A New Era of Planning: Creating the Macomb County of Tomorrow


An Analysis of the Duties, Responsibilities, and Opportunities Regarding Land Use Planning in Macomb County

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Introduction

On March 13, 2008 Governor Jennifer Granholm signed Senate Bill 206 authorizing Public Act 33 of 2008, titled the Michigan Planning Enabling Act (MPEA). The MPEA changes how various planning procedures are done, and provides new duties and power to planning entities across the state. This legislative action culminates over 5 years of land use planning reform at the state level and unifies the county, township, and municipal planning acts into a single legislative statue. The purpose of this act was to create a single set of procedures to follow regardless of whether planning is being done by a city, village, township, or county. The MPEA provides local planning officials and administrators with a clear and unified framework to develop and enact a coordinated and communicated system of land use planning.

The new legislation makes all levels of planning more user friendly and inclusive. Some of the act’s highlights include:

- A clear and concise framework to adopt, amend, and implement master plans.
- A prescribed general purpose of master plans.
- Planning Commission guidelines and responsibilities at the county and local level.
- Newly revised framework for the adoption and implementation of suplans for geographic areas less than the planning jurisdiction.
- Consistent notification requirements for public hearings and master plan development and implementation.

The MPEA provides a relatively uniform planning process for all jurisdictions throughout the State of Michigan. It is a significant step toward better coordination and accountability in planning and land use related undertakings. This legislative process has highlighted the importance for local and county stakeholders to participate as partners in a comprehensive planning process.

We have reached a monumental period in the long and storied history of land use planning in Macomb County. The MPEA provides us with the ability to exert great power and resources in the name of sound land use planning, which will have a profound impact on the economic, physical, and social development of Macomb County. The following report analyzes the MPEA and its impact on planning at the county and local level. Highlighting important changes to the legislation this report explores the many duties, responsibilities, challenges, and opportunities associated with this legislative undertaking.
How This Impacts Your Community

Each community throughout Macomb County approaches planning from a number of diverse capacities. Some communities focus on strategic urban development facilitating density and redevelopment opportunities, while other communities focus on rural preservation championing natural resources, farmland, and open spaces. Some communities have highly structured planning commissions with intense standards and bylaws, while other communities’ focus on a more community-centric approach to planning administration with more informal interactions highlighting the personal nature of physical, economic, and community development. The important thing to note is that regardless of the planning capacities and visions of your community the MPEA provides a uniform process for all communities emphasizing the importance of making sound land use choices that are founded on community goals and expectations.

Planning must guide visioning, growth, and development. The MPEA fortifies the ability of a community to take hold of the physical, economic, and social development happening within and outside its borders. Rather than being a bystander and allowing growth to take its own course the MPEA permits communities to make choices, set goals, and usher in a new era of growth that is founded on accountability and cooperation. These legislated safeguards have been set in place to protect the integrity and character of our communities. The planning tools and procedures set forth in the MPEA will undoubtedly protect communities against complicated litigation and haphazard growth.

Each of us has been given the ability to explore and enact a promising administrative and operational framework for planning that sets the stage for building quality places that foster new investment and development. It is our responsibility as community leaders and planning administrators to analyze these changes, understand how we can benefit, and become that agent of change needed to transform this legislation into viable physical, economic, social development.
Planning Commission

One of the cornerstone articles in the MPEA specifies the roles, responsibilities, and composition of a municipality's planning commission. The MPEA emphasizes the planning commission's role as a principal entity, alongside the legislative body, in the development and implementation of land use and infrastructure planning.

The role of the planning commission outlined in the MPEA encompasses both statutory and community duties. The planning commission is expected to uphold the letter of the law and also have a steadfast commitment to the social and cultural expectations that citizens express regarding the implementation of local land use and development policy. Planning commission responsibilities under the MPEA included:

• Educating the public about local planning issues, the master plan, and land use regulations.
• Facilitating community input, evaluating information, and passing along pertinent information to the appropriate community officials or stakeholder.
• Identifying and analyzing issue, resource, trends, and conditions facing the community.
• Coordinating and cooperating with agencies inside and outside the community that affect the physical growth and development of the community.
• Preparing, adopting, and maintaining a master plan.
• Reviewing other community’s master plans when submitted, and provide coordination of planning and zoning in other units of government.
• Drafting and presenting to the legislative body a zoning ordinance and amendments and advise on various zoning actions.
• Reviewing and commenting on proposed public works.
• Preparing and annually adopting a capital improvement program.
• Preparing subdivision regulations and advise on propose plats.
In order to assist communities in simplifying the day-to-day procedures of the planning commission the MPEA solidifies a number of operational responsibilities for each municipal planning commission. Under the MPEA each planning commission must:

• Draft and enact an ordinance creating a planning commission with bylaws for the transaction of business.
• Establish a Planning Commission consisting of 5, 7, or 9 members representative of important segments of the community in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
• Meet at least four (4) times a year.
• Conduct public hearings on the master plan, zoning, and subdivision regulations.
• Keep a public record of its resolutions, transactions, findings, and determinations.
• Prepare and submit to the legislative body a budget and annual report concerning its operations and planning activities.

The MPEA clearly stresses the importance of an organized and viable planning commission. By utilizing the procedural and operational frameworks for planning commissions developed by the MPEA each municipality can provide itself with administrative safeguards, which will uphold and fortify sound land use planning.
Master Plans

Master planning is a vital piece of the MPEA. The legislation indicates a local unit of government must develop, adopt, implement, and maintain a master plan. Each year communities appropriate endless amounts of financial and human resources towards developing and enacting planning related documents. In order to ensure that these documents are feasible and dynamic the MPEA clarifies the objectives of master planning. The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that is coordinated, adjusted, harmonious, efficient, and economical. The MPEA emphasizes that master plans should include and consider:

• The character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
• In accordance with present and future needs of a community, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
• Address land use and infrastructure issues and may project 20 years or more into the future.
• Maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission’s recommendations for the physical development of the planning jurisdiction.
• A land use plan that consists 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.
• A zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.
• Recommendations for implementing any of the master plan’s proposals.
Coordination and cooperation in preparation of a master plan is essential under the MPEA. The Act stresses a community’s duty to make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions. The legislation also emphasizes the need to consult with representatives of adjacent local units of government, and departments and agencies at the county, state, and federal levels in respect to their planning and development undertakings in order that conflicts in land use and zoning may be avoided. Alongside these interaction requirements the MPEA standardizes notification, development, and adoption procedures for planning related documents. These administrative and procedural targets are another level of safeguards within the legislation to protect communities from legal mishaps and fortify community vision. MPEA requirements include notification, development, and adoption procedures.

After a community prepares a draft master plan and once it approves the final document the legislative body must notify the proper planning stakeholders. Under the MPEA all municipalities must provide notice explaining the community’s intentions and requesting the recipient’s cooperation and comment. Notices shall be sent to the following:

- The planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.
- The county planning commission
- The regional planning commission (Metropolitan Planning Organization: SEMCOG).
- Each public utility company and railroad company owning or operating a public utility or railroad within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.
- If the master plan will include a master street plan, the county road commission and the state transportation department.
Alongside these notification requirements the MPEA provides a standardized structure for review and comments. The legislation states that any entity receiving a copy of the proposed master plan may submit comments on the master plan to the planning commission within 63 days after the proposed master plan was submitted. This provides an opportunity for all vested stakeholders to interact and explore potential challenges and opportunities with the document.

Before final adoption of a master plan a community must:
• Hold not less than 1 public hearing on the proposed master plan.
• Pass a resolution by the planning commission carried by the affirmative votes of not less than 2/3 of the members or not less than a majority of the members.

Upon final adoption of the master plan, the planning commission shall submit copies of the adopted master plan to the same entities, which received notification of intent and proposed plans. At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan.

To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education. The MPEA also stresses the importance for a planning commission to consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion and implementation of the master plan.
Subplans

The MPEA also provides provisions for a planning commission to adopt subplans for geographic areas less than the entire planning jurisdiction. The legislation notes that there are areas of unique physical characteristics, which deserve more intensive planning. Subplans can encompass downtown areas, natural/open space preservation areas, and redevelopment areas.

Capital Improvement Plans

To further the desirable future development of the local unit of government under the master plan the MPEA provides planning commissions with the ability to annually prepare a capital improvements program of public structures and improvements. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission’s judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements.

Subdivision Regulations

Under the MPEA a planning commission may recommend, to the legislative body, provisions of an ordinance or rules governing the subdivision of land. Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.
MCPED Can Help

Staff at the Macomb County Department of Planning and Economic Development (MCPED) has reviewed the legislation and are ready to assist your community through this transitional process. This report only touches the surface of the MPEA. There are many more tools and procedures that can be instituted to enhance planning in your community. MCPED Staff can assist your community with analyzing the current state of planning within your jurisdiction, and help develop a tailor-made timeline and framework that will bring your community up to compliance with the MPEA.

It is important to note that your community only has until July 2011 to comply with the legislated mandates established by the MPEA. If enacted properly the these measures will protect your community from unintended development consequences and potential litigation. This is a unique time in the history of planning within the State of Michigan, and MCPED is prepared to ensure that your community benefits from the MPEA.