

## **AN ORDINANCE FOR THE CREATION OF A PLANNING COMMISSION FOR LIVINGSTON COUNTY, MICHIGAN**

An Ordinance to create a County Planning Commission for the County of Livingston, to provide for the appointment of such Commission consisting of seven (7) members; to make a plan for the development of the county and to serve as a coordinating agency for all planning committees and commissions within the county:

The County of Livingston Ordains:

### **Section I.**

There is hereby created the Livingston County Planning Commission in accordance with the provisions of Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, being MCL 125.3801 *et seq.*, which Commission shall consist of seven (7) members who are qualified electors in the County and shall individually be representative of the important segments of the economic, governmental, social life and development of Livingston County including agriculture, recreation, education, residential areas, government, transportation, industry, and commerce. The Planning Commission shall consist of one (1) member representing agricultural interests; one (1) member representing recreational interests; one (1) member representing industrial interests; one (1) member representing residential areas; one (1) member representing transportation interests; one (1) member representing commercial interests, and one (1) member representing education (as required by MCL 125.3815), provided no more than 1/3 of the membership of said Commission shall hold another office or position in the county government.

### **Section II.**

The term of office of each member of the Commission shall be three (3) years; provided that the appointment of the first Commission may consist of terms of less than three (3) years in order to provide for the establishment of over lapping terms of office. The Chair, Vice-Chair, and Secretary for the Planning Commission shall be elected annually from its membership.

### **Section III.**

The members of the County Planning Commission shall be appointed by Livingston County Board of Commissioners and said Board shall provide for the filling of any vacancies for the unexpired terms and may remove any member for misfeasance, malfeasance or nonfeasance upon written charges and after a public hearing.

### **Section IV.**

All members of the County Planning Commission shall serve as such without compensation; provided that they may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties. The County Planning Commission shall hold not less than four (4) regular meetings each year and by resolution shall determine place and time of meetings. All meetings of the Planning Commission shall be held in compliance with the Open Meetings Act, MCL 15.261 *et seq.* The Planning Commission shall adopt bylaws for the transaction of business and keep a

public record of its resolutions, transactions, findings, and determinations, subject to compliance with the Freedom of Information Act, MCL 15.231 *et. seq.*

**Section V.**

It shall be the function of the County Planning Commission to make a plan for the development of the county as a whole. A master plan shall address land use and infrastructure issues and may project twenty (20) years or more into the future. A master plan shall include maps, plats, charts, and any other descriptive or explanatory matter that shall guide the Planning Commission's recommendations for physical development of the planning jurisdiction. It shall be the duty of the County Planning Commission to: (1) make studies, investigations, and surveys relative to the economic, social, and physical development of the county; (2) formulate plans and make recommendations for the most effective economic, social, and physical development of the county; (3) cooperate with all departments of the state and federal governments and other public agencies concerned with programs directed towards the economic, social, and physical development of the county, and seek the maximum coordination of the county programs of these agencies; (4) consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans may be avoided. The County Planning Commission shall serve as a coordinating agency for all planning committees and commissions within the county.

**Section VI.**

It shall be the duty of the County Planning Commission to adopt a plan for the development of the county. The County plan with accompanying maps, plats, charts, and descriptive and explanatory matter shall show the Commission's recommendations for the development of the county. The County Planning Commission may adopt the plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the county or to functional division of the subject matter of the plan, and may adopt any amendment or extension thereof, or addition thereto. The adoption of the plan, or any such part, amendment, extension, or addition, shall by resolution be carried by the affirmative votes of not less than a majority of the full membership of the Commission after duly advertised public hearing. The resolution shall refer expressly to the maps, plats, charts, and descriptive and explanatory matter intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the maps, plats, charts, and descriptive and explanatory matter by the identifying signature of the Chairman of the Commission. Following adoption of the county plan or any part thereof and the certification by the Commission to the County Board of Commissioners of a copy of the county plan, no work shall be initiated on any project involving the expenditure of funds by a county board, department or agency for the acquisition of land, the erection of structures, the extension, construction or improvement of any physical facility by any county board, department, or agency unless a full description of the project, its proposed location and extent thereof shall have been submitted to the County Planning Commission and the report and advice of the Commission thereon shall have been received by the County Board of Commissioners and by the county board, department or agency submitting the proposal. The requirement for Planning Commission's review shall be deemed to be waived if within thirty (30) days after the proposal has been filed with the commission, the commission fails to furnish in writing, its report and advice

upon the proposal. Copies of said report and advice shall be furnished to the county board, department, or agency sponsoring the proposal.

Any plan describing the recommended development of an incorporated area shall not be recognized as an official plan or part of the official plan for that area unless adopted by the municipality in the manner prescribed for the adoption of such plans by municipalities under the provisions of the state statutes or the local charter. At least every five (5) years after adoption of a master plan, the 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. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the Planning Commission.

#### **Section VII.**

The Commission shall have the power to promote public interest in an understanding of the plan and to that end may publish and distribute copies of the county plan or of any report thereon and may employ such other means of publicity and education as it may determine advisable. Members of the Commission, when duly authorized by the Commission, may attend conferences and meetings dealing with planning issues and techniques, and any hearings on pending planning legislation and the Commission, may, by resolution, pay the reasonable traveling expenses incidental to such attendance. The County Planning Commission, as part of its duties, shall consult and advise with public officials and public agencies, other planning commissions or committees, private organizations and agencies, and citizens of the county, to develop adequate support and understanding of the objectives of the county plan. In general the Commission shall have such powers as may be necessary to fulfill its functions and carry out the purposes of Public Act 33 of 2008, as amended.

#### **Section VIII.**

To further desirable future development of the county, the County Planning Commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the Commission is exempted from this requirement by the County Board of Commissioners.

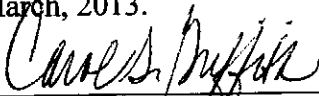
The capital improvements program shall show those public structures and improvements, in the general order of their priority, which in the Commission's judgment will be needed or desirable and can be undertaken within the ensuing six (6) year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the Planning Commission with lists, plans, and estimates of time and cost of those public structures and improvements.

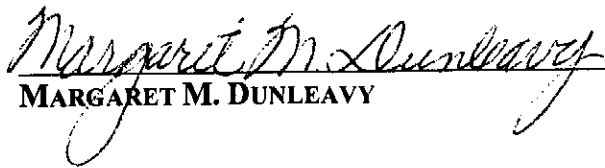
#### **Section IX**

The County Planning Commission may appoint advisory committees or councils which may be composed of individuals qualified by experience, training, or interests to assist in the consideration and solution of county issues and representative of the governmental subdivisions within the county, such as townships or incorporated places and other functional groups or agencies.

All official actions taken by all Livingston County Planning Commissions preceding the Planning Commission created by this Ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Livingston County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication. The Livingston County Planning Commission Ordinance of June 27, 1955 is hereby repealed.

Passed by the Board of Commissioners of Livingston County, Michigan, this 4th day of March, 2013.

  
\_\_\_\_\_, Chair  
**CAROL S. GRIFFITH**

  
\_\_\_\_\_, Livingston County Clerk  
**MARGARET M. DUNLEAVY**

Yeas: Dolan; Griffith; Lawrence; Childs; Green; Parker; and, Williams

Nays: None

Absent: Domas; and, Van Houten