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Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**fax:**  
(833) 256-1666 or (202) 690-7442;

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**correo postal:**  
U.S. Department of Agriculture  
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**fax:**  
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**correo electrónico:**  
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# Planning Commission Roles and Responsibilities



Green Oak Township  
Livingston County  
January 25, 2024





## **Tonight's Presenter: Harmony Gmazel, AICP**

Community Development, Planning, Zoning, Resiliency

Educator

Michigan State University Extension

[gmazelh@msu.edu](mailto:gmazelh@msu.edu)

**Presentation Authors and Contributors:**

**The Land Use Educator Team @ MSUE**

Tyler Augst, Harmony Gmazel AICP,

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# What we will cover

- The Big Picture
- Responsibilities of a Planning Commission
- Commission Member Roles
- Foundational Documents and Meeting Process
- Planning Department Roles
- The County Planning Commission



**The BIG Picture...**

**Why Plan?**



# Relationship of Business to Talent to Place

Not just any workers, ***talented workers.***

Business  
Needs  
Talent

Talent  
Wants  
Place

Not just any place, ***quality places.*** Talented workers can live almost anywhere they want.

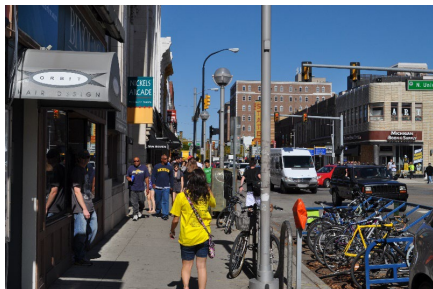
Place  
Needs  
Business

Not just any business, a ***wide range of businesses*** is best because of improved job and wage opportunities.



# Quality Urban/Suburban Places are....

Walkable & Bikeable



Pedestrian-Oriented



Mixed-Use



Transportation Friendly



Full of Housing Options



# Quality Rural Places are....

Natural

Green

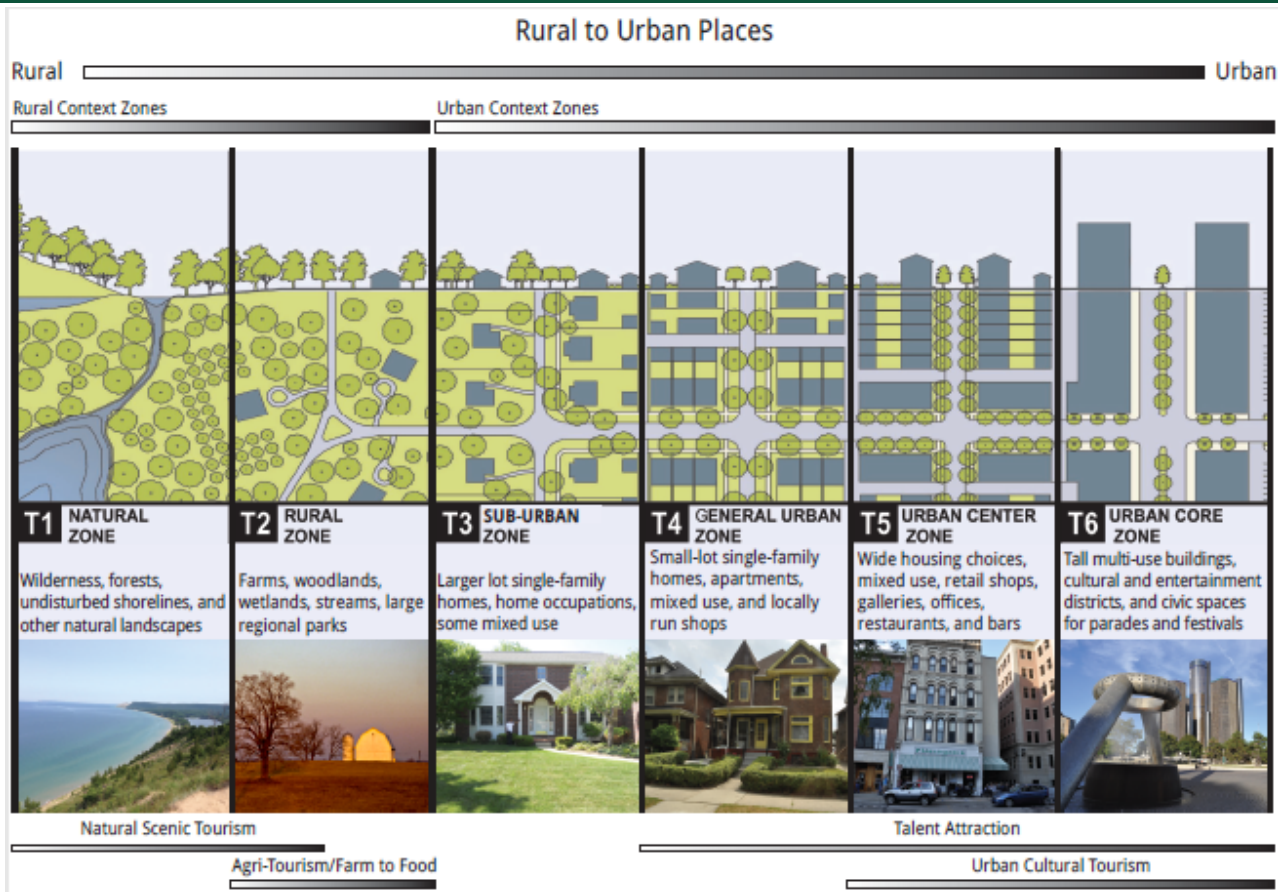
Blue

Quiet

Productive







## Michigan's Economic Sub-Regions Overlap

(within and outside the state)

Hard to perform economic  
development planning without  
coordinating along all the  
edges, and by taking a  
statewide look

Prosperity Requires  
Regional Partners



# Planning & Zoning activities have high value

## PLANNING

- Better placemaking
- High environmental quality
- Orderly growth, development, and redevelopment
- Avoid wasteful spending
- Contribute to economic development



Constantine, MI

## ZONING

- Protect property values
- Prevent incompatible land uses near each other
- Adequate public improvements during development
- Fair equitable enforcement
- Prevention of blight
- Public health, safety, & welfare

# Responsibilities of A Planning Commission



# Administrative Decisions

- Delegated by legislative body to:
  - appointed body (**Planning Commission**)
  - official (**Zoning Administrator**)
- Limited by procedures, standards in the ordinance



Planning Commission

Zoning Administrator





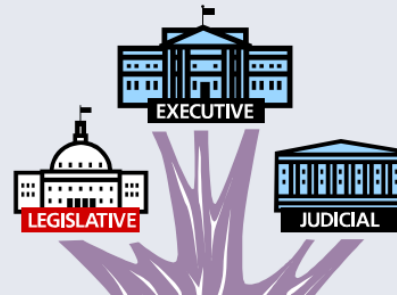
## Administrative (executive)

### Zoning Administrator

- Permits
- Receive applications, check for completeness
- Enforcement
- Collect fees

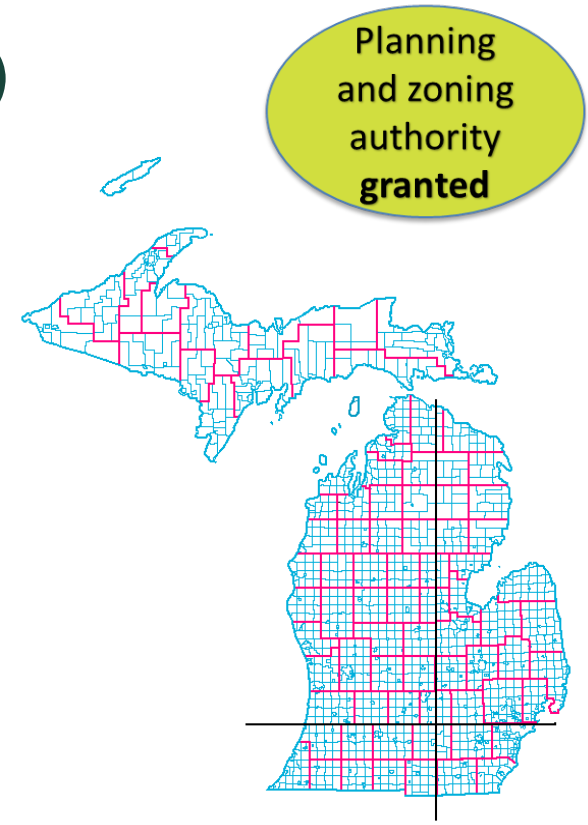
### Planning Commission

- Plan adoption
- Hearing/recommend zoning amendments
- Site plan review
- Special use, PUD, review/permits
- Non-conformities (or ZBA)



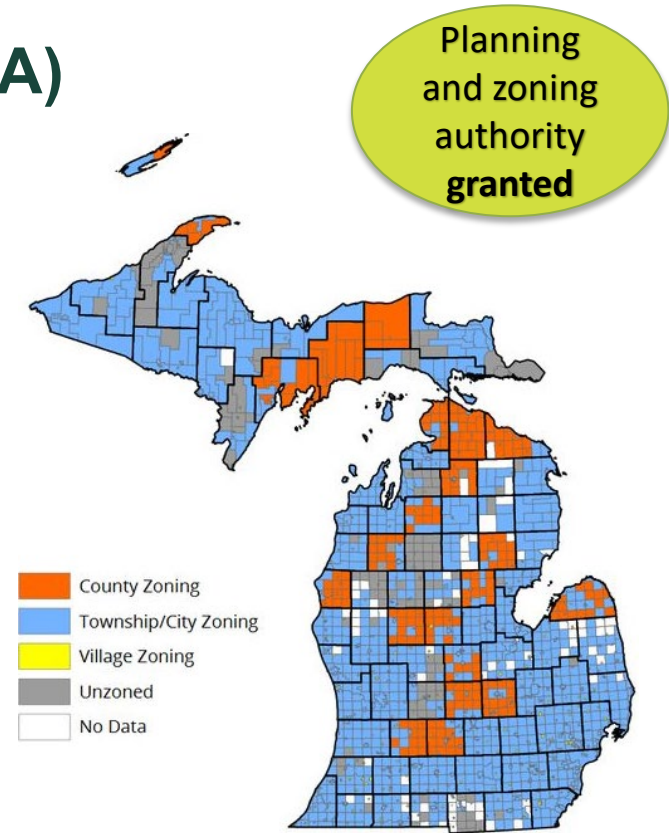
## Michigan Planning Enabling Act (MPEA)

- Michigan also grants all local general purpose governments the ability to independently develop and adopt master plans.
- Cities, villages, townships and counties:  
Michigan Planning Enabling Act, PA 33 of 2008, as amended, MCL 125.3801 *et seq.*



## Michigan Zoning Enabling Act (MZEA)

- Michigan grants all local general purpose governments the ability to independently develop and adopt zoning ordinances.
- Cities, villages, townships and counties: Michigan Zoning Enabling Act, PA 110 of 2006, as amended, MCL 125.3101 *et seq.*





## Procedural Due Process

Government must meet minimum standards of fairness before making decisions affecting the property interests of individual landowners.

The conduct of government officials is limited.

1. Notice
2. Hearing
3. Standards
4. The Record
5. Unbiased Decision



# Substantive Due Process

Protects against arbitrary actions by the government by requiring that a regulation “promote public health, safety or general welfare” by a rational means.

The conduct of government officials is limited.

1. Rational: promotes health, safety, welfare
2. Relates to a reasonable government interest
3. Minimal regulation necessary to advance governmental interest



## Further Responsibilities- The Local Master Plan

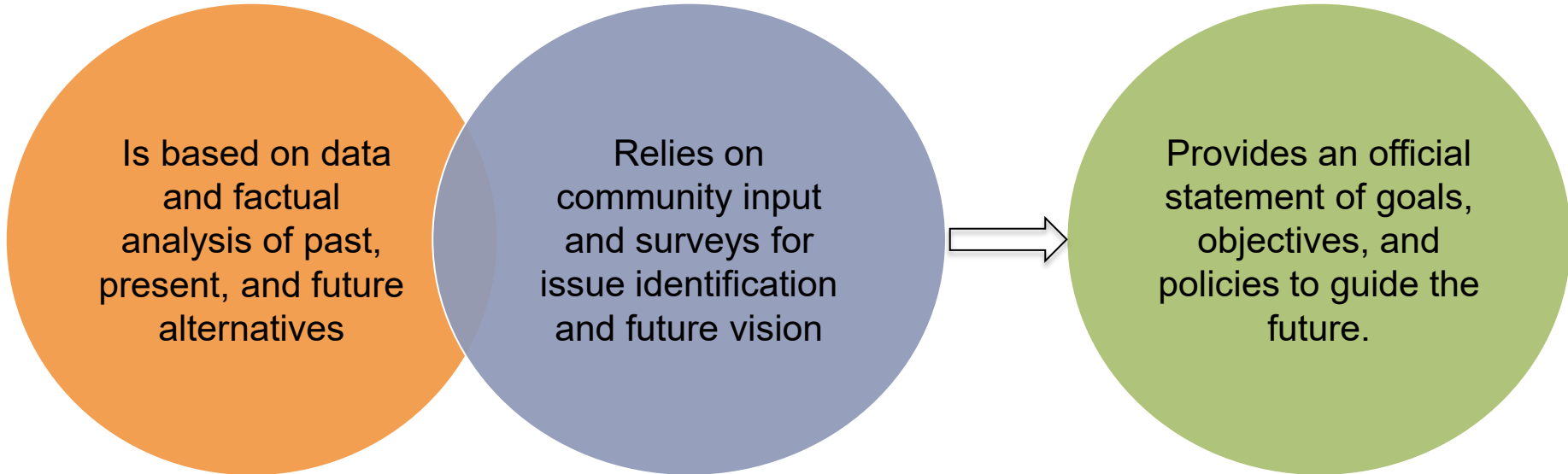
- The Master Plan shall be reviewed every 5 years with the option to:
  - Review the plan and recommend we do nothing
  - Amend the plan: i.e. data, sections, goals, policies
  - Adopt a new master plan (complete re-write)

Top  
Priority

When is your Master Plan due for an update?



## A Master Plan Is a Document That...



# The Master Plan and Z.O. Connection

Master Plan	Zoning Ordinance
Policy guide	The law
Adopted by Planning Commission (usually)	Adopted by legislative body (always)
Future use of land	Regulation of land today



# Roles of Commission Members



## MPEA- Board composition

- The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational... representing major interests as they exist... such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.
- MCL 125.3815 (5) Chief admin. official or designee, chief elected official, or 1 member of the legislative body (or any combination) can be ex-officio members. Not more than 1/3 membership may be ex officio members.

MCL125.3815(3)



CHAIR



PUBLIC



MEMBERS



TYPICAL ROLES

In the meeting, everyone has an important role to play, not just the chair!

STAFF



SECRETARY





## CHAIR

### Set Direction and Lead Meeting

#### ROLE

- Make or approve agenda
- Run meeting per agenda
- Set meeting tone & example
- Mediate conflict
- Encourage appropriate input
- Reach closure & move on
- Represent board to the public

#### SKILLS

Active listening, conflict resolution, facilitation, meeting management, troubleshooting



## MEMBERS



## Actively Engage in the Meeting

### ROLE

- Attend faithfully
- Know the important documents (Master Plan, Ordinances)
- Read packet materials ahead of time
- Refrain from deciding before meeting discussion
- Participate in deliberation
- Vote your conscience
- Bridge between the public and the staff

### SKILLS

Active listening (especially nonverbals), discussion, willingness to speak up



## SECRETARY



### Document the Meeting

#### ROLE

- Must take minutes. May use recorder as a help, but must produce written record.
- Keep meeting documents & submittals; file with staff
- May be a voting member or non-voting hired staff

#### SKILLS

Active listening, detailed documentation and review



## STAFF



## Provides Support and Information

## ROLE

- Pre-meeting planning (venue, packet, notice etc.)
- Presents information per agenda or as requested.  
Technical analysis of policy options
- Answers clarifying questions
- May provide independent review on cases
- Does not vote

## SKILLS

Technical expertise for role, public speaking



## PUBLIC



### Actively Engage

#### ROLE

- Provide input to board
- Has a right to attend & speak (public meeting & hearings)
- Must obey time limits and meeting rules
- Doesn't deliberate or vote
- Should be treated with respect

#### SKILLS

Public speaking



## FUNCTION: APPOINTED BOARDS

- Implement policy, rules, ordinances, laws, established by the legislative body.
- Study, prepare data, hold meetings or hearings.
- Provide recommendations to the elected body.
- Communicate effectively (required!).
- Be competent, transparent, and responsive.
- Stay within budget and the law.
- Practice ethical behavior



## WHAT ELECTED BOARDS EXPECT FROM APPOINTED BOARDS...



- **Results:** follow through on priorities and goals
- **Competency:** knowledge of relevant laws and best practices to minimize risk. Protect Due Process.
- **Communication:** issues and accomplishments.
- **Clear roles:** who is recommending, who is deciding.
- **Organization:** bylaws, training, qualified individuals.



# Ethics

In public office, ethics is a duty that comes with authority.

Ethics is not simply the letter of the law.

“Ethics is knowing the difference between what you *have* the right to do and what *is* right to do.”

– U.S. Supreme Court Justice Potter Stewart

*Hold yourself to a higher standard, like you expect for officials, teachers, parents, public employees, role models, etc.*





## Ethics - Hold Yourself to a Higher Standard

You are in a public office to serve a public good.

-- Not for self: *non sibi*

- Ethics: Moral principles that govern behavior.

Avoid:

- Conflict of interest
- Incompatible offices
- An appearance of impropriety
- Ex parte contact



## Role in Public Office

*An appointed official, public employee, has a different role from a private citizen.*

When appointed to a public body:

You are not an individual.

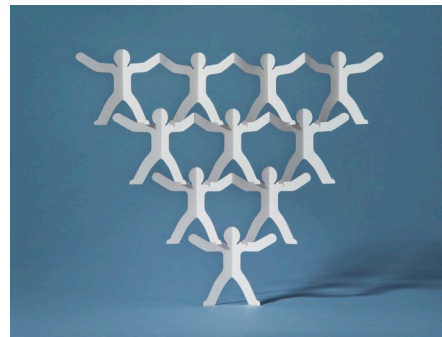


You are acting in a group, which is the “government,” and



That group does not have individual rights.

*As a member of a public body, you do not have protection of some of your individual rights.*



# Conflict of Interest

Typical areas of concern:

- “...when the personal interest of a public official places [them] in a position where [they] cannot execute [their] public duties without affecting [their] private interests.”

*(Michigan Attorney General Opinion #5681)*

- “...any conflict of interest between personal profit and public duty must be scrupulously avoided.”

*(Michigan Attorney General Opinion #5774)*



## Conflict of Interest, in short...

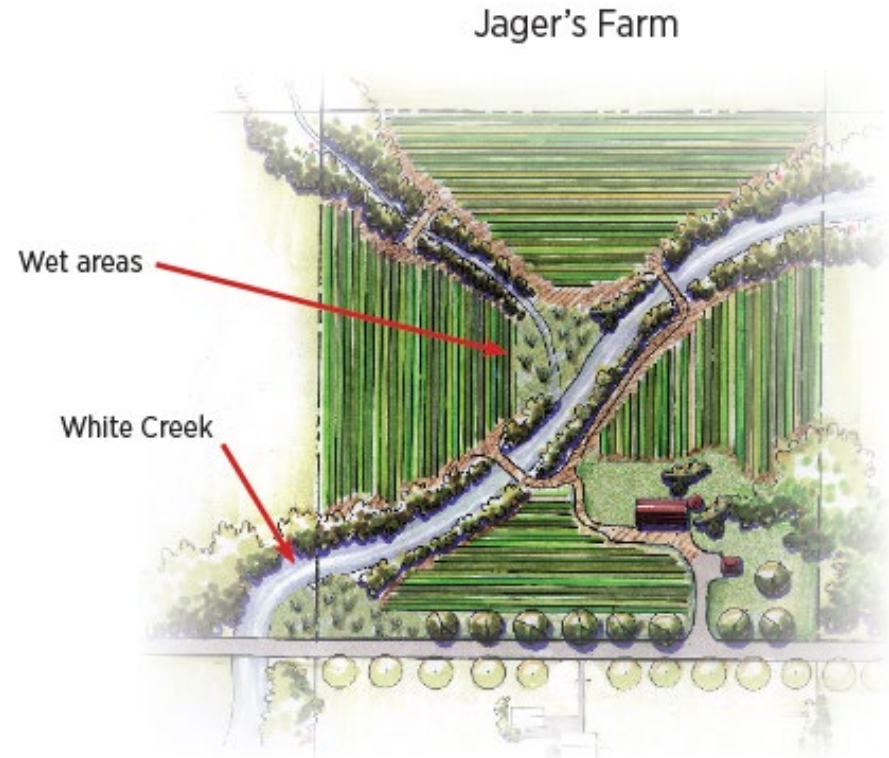
There is a conflict when any of the following exists:

- Relationships to other people; relatives, employer/ee.
- Legal or contractual relationships.
- Relationships to real property.

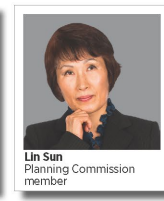
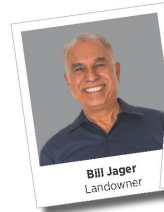


## Activity- Ex Parte Contact

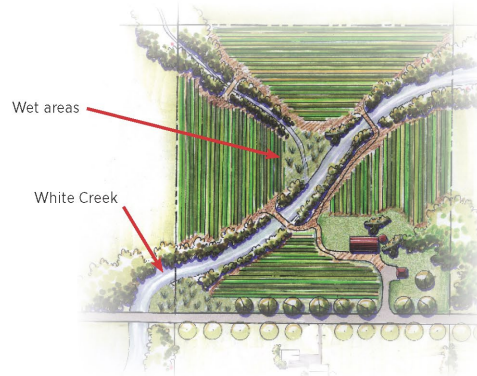
Two planning commissioners make an onsite visit to the Jager Farm in advance of a public hearing regarding the local rezoning of their farm...



## Characters



Jager's Farm



## Location



## Questions

1. Was Kathy and Lin's visit to the Jagers proper? What risks to procedural due process might be involved in their visit?
2. Are there better ways to handle this type of ex-parte contact?
3. Does it matter that Kathy and Lin were impressed with how nice the Jagers were?
4. In what Spartyville document would you look for the proper procedure for site visits? Does your community have any guiding policy on this situation?



# Foundational Documents and Meeting Process





## Foundational Documents- PC Ordinance

- Membership
- Mandatory Training
- Removal from Office
- Shall meet once a month
- MPEA requires not less than 4 meetings per year (MCL 125.3821).

MANISTEE COUNTY PLANNING COMMISSION ORDINANCE  
OF DECEMBER 2008

Effective December 24, 2008  
This copy printed December 15, 2008



## Foundational Documents- Rules of Procedure

- Membership
- Conflict of Interest, Ex Parte, Ethics
- Officer Roles/Duties
- Meetings (time, delay, holidays, OMA)
- Parliamentary Procedure
- Order of business

RULES OF PROCEDURE  
of November 2008

Adopted, effective immediately, November 20, 2008  
as amended April 25, 2013  
[Annotation: This copy printed April 23, 2013.]



## Increase Confidence + Decrease Risk

- Commissioners should be provided with:
  - PC Ordinance
  - Rules of Procedure (incl. ex parte contact, conflict of interest, ethics)
  - Master Plan
  - Meeting with staff and board chair, when new to PC
    - Current issues
    - Training opportunities/expectations
    - Expectations— meeting times, dates, agenda, decorum, parliamentary procedure, etc.

***An Open Door for questions, comments, issues***



# County Planning Commission Responsibilities



## Responsibilities- The County Master Plan

- The Master Plan shall be reviewed every 5 years with the option to:
  - Review the plan and recommend we do nothing
  - Amend the plan: i.e. data, sections, goals, policies
  - Adopt a new master plan (complete re-write)



## Responsibilities- Master Plan Update or New Plan?

- Make careful and comprehensive surveys and studies of present conditions and future growth...
- Consult with representatives of adjacent local units of government in respect to their planning (avoiding planning and zoning conflict)
- Cooperate with state and federal departments and other public agencies... to seek maximum coordination.
- Meet with other planning commissions and agency staff to deliberate.

(MPEA, MCL 125.3831)



## Responsibilities – Local Rezoning Reviews



Top  
Priority

- ▶ **Monitoring** – Review proposals as compared to MP objectives
- ▶ **Linking** – Connect proposals to known helpful resources
- ▶ **Coordinating** – Assist with linking to assistance/follow up
- ▶ **Assessing** – Determine if the process is working
- ▶ **Advocate** – Encourage support for the vision of the Master Plan in all reviews of projects, plans, and zoning ordinances coming before the Planning Commission.



# Responsibilities- Local Zoning Amendment Reviews



- The County PC may request a local PC to submit copies of any zoning ordinance amendments.
- The local government (LUG) shall submit documents within 63 days to the County PC after the request is received and submit any future amendments within 63 days after adoption.





## Responsibilities- Local Zoning Review



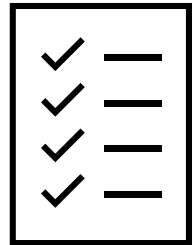
- Advisory
- Determine if legal adoption procedures followed (skip for city or village)
- Determine if **inconsistent** with the adopted local master plan; \
- Is it **inconsistent** with the County MP?
- Is there a **conflict** with the adjacent municipal zoning, planning?  
*If there is a conflict, which community?*

*The county MP would be the tie-breaker in this case.*



## Responsibilities- Local Master Plans

- **Receive** local draft MPs for review;
  - **Submit** review comments, to include:
    - A) A statement of whether the PC or BOC considers the proposed plan to be inconsistent with the master plan of any municipality or region.
    - B) A statement of whether the PC or BOC considers the proposed plan to be inconsistent with the county master plan.
- (4) Statements provided are advisory only.



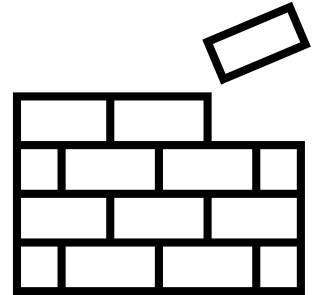
## Responsibilities- County PC Bylaws, minutes, findings

- A County PC shall...
  - Adopt** bylaws for the transaction of business,
  - Keep** a public record of its resolutions, transactions, findings, and determinations



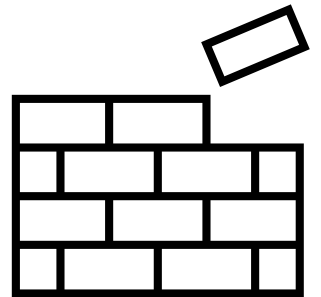
## Responsibilities- Capital Improvement Program (CIP)

- The PC shall annually prepare a CIP... unless the PC is exempted from this requirement by charter or otherwise.
- If exempted, the legislative body shall prepare the CIP or delegate this to the chief administrative official or non elected admin. official. Subject to approval by the legislative body.



## Responsibilities- Capital Improvement Program

- **Accept** requests from county depts/agencies for improvements.
- **Review** all projects i.e. acquisition of land, new structures, the extension, construction, or improvement of any physical facility...by requesting department/agency
- **Report** & advice provided to Board of Commissioners in 35 days

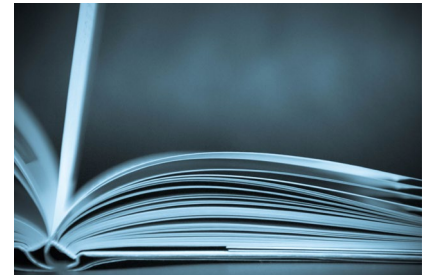


## Responsibilities- Annual Report, Work Plans, Budget

PC's are required to provide an annual written report to the legislative body

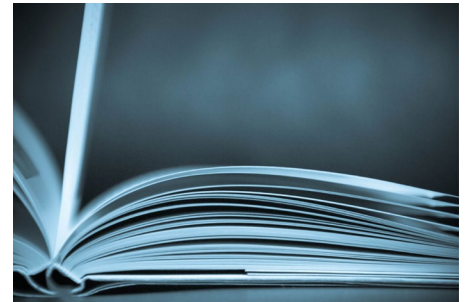
Annual reports shall include:

- Operations of the PC (including local reviews)
- Status of ongoing planning activities
- Recommendations to the legislative body related to planning & development



## Responsibilities- Work Plan

- A work plan or work program answers the question *What are the priorities of the PC over the next one or two years?*
  - May be summarized in the annual report (including major projects, initiatives)
  - May be an internal document with detailed spreadsheets used to:
    - include steps in planning processes, timelines, roles, public engagement, etc.
    - track and prioritize project timing with consideration for busy zoning season(s).



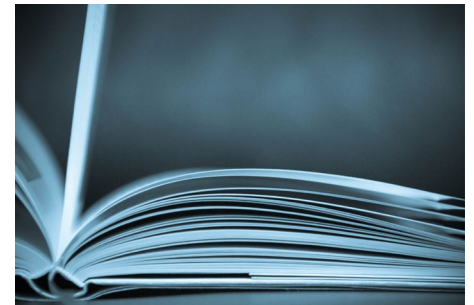
## Roles - Annual Report and/or Work Plan Teams

### In-house team

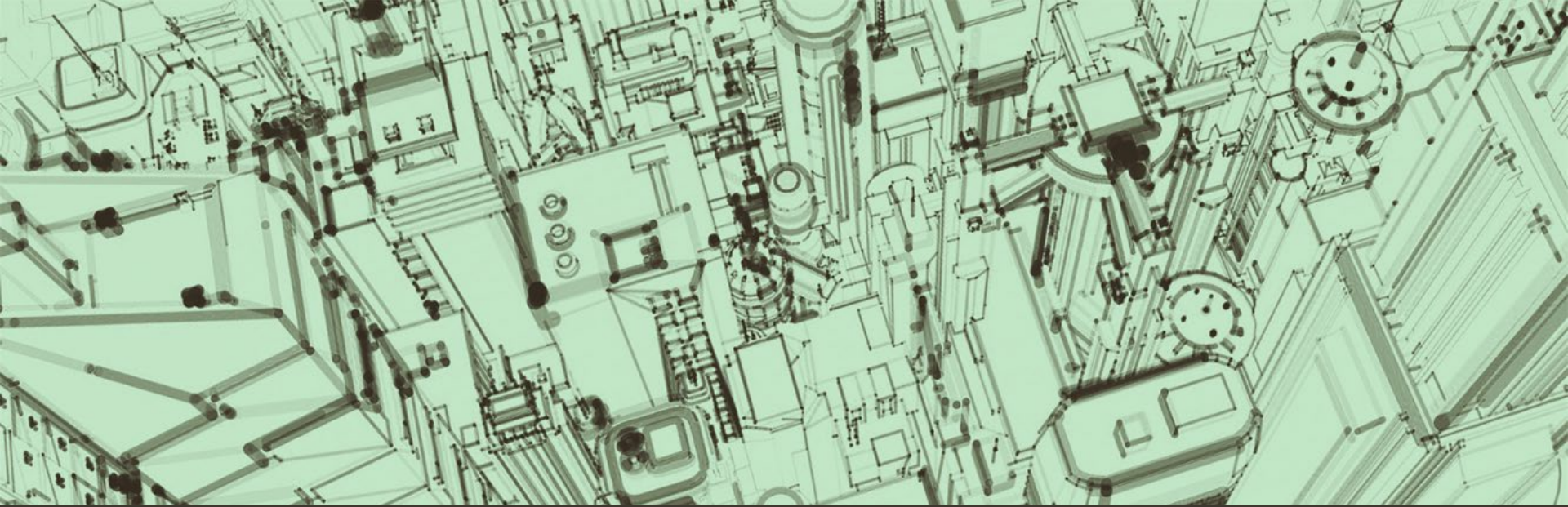
- Planning Commission Chair,
- Chief Administrative Officer,
- Legislative Body Representative, and
- Department Director

Budgeting: Line items for planning activities,  
professional development

- Do not work in a vacuum
- This is primarily an admin function– not the entire PC.





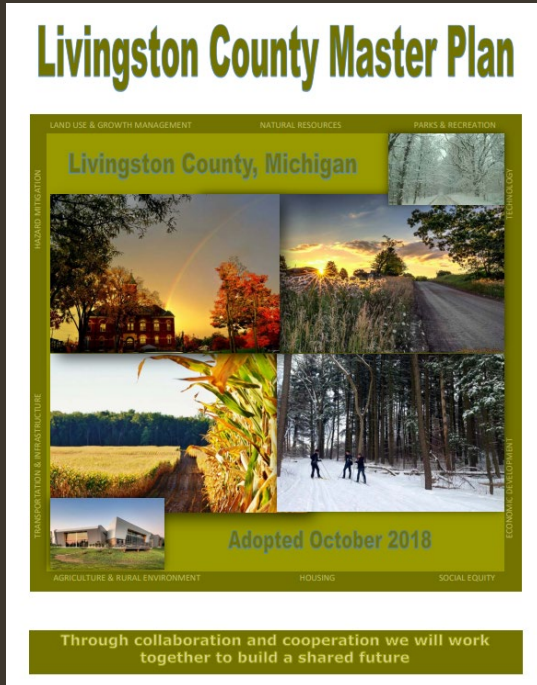


# 2025 Livingston County Master Plan

Livingston County, Michigan



# 2018 Livingston County Master Plan



- Completely web based with interactive links
- Utilized best practices and planning trends from national, state, and region
- Intended to be used by local municipalities during the formation or revision of their own master plans
- Contained 15 sections with accompanying appendix, maps, and tables with data supported in the plan

# 2025 Livingston County Master Plan

- Back to a traditional master plan format
- Much smaller document that will focus on pertinent data and land use
- Best practices and polices from 2018 master plan will be utilized as a separate document and updated.
- More public involvement – What do the residents want to see?
- Development of a generalized Future Land Use map

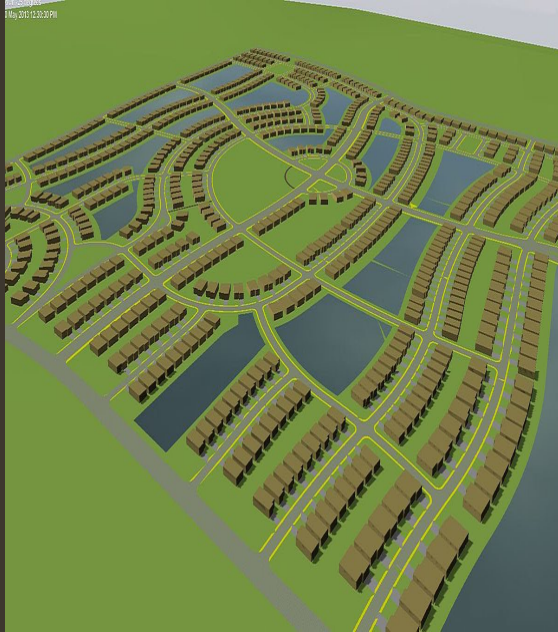


Public will once again be part of the process with a photo contest for submissions that will go into the 2025 Livingston County Master Plan.

Photo Credit: Jim McManus

*© Michael*

# 2025 Livingston County Master Plan



This Photo by Unknown Author is licensed under [CC BY-SA](#)

- Will incorporate 2020 U.S. Census and SEMCOG data with 2050 forecast.
- Incorporation of County Parks, County Trails, and County Transit Plans.
- Revised and updated goals and objectives.
- Existing best practices and strategies of 2018 plan will become a separate toolkit to support county and local master plans.
- Executive summary of plan will be available for distribution.

# 2025 Livingston County Master Plan

## Extensive Public Involvement

- PhotoVoice and/or Photo contest
- Online surveys
- QR codes
- SurveyMonkey/Qualtrics
- Social Media Facebook and Twitter
- Possible 'bike the county ride' to connect with cyclists and trail users



# 2025 Livingston County Master Plan

**We need your input!**

- Provide feedback and identify priorities that the 2025 Livingston County Master Plan should address

<https://www.surveymonkey.com/r/LivMasterPlan>



## In Summary



### Key Roles

- Zoning Applications and the Master Plan are Top Priorities;
- Master Plan brings clarity to the PCs job
- Support cooperation, collaboration, education
- Be familiar with Budget/Work Plan/Annual Report;
- Open, consistent communication between PC & Staff
- Regularly Engage with the County & Neighboring Communities
- Know your role on the Commission





## Upcoming Opportunities

Citizen Planner Online

Citizen Planner In-Person

Zoning Administrators Certificate Course

Master Citizen Planner Webinar Series

Zoning Board of Appeals Online

And More....



**Thank you!      Questions?**

**Please share your feedback**

