

Procedures to Adopt or Amend a Master Plan

- Overview of Michigan Planning Enabling Act Requirements
- Compliance Flow Chart
- Sample “Notice of Intent” Letter
- Sample Cover Letter Requesting Comments on Draft Plan
- Sample Compliance Statement to County
- Sample Resolution Asserting Township Board Right to Approve Master Plan
- Sample Township Board Resolution to Adopt/Amend Master Plan
- Sample Planning Commission Resolution to Adopt/Amend Master Plan

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Michigan Townships Association staff prepared this publication for informational and educational purposes to assist township officials in township governance, statutory compliance and day-to-day township administration. The information provided is not intended as legal advice, and townships are urged to consult with their local legal counsel on questions of law.

Certainly, no sample language should be used unless, after careful review, it is the professional judgment of your legal counsel that using the sample documents and guidelines attached will accomplish the particular objectives and intentions of your township.

Although this material is the result of much thought and effort, neither the authors nor the Michigan Townships Association assume any responsibility for the results of using these guidelines word-for-word in individual cases.

Overview of Michigan Planning Enabling Act Procedures to Adopt or Amend a Master Plan

Notice of Intent to Plan: The law specifies who must receive a notice.

Before preparing a master plan, a township planning commission must send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment (MCL 125.3839):

- The planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the township (township, city or village).
- If there is no county planning commission, then the regional planning commission for the region in which the township is located. If there is a county planning commission, the township planning commission may consult with the regional planning commission, but is not required to do so.
- The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located.
- Each public utility company and railroad company owning or operating a public utility or railroad within the township. (*The public utility companies and railroad companies are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan.* MCL 125.3841)
- Any government entity that registers its name and mailing address for this purpose with the planning commission. Other governmental entities that can register to become a part of the planning process include downtown development authorities (DDAs), tax increment finance authorities (TIFAs), school boards, road commissions and other local governmental units. (*The registered entities are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan.* MCL 125.3841)
- If the master plan will include a master street plan, the county road commission and the Michigan Department of Transportation (MDOT).

The required notice may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice, the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

There is no time limit for noticing the other local units of your township's intent to plan. MTA recommends developing your own township standards. See page 7 for a sample letter of intent to plan.

Distribution of the Proposed Plan for Review and Comments

The planning commission's proposed draft plan must be submitted to the township board for review and comment. The process of adopting a master plan cannot proceed unless the township board approves distribution of the proposed draft. This ensures that both the planning commission and the township board generally support the proposed plan. (MCL 125.3841)

Once approved for distribution, the proposed master plan is sent to the “notice list”—the same list that originally received the notice of intent to plan. See the sample cover letter on page 8. The public utility companies, railroad companies and registered governmental entities are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan. (MCL 125.3841)

The secretary of the planning commission shall, at the same time, submit to the county planning commission (or the county board of commissioners if there is no county planning commission) a statement signed by the secretary of the planning commission that the requirements of MCL 125.3841 have been met and must provide a list of names, with addresses and date of submittal, of everyone receiving the plan. See the sample compliance statement on page 9. The notice of the public hearing to be held following the comment period may also be included with the plan. (MCL 125.3841)

Comment Period

Each of the entities receiving the proposed original master plan may submit comments within 63 days after the proposed master plan was sent to that entity. If the plan is an amendment to the original master plan, the review procedure is shortened a little with all entities receiving a copy to submit comments within 42 days. The comments are advisory only.

If the county planning commission or the county board of commissioners submits comments, the comments must include at least both of the following statements, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality located within or contiguous to the township or the planning region in which the township is located.

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

These statements are advisory only. (MCL 125.3841)

Public Hearing

After the comment period for all entities ends, the planning commission must hold at least one public hearing on the proposed plan. (MCL 125.3843)

The planning commission must publish notice of the meeting at which the public hearing will be held in a newspaper of general circulation in the township at least 15 days before the date of public hearing. The planning commission must also submit the notice of the public hearing to each of the entities receiving the proposed plan for comments. (The notice may be included with the proposed master plan submitted for review.) (MCL 125.3843)

Approval

To approve the master plan or plan amendment, the township planning commission must approve a resolution adopted by the affirmative votes of not less than a majority of the members of the planning commission (one more than half of the total number of positions on the planning commission, minus any vacant positions). The resolution must refer expressly to the maps and descriptive materials intended by the planning commission to form the master plan. (MCL 125.3843)

A statement recording the planning commission’s approval of the master plan, signed by the chairperson or secretary of the planning commission, must be included on the inside of the front or back cover of the master plan, and on the future land use map, if it is separate from the text of the master plan. Following the approval, the planning commission secretary must submit a copy of the master plan to the township board. (MCL 125.3843)

Where the Township Board has Final Approval of Master Plan

Approval of the proposed master plan by the planning commission is the final step for adoption of the master plan, **unless** the township board by resolution has asserted the right to approve or reject the master plan. See page 10 for a sample resolution to assert the township board right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the township board must approve or reject the proposed master plan. (MCL 125.3843)

If the township board rejects the proposed master plan, the township board must submit to the planning commission a statement of its objections to the proposed master plan. The planning commission must consider the township board's objections and must revise the proposed master plan to address those objections. The procedures for holding a public hearing and planning commission approval must be repeated until the township board approves the proposed master plan. All public notice requirements apply throughout the process.

A statement recording the township board's approval of the master plan, signed by the township clerk, must be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

To approve the master plan or plan amendment, the township board must approve the plan by a resolution adopted by the affirmative votes of not less than a majority of the members of the township board (one more than half of the total number of positions on the township board, minus any vacant positions). The resolution must refer expressly to the maps and descriptive materials intended by the planning commission to form the master plan. (MCL 125.3843)

Effective Date

The plan takes effect upon final adoption by the planning commission or township board, as applicable. Following adoption, the secretary of the planning commission must submit copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted. (MCL 125.3843)

Public Information

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.

A planning commission must consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan. (MCL 125.3851)

Plan Amendments

Amendments to the township master plan follow the same procedures, except the comment period for all entities is shortened to 42 days. (MCL 125.3845)

If the amendment is only a: (a) Grammatical, typographical or similar editorial change, (b) Title change, or (c) A change to conform to an adopted plat, then the amendment may be made without following the procedures in MCLs 125.3839, 125.3841 or 125.3843 (notice of intent to adopt, submission of draft to other entities for comment, or public hearing).

Plan Review

At least every 5 years after adoption of a master plan, a township planning commission must review the master plan and determine whether to take any action to amend the master plan or adopt a new master plan. This review and the planning commission's findings must be recorded in the planning commission minutes. (MCL 125.3845)

Quick Steps to Adopt or Amend a Master Plan

Step 1: Notice to Plan

The township must send notice of the township's intent to adopt a plan. (See sample on page 7.)

Who must be mailed the "notice of intent" to plan?

The planning commission of any township, city or village located within or contiguous to the township (if there is no local planning commission, the notice goes to the local legislative body); the county planning commission (if there is no county planning commission the notice goes to the county board of commissioners and the regional planning commission); railroads and public utilities; and any governmental entity that registered with the township, such as a downtown development authority or tax increment finance authority. If the master plan includes a master street plan, notice must also be sent to the county road commission and the Michigan Department of Transportation. (MCL 125.3841)

Who may be mailed the "notice of intent" to plan?

If there is a county planning commission, the township may submit a copy of the proposed master plan to the regional planning commission, but is not required to do so. (MCL 125.3841)

Step 2: Distribution of the Proposed Plan

After the plan is drafted:

1. Planning commission submits draft plan to the township board for review and comments.

2. Township board authorizes the planning commission to distribute the proposed plan to the notice list.

3. The proposed master plan is distributed to the notice list. A **statement of compliance**, signed by the planning commission secretary that lists the name, address and date of submittal of each entity receiving a copy of the proposed plan, must be sent to the county planning commission, or county board of commissioners if there is no county planning commission. (See sample on page 9.)

Step 3: Comment Period (*Comments are advisory only*)

For a NEW Master Plan: Any entity submitting comments on the proposed plan must do so **within 63 days** of receiving it.

OR

For AMENDMENTS to a Master Plan: Any entity submitting comments on the proposed plan must do so **within 42 days** of receiving it.

Step 4: Public Hearing at a Regular or Special Meeting (*Cannot be held before the comment ends*)

1. Notice of the meeting at which the public hearing will be held must be sent to all entities that received a copy of the proposed master plan (may be included with the proposed plan mailing).

2. Notice of the public hearing must be published in a local newspaper at least 15 days before the date of the hearing.

Step 5: Final Approval

1. At or after the meeting at which the public hearing is held, the planning commission adopts the plan by resolution approved by a majority of the members of the planning commission. (See sample on page 12.) The planning commission secretary submits the plan to the township board.

2. Planning commission approval is final **unless** the township board has final approval of the master plan. (See samples on pages 10 and 11.) The township board may send the plan back to the planning commission to request changes.

Step 6: Distribution of the Plan

The master plan is effective upon final adoption. Once approved, the final master plan must be submitted to all of the entities that received the proposed plan for comment.

Sample Notice of Intent to Prepare a Master Plan

To: _____ [*Township, City, Village, or other entity to be noticed*]

From: _____, Secretary
_____ Township Planning Commission

Date: _____

This notice is to inform you that the _____ Township Planning Commission is preparing a new master plan [*OR updating OR amending its existing master plan*].

In accordance with Section 39 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3839, this notice is to inform our neighboring local governments, planning entities, and any public utilities and railroad companies of _____ Township's intent to prepare a master plan (*or "amend our master plan"*). The _____ Township Planning Commission welcomes your cooperation and comments on the proposed plan.

The _____ Township Planning Commission will send you a copy of the proposed master plan as soon as we have completed the draft for review.

[The following section is optional and does not have to be offered if the noticing township does not want to provide copies of the proposed plan by electronic mail. If the township does offer provide copies of the township plan by electronic mail, digital files or electronic mail comments from the receiving entities should also be accepted:]

If you would like to receive the draft copy of the master plan in digital format, please submit a written request via email and include an email address. This office prepares all its digital documents in _____ [*Word, WordPerfect, PDF, etc.*] format.

[Optional:] The proposed plan will also be posted and available free of charge on the township's Web site at: www._____.

Any comments you submit may be sent in digital format via email to: [*township or planning commission email address*].

Under MCL 125.3841(2)(f), 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 address for this purpose with the secretary of the planning commission, shall reimburse the township for any copying and postage costs incurred in receiving a hard copy of the proposed master plan or final master plan.

Sample Cover Letter Requesting Comments on Draft Master Plan

(Include with the draft plan OR plan amendments)

To: _____ [*Township, City, Village, or other entity to be noticed*]

From: _____ Township Planning Commission

Date: _____

Enclosed is a draft of the proposed new _____ Township master plan [*OR proposed amendments to the master plan*].

In accordance with Section 41 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3841, the enclosed proposed master plan is [*OR proposed amendments to the master plan are*] required to be sent to you, or you requested to receive it.

All local governments and other entities receiving a copy of a proposed new plan [*OR proposed amendments to the master plan*] have up to 63 days to review a proposed new plan [*up to 42 days to review plan amendments*].

Any comments you submit may be sent in digital format via email to: [*township or planning commission email address*].

Under MCL 125.3841(2)(f), 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 address for this purpose with the secretary of the planning commission, shall reimburse the township for any copying and postage costs incurred in receiving a hard copy of the proposed master plan or final master plan.

Thank you for your cooperation and comments.

Sincerely,

_____, Secretary

_____ Township Planning Commission

Sample Compliance Statement to County

*(Include with the draft master plan OR plan amendments sent to the **county planning commission** or the **county board of commissioners**, if there is no county planning commission.)*

To: _____ County Planning Commission [OR *County Board of Commissioners*]

From: _____ Township Planning Commission

Date: _____

In accordance with Section 41 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3841(e), a copy of the enclosed proposed master plan was sent to the planning commission or legislative body of each municipality located within or contiguous to _____ Township, and to _____ [*the regional planning commission for the county in which the township is located, if there is no county planning commission or if the township planning commission has chosen to submit a copy to the regional planning commission*].

A record of the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted, with the date of submittal, is attached.

Sincerely,

_____, Secretary

_____ Township Planning Commission

TOWNSHIP OF _____
COUNTY OF _____, MICHIGAN
Resolution No. _____
RESOLUTION ASSERTING TOWNSHIP BOARD
RIGHT TO APPROVE MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare or amend a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the MPEA authorizes a township board to assert by resolution its right to approve or reject the proposed master plan or plan amendment approved by the planning commission;

NOW THEREFORE BE IT RESOLVED THAT, pursuant to MCL 125.3843(3), the _____ Township Board reserves to itself the right to approve or reject a proposed master plan or master plan amendment approved by the planning commission; and

BE IT ALSO RESOLVED THAT, after approval of a proposed master plan or master plan amendment by the planning commission, the _____ Township Board shall approve or reject the proposed master plan or master plan amendment. A statement recording the Township Board's approval of proposed master plan or master plan amendment, signed by the Township Clerk, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

The foregoing resolution offered by Board Member _____.
Second offered by Board Member _____.

Upon roll call vote the following voted:

"Aye": _____
(list names of members voting "aye")

"Nay": _____
(list names of members voting "nay")

The Supervisor declared the resolution adopted.

(Name) , Clerk

(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)

TOWNSHIP OF _____
COUNTY OF _____, MICHIGAN
Resolution No. _____

TOWNSHIP BOARD RESOLUTION TO ADOPT (or AMEND) MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared a proposed new (OR *updated*) Master Plan and submitted the plan to the Township Board for review and comment; and

WHEREAS, on _____, 20__, the _____ Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on _____ to consider public comment on the proposed new (OR *updated*) Master Plan, and to further review and comment on the proposed new (OR *updated*) Master Plan; and

WHEREAS, the Township Board finds that the proposed new (OR *updated*) Master Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the Township;

WHEREAS, the MPEA authorizes the Township Board to assert by resolution its right to approve or reject the proposed Master Plan;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of 20__ Master Plan.** The Township Board hereby approves and adopts the proposed 20__ Master Plan, including all of the chapters, figures, maps and tables contained therein. Pursuant to MCL 125.3843 the Township Board has asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843 and therefore the plan is effective as of _____.

2. **Distribution to Notice Group.** The Township Board approves distribution of the adopted plan to the Notice Group.

3. **Findings of Fact.** The Township Board has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, input received from the Planning Commission and public hearing, and with the assistance of a professional planning group, and finds that the new (OR *updated*) Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands in _____ Township.

4. **Effective Date.** The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Board Member _____.

Second offered by Board Member _____.

Upon roll call vote the following voted:

"Aye": _____

(list names of members voting "aye")

"Nay": _____

(list names of members voting "nay")

The Supervisor declared the resolution adopted.

(Name) , Clerk

(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)

TOWNSHIP OF _____
COUNTY OF _____, MICHIGAN
Resolution No. _____

PLANNING COMMISSION RESOLUTION TO ADOPT (or AMEND) MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared a proposed new (OR *updated*) Master Plan and submitted the plan to the Township Board for review and comment; and

WHEREAS, on _____, 20__, the _____ Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the Michigan Planning Enabling Act; and

WHEREAS, the Planning Commission held a public hearing on _____ to consider public comment on the proposed new (OR *updated*) Master Plan, and to further review and comment on the proposed new (OR *updated*) Master Plan; and

WHEREAS, the Planning Commission finds that the proposed new (OR *updated*) Master Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the Township;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of 20__ Master Plan.** The Planning Commission hereby approves and adopts the proposed 20__ Master Plan, including all of the chapters, figures, maps and tables contained therein.

2. **Distribution to Township Board and Notice Group.** Pursuant to MCL 125.3843 the Township Board has not asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843 and therefore the plan is effective as of _____. In addition, the Planning Commission approves distribution of the adopted amendments to the Township Board and Notice Group.

3. **Findings of Fact.** The Planning Commission has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, input received from the Township Board and public hearing, and with the assistance of a professional planning group, and finds that the new (OR *updated*) Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands in _____ Township.

4. **Effective Date.** The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Planning Commissioner _____.

Second offered by Planning Commissioner _____.

Upon roll call vote the following voted:

"Aye": _____

(list names of members voting "aye")

"Nay": _____

(list names of members voting "nay")

The Chair declared the resolution adopted.

(Name) , Secretary

(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)