

## Introduction

In 2002, the Michigan Legislature amended the Municipal Planning Act, PA 285 of 1931, to revise the legal processes necessary to adopt a new or amended Master Plan. Sometimes referred to as "The Coordinated Planning Act," the amendment greatly expanded the notification process and the degree of involvement of the governing body. Municipalities wishing to begin work on a new master plan, or amend an existing plan, must now follow this process.

## Preplanning

### Notice to Plan

Municipalities beginning the planning process to adopt a new or amend an existing master plan must first send a notice by first class mail to the planning commissions of **every** township, village or city located within or contiguous to the city or village **and** to the county planning commission. If an adjoining community has no planning commission, the notice goes to the legislative body. If there is no county planning commission, then notice must go to the regional planning commission for its comments. The same notice must also be sent to any railroad company or public utility that *registers* for such a notice with the city or village. Other governmental entities that can register to become a part of the planning process include airports, downtown development authorities (DDA), tax increment finance authorities (TIFA), school boards, road commissions and other local governmental units.

The *notice of intent to plan* should state that the municipality is beginning a planning process and request cooperation and comments from adjacent communities. This would also present an opportunity for the municipality to request the planning and zoning documents from those communities to assist in its planning process.

Although there is no specified time limit for the notice, presumably it should be sent before any substantive work is begun.

## The Planning Process

No particular requirements are noted for the actual planning process. The law only states that certain elements be included in the master plan if they are relevant to the municipality.

These include:

- A land use plan and program.
- General location, character and extent of transportation systems and infrastructure, public utility systems, and other similar facilities.
- Recommendations for blighted areas and changes to streets, open space, buildings, utilities, etc.
- Recommendations for implementing any of the plan's proposals.

The Planning Commission is still given the authority to write the plan, but the adoption process has changed to involve the municipality's governing board. Accordingly, planning commissions should seriously consider actively involving the board in the planning process.

## **Plan Review**

### **Distribution of the Plan**

Once the plan has been drafted, it must be submitted to the governing body for its review and comment. If the council is generally satisfied with the plan, or at least comfortable with sending it out to the public, it may then approve the plan for distribution. This initial approval is intended to provide an opportunity for both the planning commission and the governing body to state its support for the proposed plan.

If the council does not approve the plan for distribution, it should note its objections to the planning commission. Should the commission disagree with the board's position on the plan, the two bodies must work to resolve those differences. Otherwise, the planning process is stopped in its tracks and the proposed plan can proceed no further.

If there are no disagreements, or those disagreements are worked out, the council can approve the plan for distribution. This permits the plan to be sent to the same list that received the notice of intent to plan. The proposed plan must include a statement from the secretary of the planning commission noting that all the requirements of the Municipal Planning Act have been met.

### **External Review and Comment**

The entire review process takes a total of 95 days. With the exception of the county, those receiving the plan have up to 65 days to submit their comments to the city or village. Reviewing communities and agencies are also required to send their comments to the county as well as the municipality.

The county has between the 75th and 95th day after submission to submit its comments to the municipality. This permits the county to include the reviews from other communities and agencies in its comments. The purpose of the county review is to determine whether the proposed plan is consistent with the county's plan and the plan of any other adjacent community.

All reviews and comments, including those of the county, are advisory and need not be considered or included by the village or city. However, the municipality may benefit considerably from these reviews and therefore should take advantage of having "other sets of eyes" review the plan.

## **Public Hearing and Adoption**

### **Public Hearing**

Only after the review comment period has expired can the municipality conduct its required public hearing. Notice of the hearing must be published in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality not less than 15 days before the hearing. The planning commission shall also submit notice to each entity receiving the notice of intent to plan. The notice can run during the 95 day review period so that the hearing could be held on the 96<sup>th</sup> day.

### **Adoption**

After the public hearing on the proposed plan, one of two actions may follow. The options depend on whether or not the council has passed a resolution asserting its right to be the adopting authority for the plan.

If such a resolution has not been adopted, the planning commission may adopt the plan with a majority vote. For example, if the planning commission has seven members, at least four votes are needed to adopt the plan. Should only four commissioners be present to vote on the plan, all four must vote to adopt.

After adoption, the secretary of the planning commission submits the proposed plan to the governing board for the municipality and the adoption process is complete.

If, however, the governing board for the municipality has passed the resolution to become the adopting authority for the plan, the planning commission, rather than adopting the plan, will vote to "recommend"

adoption to the council. The council may then vote to adopt the plan by a majority vote (no specific vote requirement is noted in the Act, but each community needs to check its charter for what constitutes a majority).

If, however, the council does not approve of the substance of the plan, it is required to send to the planning commission a "statement of objections." The planning commission must consider these objections and either revise the plan to address them or otherwise work out the problems with the council.

For example, if the objections are significant, a joint meeting would be useful to help resolve the issues. If the issues are never resolved, and the council refuses to adopt the plan, the plan is effectively dead. Unlike the zoning ordinance adoption procedure, the council has no independent authority to make any change to the plan.

If the council's recommended changes are significant, the planning commission may wish to consider holding an additional public hearing to publicize the changes. This would not be required, but would certainly be of value to those property owners who may be affected by the changes and did not have an opportunity to comment on them.

### **After Adoption**

Once adopted, the plan goes into effect immediately. Copies must be sent to the same list of communities and agencies that received the draft plan.

The Act includes a requirement that at least every five years the municipality reviews its current plan and determines whether any amendments are needed, or if the process for a new plan should be started. This review may be documented through the minutes of the meeting. It is suggested that the village or city council be invited to participate in this review.

After the review, if the municipality determines that no changes are necessary, the planning commission should document that decision in its minutes. No notices or other procedures are necessary if no changes are to be made.

The following checklist may be used to chart the progress of the planning process to ensure that all of the procedures are followed.

Based on material provided by Steve Langworthy, LSL Planning, Inc.