

# HOUSE BILL No. 5451

November 8, 2007, Introduced by Rep. Bennett and referred to the Committee on Appropriations.

A bill to amend 1967 PA 288, entitled  
"Land division act,"  
by amending sections 102, 117, and 118 (MCL 560.102, 560.117, and 560.118), section 102 as amended by 1996 PA 591 and sections 117 and 118 as amended by 2004 PA 525.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 102. As used in this act:

2       (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
3       QUALITY.

4       (B) "DETROIT CONSUMER PRICE INDEX" MEANS THE MOST  
5       COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE DETROIT  
6       AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR  
7       STATISTICS.

8       (C) ~~(a)~~ "Plat" means a map or chart of a subdivision of land.

1           (D) ~~(b)~~—"Land" means all land areas occupied by real property.

2           (E) ~~(c)~~—"Preliminary plat" means a map showing the salient  
3 features of a proposed subdivision submitted to an approving  
4 authority for purposes of preliminary consideration.

5           (F) ~~(d)~~—"Division" means the partitioning or splitting of a  
6 parcel or tract of land by the proprietor thereof or by his or her  
7 heirs, executors, administrators, legal representatives,  
8 successors, or assigns for the purpose of sale, or lease of more  
9 than 1 year, or of building development that results in 1 or more  
10 parcels of less than 40 acres or the equivalent, and that satisfies  
11 the requirements of sections 108 and 109. Division does not include  
12 a property transfer between 2 or more adjacent parcels, if the  
13 property taken from 1 parcel is added to an adjacent parcel; and  
14 any resulting parcel shall not be considered a building site unless  
15 the parcel conforms to the requirements of this act or the  
16 requirements of an applicable local ordinance.

17           (G) ~~(e)~~—"Exempt split" means the partitioning or splitting of  
18 a parcel or tract of land by the proprietor thereof or by his or  
19 her heirs, executors, administrators, legal representatives,  
20 successors, or assigns that does not result in 1 or more parcels of  
21 less than 40 acres or the equivalent. For a property transfer  
22 between 2 or more adjacent parcels, if the property taken from 1  
23 parcel is added to an adjacent parcel, any resulting parcel shall  
24 not be considered a building site unless the parcel conforms to the  
25 requirements of this act or the requirements of an applicable local  
26 ordinance.

27           (H) ~~(f)~~—"Subdivide" or "subdivision" means the partitioning or

1 splitting of a parcel or tract of land by the proprietor thereof or  
2 by his or her heirs, executors, administrators, legal  
3 representatives, successors, or assigns for the purpose of sale, or  
4 lease of more than 1 year, or of building development that results  
5 in 1 or more parcels of less than 40 acres or the equivalent, and  
6 that is not exempted from the platting requirements of this act by  
7 sections 108 and 109. "Subdivide" or "subdivision" does not include  
8 a property transfer between 2 or more adjacent parcels, if the  
9 property taken from 1 parcel is added to an adjacent parcel; and  
10 any resulting parcel shall not be considered a building site unless  
11 the parcel conforms to the requirements of this act or the  
12 requirements of an applicable local ordinance.

13 (I) ~~(g)~~ "Parcel" means a continuous area or acreage of land  
14 which can be described as provided for in this act.

15 (J) ~~(h)~~ "Tract" means 2 or more parcels that share a common  
16 property line and are under the same ownership.

17 (K) ~~(i)~~ "Parent parcel" or "parent tract" means a parcel or  
18 tract, respectively, lawfully in existence on the effective date of  
19 the amendatory act that added this subdivision.

20 (L) ~~(j)~~ "Accessible", in reference to a parcel, means that the  
21 parcel meets 1 or both of the following requirements:

22 (i) Has an area where a driveway provides vehicular access to  
23 an existing road or street and meets all applicable location  
24 standards of the state transportation department or county road  
25 commission under ~~Act No. 200 of the Public Acts of 1969, being~~  
26 ~~sections 247.321 to 247.329 of the Michigan Compiled Laws 1969 PA~~  
27 **200, MCL 247.321 TO 247.329**, and of the city or village, or has an

1 area where a driveway can provide vehicular access to an existing  
2 road or street and meet all such applicable location standards.

3 (ii) Is served by an existing easement that provides vehicular  
4 access to an existing road or street and that meets all applicable  
5 location standards of the state transportation department or county  
6 road commission under ~~Act No. 200 of the Public Acts of 1969~~ 1969  
7 **PA 200, MCL 247.321 TO 247.329**, and of the city or village, or can  
8 be served by a proposed easement that will provide vehicular access  
9 to an existing road or street and that will meet all such  
10 applicable location standards.

11 (M) ~~(K)~~ "Development site" means any parcel or lot on which  
12 exists or which is intended for building development other than the  
13 following:

14 (i) Agricultural use involving the production of plants and  
15 animals useful to humans, including forages and sod crops; grains,  
16 feed crops, and field crops; dairy **ANIMALS** and dairy products;  
17 poultry and poultry products; livestock, including breeding and  
18 grazing of cattle, swine, and similar animals; berries; herbs;  
19 flowers; seeds; grasses; nursery stock; fruits; vegetables;  
20 Christmas trees; and other similar uses and activities.

21 (ii) Forestry use involving the planting, management, or  
22 harvesting of timber.

23 (N) ~~(L)~~ "Forty acres or the equivalent" means 40 acres, a  
24 quarter-quarter section containing not less than 30 acres, or a  
25 government lot containing not less than 30 acres.

26 (O) ~~(M)~~ "Lot" means a measured portion of a parcel or tract of  
27 land, which is described and fixed in a recorded plat.

1       (P) ~~(n)~~—"Outlot", when included within the boundary of a  
2 recorded plat, means a lot set aside for purposes other than a  
3 development site, park, or other land dedicated to public use or  
4 reserved to private use.

5       (Q) ~~(e)~~—"Proprietor" means a natural person, firm,  
6 association, partnership, corporation, or combination of any of  
7 them that holds an ownership interest in land whether recorded or  
8 not.

9       (R) ~~(p)~~—"Governing body" means the legislative body of a city  
10 or village or the township board of a township.

11       (S) ~~(q)~~—"Municipality" means a township, city, or village.

12       (T) ~~(r)~~—"County plat board" means the register of deeds, who  
13 shall act as chairperson, the county clerk, who shall act as  
14 secretary, and the county treasurer. If the offices of county clerk  
15 and register of deeds have been combined, the chairperson of the  
16 board of supervisors shall be a member of the plat board and shall  
17 act as chairperson. In a county where a board of auditors is  
18 authorized by law such board may elect to serve on the county plat  
19 board by adopting a resolution so ordering. A copy of the recorded  
20 resolution shall be sent to the state treasurer.

21       (U) ~~(s)~~—"Public utility" means all persons, firms,  
22 corporations, copartnerships, or municipal or other public  
23 authority providing gas, electricity, water, steam, telephone,  
24 sewer, or other services of a similar nature.

25       (V) ~~(t)~~—"Caption" means the name by which the plat is legally  
26 and commonly known.

27       (W) ~~(u)~~—"Replat" means the process of changing, or the map or

1 plat which changes, the boundaries of a recorded subdivision plat  
 2 or part thereof. The legal dividing of an outlot within a recorded  
 3 subdivision plat without changing the exterior boundaries of the  
 4 outlot is not a replat.

5 **(X)** ~~(v)~~-"Surveyor" means a professional surveyor licensed  
 6 under article 20 of the occupational code, ~~Act No. 299 of the~~  
 7 ~~Public Acts of 1980, being sections 339.2001 to 339.2014 of the~~  
 8 ~~Michigan Compiled Laws 1980 PA 299, MCL 339.2001 TO 339.2014.~~

9 **(Y)** ~~(w)~~-"Engineer" means a civil engineer who is a  
 10 professional engineer licensed under article 20 of the occupational  
 11 code, ~~Act No. 299 of the Public Acts of 1980, being sections~~  
 12 ~~339.2001 to 339.2014 of the Michigan Compiled Laws 1980 PA 299, MCL~~  
 13 ~~339.2001 TO 339.2014.~~

14 **(Z)** ~~(x)~~-"Government survey" means the land surveyed,  
 15 subdivided and monumented by the United States public land survey.

16 **(AA)** ~~(y)~~-"Michigan coordinate system" means the system defined  
 17 in ~~Act No. 9 of the Public Acts of 1964, being sections 54.231 to~~  
 18 ~~54.239 of the Michigan Compiled Laws 1964 PA 9, MCL 54.231 TO~~  
 19 ~~54.239.~~

20 **(BB)** ~~(z)~~-"Alley" means a public or private right of way shown  
 21 on a plat which provides secondary access to a lot, block, or  
 22 parcel of land.

23 **(CC)** ~~(aa)~~-"Health department" means the department, ~~of~~  
 24 ~~environmental quality,~~ a city health department, a county health  
 25 department, or a district health department, whichever has  
 26 jurisdiction.

27 **(DD)** ~~(bb)~~-"Public sewer" means a sewerage system as defined in

1 section 4101 of part 41 (~~sewerage systems~~) of the natural resources  
2 and environmental protection act, ~~Act No. 451 of the Public Acts of~~  
3 ~~1994, being section 324.4101 of the Michigan Compiled Laws 1994 PA~~  
4 **451, MCL 324.4101.**

5 (EE) ~~(ee)~~ "Public water" means a system of pipes and  
6 structures through which water is obtained and distributed to the  
7 public, including wells and well structures, intakes, and cribs,  
8 pumping stations, treatment plants, reservoirs, storage tanks and  
9 appurtenances, collectively or severally, actually used or intended  
10 for use for the purpose of furnishing water to the public for  
11 household or drinking purposes.

12 (FF) ~~(dd)~~ "Topographical map" means a map showing existing  
13 physical characteristics, with contour lines at sufficient  
14 intervals to permit determination of proposed grades and drainage.

15 (GG) ~~(ee)~~ "Flood plain" means that area of land adjoining the  
16 channel of a river, stream, water course, lake, or other similar  
17 body of water which will be inundated by a flood which can  
18 reasonably be expected for that region.

19 Sec. 117. (1) The proprietor shall submit 2 copies of the  
20 preliminary plat to the department of environmental quality, if any  
21 of the subdivision lies wholly or in part within the floodplain of  
22 a river, stream, creek, or lake. The department of environmental  
23 quality, within 30 days after receipt of the preliminary plat,  
24 shall approve it, approve it subject to conditions, or reject it.  
25 If the preliminary plat is approved, the department of  
26 environmental quality shall note its approval on the copy to be  
27 returned to the proprietor. If the department of environmental

1 quality approves the preliminary plat subject to conditions or  
2 rejects the preliminary plat, the department shall give the reasons  
3 for rejection and requirements for approval in writing to the  
4 proprietor and to each of the other officers and agencies to which  
5 the proprietor was required to submit the preliminary plat under  
6 sections 113 to 115 and 117 to 119. The determination of a  
7 floodplain area shall be based on rules specified in section  
8 105(f).

9 (2) The preliminary plat submittal to the department of  
10 environmental quality under subsection (1) shall be accompanied by  
11 a fee of ~~\$500.00~~ **\$1,750.00** to cover the administrative cost of the  
12 department's preliminary plat review. If the department of  
13 environmental quality determines that engineering computations are  
14 required to establish the limits of the floodplain on a preliminary  
15 plat, the department shall assess an additional fee of ~~\$1,500.00~~  
16 **\$2,500.00** to cover the department's cost of establishing those  
17 limits.

18 (3) **THE DEPARTMENT SHALL ADJUST THE FEES UNDER SUBSECTION (2)**  
19 **IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED BY**  
20 **THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE**  
21 **CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST**  
22 **DOLLAR.**

23 (4) ~~(3)~~—The department of environmental quality shall forward  
24 fees collected under this section to the state treasurer for  
25 deposit in the land and water management permit fee fund created in  
26 section 30113 of the natural resources and environmental protection  
27 act, 1994 PA 451, MCL 324.30113.



1       Sec. 118. (1) The proprietor shall submit 3 copies of the  
2 preliminary plat to the health department having jurisdiction, if  
3 public water and public sewers are not available and accessible to  
4 the land proposed to be subdivided.

5       (2) The health department, within 30 days after receipt of the  
6 preliminary plat, shall approve it, approve it subject to  
7 conditions, or reject all or any portion of the ~~proposed~~  
8 ~~subdivision~~ **PRELIMINARY PLAT** that is not suitable. If the  
9 preliminary plat is approved, the health department shall note its  
10 approval on the copy to be returned to the proprietor. If all or  
11 any portion of the preliminary plat is approved subject to  
12 conditions or is rejected, the health department shall give its  
13 reasons for rejection and requirements for approval in writing to  
14 the proprietor, the governing body, and each of the other officers  
15 and agencies to which the proprietor was required to submit the  
16 preliminary plat under sections 113 to 115 and 117 to 119.

17       **(3) THE PRELIMINARY PLAT SUBMITTAL TO THE HEALTH DEPARTMENT**  
18 **UNDER SUBSECTION (1) SHALL BE ACCOMPANIED BY A STATE FILING FEE OF**  
19 **\$300.00 PLUS \$20.00 FOR EACH LOT. THE PLAT FILING FEE SHALL BE**  
20 **PAYABLE TO THE CITY, COUNTY, OR DISTRICT HEALTH DEPARTMENT HAVING**  
21 **JURISDICTION OR TO THE STATE OF MICHIGAN IF THE SUBMITTAL IS TO THE**  
22 **DEPARTMENT. FILING FEES SHALL BE FORWARDED BY THE CITY, COUNTY, OR**  
23 **DISTRICT HEALTH DEPARTMENT TO THE DEPARTMENT NOT MORE THAN 90 DAYS**  
24 **FOLLOWING THE DATE OF PRELIMINARY PLAT SUBMITTAL TO THE HEALTH**  
25 **DEPARTMENT.**

26       **(4) THE DEPARTMENT SHALL FORWARD FILING FEES COLLECTED UNDER**  
27 **THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE ON-SITE**

1 WASTEWATER TREATMENT PROGRAM FUND CREATED IN SECTION 5003 OF THE  
2 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,  
3 MCL 324.5003.

4 (5) THE DEPARTMENT SHALL ANNUALLY ADJUST THE FEES UNDER  
5 SUBSECTION (3) BY AN AMOUNT DETERMINED BY THE STATE TREASURER TO  
6 REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT  
7 CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST DOLLAR.

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No.\_\_\_\_ or House Bill No. 5450(request no.  
10 02661'07) of the 94th Legislature is enacted into law.