

# Legislative Analysis

---



## PLANNING COMMISSIONS: REVISE TIMELINES FOR COMMENTS ON PLANS

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5885 (Substitute H-1)**

**House Bill 5886 (Substitute H-1)**

**Sponsor: Rep. John Stakoe**

**Committee: Local Government and Urban Policy**

### **First Analysis (5-9-06)**

**BRIEF SUMMARY:** The bills would amend laws pertaining to planning commissions to allow, instead of require, counties to comment on the proposed development plans of township or municipal planning commissions and to shorten the timeline for a county to submit comments on a plan.

**FISCAL IMPACT:** The bills should have no significant state or local fiscal impact.

### **THE APPARENT PROBLEM:**

Planning commissions at the township, city, village, and county levels are required to consult with the planning commissions of neighboring communities, with regional planning commissions (in some cases), and with certain other interested parties, when developing the master plans that serve as a guide to development, and are required to share proposed master plans for review and comment before adoption and to distribute master plans once adopted.

The statutory procedures require that a county planning commission, or the county board of commissioners, submit comments on any master plan submitted to them by townships and municipalities located within that county. However, it is reported that in the majority of cases, counties fail to make comments on the master plan. Counties have an extra 30 days to submit comments over the timeline given to neighboring jurisdictions and interested parties (up to 95 days after receiving the proposed plan compared with 65 days for all others). The result is that the implementation of a proposed plan is delayed when a planning commission must wait for comments from a county that never come. Since a county's comments, when submitted, are only advisory in nature, some people advocate allowing, rather than mandating, a county to submit comments and requiring a county to submit those comments within the same 65-day timeline allotted to the others.

In addition, some would like the 65-day timeline reduced to 63 days. The association representing state planning commissions claims that the 65<sup>th</sup> day invariably falls on a Sunday. Shortening the timeline to 63 days would allow nine weeks (beginning the next day after an entity received a proposed plan) for an entity to respond.

## ***THE CONTENT OF THE BILLS:***

Currently, under local planning acts, a governmental entity may submit comments within 65 days of receiving a proposed plan from a township, city, or village. If comments are submitted, a copy of those comments must also be submitted to the county planning commission or county board of commissioners for the county in which the municipality proposing the plan is located. House Bills 5885 and 5886 would amend two different laws to delete the requirement that a copy of the comments be submitted to the affected county and to reduce the timeline for the submission of comments to 63 days.

In addition, the county commission or county board of commissioners currently must submit comments on the proposed plan to the municipal planning commission or the township planning commission within 75 to 95 days after receiving a proposed plan. Instead, the bills would allow a county planning commission or county board of commissioners to submit comments; if comments were submitted, the 63-day time period that would apply to the other entities would also apply to the counties. (A county would still have to include with its comments on a proposed plan a statement as to whether it considered the proposed plan inconsistent with the plan of any city, village, township, or region consulted and a statement whether the proposed plan was inconsistent with the county plan, if there was one. As is now the case, these statements would be advisory only.)

House Bill 5885 would amend the General Municipal Planning Act (MCL 125.37b, 125.38, and 125.38a), which addresses planning commissions in municipalities (defined as cities, villages, and townships).

House Bill 5886 would amend Public Act 168 of 1959 (MCL 125.327b, 125.328, and 125.329), which deals with township planning commissions.

## ***ARGUMENTS:***

### ***For:***

Even though current law requires a county that receives a proposed plan for development from a township or municipality within its borders to comment on that plan, it is reported that counties fail to do so in the majority of cases. In addition, counties have a longer time to respond with comments than do other entities (95 days compared with 65 days). Counties were given the extra response time because it was believed that counties would be receiving more proposed plans than other entities and would need the extra time to review them all and to review them in a larger context. However, the result is that after the comments have been received from the other interested parties, townships and municipalities must wait another month for comments from the counties. When the comments do not come, it results in an unnecessary delay in moving projects forward.

The bills would address the problem by making a response by a county permissive rather than mandatory and by subjecting counties to the same timeline for comments as for everyone else. By statute, a county's comments are only advisory in nature – they carry

no legal weight. Allowing, rather than requiring, a county to comment on a proposed plan takes the onus off from a county that has no input to offer and reduces unnecessary delays to the local planning commission in implementing a proposed plan.

Additionally, the bill would reduce the time that entities have to submit comments on a proposed plan from 65 to 63 days. It is reported that the 64<sup>th</sup> and 65<sup>th</sup> days usually fall on weekends. It is thought that shortening the timeline to 63 days would make it easier to track when the cutoff for comments would occur (eight weeks after receiving a copy of a proposed plan) and make it less likely that the last day to submit comments would fall on a weekend.

***POSITIONS:***

The Michigan Association of Planning supports the bills. (5-4-06)

The Michigan Association of Counties, though monitoring the bills, has no position at this time. (5-5-06)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Jim Stansell

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.