

New Planning Legislation Affects All Communities

The state has recently passed legislation that outlines the boundary coordination process communities are to follow when adopting a master plan. This article highlights the new process cities, villages, and townships are to follow. Communities have one year from January 9, 2002 (effective date of the legislation) to implement the new procedures. Therefore, if your community is in the process of updating your master plan and it will be adopted before the end of 2002, you can still follow the old procedures.

Interestingly, the legislation that passed is not the same legislation that was contemplated a year ago when the Coordinated Planning Act was reintroduced. The Coordinated Planning Act was a comprehensive bill that would have replaced four different laws: Township Planning Act, Municipal Planning Act, County Planning Act, and Regional Planning Act. The intent was to combine planning procedures into one law that applied consistently to all levels of government. For various reasons, this comprehensive approach to planning in Michigan was not adopted. Instead, an alternate set of bills was introduced last spring that primarily focused on boundary coordination. These bills amend existing legislation. Public Act 263 of 2001 (House Bill 5038) amends the Township Planning Act 168 of 1959. Public Act 265 of 2001 (House Bill 5267) amends the Municipal Planning Act 285 of 1931.

The Process

The following is a summary of the key steps in the adoption process that all communities in Oakland County are to follow, according to the new legislation.

1. When starting the planning process, the planning commission must send a notice to adjacent communities and to the county that it is starting work on a new master plan. Adjacent communities include any township, city, or village located within or contiguous to that community. The notice is to be sent to the planning commission of each adjacent community or to the legislative body if there is no planning commission. In addition, each public utility company and railroad owning or operating a public utility or railroad within the community and any government entity that registers its name and address for this purpose must be sent a notice. The community may send a notice to the regional planning agency (SEMCOG) if they wish.
2. Once the planning commission has its draft master plan complete, the draft plan is to be sent to the local governing board—Township Board, City Council, or Village Council—for review and comment.
3. The local governing board must give approval to send the draft master plan to adjacent communities. Approval means the Board or Council is in general agreement with the plan. **The process of adopting the proposed master plan cannot proceed further unless the local governing body gives its approval for the distribution of the plan.**
4. The Secretary of the Planning Commission must send a copy of the draft master plan to all adjacent communities and to the county. A signed letter indicating who in the adjacent communities was sent the draft and the date sent must accompany the county's copy of the master plan. In addition, each public utility company, railroad, or government entity that received notice (step 1) must be sent a copy of the draft plan. The community may send a copy of the draft master plan to SEMCOG if they wish.

5. Adjacent communities have 65 days to review and comment on the draft plan. Any comments are to be sent directly to the community preparing the master plan, as well as a copy of the comments to the county. Public utility companies, railroads or government entities also have 65 days to comment on the plan.
6. The county has not less than 75 days or more than 95 days to review and comment on the plan. Comments from the county should address whether the draft plan is:
 - a. Inconsistent with any adjacent plans.
 - b. Inconsistent with the county plan, if one has been prepared.
7. The Planning Commission considers the comments provided and determines if changes should be made to the draft. The legislation does not indicate how the comments need to be addressed.
8. A public hearing on the master plan must be held. The public hearing cannot be held until the 95-day comment period has expired.
9. The Planning Commission approves the master plan. For townships, approval requires a majority vote of the planning commission membership. For cities and villages, approval requires affirmative votes by not less than 2/3 of the members of the planning commission. The Secretary of the Planning Commission must send a copy of the plan to the local governing body. This is the final step in the adoption process **unless** the governing body by resolution chooses to approve or reject the plan.
10. If the local governing body rejects the Plan, it has to identify its objections in writing and the Planning Commission must revise the plan to answer those objections.
11. The Secretary of the Planning Commission shall send a copy of the adopted Master Plan to all adjacent communities, to the county, and to all others who received notice. The community may send a copy of the final master plan to SEMCOG if they wish.

Similarities to Oakland County's Current Process

The new process outlined above is similar to the way township master plans have been reviewed by Oakland County. Under the old legislation, only township plans were subject to county review. The Oakland County Coordinating Zoning Committee (CZC) reviewed township master plans after the township Planning Commission adopted them.

The first step in the review was to notify all adjacent communities of the newly adopted township plan. Adjacent communities were sent a brief summary of the plan and a copy of the new future land use map and were invited to comment on the plan. Oakland County Planning and Economic Development Services (PEDS), which serves as staff to the CZC, prepared a review of the new plan. One section of the review compared the planned land uses at the Township's borders with what was planned in the neighboring communities. This boundary review was done for every community (city, village, or township) that bordered the Township. Coordination at the borders was a prime consideration in reviewing the master plan. Any comments made by a neighboring community were included with the review. At the CZC meeting, the Coordinating Committee voted to approve or disapprove the plan. The Township and every boundary community were sent a copy of the master plan review after the meeting.

Major Changes

The most significant change in the process is that now comments will be provided before the community has adopted its master plan. Input is more valuable prior to adoption. Issues that are raised can be considered and possibly integrated into the final master plan. In addition, all

communities, not just townships, will be required to follow these procedures, allowing all adjacent communities the opportunity to comment on their neighbor's plan.

Boundary coordination is intended to start at the beginning of the process when a notice is sent to adjacent communities that work is beginning on a master plan. This is meant to be an opportunity to open the dialogue between adjacent communities and share information on development projects and plans, especially at the borders. Currently, several communities in Oakland County invite their neighboring communities to a planning commission meeting where they discuss items of mutual concern. Sharing information is the key to enhancing boundary coordination.

Townships will notice other changes in the process. The County will no longer approve or disapprove township master plans and the previous 45-day limit has been expanded to between 75 and 95 days. The legislation also authorizes townships to adopt a capital improvement program, if desired.

One other noteworthy change is that all communities are to review their master plans every five years to determine whether the plan should be amended or revised. Community plans also can have a 20 year planning horizon.

Role of Local Governing Body

Something new in this legislation is the role assigned to the local governing body in the adoption process. Under the previous legislation, the adoption of the master plan was solely the responsibility of the Planning Commission. Now the local governing body has the opportunity to review and comment on the draft plan and must approve its distribution to adjacent communities and the county. The intent is to ensure that the governing body is in general agreement with the plan before it is sent out for comment. This step requires the governing body to become familiar with the master plan. Ultimately the local elected officials have the responsibility for approving or denying rezonings (one way of implementing the master plan), so it is essential that they understand the plan. In addition, the governing body can choose, by resolution, to have final authority to approve or deny the plan.

Amendments

Amendments to the plan shall be adopted in the same manner outlined above. However, for amendments the amount of review and comment time is reduced to 40 days for adjacent communities, public utilities, railroads, and other government entities. The review time for the county is reduced to between 55 and 75 days.

Questions

As previously noted, communities that will have new master plans adopted or amended by the end of 2002 can follow the prior procedures. Otherwise, the new process is in effect. Please send notices or copies of master plans to Oakland County Planning and Economic Development Services since they serve as staff for the Oakland County Coordinating Zoning Committee. Public Acts 263 and 265 can be accessed at www.michiganlegislature.org. For more information contact Charlotte Burckhardt at 248-858-5443.