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Guideline #

MPEA 285 of 1931 Sec 7a & 7b(3)  
TPEA 168 of 1959 7a & 7b(3)  
COPEA 282 of 1945 4b(2), 4c(3) and

4c(4)

***DRAFT***  
**GUIDELINES FOR PROVIDING COORDINATION BETWEEN  
GOVERNMENTAL ENTITIES  
DURING PREPARATION OF A PLAN**

**Background Information**

The Issue: The planning enabling act amendments require significantly greater notice to, and opportunity for comment by local municipalities and other governmental entities during development of a plan than under the acts prior to the amendments. These changes were made to encourage greater coordination between these local units of government in their planning activities.

The amendments require that a municipality preparing a plan must notify all cities, villages and townships (and in the case of a county plan, adjacent counties) within or contiguous to the municipality preparing a plan when they are beginning the planning process. It must also notify their regional planning commission and any utilities, railroads or government entities that register with them requesting such notification.

The amendments also require that a municipality preparing a plan must submit a copy of the draft plan once it has been approved for a public hearing to all the municipalities, utilities, railroads and other government entities it notified at the beginning of the planning process and provide them with at least 65 days to respond with any comments. They must also send them notice of the public hearing. In the case of a city, village or township plan, any cities, villages and townships within or contiguous to the municipality preparing the plan, and the regional planning commission must send a copy of their comments on the plan to the county planning commission as well as the municipality preparing the plan.

In the case of cities, villages and townships preparing plans, the county is responsible for preparing a statement of consistency between this plan and the plan of any other cities, villages and townships within or contiguous to the municipality preparing a plan and consistency between this plan and the county's plan.

The requirements for the coordination of planning includes substantial questions about the procedures to be used. These include:

- § At what point does the countdown begin for transmitting comments back to the local unit preparing the plan?
- § What should the format and contents of a notice of intent to develop a plan include?
- § What is meant by “other” governmental entities?
- § What procedure should be followed for transmitting comments?
- § Should there be any attempt to notify the railroad, utilities, or other governmental entities of their right to participate in the coordination? Should their participation be encouraged?

**Statutory Citation:** Sections 7a & 7b(3) of the MPEA and the TPEA and Sections 4b(2), 4c(3) and 4c(4) of the COPEA contain the new requirements for coordination between local government entities.

**History of the Requirement:** Prior to the recent amendments, the various planning enabling statutes had widely differing requirements for coordination with other governmental entities. The MPEA simply required that the plan be prepared “*with due regard to it’s relation to the neighboring territory*” and required notification of the public hearing on the adoption of the ordinance to each public utility and railroad operating in the municipality. The TPEA required the planning commission to “*consult, in respect to it’s planning, with representatives of adjacent townships; with the county planning commission, if any; with any representatives of incorporated municipalities within the township; and with the regional planning commission, if any.*” It also required submission of an adopted plan or plan amendment to the county planning commission for approval. The COPEA required the county planning commission to “*make a plan for the development of the county, which plan may include planning in cooperation with the constituted authorities for incorporated areas.*”(emphasis added)

In 1992, the Governor’s Relative Risk Analysis ranked the lack of integrated and coordinated land use planning as the greatest risk to the state’s environment.

The Planning Law Committee worked on drafting the Coordinated Planning Act from 1990 to 1999 and worked on several alternative approaches to improving coordination between local units of governments and between county and state agencies and local units of government. The final version, which was incorporated into Representative Birchholz’s HB 4571 introduced in 2001 required notification similar to the recent amendments. However, the language in HB 4571 also required that the municipality preparing the plan respond to the comments provided by the other governmental entities, and make that response a part of the plan. The recent amendments do not require a response from the municipality preparing the plan.

**Recommended Best Practice**

This MAP Guideline recommends the following procedures for local units of government adopting plans under the amended planning enabling acts.

- § The statutes require notification of each public utility company and railroad within the municipality and any government entity that registers with the municipality to receive



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notice. How do they know to register? Coordination between local governments can encourage the wise use of resources, minimize cross boundary land use conflicts, and assist communities in addressing developments of greater concerns or protecting natural resources that stretch across multiple political boundaries such as watersheds. To promote coordination, the municipality should prepare a list of public utility companies and railroads within the municipality and any government entities that might have an interest in development in the community and send them a one time notice informing them of their opportunity to register. What are “government entities”? This will vary from community to community, but generally means any public board, commission, council, or agency that is established to provide public services or oversight and which is involved in an area related to the development of the community. These would include local boards such as downtown development authorities, parks and recreation commissions, airport authorities or school districts; they could include county level entities such as the road commission, drain commissioner, sheriff or county board. It could also include state and federal agencies with a local presence or local facilities such as the Michigan Department of Transportation, the Michigan Department of Corrections, the U.S. Park Service, the U.S. Forest Service, the Consolidated Farm Service Agency and the Rural Economic & Community Development Agency. A more detailed list of potential “government entities” is listed in Section \_\_\_\_ of HB \_\_\_\_, introduced by Representative Jellema in 1999 and the predecessor to HB 4571.

- § The initial notice to all of the governmental entities should at a minimum include the name of the municipality that is preparing the plan, a contact name, address, phone number, fax and/or e-mail address if applicable, the estimated time line for development of the plan, the location and date of public meetings at which the plan will be discussed, the type of plan (an amendment to an existing plan or development of a new plan) and, at the municipalities’ option, a request for permission to submit future information in electronic format.
  
- § When sending copies of the plan for comment by all of the governmental entities, the municipality should use a method that will verify when the copy was submitted, because the minimum period of time established for review is based on the submission date. This could include an affidavit of mailing, a receipt from the post office or mail service used, or a dated copy of the e-mail transmitting the plan. The notice transmitting the copy should include the date it was sent and how the receiving governmental entity should transmit any comments.
  
- § The 65 and 95 day review deadlines are measured starting from the date that the plans are submitted to the government entities. The time period should start with the day after the plan is mailed or otherwise submitted, and the review period ends 65 or 95 days

later.

- § Government entities that wish to comment on the draft plan should identify the draft they are reviewing by title and date. When commenting on text in the draft, they should identify the text by the title of the section, page number and paragraph number or location (i.e. “the third paragraph from the top of the page”).

Other steps to follow in meeting the coordination requirements of the planning enabling act amendments are found in the plan adoption checklists provided by Michigan State University Extension

### **Legal Considerations**

There is no sanction in the statute against a community that does not follow the coordination procedures outlined in the acts as amended. However, not following the procedures outlined in the acts could jeopardize the validity of the plan if there is a legal challenge on land use decision made by a municipality.

### **Case Example**

City of Monroe?

### **References**

- § ***Land Use Series, Checklist #M1:For adoption of city and village plans in Michigan, Check List # T1 For adoption of a Township Plan in Michigan, Check List #C1 For adoption of a county plan in Michigan, Michigan State University Extension***
- § ***Michigan’s Planning Enabling Statutes; PA 285 of 1931, 168 of 1959 and 282 of 1945***

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