



Michigan State University Extension  
Land Use Series

# Check List # 1K: Review of Infrastructure and Public Capital Expenditures

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This is a step-by-step procedure for the planning commission to review the infrastructure or public capital expenditure plan proposed by the local unit of government, or other government agencies which may be proposing activity within the local unit of government’s jurisdiction. Before work can begin on any project in an area covered by a municipal or county master plan, the proposed project must be reviewed and approved by the planning commission. Therefore review of infrastructure and public capital expenditure plans is a very important function of any planning commission. This review should be considered just as important as any other function carried out by the planning commission.

This document is designed to provide a list of steps – in order – which leads to a well planned community. This outline is based on Michigan Public Act 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*), recommendations of Jasneet Sharma, MSU Extension Land Policy Educator, budget finance recommendations derived from the Citizen Planner Leadership Academy Weekend “Budget Finance” training materials developed by Kurt H. Schindler, Distinguished Senior Educator Emeritus, and Dean Solomon, Distinguished Senior Educator Emeritus.

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*“Thirty seven million acres is  
all the Michigan we will ever have”*  
William G. Milliken

This is a checklist was developed by experts on the topic(s) covered within MSU Extension. Its intent and use is to assist Michigan communities making public policy decisions on these issues. This work refers to university-based peer reviewed research, when available and conclusive, and based on the parameters of the law as it relates to the topic(s) in Michigan. This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for zoning or other regulation by Michigan municipalities and counties apply in other states. In most cases they do not. This is not original research or a study proposing new findings or conclusions.

The Michigan Planning Enabling Act is a new statute, that changes how various planning procedures are done, and provides new duties and power to many planning commissions in the state. The entire purpose of this act was to create a single set of procedures to follow regardless of whether planning is being done by a city, village, township, or county. After September 1, 2008 (the effective date of the act) only the procedures in the Michigan Planning Enabling Act should be used as the act replaces the following statutes.

Only for matters that took place before September 1, 2008 should these old statutes still be referenced:

- County Planning Act, being P.A. 282 of 1945, as amended, M.C.L. 125.101 *et seq.*
- Township Planning Act, being P.A. 168 of 1959, as amended, M.C.L. 125.321 *et seq.*
- Municipal Planning Act, being P.A. 285 of 1931, as amended, M.C.L. 125.31 *et seq.*

For any step of this process, the Michigan State University Extension members of the Land Use Area of Expertise team can assist with sample materials; coordinating efforts between the township, county, and the state; and providing guidelines.

This outline is not designed as a substitute for reading and understanding the Michigan Planning Enabling Act. This outline is not a substitute for legal advice or for professional planner services.

It is **important** to document each step of the process in planning and zoning a community. Keep detailed minutes, affidavits of publication and mailing, open meeting notices, letters of transmittal, and communications all on file so years from now they are still available.

This checklist is divided into three columns. The first column has a place to check when the task is done, and a place to check when the documentation has been placed in a permanent file. The second column is the step, or task, to complete in the order given to properly adopt a plan. The third column is what should be included in a permanent file to document that work has been done. Sometimes the middle column is further divided into two columns. The heading will indicate which one should be followed in your

This check list is intended to be linear, with each step being done in order, and most requiring the previous step to be done before starting the next.

Review of infrastructure and capital expenditures occurs **after adoption of a master plan** (see *Land Use Series: "Checklist #IG; For Adoption of a Plan in Michigan"* and *Land Use Series: "Checklist #II; For Adoption of an Amendment to a Plan"*) by a local unit of government.

**Checklist # 1K;**

This is the step-by-step process for review of Infrastructure and Public Capital Expenditures

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 1a. For a city, village and township:</b>            Review proposed infrastructure project.</p> <p>1. A street; square, park, playground, public way, ground or other open space shall not be constructed or authorized for construction work in an area covered by a municipal master plan unless;</p> <p>a. The legislative body or other body having jurisdiction over the authorization or financing of the project submits information regarding the location, character, and extent of the proposed street, public way, open space, structure or utility project to the planning commission for review and approval (§ 61(1)).</p> <p><b>Step 1b. For a County:</b>            Review proposed infrastructure project.</p> <p>1. Work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land; erection of structure; or the extension, construction, or improvement of any physical facility by any county board, department or agency unless;</p> <p>a. A full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission (§ 61(2)).</p>	Copy of communication from the government agency regarding the proposed Infrastructure project.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 2. (RECOMMENDED)</b>            When reviewing the proposed project the planning commission should at a minimum consider the following issues;</p> <p>1. Is the proposed project consistent with adopted plans?</p> <p>2. Is the project consistent with other governmental management plans?</p> <p>3. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?</p> <p>4. Is the project consistent with adopted, if any, capital improvement plans?</p> <p>NOTE: If the answer to any of the above is “no,” then the planning commission’s review of the project should not be favorable.</p>	Minutes of meetings where the review took place.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>STEP 3a. For a city, village or Township</b>            The municipal planning commission shall approve or disapprove the project within 35 days and shall submit its reasons for approval or disapproval to the body having jurisdiction (§ 61(1)).</p> <p>1. If the planning commission fails to respond within 35 days of submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission (§ 61(1)).</p> <p><b>STEP 3b. For County</b>            The county planning commission shall provide its report and advice regarding the proposal in writing. The reason for approval or disapproval must be provided to the county board, or agency sponsoring the proposal within 35 days after the proposal is filed with the county planning commission (§ 61(2)).</p> <p>1. If the county planning commission fails to respond within 35 days after the proposal is filed with the county planning commission, the project shall be considered to be approved and work on the project may proceed (§ 61(2)).</p>	Certified copy of the minutes approving or disapproving the proposed project.

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Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<b>Step 4. (RECOMMENDED)</b> The planning commission should conduct a formal review of the proposed project and act, by adoption of a motion that include findings of fact, recitation of reasons, and the action.	Minutes of meeting(s) where the motion was considered and acted upon.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<b>Step 5.</b> The planning commission forwards its response to the body having jurisdiction.	Copy of the transmittal to the body having jurisdiction.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<b>Step 6a. For city, village and township:</b> If the planning commission's action is to disapprove the project, the legislative body may decide to overrule the planning commission decision by a vote of 1. Not less than $\frac{2}{3}$ of its entire membership for a city or village or for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285 (§ 61(1)). 2. Not less than a majority of its membership for any other township (§ 61(1)).  <b>Step 6b. For a county:</b> Go to step 7.	A certified copy of the minutes of the legislative body's action on the proposed project.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<b>Step 7a. For a township planning commission that was created prior to September 1, 2008 and was organized under P.A. 285 of 1931, as amended, (the Municipal Planning Act, M.C.L. 125.31 <i>et seq.</i>), or for a city or village planning commission (§ 63);</b> For a legislative body to rescind its authorization for the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space that has been approved by a planning commission; 1. The legislative body shall resubmit the matter regarding the rescission to the municipal planning commission for review and approval (§ 63).  <b>Step 7b. For a Township planning commission which was organized under P.A. 168 of 1959, as amended, (the Township Planning Act), for county planning commissions, and for county or township planning commissions organized under the Michigan Planning Enabling Act:</b> Go to step 11.	Certified copy of the minutes of the legislative body's decision to rescind authorization for proposed project  <b>AND</b>  Certified copy of the minutes of the legislative body to resubmit the matter regarding the rescission to the planning commission for review and approval.

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Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>STEP 8a.</b> For a township planning commission that was created prior to September 1, 2008 and was organized under P.A. 285 of 1931, as amended, (the Municipal Planning Act, M.C.L. 125.31 <i>et seq.</i>), or for a city or village planning commission (§ 63);</p> <p>The municipal planning commission shall hold a public hearing on the matter (§ 63).</p> <p>(RECOMMENDED) The notice shall include the following information:</p> <ul style="list-style-type: none"> <li>● Describe the nature of the request.</li> <li>● Indicate the location of the project.</li> <li>● A statement of when and where the issue will be considered.</li> <li>● An indication of when and where written comments will be received concerning the issue.</li> </ul> <p>The notice is given not less than 15 days before the date of consideration for approval. Notices shall be:</p> <ul style="list-style-type: none"> <li>● Published in a newspaper of general circulation in the local unit of government. (Note: “General circulation” means a newspaper which has a paid subscription, and does not mean a free-distribution advertiser or similar type publication.)</li> <li>● Send the notice, by mail, to each electric, gas, and pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected.</li> </ul> <p><b>Step 8b.</b> For a Township planning commission which was organized under P.A. 168 of 1959, as amended, (the Township Planning Act), for county planning commissions, and for county or township planning commissions organized under the Michigan Planning Enabling Act:</p> <p>Go to step 11.</p>	<p>Minutes of hearing, meeting, or record of the public review.</p> <p>Copy of notice of hearing</p> <p>Copy of affidavit of publication</p> <p>List of who notices were sent to</p>
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 9a.</b> For a township planning commission that was created prior to September 1, 2008 and was organized under P.A. 285 of 1931, as amended, (the Municipal Planning Act, M.C.L. 125.31 <i>et seq.</i>), or for a city or village planning commission (§ 63);</p> <p>The planning commission based on the public hearing and other findings of fact:</p> <ol style="list-style-type: none"> <li>1. Approves the rescission of the previously authorized project;</li> <li>2. Disapproves the rescission of the previously authorized project.             <ol style="list-style-type: none"> <li>a. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission (§ 63).</li> </ol> </li> </ol> <p><b>Step 9b.</b> For a Township planning commission which was organized under P.A. 168 of 1959, as amended, (the Township Planning Act), for county planning commissions, and for county or township planning commissions organized under the Michigan Planning Enabling Act:</p> <p>Go to step 11.</p>	<p>Minutes of meeting to review the matter regarding the rescission of the authorization for the proposed project.</p>

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Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p>Step 10a. For a township planning commission that was created prior to September 1, 2008 and was organized under P.A. 285 of 1931, as amended, (the Municipal Planning Act, M.C.L. 125.31 <i>et seq.</i>), or for a city or village planning commission (§ 63);            The planning commission submits its final recommendation along with reasons for approval or disapproval to the legislative body (§ 63).</p> <p>Step 10b. For a Township planning commission which was organized under P.A. 168 of 1959, as amended, (the Township Planning Act), for county planning commissions, and for county or township planning commissions organized under the Michigan Planning Enabling Act:            Go to step 11.</p>	<p>Copy of the minutes approving submission of the final decision regarding the matter of rescission to the legislative body.</p>
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p>Step 11a. For a township planning commission that was created prior to September 1, 2008 and was organized under P.A. 285 of 1931, as amended, (the Municipal Planning Act, M.C.L. 125.31 <i>et seq.</i>), or for a city or village planning commission (§ 63);            If the planning commission disapproves the rescission, the legislative body may overrule the decision of the planning commission by a vote of not less than <math>\frac{2}{3}</math> of its entire membership (§ 63).</p> <p>Step 11b. For a Township planning commission which was organized under P.A. 168 of 1959, as amended, (the Township Planning Act), for county planning commissions, and for county or township planning commissions organized under the Michigan Planning Enabling Act:            The process ends, as the government agency proposing the process can choose to follow, or not to follow, the township planning commission's (organized under the township planning act) or county planning commission's advice.</p>	<p>Copy of the minutes of the legislative body's final action on the rescission of authorization for the proposed project.</p>

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## Appendix A - Glossary

The following terms are used in this publication, and have the following specific meanings.

**§** means the section number of Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*),

**Chief administrative official** means the manager or other highest nonelected administrative official of a city or village.

**Chief elected official** means the mayor of a city, president of a village, supervisor of a township, or chair of a county board of commissioners.

**Ex officio member** means a member of a planning commission, with full voting rights unless otherwise specified by city or village charter, by virtue of holding another office.

**Legislative Body** means the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

**Local Unit of Government** means a county, township, city, or village.

**Municipality** means a city, village or township.

**Plan** means any plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

**Planning Commission** means the local unit of government planning commission created under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled. In a few communities it may still be a “zoning board” (townships) or “zoning commission” (city and villages). Has used here, the use of the term “planning commission” includes all of these terms.

Zoning jurisdiction means the area encompassed by one of the following:

- legal boundaries of a city or village for a city or village respectively;
- legal boundaries of a township outside the limits of a city(ies) and village(s) for a township;
- legal boundaries of a county outside the limits of a city(ies) and village(s); or the county including any city(ies) and village(s) which has adopted the county plan (See §209, M.C.L. 125.3209).

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## Appendix B – Related Publications

There are also separate procedural checklists for performing other planning and zoning functions. They are:

- *Land Use Series*: “Check List #1A; To Create a Planning Commission or Amend an Existing Planning Commission Ordinance.”
- *Land Use Series*: “#1B; Sample Ordinance to create a planning commission”
- *Land Use Series*: “#1C; Summary of changes between new Michigan Planning Enabling Act and the three old planning acts: Municipal Planning Act, County Planning Act, and Township Planning Act.”
- *Land Use Series*: “Checklist #1D; Steps to Transition an Existing Planning Commission to Comply with the Michigan Planning Enabling Act”
- *Land Use Series*: “#1E; Sample Bylaws for a planning commission.”
- *Land Use Series*: “Checklist #1F; What Should be in a Master Plan”
- *Land Use Series*: “Checklist #1G; For Adoption of a Plan in Michigan”
- *Land Use Series*: “Checklist #1H; The Five Year Plan Review.”
- *Land Use Series*: “Checklist #1I; For Adoption of an Amendment to a Plan”
- *Land Use Series*: “Checklist #1J; Adopting and Updating a Capital Improvement Program”
- *Land Use Series*: “Checklist #1K; Review of Infrastructure and Public Capital Expenditure”
- *Land Use Series*: “Checklist #1L; Adoption or Amendment of Subdivision Rules”
- *Land Use Series*: “#1M; How Governments Make Submissions on a Neighbor’s or County’s Proposed Plan”
- *Land Use Series*: “#1N; How a Planning Commission Should Respond to Submissions”
- *Land Use Series*: #1O; Sample joint Planning Commission Ordinance and Agreement”
- *Land Use Series*, “Checklist #2; for Adoption of a Zoning Ordinance in Michigan.”
- *Land Use Series*, “Checklist #3; for Adoption of an Interim Zoning Ordinance in Michigan.”
- *Land Use Series*, “Checklist #4; for Adoption of a Zoning Ordinance Amendment (Including PUD) in Michigan”
- *Land Use Series*, “Checklist #5: for Processing a Special Use Permit (Including PUD) Application in Michigan.”
- *Land Use Series*, “Checklist #6: for Processing a Zoning Appeal and Variance in Michigan.”
- *Land Use Series*, “#7: Sample Zoning Board of Appeals Rules of Procedure”
- *Land Use Series*, “#8: Sample Planning Commission and Zoning Board of Appeals Code of Conduct”

All of these are available at [www.msue.msu.edu/lu/](http://www.msue.msu.edu/lu/).