

SENATE BILL No. 919

October 20, 2009, Introduced by Senator McMANUS and referred to the Committee on Appropriations.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending sections 102, 105, 116, and 117 (MCL 560.102, 560.105,
560.116, and 560.117), section 102 as amended by 1996 PA 591,
section 105 as amended by 1997 PA 87, and sections 116 and 117 as
amended by 2004 PA 525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:
2 (a) "Plat" means a map or chart of a subdivision of land.
3 (b) "Land" means all land areas occupied by real property.
4 (c) "Preliminary plat" means a map showing the salient
5 features of a proposed subdivision submitted to an approving

1 authority for purposes of preliminary consideration.

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

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

24 (f) "Subdivide" or "subdivision" means the partitioning or
25 splitting of a parcel or tract of land by the proprietor thereof or
26 by his or her heirs, executors, administrators, legal
27 representatives, successors, or assigns for the purpose of sale, or

1 lease of more than 1 year, or of building development that results
2 in 1 or more parcels of less than 40 acres or the equivalent, and
3 that is not exempted from the platting requirements of this act by
4 sections 108 and 109. "Subdivide" or "subdivision" does not include
5 a property transfer between 2 or more adjacent parcels, if the
6 property taken from 1 parcel is added to an adjacent parcel; and
7 any resulting parcel shall not be considered a building site unless
8 the parcel conforms to the requirements of this act or the
9 requirements of an applicable local ordinance.

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

12 (h) "Tract" means 2 or more parcels that share a common
13 property line and are under the same ownership.

14 (i) "Parent parcel" or "parent tract" means a parcel or tract,
15 respectively, lawfully in existence on ~~the effective date of the~~
16 ~~amendatory act that added this subdivision~~ **MARCH 31, 1997.**

17 (j) "Accessible", in reference to a parcel, means that the
18 parcel meets 1 or both of the following requirements:

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

27 (ii) Is served by an existing easement that provides vehicular

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

8 (k) "Development site" means any parcel or lot on which exists
9 or which is intended for building development other than the
10 following:

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

18 (ii) Forestry use involving the planting, management, or
19 harvesting of timber.

20 (l) "Forty acres or the equivalent" means 40 acres, a quarter-
21 quarter section containing not less than 30 acres, or a government
22 lot containing not less than 30 acres.

23 (m) "Lot" means a measured portion of a parcel or tract of
24 land, which is described and fixed in a recorded plat.

25 (n) "Outlot", when included within the boundary of a recorded
26 plat, means a lot set aside for purposes other than a development
27 site, park, or other land dedicated to public use or reserved to

1 private use.

2 (o) "Proprietor" means a natural person, firm, association,
3 partnership, corporation, or combination of any of them that holds
4 an ownership interest in land whether recorded or not.

5 (p) "Governing body" means the legislative body of a city or
6 village or the township board of a township.

7 (q) "Municipality" means a township, city, or village.

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

17 (s) "Public utility" means all persons, firms, corporations,
18 copartnerships, or municipal or other public authority providing
19 gas, electricity, water, steam, telephone, sewer, or other services
20 of a similar nature.

21 (t) "Caption" means the name by which the plat is legally and
22 commonly known.

23 (u) "Replat" means the process of changing, or the map or plat
24 which changes, the boundaries of a recorded subdivision plat or
25 part thereof. The legal dividing of an outlot within a recorded
26 subdivision plat without changing the exterior boundaries of the
27 outlot is not a replat.

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

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

(x) "Government survey" means the land surveyed, subdivided and monumented by the United States public land survey.

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

(z) "Alley" means a public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land.

(aa) "Health department" means the department of ~~environmental quality~~ **NATURAL RESOURCES**, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) "Public sewer" means a sewerage system as defined in section 4101 ~~of part 41 (sewerage systems) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.4101 of the Michigan Compiled Laws~~ **1994 PA 451, MCL 324.4101.**

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

8 (dd) "Topographical map" means a map showing existing physical
9 characteristics, with contour lines at sufficient intervals to
10 permit determination of proposed grades and drainage.

11 (ee) "Flood plain" means that area of land adjoining the
12 channel of a river, stream, water course, lake, or other similar
13 body of water which will be inundated by a flood which can
14 reasonably be expected for that region.

15 Sec. 105. Approval of a preliminary plat, or final plat shall
16 be conditioned upon compliance with all of the following:

17 (a) The provisions of this act.

18 (b) Any ordinance or published rules of a municipality or
19 county adopted to carry out the provisions of this act.

20 (c) Any published rules of a county drain commissioner, county
21 road commission, or county plat board adopted to carry out the
22 provisions of this act.

23 (d) The rules of the state transportation department relating
24 to provisions for the safety of entrance upon and departure from
25 the abutting state trunk line highways or connecting streets and
26 relating to the provisions of drainage as required by the
27 department's then currently published standards and specifications.

1 (e) The rules of the department of ~~consumer and industry~~
2 ~~services~~**ENERGY, LABOR, AND ECONOMIC GROWTH** for the approval of
3 plats, including forms, certificates of approval, and other
4 required certificates, captioning of plats, and numbering of lots.

5 (f) The rules of the department of ~~environmental quality~~
6 **NATURAL RESOURCES** for the determination and establishment of
7 floodplain areas of rivers, streams, creeks, or lakes, as provided
8 in this act, as published in the state administrative code.

9 (g) The rules of the department of ~~environmental quality~~
10 **NATURAL RESOURCES** relating to suitability of groundwater for on-
11 site water supply for subdivisions not served by public water or to
12 suitability of soils for subdivisions not served by public sewers.
13 The department of ~~environmental quality~~**NATURAL RESOURCES** may
14 authorize a city, county, or district health department to carry
15 out the provisions of this act and rules promulgated under this act
16 relating to suitability of groundwater for subdivisions not served
17 by public water or relating to suitability of soils for
18 subdivisions not served by public sewers. The department of
19 ~~environmental quality~~**NATURAL RESOURCES** may require percolation
20 tests and boring tests to determine suitability of soils. When such
21 tests are required, they shall be conducted under the supervision
22 of a registered engineer, registered land surveyor, or registered
23 sanitarian in accordance with uniform procedures established by the
24 department of ~~environmental quality~~**NATURAL RESOURCES**.

25 Sec. 116. (1) The proprietor shall submit 2 copies of the
26 preliminary plat to the department of ~~environmental quality~~**NATURAL**
27 **RESOURCES** for information purposes, if the land proposed to be

1 subdivided abuts a lake or stream or abuts an existing or proposed
2 channel or lagoon affording access to a lake or stream where public
3 rights may be affected.

4 (2) The department, within 30 days after receipt of the
5 preliminary plat, shall place the proprietor, the governing body of
6 the municipality, and the county plat board on notice in writing if
7 it has any objections or may furnish such information to each as
8 may be helpful or necessary in its opinion to adequately plan the
9 development and secure approval of the final plat.

10 (3) Copies of the letters required under subsection (2) shall
11 be sent to the department of **ENERGY**, labor, and economic growth.

12 Sec. 117. (1) The proprietor shall submit 2 copies of the
13 preliminary plat to the department of ~~environmental quality~~ **NATURAL**
14 **RESOURCES**, if any of the subdivision lies wholly or in part within
15 the floodplain of a river, stream, creek, or lake. The department
16 of ~~environmental quality~~ **NATURAL RESOURCES**, within 30 days after
17 receipt of the preliminary plat, shall approve it, approve it
18 subject to conditions, or reject it. If the preliminary plat is
19 approved, the department of ~~environmental quality~~ **NATURAL RESOURCES**
20 shall note its approval on the copy to be returned to the
21 proprietor. If the department of ~~environmental quality~~ **NATURAL**
22 **RESOURCES** approves the preliminary plat subject to conditions or
23 rejects the preliminary plat, the department shall give the reasons
24 for rejection and requirements for approval in writing to the
25 proprietor and to each of the other officers and agencies to which
26 the proprietor was required to submit the preliminary plat under
27 sections 113 to 115 and 117 to 119. The determination of a

1 floodplain area shall be based on rules specified in section
2 105(f).

3 (2) The preliminary plat submittal to the department of
4 ~~environmental quality~~ **NATURAL RESOURCES** under subsection (1) shall
5 be accompanied by a fee of \$500.00 to cover the administrative cost
6 of the department's preliminary plat review. If the department of
7 ~~environmental quality~~ **NATURAL RESOURCES** determines that engineering
8 computations are required to establish the limits of the floodplain
9 on a preliminary plat, the department shall assess an additional
10 fee of \$1,500.00 to cover the department's cost of establishing
11 those limits.

12 (3) The department of ~~environmental quality~~ **NATURAL RESOURCES**
13 shall forward fees collected under this section to the state
14 treasurer for deposit in the land and water management permit fee
15 fund created in section 30113 of the natural resources and
16 environmental protection act, 1994 PA 451, MCL 324.30113.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 807

19 of the 95th Legislature is enacted into law.