

# HOUSE BILL No. 5886

March 16, 2006, Introduced by Reps. Stakoe, Amos and Huizenga and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1959 PA 168, entitled

"An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies,"

by amending sections 7b, 8, and 9 (MCL 125.327b, 125.328, and 125.329), section 7b as added and sections 8 and 9 as amended by 2001 PA 263.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 7b. (1) A plan may be adopted as a whole or by successive  
2 parts corresponding with major geographical areas of the township  
3 or with functional subject matter areas of the plan.

4       (2) After preparing a proposed plan, the township planning  
5 commission shall submit the proposed plan to the township board for

1 review and comment.

2 (3) If the township board approves the distribution of the  
3 proposed plan, it shall notify the secretary of the planning  
4 commission and the secretary ~~of the township planning commission~~  
5 shall submit a copy of the proposed plan, for review and comment,  
6 to all of the following:

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

10 (b) The regional planning commission, if any, for the region  
11 in which the township is located, if there is no county planning  
12 commission for the county in which the township is located. If  
13 there is a county planning commission for the county in which the  
14 township is located, the secretary of the township planning  
15 commission may submit a copy of the proposed plan to the regional  
16 planning commission but is not required to do so.

17 (c) The county planning commission, or if there is no county  
18 planning commission, the county board of commissioners, for the  
19 county in which the township is located. The secretary of the  
20 township planning commission shall concurrently submit to the  
21 county planning commission **A STATEMENT THAT THE REQUIREMENTS OF**  
22 **SUBDIVISION (A) HAVE BEEN MET** or, if there is no county planning  
23 commission, **SHALL SUBMIT TO** the county board of commissioners ~~— a~~  
24 ~~statement —, signed by the secretary,~~ that the requirements of  
25 subdivisions (a) and (b) have been met. The statement **SHALL BE**  
26 **SIGNED BY THE SECRETARY AND** shall include the name and address of  
27 each planning commission or legislative body to which a copy of the

1 proposed plan was submitted under subdivision (a) or (b) and the  
2 date of submittal.

3 (d) Each public utility company and railroad company owning or  
4 operating a public utility or railroad within the township, and any  
5 government entity, that registers its name and address for this  
6 purpose with the secretary of the township planning commission. An  
7 entity that, pursuant to this subdivision, receives a copy of a  
8 proposed plan, or of a plan as provided in section 8(5), shall  
9 reimburse the township for any copying and postage costs thereby  
10 incurred by the township.

11 (4) An entity described in subsection ~~-(3)(a), (b), or (d)~~  
12 (3) may submit comments on the proposed plan to the township  
13 planning commission within 65 days after the proposed plan was  
14 submitted to that entity under subsection (3). ~~A planning~~  
15 ~~commission or legislative body described in subsection (3)(a) or~~  
16 ~~(b) shall concurrently submit a copy of the comments to the county~~  
17 ~~planning commission, or if there is no county planning commission,~~  
18 ~~the county board of commissioners, for the county in which the~~  
19 ~~township proposing the plan is located.~~

20 ~~— (5) Not less than 75 days or more than 95 days after the date~~  
21 ~~the proposed plan was submitted to the county planning commission~~  
22 ~~or the county board of commissioners under subsection (3), IF the~~  
23 ~~county planning commission or the county board of commissioners —~~  
24 ~~respectively, shall submit to the township planning commission its~~  
25 ~~comments on the proposed basic plan. The comments THAT RECEIVES A~~  
26 **COPY OF THE PLAN UNDER SUBSECTION (3)(C) SUBMITS COMMENTS, THE**  
27 **COMMENTS** shall include, but need not be limited to, both of the

1 following, as applicable:

2 (a) A statement whether the county planning commission or  
3 county board of commissioners ~~—, after considering any comments~~  
4 ~~received under subsection (4),—~~ considers the proposed plan to be  
5 inconsistent with the plan of any city, village, township, or  
6 region described in subsection (3)(a) or (b).

7 (b) If the county has a county plan, a statement whether the  
8 county planning commission considers the proposed basic plan to be  
9 inconsistent with the county plan.

10 (5) ~~—(6)—~~ The statements provided for in subsection ~~—(5)(a)—~~  
11 (4)(A) and (b) are advisory only.

12 Sec. 8. (1) Before approving a proposed basic plan, the  
13 township planning commission shall hold a public hearing on the  
14 proposed plan. The hearing shall be held after the expiration of  
15 the deadline for comment under section ~~—7b(5)—~~ **7B(4)**. The township  
16 planning commission shall publish notice of the hearing twice in a  
17 newspaper of general circulation in the township. The first  
18 publication shall be not more than 30 days or less than 20 days  
19 before the date of the hearing. The second publication shall be not  
20 more than 8 days before the date of the hearing.

21 (2) At or after the hearing under subsection (1), the township  
22 planning commission may approve the proposed plan by majority vote  
23 of its membership. Following approval of the proposed plan by the  
24 township planning commission, the secretary of the planning  
25 commission shall submit a copy of the proposed plan to the township  
26 board.

27 (3) Approval of the plan by the planning commission under

subsection (2) is the final step for adoption of the plan, unless the township board 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 township board shall approve or reject the plan.

(4) If the township board rejects the proposed plan, the township board shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the township board's 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 township board.

(5) The plan is effective upon final adoption. Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

Sec. 9. (1) An extension, addition, revision, or other amendment to a basic plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, ~~both of the following apply:~~

~~— (a) The~~ **THE** 65-day period otherwise provided for in section 7b(4) shall be 40 days.

~~— (b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.~~

(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to

1 commence the procedure to amend the plan or adopt a new plan.

2 (3) Until ~~1 year after the effective date of the 2001~~  
3 ~~amendments that added this subsection~~ **JANUARY 9, 2003**, a township  
4 may adopt a plan or an extension, addition, revision, or other  
5 amendment to a plan under the procedures provided for by this act  
6 ~~immediately before the effective date of the 2001 amendments that~~  
7 ~~added this subsection~~ **THAT WERE IN EFFECT ON JANUARY 8, 2003.**

8 (4) The planning commission shall promote public understanding  
9 of and interest in the plan, shall publish and distribute copies of  
10 the plan and of any report, and may employ such other means of  
11 publicity and education as it determines necessary.