

**SENATE 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. IF THE COUNTY HAS ADOPTED
22 A ZONING ORDINANCE UNDER THE COUNTY ZONING ACT, 1943 PA 183, MCL
23 125.201 TO 125.240, THE LAND USE PLAN AND PROGRAM SHALL CONSIST
24 IN PART OF A CLASSIFICATION AND ALLOCATION OF LAND FOR AGRICUL-
25 TURE, RESIDENCES, COMMERCE, INDUSTRY, RECREATION, WAYS AND
26 GROUNDS, PUBLIC BUILDINGS, SCHOOLS, SOIL CONSERVATION, FORESTS,
27 WOODLOTS, OPEN SPACE, WILDLIFE REFUGES, AND OTHER USES

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1 AND PURPOSES. IF THE COUNTY HAS NOT ADOPTED A ZONING ORDINANCE
2 UNDER THE COUNTY ZONING ACT, 1943 PA 183, MCL 125.201 TO 125.240,
3 THE LAND USE PLAN AND PROGRAM MAY BE A GENERAL PLAN WITH
4 GENERALIZED FUTURE LAND USE MAPS.

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

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

16 (D) RECOMMENDATIONS FOR IMPLEMENTING ANY OF ITS PROPOSALS.

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

19 (A) CONDUCT studies, investigations, and surveys relative to
20 the economic, social, and physical development of the county. ~~→~~
21 ~~(2) formulate~~

22 (B) FORMULATE plans and make recommendations for the most
23 effective economic, social, and physical development of the
24 county. ~~→ (3) cooperate~~

25 (C) COOPERATE with all departments of the state and federal
26 governments and other public agencies concerned with programs
27 ~~directed towards~~ FOR the economic, social, and physical

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1 development of the county ~~—~~ and seek the maximum coordination
2 of the county programs of these agencies. ~~— (4) consult~~

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

6 (4) The county planning commission may serve as a coordinat-
7 ing agency for all planning committees and commissions within the
8 county.

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

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

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

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

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

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

25 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING
26 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE COUNTY, AND

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1 ANY GOVERNMENT ENTITY, THAT REGISTERS ITS NAME AND MAILING
2 ADDRESS FOR THIS PURPOSE WITH THE COUNTY PLANNING COMMISSION.

3 (3) THE NOTICE TO AN ENTITY UNDER THIS SECTION MAY REQUEST
4 PERMISSION FOR THE COUNTY TO SUBMIT ELECTRONICALLY ANY INFORMA-
5 TION REQUIRED TO BE SUBMITTED TO THAT ENTITY UNDER SECTION 4C OR
6 5. IF THE ENTITY TO WHICH THE NOTICE IS SENT GRANTS THIS PERMIS-
7 SION, INFORMATION SUBMITTED TO OR BY THAT ENTITY UNDER SECTION 4C
8 OR 5 MAY BE SUBMITTED ELECTRONICALLY. OTHERWISE, SUCH INFORMA-
9 TION SHALL BE SUBMITTED IN WRITING BY FIRST-CLASS MAIL OR PER-
10 SONAL DELIVERY.

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

14 (2) AFTER PREPARING A PROPOSED PLAN, THE COUNTY PLANNING
15 COMMISSION SHALL SUBMIT THE PROPOSED PLAN TO THE COUNTY BOARD OF
16 COMMISSIONERS FOR REVIEW AND COMMENT. THE PROCESS OF ADOPTING A
17 PLAN SHALL NOT PROCEED FURTHER UNLESS THE COUNTY BOARD OF COMMIS-
18 SIONERS APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN.

19 (3) IF THE COUNTY BOARD OF COMMISSIONERS APPROVES THE DIS-
20 TRIBUTION OF THE PROPOSED PLAN, IT SHALL NOTIFY THE SECRETARY OF
21 THE PLANNING COMMISSION AND THE SECRETARY SHALL SUBMIT A COPY OF
22 THE PROPOSED PLAN, FOR REVIEW AND COMMENT, TO ALL OF THE
23 FOLLOWING:

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

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

3 (C) THE COUNTY PLANNING COMMISSION, OR IF THERE IS NO COUNTY
4 PLANNING COMMISSION, THE COUNTY BOARD OF COMMISSIONERS, FOR EACH
5 COUNTY LOCATED CONTIGUOUS TO THE COUNTY.

6 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING
7 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE COUNTY, AND
8 ANY GOVERNMENT ENTITY, THAT REGISTERS ITS NAME AND ADDRESS FOR
9 THIS PURPOSE WITH THE SECRETARY OF THE COUNTY PLANNING
10 COMMISSION. AN ENTITY THAT, PURSUANT TO THIS SUBDIVISION,
11 RECEIVES A COPY OF A PROPOSED PLAN, OR OF A PLAN AS PROVIDED IN
12 SECTION 5(5), SHALL REIMBURSE THE COUNTY FOR ANY COPYING AND
13 POSTAGE COSTS THEREBY INCURRED BY THE COUNTY.

14 (4) AN ENTITY DESCRIBED IN SUBSECTION (3) MAY SUBMIT COM-
15 MENTS ON THE PROPOSED PLAN TO THE COUNTY PLANNING COMMISSION
16 WITHIN 65 DAYS AFTER THE PROPOSED PLAN WAS SUBMITTED TO THAT
17 ENTITY UNDER SUBSECTION (3).

18 Sec. 5. ~~It shall be the duty of the county planning com-~~
19 ~~mission to adopt a plan for the development of the county. The~~
20 ~~county plan with accompanying maps, plats, charts, and descrip-~~
21 ~~tive and explanatory matter shall show the commission's recommen-~~
22 ~~dations for the development of the county. The county planning~~
23 ~~commission may adopt the plan as a whole by a single resolution,~~
24 ~~or may by successive resolutions adopt successive parts of the~~
25 ~~plan, said parts corresponding to major geographical sections of~~
26 ~~the county or to functional divisions of the subject matter of~~
27 ~~the plan, and may adopt any amendment or extension thereof or~~

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1 ~~addition thereto. The adoption of the plan, or of any such part,~~
2 ~~amendment, extension, or addition, shall by resolution be carried~~
3 ~~by the affirmative votes of not less than~~

4 (1) THE COUNTY PLANNING COMMISSION SHALL ADOPT THE PLAN BY A
5 RESOLUTION APPROVED BY a majority of the full membership of the
6 PLANNING commission after ~~duly advertised~~ A public hearing.
7 THE HEARING SHALL BE HELD AFTER THE EXPIRATION OF THE DEADLINE
8 FOR COMMENT UNDER SECTION 4C(4). The resolution shall refer
9 expressly to the maps, plats, charts, and descriptive and explan-
10 atory matter intended by the PLANNING commission to form the
11 whole or part of the plan, and the action taken shall be recorded
12 on the maps, plats, charts, and descriptive and explanatory
13 matter ~~by the identifying signature of the chairman~~ AND SIGNED
14 BY THE CHAIRPERSON of the PLANNING commission.

15 (2) FOLLOWING APPROVAL OF THE PROPOSED PLAN BY THE COUNTY
16 PLANNING COMMISSION, THE SECRETARY OF THE PLANNING COMMISSION
17 SHALL SUBMIT A COPY OF THE PROPOSED PLAN TO THE COUNTY BOARD OF
18 COMMISSIONERS.

19 (3) APPROVAL OF THE PLAN BY THE PLANNING COMMISSION UNDER
20 SUBSECTION (1) IS THE FINAL STEP FOR ADOPTION OF THE PLAN, UNLESS
21 THE BOARD OF COMMISSIONERS BY RESOLUTION HAS ASSERTED THE RIGHT
22 TO APPROVE OR REJECT THE PLAN. IN THAT CASE, AFTER APPROVAL OF
23 THE PLAN BY THE PLANNING COMMISSION, THE COUNTY SHALL APPROVE OR
24 REJECT THE PLAN.

25 (4) IF THE COUNTY BOARD OF COMMISSIONERS REJECTS THE PRO-
26 POSED PLAN, THE COUNTY BOARD OF COMMISSIONERS SHALL SUBMIT TO THE
27 PLANNING COMMISSION A STATEMENT OF ITS OBJECTIONS TO THE PROPOSED

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1 PLAN. THE PLANNING COMMISSION SHALL CONSIDER THE COUNTY BOARD OF
2 COMMISSIONERS' OBJECTIONS AND REVISE THE PROPOSED PLAN SO AS TO
3 ADDRESS THOSE OBJECTIONS. THE PROCEDURES PROVIDED IN SUBSECTIONS
4 (1) TO (3) AND THIS SUBSECTION SHALL BE REPEATED UNTIL A PROPOSED
5 PLAN IS APPROVED BY THE COUNTY BOARD OF COMMISSIONERS.

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

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

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

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

24 (9) Following adoption of the county plan or any part
25 ~~thereof~~ OF A COUNTY PLAN and the certification by the COUNTY
26 PLANNING commission to the county board of ~~supervisors~~
27 COMMISSIONERS of a copy of the ~~county~~ plan, ~~no~~ work shall NOT

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1 be initiated on any project involving the expenditure of funds by
2 a county board, department, or agency for the acquisition of
3 land, the erection of structures, the extension, construction, or
4 improvement of any physical facility by any county board,
5 department, or agency unless a full description of the project,
6 INCLUDING, BUT NOT LIMITED TO, its proposed location and extent,
7 ~~thereof shall have~~ HAS been submitted to the county planning
8 commission and the report and advice of the PLANNING commission
9 ~~thereon shall have~~ HAS been received by the county board of
10 ~~supervisors~~ COMMISSIONERS and by the county board, department,
11 or agency submitting the proposal. The requirement for planning
12 commission's review ~~shall be deemed to be~~ IS waived if within
13 30 days after the proposal has been filed with the PLANNING com-
14 mission, the PLANNING commission fails to furnish in writing ~~—~~
15 its report and advice upon the proposal. ~~Copies of said~~ THE
16 PLANNING COMMISSION SHALL PROVIDE COPIES OF THE report and advice
17 ~~shall be furnished~~ to the county board, department, or agency
18 sponsoring the proposal.

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

25 SEC. 15. AS USED IN THIS ACT:

26 (A) "COUNTY BOARD OF COMMISSIONERS" MEANS 1 OF THE
27 FOLLOWING, AS APPLICABLE:

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1 (i) THE COUNTY EXECUTIVE IN A COUNTY ORGANIZED UNDER 1966 PA
2 293, MCL 45.501 TO 45.521.

3 (ii) IN ALL OTHER COUNTIES, THE ELECTED COUNTY BOARD OF
4 COMMISSIONERS.

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

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