commission, or, in a county that has adopted a  
8 zoning ordinance, county planning commission shall propose and  
9 the governing body shall adopt an ordinance or rules pertaining  
10 to the subdivision of land within its jurisdiction referred to in  
11 section 105(b) of the land division act, 1967 PA 288,  
12 MCL 560.105. The ordinance or rules may provide for the proper  
13 arrangement of streets in relation to other existing or planned  
14 streets and to the future land use plan, for adequate and conven-  
15 ient open spaces for traffic, utilities, access of firefighting  
16 apparatus, recreation, light, and air, and for the avoidance of  
17 congestion of population, including minimum width and area of  
18 lots. The ordinance or rules may include provisions as to the  
19 extent to which streets and other ways shall be graded and  
20 improved and to which water and sewer and other utility mains,  
21 piping, or other facilities shall be installed as a condition  
22 precedent to the approval of the plat. The ordinance or rules  
23 shall be consistent with the land division act, 1967 PA 288,  
24 MCL 560.101 to 560.293.

25       (2) The ordinance or rules may provide for a tentative  
26 approval of the plat before improvements or utilities are  
27 constructed or installed. A tentative approval is revocable and

1 shall not be entered on the plat. In lieu of the completion of  
2 such improvements and utilities before the final approval of the  
3 plat, the governing body may accept a bond with surety to secure  
4 the actual construction and installation of the improvements or  
5 utilities at a time and according to specifications fixed by or  
6 under the ordinance or rules of the local unit.

7 (3) The subdivision ordinance or rules shall be published as  
8 provided by law for the publication of ordinances, and, before  
9 adoption, a public hearing shall be held on the ordinance or  
10 rules. The governing body may choose to adopt a subdivision  
11 ordinance as a part of the zoning ordinance pursuant to the  
12 county zoning act, 1943 PA 183, MCL 125.201 to 125.240; the town-  
13 ship zoning act, 1943 PA 184, MCL 125.271 to 125.310; or the city  
14 and village zoning act, 1921 PA 207, MCL 125.581 to 125.600, as  
15 applicable. The combined ordinances shall be entitled Land  
16 Development Code of \_\_\_\_\_ (name of jurisdiction). If  
17 the local unit adopting the subdivision ordinance or rules is a  
18 municipality, the clerk of the municipality shall transmit a cer-  
19 tified copy of the subdivision ordinance or rules to the clerk of  
20 each county in which all or part of the jurisdictional area of  
21 the municipality is located.

22 Sec. 87. (1) A municipal planning commission, joint munici-  
23 pal planning commission, or, in a county that has adopted a  
24 zoning ordinance, county planning commission shall make a recom-  
25 mendation to approve, approve with modifications, or disapprove a  
26 condominium project under an ordinance adopted to implement local  
27 unit review authority under the condominium act, 1978 PA 59,

1 MCL 559.101 to 559.275, or a plat under an ordinance adopted  
2 under the land division act, 1967 PA 288, MCL 560.101 to  
3 560.293. The planning commission shall state in its records the  
4 grounds for recommending approval or disapproval of a condominium  
5 project or plat.

6 (2) A condominium project or plat submitted to the municipal  
7 planning commission or joint municipal planning commission shall  
8 contain the name and address of a person to whom notice of a  
9 hearing shall be sent. The planning commission shall act upon  
10 the condominium project or plat only after conducting a hearing.  
11 Notice of the time and place of the hearing shall be sent to the  
12 address contained in the condominium project or plat by regis-  
13 tered mail not less than 15 days before the date of the hearing.  
14 For a plat, notice shall also be mailed to the owners of land  
15 immediately adjoining the platted land, as their names appear  
16 upon the records in the county register of deeds office and their  
17 addresses appear in the directory of the municipality or on the  
18 tax records of the municipality or county.

19 (3) Upon preliminary approval by the governing body, a con-  
20 dominium project or plat shall be considered to be an amendment  
21 of or an addition to or a detail of the plan and a part of the  
22 plan, unless the plat or condominium project never receives final  
23 approval by the governing body or governing bodies. Approval of  
24 a condominium project or plat does not constitute an acceptance  
25 by the public of any street or other open space shown upon the  
26 master deed or plat. The planning commission may recommend to  
27 the governing body or governing bodies amendments of the zoning



1 ordinance or map to conform to the planning commission's  
2 recommendations for the zoning regulation of the territory com-  
3 prised within approved condominium projects or subdivisions. The  
4 planning commission may agree with the applicant upon use,  
5 height, area, or bulk requirements or restrictions governing  
6 buildings and premises within the condominium project or subdivi-  
7 sion, if the requirements or restrictions do not authorize the  
8 violation of the zoning ordinance. The requirements or restric-  
9 tions shall be stated upon the condominium master deed or plat  
10 before the approval and recording of the master deed or plat.  
11 The requirements or restrictions shall have the same force of law  
12 and be enforceable in the same manner and with the same sanctions  
13 and subject to the same power of amendment or repeal as though  
14 set out as a part of the zoning ordinance or map.

15 (4) The failure of the governing body to approve, approve  
16 with modifications, or disapprove a preliminary or final condo-  
17 minium project or plat within 90 days after the preliminary or  
18 final condominium project or plat is submitted to the planning  
19 commission constitutes approval, and a certificate of approval  
20 shall be issued by the planning commission upon request of the  
21 applicant. However, an applicant for planning commission  
22 approval of a condominium project or plat may consent to an  
23 extension of the 90-day period.

## 24 CHAPTER 6

### 25 STATE AGENCY PLANS AND STATE PLANNING ASSISTANCE

26 Sec. 91. The department of management and budget shall  
27 initiate within 2 months after the effective date of this act and

1 thereafter continue the following activities either within the  
2 department or, by interdepartmental agreement, with 1 or more  
3 other state departments:

4       (a) Inventorying existing policies embodied in state legis-  
5 lation and programs of state departments that affect land use  
6 decisions and recommending policy changes where warranted to be  
7 consistent with the purposes of this act.

8       (b) Summarizing goals, objectives, and policies of the  
9 adopted plans of state departments that relate to land use, eco-  
10 nomic development, environmental protection, and the provision of  
11 capital facilities, in order to identify geographic areas of the  
12 state where goals, objectives, policies, and proposed capital  
13 improvements may be or are in conflict.

14       (c) Preparing reports that evaluate and make recommendations  
15 regarding state technical assistance provided to local govern-  
16 ments by state agencies, and data and mapping services available  
17 to and desired by local units and regional governmental  
18 entities. The first such report shall propose policies for  
19 siting of state and private facilities that, because of their  
20 size or scale, may significantly affect several communities or  
21 state or regional capital facilities or services, as well as  
22 other land use and capital facility issues of greater than local  
23 concern.

24       (d) Preparing recommendations on incentives for state fund-  
25 ing of capital facilities included in CIPs.

26       (e) By not more than 3 years after each decennial census and  
27 then at least biannually thereafter until the next decennial

1 census, preparing and distributing to local units and regional  
2 planning commissions population and employment forecasts at the  
3 county level for a 30-year period, based on 5-year increments.

4 (f) Maintaining a land and water database in a geographic  
5 information system pursuant to part 609 of the natural resources  
6 and environmental protection act, 1994 PA 451, MCL 324.60901 to  
7 324.60910, that includes land use and land cover for every acre  
8 of land in Michigan. The database shall be updated on a state-  
9 wide basis by 2005 and every 5 years after 2005.

10 (g) Designing and, if appropriate, administering a method  
11 for resolving disputes between plans prepared by regional plan-  
12 ning commissions for contiguous regions.

13 (h) Preparing guidelines for the siting of essential capital  
14 facilities and development of coordinated plans by the state  
15 transportation department, the department of natural resources,  
16 the department of environmental quality, the department of educa-  
17 tion, the department of corrections, the state housing develop-  
18 ment authority, and other state departments and state agencies  
19 that have responsibility for developing or maintaining state  
20 lands or other state capital facilities or for providing capital  
21 facility financing directly from the state or as a pass-through  
22 from the federal government to local units. The guidelines shall  
23 include procedures for the preparation of proposed plans and for  
24 the final adoption of plans by a state department or agency. The  
25 guidelines shall require a state department or agency to hold a  
26 public hearing before preparing a proposed plan and before  
27 finally adopting a plan and shall provide procedures for the

1 conduct of the hearings. The guidelines shall also require the  
2 state department or agency to give notice of a public hearing to  
3 each local unit and region. The notice shall indicate that  
4 interested persons may submit written or oral comments at the  
5 public hearing or written or electronic comments before or after  
6 the public hearing. Records prepared to accompany the develop-  
7 ment of state department and state agency plans shall indicate  
8 which local plans were consulted and the specific efforts that  
9 were initiated to eliminate inconsistencies when they were  
10 identified. After a plan is adopted by a state department or  
11 state agency, the plan shall be used as the basis for capital  
12 improvements, land acquisition, or disposition of state lands and  
13 facilities, and state grants or pass-through money for that state  
14 department or state agency.

15 (i) Preparing guidelines for the development of statements  
16 of capital facility needs by state departments and state  
17 agencies. The guidelines shall include, but need not be limited  
18 to, all of the following:

19 (i) A biennial process for development and submittal of a  
20 statement of capital facility needs proposing the purchase, sale,  
21 construction, improvement, or replacement of capital facilities.

22 (ii) The format for text and maps describing such needs.

23 (iii) The information required to be submitted as a part of  
24 the statement of needs, which shall include, but need not be  
25 limited to, the following:

26 (A) Location of the capital facility, if known.

1 (B) Size, type, use, or purpose of the capital facility,  
2 area or service population to be served, year proposed for  
3 construction, and useful life of the proposed capital facility.

4 (C) Projected construction and operating costs.

5 (iv) Requirements for supporting documentation that shows  
6 the state or regional need for the capital facility, and the  
7 degree to which it conforms with adopted plans of local units.

8 (v) The criteria to be used in evaluating such requests  
9 including how each proposed capital facility is consistent with  
10 any adopted plans of the state agency.

11 (j) Compiling the individual proposed statements of capital  
12 facility needs of all state agencies into a consolidated proposed  
13 statement of needs and consolidated state capital facilities map  
14 for inclusion in the governor's budget message as part of the  
15 state capital outlay budget and a proposed 6-year capital  
16 improvement program. Not more than 30 days after the governor's  
17 budget message is submitted to the legislature, the director of  
18 the department of management and budget shall send a copy of the  
19 consolidated proposed statement of needs and consolidated state  
20 capital facilities map to each of the following:

21 (i) The director of each state department.

22 (ii) Each regional planning commission and county planning  
23 commission.

24 (iii) The governing body of each local unit of government.

25 (iv) The state library and all public libraries that serve  
26 as depositories of state documents.

1       (k) Ensuring adequate funds are included in the governor's  
2 annual budget message for the state to fulfill its obligations  
3 under sections 60903 and 60908 of the natural resources and envi-  
4 ronmental protection act, 1994 PA 451, MCL 324.60903 and  
5 324.60908.

6       (l) The establishment of a program of technical and finan-  
7 cial assistance and incentives to local units and regional gov-  
8 ernmental entities to encourage and facilitate the adoption and  
9 implementation of coordinated plans and development regulations  
10 throughout the state. This program shall include, at a minimum,  
11 the following elements:

12       (i) A program of technical assistance that utilizes depart-  
13 ment of management and budget staff, other state agency staff,  
14 and the technical resources of local units and regional govern-  
15 mental entities to help in the development and implementation of  
16 plans prepared under this act. The technical assistance may  
17 include, but need not be limited to, model plans and structures  
18 for plans, model land use ordinances, education and training pro-  
19 grams, and information dissemination.

20       (ii) Developing and distributing guidelines to assist local  
21 units and regional governmental entities with the development of  
22 plans and resolution of disputes related to review of plans, cap-  
23 ital facility proposals, capital improvement programs, and issues  
24 of greater than local concern.

25       Sec. 93. In developing any guidelines, model plans or ordi-  
26 nances, standards and procedures, or rules under this act, the  
27 department shall seek the input and assistance of the Michigan

1 municipal league, the Michigan townships association, the  
2 Michigan association of counties, the Michigan association of  
3 regions, and the Michigan society of planning.

4       Sec. 95. (1) The legislature shall appropriate grant fund-  
5 ing for the preparation of plans under this act in amounts pro-  
6 vided in section 97 for at least the first 7 years after the  
7 effective date of this act.

8       (2) Within the first 2 years of the effective date of fund-  
9 ing of this act, regional planning commissions and counties shall  
10 be awarded grants covering 75% of the cost of developing data-  
11 bases, maps, and other tools that will be used by municipal plan-  
12 ning commissions or joint municipal planning commissions to pre-  
13 pare plans. A regional planning commission or county is not eli-  
14 gible to receive a grant under this subsection more than once.

15       (3) Beginning 2 years after the effective date of funding  
16 under this act, regional planning commissions and local units  
17 shall be awarded grants covering 50% of the cost of preparing  
18 plans. A regional planning commission or local unit is not eli-  
19 gible to receive a grant under this subsection more than once  
20 during the first 5 years that grants are awarded under this  
21 subsection.

22       (4) The legislature may allocate up to 5% of the total grant  
23 funds available to regional planning commissions and local units  
24 for 50% matching grants to nonprofit organizations and citizen  
25 organizations to promote and enhance broad based citizen partici-  
26 pation in the preparation of plans under this act.

1       Sec. 97. (1) For each of at least the first 7 years after  
2 the effective date of this act, the legislature shall appropriate  
3 from the general fund at least \$15,000,000.00 for grant funds for  
4 the purposes set forth in section 95, unless another source of  
5 funds in at least an equal amount is provided. If \$15,000,000.00  
6 per year is not sufficient to fund grants in the amount required  
7 by section 95, the department shall request a supplemental appro-  
8 priation necessary to fund such grants. If supplemental appro-  
9 priations are not made, or are inadequate, the department shall  
10 extend the grant program beyond 7 years for the period of time  
11 necessary to fund grants in the amount required by section 95 for  
12 all local units and regional planning commissions seeking such  
13 grants.

14       (2) The department shall separately request appropriations  
15 to carry out its responsibilities under this chapter. Such  
16 appropriations shall be allocated from and not exceed 5% of the  
17 annual appropriations for the preparation of local unit and  
18 regional plans under this section and shall not be used for con-  
19 tinuing program activities under section 91(e) and (f) for which  
20 state appropriations were made before the effective date of this  
21 act. The department may not request or use appropriations under  
22 this act to fund activities already funded or to meet require-  
23 ments under other acts or other state programs. However, the  
24 department shall request from the legislature appropriations nec-  
25 essary to meet obligations of the department under section 91(e)  
26 and (f) that are not currently being met under existing programs  
27 established under other statutes, such as part 609 of the natural



1 resources and environmental protection act, 1994 PA 451,  
2 MCL 324.60901 to 324.60910. The request shall include an expla-  
3 nation as to why existing appropriations are inadequate to meet  
4 the requirements of this act.

5       Sec. 99. (1) Within 60 days after the effective date of  
6 this act, the department shall request the legislature for the  
7 appropriations necessary to develop and implement this chapter.  
8 Thereafter, the department shall include an appropriations  
9 request for this purpose as part of the annual budget process.

10       (2) Subject to section 93, the department shall adopt stan-  
11 dards and procedures for application, review, and approval of  
12 requests for grants under this chapter pursuant to this act pur-  
13 suant to the administrative procedures act of 1969, 1969 PA 306,  
14 MCL 24.201 to 24.328. The legislature finds that preservation of  
15 the public health, safety, and welfare in light of the conditions  
16 intended to be addressed by plans and CIPs requires that the  
17 rules initially be promulgated under section 48 of the adminis-  
18 trative procedures act of 1969, 1969 PA 306, MCL 24.248, within  
19 120 days after the effective date of this act. The department  
20 shall adhere to the criteria in section 95 and establish stan-  
21 dards for priority of assistance that consider rates of loss of  
22 farm and forest land, population growth rates, commercial and  
23 industrial development growth rates, land division rates, the  
24 existence, age, and quality of existing plans of local units, and  
25 other relevant factors. Separate criteria and procedures shall  
26 be established for grants to enhance citizen participation.  
27 Local units and regional planning commissions shall not be

1 eligible for funds to enhance citizen participation, except in  
 2 partnership with other nonprofit organization or citizen groups  
 3 which must be the principal recipient of any grants awarded. The  
 4 department shall attempt to ensure a broad range of interested  
 5 parties are involved in the development of a plan before approv-  
 6 ing a grant request under this chapter.

7       Sec. 101. State departments other than the department of  
 8 management and budget shall examine their planning responsibili-  
 9 ties under this act and, except for the state transportation  
 10 department, may request separate state funds for this purpose.

#### 11                                   CHAPTER 6

#### 12                                   REPEAL

13       Sec. 111. The following acts are repealed 7 years after the  
 14 effective date of this act:

15       (a) 1931 PA 285, MCL 125.31 to 125.45.

16       (b) 1945 PA 282, MCL 125.101 to 125.107.

17       (c) 1959 PA 168, MCL 125.321 to 125.333.

18       Enacting section 1. This act does not take effect unless  
 19 all of the following bills of the 91st Legislature are enacted  
 20 into law:

21       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4572 (request  
 22 no. 00347'01 a \*).

23       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4573 (request  
 24 no. 00347'01 b \*).

25       (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4574 (request  
 26 no. 00347'01 c \*).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4575 (request  
2 no. 00347'01 d \*).