

SUBSTITUTE FOR
HOUSE BILL NO. 5252

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~It shall be a function of the~~ THE county
2 planning commission ~~to make~~ SHALL MAKE AND APPROVE a plan for
3 the development of the county. ~~, which~~ THE COUNTY plan may
4 include planning in cooperation with the constituted authorities
5 for incorporated areas in whole or to the extent to which, in the
6 PLANNING commission's judgment, they are related to the planning
7 of the unincorporated territory or of the county as a whole. The
8 plan with accompanying maps, plats, charts, and all pertinent and
9 descriptive explanatory matter shall show the planning

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1 commission's recommendations for the development of the county.
2 In the preparation of a county development plan, the planning
3 commission shall make careful and comprehensive studies of the
4 existing conditions and probable growth of the territory within
5 its jurisdiction. ~~Such~~ THE plan shall be made with the purpose
6 of guiding and accomplishing a coordinated, adjusted, and harmo-
7 nious development of the county ~~which~~ THAT will be in accord-
8 ance with present and future needs for best promoting the health,
9 safety, morals, order, convenience, prosperity, and general wel-
10 fare of the ~~inhabitants~~ RESIDENTS, as well as for efficiency
11 and economy in the process of development. ~~It shall be the duty~~
12 ~~of the~~

13 (2) THE COUNTY PLAN SHALL ADDRESS LAND USE ISSUES AND MAY
14 PROJECT 20 YEARS OR MORE INTO THE FUTURE. THE PLAN SHALL INCLUDE
15 MAPS, PLATS, CHARTS, AND DESCRIPTIVE, EXPLANATORY, AND OTHER
16 RELATED MATTER AND SHALL SHOW THE PLANNING COMMISSION'S RECOMMEN-
17 DATIONS FOR THE PHYSICAL DEVELOPMENT OF THE COUNTY. THE PLAN
18 SHALL ALSO INCLUDE THOSE OF THE FOLLOWING SUBJECTS WHICH REASON-
19 ABLY CAN BE CONSIDERED AS PERTINENT TO THE FUTURE DEVELOPMENT OF
20 THE COUNTY:

21 (A) A LAND USE PLAN AND PROGRAM, IN PART CONSISTING OF A
22 CLASSIFICATION AND ALLOCATION OF LAND FOR AGRICULTURE, RESI-
23 DENCES, COMMERCE, INDUSTRY, RECREATION, WAYS AND GROUNDS, PUBLIC
24 BUILDINGS, SCHOOLS, SOIL CONSERVATION, FORESTS, WOODLOTS, WET-
25 LANDS, OPEN SPACE, WILDLIFE REFUGES, AND OTHER USES AND
26 PURPOSES.

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1 (B) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF STREETS,
2 RAILROADS, AIRPORTS, BICYCLE PATHS, PEDESTRIAN WAYS, BRIDGES,
3 WATERWAYS, AND WATER FRONT DEVELOPMENTS; FLOOD PREVENTION WORKS,
4 DRAINAGE, SANITARY SEWERS AND WATER SUPPLY SYSTEMS, WORKS FOR
5 PREVENTING POLLUTION, AND WORKS FOR MAINTAINING WATER LEVELS; AND
6 PUBLIC UTILITIES AND STRUCTURES.

7 (C) RECOMMENDATIONS AS TO THE GENERAL CHARACTER, EXTENT, AND
8 LAYOUT FOR THE REDEVELOPMENT OR REHABILITATION OF BLIGHTED AREAS;
9 AND THE REMOVAL, RELOCATION, WIDENING, NARROWING, VACATING, ABAN-
10 DONMENT, OR CHANGES OR USE OR EXTENSION OF WAYS, GROUNDS, OPEN
11 SPACES, BUILDINGS, UTILITIES, OR OTHER FACILITIES.

12 (3) THE county planning commission ~~to: (1) make~~ SHALL DO
13 ALL OF THE FOLLOWING:

14 (A) CONDUCT studies, investigations, and surveys relative to
15 the economic, social, and physical development of the county. ~~+~~
16 ~~(2) formulate~~

17 (B) FORMULATE plans and make recommendations for the most
18 effective economic, social, and physical development of the
19 county. ~~+~~ ~~(3) cooperate~~

20 (C) COOPERATE with all departments of the state and federal
21 governments and other public agencies concerned with programs
22 ~~directed towards~~ FOR the economic, social, and physical devel-
23 opment of the county ~~—~~ and seek the maximum coordination of the
24 county programs of these agencies. ~~+~~ ~~(4) consult~~

25 (D) CONSULT with representatives of adjacent counties in
26 respect to their planning so that conflicts in ~~over-all~~ OVERALL
27 county plans may be avoided.

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

4 (5) THE COUNTY PLANNING COMMISSION MAY MEET WITH OTHER GOV-
5 ERNMENTAL PLANNING COMMISSIONS TO DELIBERATE.

6 SEC. 4B. (1) A COUNTY PLAN SHALL BE ADOPTED UNDER THE PRO-
7 CEDURES SET FORTH IN THIS SECTION AND SECTIONS 4C AND 5.

8 (2) BEFORE PREPARING A PLAN, A COUNTY PLANNING COMMISSION
9 SHALL SEND A WRITTEN NOTICE, EXPLAINING THAT THE PLANNING COMMIS-
10 SION INTENDS TO PREPARE A PLAN AND REQUESTING THE RECIPIENT'S
11 COOPERATION AND COMMENT, TO ALL OF THE FOLLOWING:

12 (A) THE PLANNING COMMISSION, OR IF THERE IS NO PLANNING COM-
13 MISSION, THE LEGISLATIVE BODY, OF EACH CITY, VILLAGE, OR TOWNSHIP
14 LOCATED WITHIN OR CONTIGUOUS TO THE COUNTY.

15 (B) THE REGIONAL PLANNING COMMISSION FOR THE REGION IN WHICH
16 THE COUNTY IS LOCATED, IF THERE IS NO COUNTY PLANNING COMMISSION
17 FOR THE COUNTY WHERE THE MUNICIPALITY IS LOCATED.

18 (C) THE COUNTY PLANNING COMMISSION, OR IF THERE IS NO COUNTY
19 PLANNING COMMISSION, THE COUNTY BOARD OF COMMISSIONERS, FOR EACH
20 COUNTY LOCATED CONTIGUOUS TO THE COUNTY.

21 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING
22 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE COUNTY THAT
23 REGISTERS ITS NAME AND MAILING ADDRESS FOR THIS PURPOSE WITH THE
24 COUNTY PLANNING COMMISSION. THE NOTICE TO AN ENTITY UNDER THIS
25 SUBSECTION MAY REQUEST PERMISSION FOR THE COUNTY TO SUBMIT ELEC-
26 TRONICALLY ANY INFORMATION REQUIRED TO BE SUBMITTED TO THAT
27 ENTITY UNDER SECTION 4C OR 5. IF THE ENTITY TO WHICH THE NOTICE

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1 IS SENT GRANTS THIS PERMISSION, INFORMATION SUBMITTED TO OR BY
2 THAT ENTITY UNDER SECTION 4C OR 5 MAY BE SUBMITTED
3 ELECTRONICALLY. OTHERWISE, SUCH INFORMATION SHALL BE SUBMITTED
4 IN WRITING BY FIRST-CLASS MAIL OR PERSONAL DELIVERY.

5 SEC. 4C. (1) THE PLAN MAY BE ADOPTED AS A WHOLE OR BY SUC-
6 CESSIVE PARTS CORRESPONDING WITH MAJOR GEOGRAPHICAL AREAS OF THE
7 COUNTY OR WITH FUNCTIONAL SUBJECT MATTER AREAS OF THE PLAN.

8 (2) AFTER PREPARING A PROPOSED PLAN, THE COUNTY PLANNING
9 COMMISSION SHALL SUBMIT THE PROPOSED PLAN TO THE COUNTY BOARD OF
10 COMMISSIONERS FOR REVIEW AND COMMENT. [THE PROCESS OF ADOPTING A
PLAN SHALL NOT PROCEED FURTHER UNLESS THE COUNTY BOARD OF
COMMISSIONERS APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN.]

11 (3) IF THE COUNTY BOARD OF COMMISSIONERS APPROVES THE DIS-
12 TRIBUTION OF THE PROPOSED PLAN, IT SHALL NOTIFY THE SECRETARY OF
13 THE PLANNING COMMISSION AND THE SECRETARY SHALL SUBMIT A COPY OF
14 THE PROPOSED PLAN, FOR REVIEW AND COMMENT, TO ALL OF THE
15 FOLLOWING:

16 (A) THE PLANNING COMMISSION, OR IF THERE IS NO PLANNING COM-
17 MISSION, THE LEGISLATIVE BODY, OF EACH CITY, VILLAGE, TOWNSHIP,
18 OR COUNTY LOCATED WITHIN OR CONTIGUOUS TO THE MUNICIPALITY.

19 (B) THE REGIONAL PLANNING COMMISSION, IF ANY, FOR THE REGION
20 IN WHICH THE COUNTY IS LOCATED.

21 (C) THE COUNTY PLANNING COMMISSION, OR IF THERE IS NO COUNTY
22 PLANNING COMMISSION, THE COUNTY BOARD OF COMMISSIONERS, FOR EACH
23 COUNTY LOCATED CONTIGUOUS TO THE COUNTY.

24 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING
25 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE COUNTY THAT
26 REGISTERS ITS NAME AND ADDRESS FOR THIS PURPOSE WITH THE
27 SECRETARY OF THE COUNTY PLANNING COMMISSION. AN ENTITY THAT,

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1 PURSUANT TO THIS SUBDIVISION, RECEIVES A COPY OF A PROPOSED PLAN,
2 OR OF A PLAN AS PROVIDED IN SECTION 5(4), SHALL REIMBURSE THE
3 COUNTY FOR ANY COPYING AND POSTAGE COSTS THEREBY INCURRED BY THE
4 COUNTY.

5 (4) AN ENTITY DESCRIBED IN SUBSECTION (3) MAY SUBMIT COM-
6 MENTS ON THE PROPOSED PLAN TO THE COUNTY PLANNING COMMISSION
7 WITHIN 65 DAYS AFTER THE PROPOSED PLAN WAS SUBMITTED TO THAT
8 ENTITY UNDER SUBSECTION (3).

9 Sec. 5. ~~It shall be the duty of the county planning com-~~
10 ~~mission to adopt a plan for the development of the county. The~~
11 ~~county plan with accompanying maps, plats, charts, and descrip-~~
12 ~~tive and explanatory matter shall show the commission's recommen-~~
13 ~~dations for the development of the county. The county planning~~
14 ~~commission may adopt the plan as a whole by a single resolution,~~
15 ~~or may by successive resolutions adopt successive parts of the~~
16 ~~plan, said parts corresponding to major geographical sections of~~
17 ~~the county or to functional divisions of the subject matter of~~
18 ~~the plan, and may adopt any amendment or extension thereof or~~
19 ~~addition thereto. The adoption of the plan, or of any such part,~~
20 ~~amendment, extension, or addition, shall by resolution be carried~~
21 ~~by the affirmative votes of not less than~~

22 (1) THE COUNTY PLANNING COMMISSION SHALL ADOPT THE PLAN BY A
23 RESOLUTION APPROVED BY a majority of the full membership of the
24 PLANNING commission after ~~duly advertised~~ A public hearing.
25 THE HEARING SHALL BE HELD AFTER THE EXPIRATION OF THE DEADLINE
26 FOR COMMENT UNDER SECTION 4B(4). The resolution shall refer
27 expressly to the maps, plats, charts, and descriptive and

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1 explanatory matter intended by the PLANNING commission to form
2 the whole or part of the plan, and the action taken shall be
3 recorded on the maps, plats, charts, and descriptive and explana-
4 tory matter ~~by the identifying signature of the chairman~~ AND
5 SIGNED BY THE CHAIRPERSON of the PLANNING commission.

6 (2) FOLLOWING APPROVAL OF THE PROPOSED PLAN BY THE COUNTY
7 PLANNING COMMISSION, THE SECRETARY OF THE PLANNING COMMISSION
8 SHALL SUBMIT A COPY OF THE PROPOSED PLAN TO THE COUNTY BOARD OF
9 COMMISSIONERS.

10 (3) APPROVAL OF THE PLAN BY THE PLANNING COMMISSION UNDER
11 SUBSECTION (1) IS THE FINAL STEP FOR ADOPTION OF THE PLAN, UNLESS
12 THE BOARD OF COMMISSIONERS BY RESOLUTION ASSERTS THE RIGHT TO
13 APPROVE OR REJECT THE PLAN. IN THAT CASE, AFTER APPROVAL OF THE
14 PLAN BY THE PLANNING COMMISSION, THE COUNTY SHALL APPROVE OR
15 REJECT THE PLAN.

16 (4) IF THE COUNTY BOARD OF COMMISSIONERS REJECTS THE PRO-
17 POSED PLAN, THE COUNTY BOARD OF COMMISSIONERS SHALL SUBMIT TO THE
18 PLANNING COMMISSION A STATEMENT OF ITS OBJECTIONS TO THE PROPOSED
19 PLAN. THE PLANNING COMMISSION SHALL CONSIDER THE COUNTY BOARD OF
20 COMMISSIONERS' OBJECTIONS AND REVISE THE PROPOSED PLAN SO AS TO
21 ADDRESS THOSE OBJECTIONS. THE PROCEDURES PROVIDED IN SUBSECTION
22 (1) AND THIS SUBSECTION SHALL BE REPEATED UNTIL A PROPOSED PLAN
23 IS APPROVED BY THE COUNTY BOARD OF COMMISSIONERS.

24 (5) UPON FINAL ADOPTION OF THE PLAN BY THE COUNTY BOARD OF
25 COMMISSIONERS, COPIES OF THE PLAN SHALL BE SUBMITTED IN THE SAME
26 MANNER AS PROVIDED FOR SUBMITTING COPIES OF THE PROPOSED PLAN
27 UNDER SECTION 4C(3).

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1 (6) AN EXTENSION, ADDITION, REVISION, OR OTHER AMENDMENT TO
2 A COUNTY PLAN SHALL BE ADOPTED UNDER THE SAME PROCEDURE AS A PLAN
3 OR A SUCCESSIVE PART OF A PLAN UNDER SECTIONS 4B AND 4C AND THIS
4 SECTION. HOWEVER, FOR AN AMENDMENT OTHER THAN A REVISION OF THE
5 PLAN, THE 65-DAY PERIOD OTHERWISE PROVIDED FOR IN SECTION 4C(4)
6 SHALL BE 40 DAYS.

7 (7) AT LEAST EVERY 5 YEARS AFTER ADOPTION OF THE PLAN, THE
8 PLANNING COMMISSION SHALL REVIEW THE PLAN AND DETERMINE WHETHER
9 TO COMMENCE THE PROCEDURE TO AMEND THE PLAN OR ADOPT A NEW PLAN.

10 (8) UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2001 AMEND-
11 MENTS THAT ADDED THIS SUBSECTION, A COUNTY MAY ADOPT A PLAN OR AN
12 EXTENSION, ADDITION, REVISION, OR OTHER AMENDMENT TO A PLAN UNDER
13 THE PROCEDURES PROVIDED FOR BY THIS ACT IMMEDIATELY BEFORE THE
14 EFFECTIVE DATE OF THE 2001 AMENDMENTS THAT ADDED THIS SUBSECTION.

15 (9) Following adoption of the county plan or any part
16 ~~thereof~~ OF A COUNTY PLAN and the certification by the COUNTY
17 PLANNING commission to the county board of ~~supervisors~~
18 COMMISSIONERS of a copy of the ~~county~~ plan, ~~no~~ work shall NOT
19 be initiated on any project involving the expenditure of funds by
20 a county board, department, or agency for the acquisition of
21 land, the erection of structures, the extension, construction, or
22 improvement of any physical facility by any county board,
23 department, or agency unless a full description of the project,
24 INCLUDING, BUT NOT LIMITED TO, its proposed location and extent,
25 ~~thereof shall have~~ HAS been submitted to the county planning
26 commission and the report and advice of the PLANNING commission
27 ~~thereon shall have~~ HAS been received by the county board of

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1 ~~supervisors~~ COMMISSIONERS and by the county board, department,
2 or agency submitting the proposal. The requirement for planning
3 commission's review ~~shall be deemed to be~~ IS waived if within
4 30 days after the proposal has been filed with the PLANNING com-
5 mission, the PLANNING commission fails to furnish in writing ~~,~~
6 its report and advice upon the proposal. ~~Copies of said~~ THE
7 PLANNING COMMISSION SHALL PROVIDE COPIES OF THE report and advice
8 ~~shall be furnished~~ to the county board, department, or agency
9 sponsoring the proposal.

10 (10) ~~Any~~ A COUNTY plan describing the recommended develop-
11 ment of an incorporated area shall not be recognized as THE offi-
12 cial plan or part of the official plan for that area unless
13 adopted by the municipality in the manner prescribed BY LAW OR
14 CHARTER for the adoption of such plans by municipalities. ~~under~~
15 ~~the provisions of the state statutes or the local charter.~~

16 SEC. 15. AS USED IN THIS ACT:

17 (A) "COUNTY BOARD OF COMMISSIONERS" MEANS 1 OF THE FOLLOW-
18 ING, AS APPLICABLE:

19 (i) THE COUNTY EXECUTIVE IN A COUNTY ORGANIZED UNDER 1966 PA
20 293, MCL 45.501 TO 45.521.

21 (ii) IN ALL OTHER COUNTIES, THE ELECTED COUNTY BOARD OF
22 COMMISSIONERS.

23 (B) "COUNTY PLAN", "DEVELOPMENT PLAN", OR "PLAN" MEANS A
24 PLAN AS DESCRIBED IN SECTION 4.

25 (C) "COUNTY PLANNING COMMISSION" OR "PLANNING COMMISSION"
26 MEANS A PLANNING COMMISSION AS PROVIDED FOR UNDER SECTION 1.