

COUNTY PLANNING

Act 282 of 1945, as amended (including 2001 and 2004 amendments)

AN ACT to provide for county planning; the creation, organization, powers and duties of county planning commissions.

History: 1945, Act 282, Eff. Sept. 6, 1945; --Am. 2001, Act 265 Eff. Jan. 9, 2002; --Am. 2004, Act 307, Imd. Eff. August 17, 2004.

The People of the State of Michigan enact:

125.101 County planning commission; creation; existing commissions. [M.S.A. 5.1192(1)]

Sec. 1. Any county is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a county plan as provided in this act and create by ordinance a planning commission with the powers and duties herein set forth. The planning commission of a county shall be designated the county planning commission. All county planning commissions organized under Act No. 285 of the Public Acts of 1931, as amended, may immediately reconstitute themselves under this act or may continue to function under the former act as the official county planning commissions: Provided, That, upon expiration of the terms of existing membership of county planning commissions constituted under Act No. 285 of the Public Acts of 1931, all succeeding appointments shall be made in accordance with the provisions of this act: And provided, That upon passage of this act the powers exercised by county planning commissions so constituted shall be those specified for all county planning commissions in the terms of this act. All powers previously exercised by local planning commissions as provided by Act No. 285 of the Public Acts of 1931, which are in conflict with the provisions of the act herewith adopted, are hereby revoked.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.101 .

Compiler's Note: For provisions of Act 285 of 1931, referred to in this section, see § 125.31 et seq.

125.102 County planning commission; representative membership; appointment and terms of members; vacancy; removal; compensation and mileage; expenses. [M.S.A. 5.1192(2)]

Sec. 2.

(1) The county planning commission shall consist of not less than 5 nor more than 11 members who shall individually be representative of important segments of the economic, governmental, educational, social life, and development of the particular county, in accordance with the major interests as they exist in the county, such as agriculture, recreation, education, government, transportation, industry, and commerce. The county board of commissioners shall establish the basis for representative membership on the commission. A majority of commission members shall not hold another office or position in the county government. The method of appointment and the term of office of members of the commission shall be determined by resolution of a majority of the full membership of the county board of commissioners.

(2) Where the commission consists of 5 members, 1 member may be a member of the county board of commissioners elected and serving. Where the commission consists of from 6 to 8 members, 2

members may be members of the county board of commissioners elected and serving. Where the commission consists of from 9 to 11 members, 3 members may be members of the county board of commissioners elected and serving.

(3) The county board of commissioners shall appoint to the planning commission 1 member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The appointment required under this subsection shall be made upon the first vacancy that occurs following the effective date of the amendatory act that added this subsection. (August 17, 2004)

(4) The term of each appointed member shall be for 3 years, except that upon first appointment of the membership by the board, the terms of office may be varied to permit the establishment of overlapping terms of office and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the county board.

(5) The county board of commissioners shall provide for the filling of a vacancy in the membership of the commission for the unexpired terms and may remove a member for nonperformance of duty or misconduct upon public hearing.

(6) Members of the commission may receive the same compensation and mileage, but not to exceed that provided for members of the county board of commissioners except that ex officio members shall serve without compensation. The members of the commission may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.102 ;--Am. 1964, Act 12, Eff. Aug. 28, 1964 ;--Am. 1976, Act 92, Imd. Eff. Apr. 22, 1976; --Am. 2004, Act 307, Imd. Eff. August 17, 2004.

125.102a County planning commission in certain counties; transfer to jurisdiction of county board of auditors. [M.S.A. 5.1192(2.1)]

Sec. 2a. In counties having a population between 650,000 and 1,000,000 and having a board of county auditors, any county planning commission and any planning department created or existing under the provisions of this act may, by resolution of the board of supervisors, be placed under the jurisdiction of the county board of auditors.

History: Add. 1966, Act 91, Imd. Eff. June 15, 1966 .

125.103 County planning commission; officers; director; information, meetings, records. [M.S.A. 5.1192(3)]

Sec. 3. The commission shall elect a chairman from its appointive members; and appoint a secretary; and create and fill such other offices as it may determine advisable. The county board may appropriate funds for reimbursement of the members of the commission for such reasonable and necessary expenses as may be deemed necessary for carrying out the powers herein conferred and the duties herein prescribed. The commission may employ a director and such personnel as it may deem necessary, contract for the part time or

full time services of planning and other technicians, and pay such other expenses within total funds provided for the commission, as may be deemed necessary. The appointment of employees shall be subject to the same provisions of law as govern other corresponding civil employees of the county. The county planning commission is authorized to make use of the expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, and departments and agencies having information, maps and data pertinent to county planning. State, county and municipal officials, departments, and agencies are hereby directed to make such information available for the use of the county planning commission as well as authorized to furnish such other technical assistance and advice as they may have available for such purpose. The commission shall hold meetings as often as is determined necessary, but not less than 4 regular meetings shall be held each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations which record shall be a public record.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.103 .

125.104 Development plans; duties of commission; coordinating agency. [M.S.A. 5.1192(4)]

Sec. 4.

(1) The county planning commission shall make and approve a plan for the development of the county. The county plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole. The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory matter shall show the planning commission's recommendations for the development of the county. In the preparation of a county development plan, the planning commission shall make careful and comprehensive studies of the existing conditions and probable growth of the territory within its jurisdiction. The plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county that will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, prosperity, and general welfare of the residents, as well as for efficiency and economy in the process of development.

(2) The county plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the county. The plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the county:

(a) A land use plan and program. If the county has adopted a zoning ordinance under the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, the land use plan and program shall consist in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If the county has not adopted a zoning ordinance under the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, the land use plan and program may be a general plan with generalized future land use maps.

(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, public works for preventing pollution, and works for maintaining water levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities.

(d) Recommendations for implementing any of its proposals.

(3) The county planning commission shall do all of the following:

(a) Conduct studies, investigations, and surveys relative to the economic, social, and physical development of the county.

(b) Formulate plans and make recommendations for the most effective economic, social, and physical development of the county.

(c) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for the economic, social, and physical development of the county and seek the maximum coordination of the county programs of these agencies.

(d) Consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans may be avoided.

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

(5) The county planning commission may meet with other governmental planning commissions to deliberate.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.104; --Am. 2001, Act 265 Eff. Jan. 9, 2002 .

125.104a County planning commission as metropolitan county planning commission; duties. [M.S.A. 5.1192(4.1)]

Sec. 4a.

(1) The county planning commission may be designated by the board of supervisors as the metropolitan county planning commission. Any commission so organized shall perform metropolitan and regional planning, whenever necessary or desirable. The commission may engage in comprehensive planning, including but not limited to the following, to the extent directly related to urban needs:

(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development.

(b) Programming of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of the departments or subdivisions of the government concerned.

(d) Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned.

(2) In addition to the powers conferred by other provisions of this act, the commission may apply for, receive and accept grants from any governmental agency, or from the federal government, and agree to and comply with such terms and conditions as may be necessary, convenient or desirable. The commission may do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in carrying out the functions of the commission, when approved by a 2/3 vote of the board of supervisors.

History: Add. 1961, Act 211, Eff. Sept. 8, 1961; --Am. 2001, Act 265 Eff. Jan. 9, 2002 .

125.104b Coordinated Planning Notices. [M.S.A. 5.1192(4.2)]

Sec. 4b.

(1) A county plan shall be adopted under the procedures set forth in this section and sections 4c and 5.

(2) Before preparing a plan, a county planning commission shall send a written notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the county.

(b) The regional planning commission for the region in which the county is located, if any.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the county, and any government entity, that registers its name and mailing address for this purpose with the county planning commission.

(3) The notice to an entity under this section may request permission for the county to submit electronically any information required to be submitted to that entity under section 4c or 5. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 4c or 5 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

History: Add 2001, Act 265 Eff. Jan. 9, 2002.

125.104c Plan Adoption Procedure . [M.S.A. 5.1192(4.3)]

Sec. 4c.

(1) The plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the county or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the county planning commission shall submit the proposed plan to the county board of 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.

(3) If the county board of commissioners approves the distribution of the proposed plan, it shall notify the secretary of the planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, township, or county located within or contiguous to the municipality.

(b) The regional planning commission, if any, for the region in which the county is located.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the county, and any government entity, that registers its name and address for this purpose with the secretary of the county planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 5(5), shall reimburse the county for any copying and postage costs thereby incurred by the county.

(4) An entity described in subsection (3) may submit comments on the proposed plan to the county planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3).

History: Add 2001, Act 265 Eff. Jan. 9, 2002.

125.105 Development plans; adoption of plan; review; adoption by municipality. [M.S.A. 5.1192(5)]

Sec. 5.

(1) The county planning commission shall adopt the plan by a resolution approved by a majority of the full membership of the planning commission after a public hearing. The hearing shall be held after the expiration of the deadline for comment under section 4c(4). The resolution shall refer expressly to the maps, plats, charts, and descriptive and explanatory matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the maps, plats, charts, and descriptive and explanatory matter and signed by the chairperson of the planning commission.

(2) Following approval of the proposed plan by the county planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the county board of commissioners.

(3) Approval of the plan by the planning commission under subsection (1) is the final step for adoption of the plan, unless the board of commissioners by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the county shall approve or reject the plan.

(4) If the county board of commissioners rejects the proposed plan, the county board of commissioners shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the county board of commissioners' objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the county board of commissioners.

(5) Upon final adoption of the plan by the county board of commissioners, copies of the plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 4c(3).

(6) An extension, addition, revision, or other amendment to a county plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 4b and 4c and this section. However, for an amendment other than a revision of the plan, the 65-day period otherwise provided for in section 4c(4) shall be 40 days.

(7) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(8) Until 1 year after the effective date of the 2001 amendments that added this subsection, a county may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

(9) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of funds by a county board, department, or agency for the acquisition of land, the erection of structures, the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project,

including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission has been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. The requirement for planning commission's review is waived if within 30 days after the proposal has been filed with the planning commission, the planning commission fails to furnish in writing its report and advice upon the proposal. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

(10) A county plan describing the recommended development of an incorporated area shall not be recognized as the official plan or part of the official plan for that area unless adopted by the municipality in the manner prescribed by law or charter for the adoption of such plans by municipalities.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.105; Am. 2001, Act 265 Eff. Jan. 9, 2002 .

125.106 Promotion of public interest in plan; conferences and consultations; gifts; transfer of powers and duties of zoning board to planning commission; powers of planning commission. [M.S.A. 5.1192(6)]

Sec. 6.

(1) The commission shall have the power to promote public interest in an understanding of the plan and to that end may publish and distribute copies of the county plan or of any report thereon and may employ such other means of publicity and education as it may determine advisable. Members of the commission, when duly authorized by the commission, may attend conferences and meetings dealing with planning problems and techniques, and any hearings on pending planning legislation, and the commission may, by resolution, pay the reasonable traveling expenses incident to such attendance. The county planning commission, as a part of its duties, shall consult and advise with public officials and public agencies, other planning commissions or committees, private organizations and agencies, and citizens of the county to develop adequate support and understanding of the objectives of the county plan. The commission shall have the right to accept and use gifts.

(2) The board of county commissioners, by resolution, may transfer to the planning commission all powers, duties and responsibilities prescribed by Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Compiled Laws of 1948, for zoning boards created thereunder. If the existing zoning board is nearing completion of its zoning plan, the board of county commissioners shall postpone transfer of the zoning board's powers until completion of the zoning plan, but the postponement shall not exceed 1 year. In a county where the planning commission has been granted powers of the zoning commission, 1 member of the planning commission shall be designated as a member of the zoning board of appeals. In general the commission shall have such powers as may be necessary to fulfill its functions and carry out the purposes of this act.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.106 ;--Am. 1972, Act 113, Imd. Eff. Apr. 11, 1972 .

125.107 Advisory committees or councils. [M.S.A. 5.1192(7)]

Sec. 7. The county planning commission may appoint advisory committees or councils which may be composed of individuals qualified by experience, training, or interests to assist in the consideration and solution of county

problems and representative of the governmental subdivisions within the county, such as townships or incorporated places, and other functional groups or agencies.

History: 1945, Act 282, Eff. Sept. 6, 1945 ;--CL 1948, 125.107 .

125.108 Definitions . [M.S.A. 5.1192(8)]

Sec. 8. As used in this act:

(a) “County board of commissioners” means 1 of the following, as applicable:

(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, the elected county board of commissioners.

(b) “County plan”, “development plan”, or “plan” means a plan as described in section 4.

(c) “County planning commission” or “planning commission” means a planning commission as provided for under section 1.