

WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING, *January 2, 2019*
7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: N/A
7. Approval of December 2018, meeting minutes
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair, Mangus
 - c. Township Board Representative, Lawson
 - d. ZBA Representative, Hooper
10. Unfinished Business:
 - a.
 - b.
11. New Business:
 - a. Review of Planning Commission By-laws
 - b. Election of Officers
 - c. Resolution #PC19-01, 2019/2020 Calendar of Regular Meetings
12. Next Meeting, February 6, 2019, Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141 or the TDD at 800-649-3777.

DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR

**Whitewater Township Board
and
Whitewater Township Planning Commission
Minutes of Special Meeting held Wednesday, November 7, 2018**

Call to Order

Popp called the meeting to order at 7:02 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

Roll Call:

Board Members present: Goss, Hubbell, Lawson, Popp

Board Members absent: Benak

Planning Commission Members present: Hooper, Jacobson, Lawson, Mangus, Render, Savage

Planning Commission Members absent: Dean

Others present: Ron Bachi, Janet Bachi, Steve Mangus

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment

None

Mangus listed items the PC will address in December.

Agenda Items as Listed in Special Meeting Notice

Joint Discussion re: Action Plan for Zoning Ordinance Review

Mangus noted the letter sent to the township board from the planning commission and stated late spring or early summer is their realistic goal for turning over the ordinance for recodification. She stated the PC would like to complete the five articles that are currently under consideration before the board, i.e., Article 3 (Definitions) moving the rules for fences, Article 6 (R-1), Article 7 (R-2/R-3), and Article 14 (Waterfront), which have been sent to the attorney, and Article 17 (Administration), which has returned from the attorney and is ready for public hearing. She reviewed the PC's progress on Article 10 (Agricultural) and Article 37 (Supplementary). Still to be reviewed are Article 11 (RC-1), Article 12 (Setbacks), and Article 27 (Environmentally Sensitive Areas), which they would like to address before recodification but have not started.

Mangus invited questions.

Goss explained the certified copy of the zoning ordinance which exists in the clerk's office, as well as the verification process she was asked to undertake, i.e., verifying that copies of the ordinance floating around the township hall are the same as the certified copy. She listed articles

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which she has previously verified, i.e., Article 2 (Interpretation) in April 2017, Article 6 (R-1) in April 2017, Article 8 (Commercial C and Village V) in July 2017, Article 9 (Industrial) in July 2017, Article 12 (Building Sizes, Lot Sizes, and Yard Requirements) in April 2017, Article 15 (Sanitation Requirements) in April 2017, Article 26 (Sound Regulations) in April 2017, and Article 36 (Mobile-Manufactured Home Park District) in April 2017.

Goss also described the zoning amendment key listing each zoning ordinance amendment and the articles and sections they amended.

Goss stated that, with the exception of a couple small articles of the zoning ordinance, she really does not have further time to commit to the verification process and we should let the recodification company handle it.

Regarding the Articles Currently Under Consideration by the TB section of the PC letter, Goss noted that Article 3 was originally part of Zoning Ordinance Amendment No. 73, but through the process of going back and forth from the board to the PC, the movement of fence standards to Article 37 was not in the last iteration of the proposed amendment.

Goss noted Articles 6, 7, and 14 are now back from the attorney in the form of a legal opinion.

Popp and Goss agreed to add release of the legal opinion to the board's 11/13 agenda.

Discussion ensued as to how amendments should be numbered, with Mangus stating she discussed it with (Former Zoning Administrator) Habedank, who consulted with Attorney Patterson on the issue.

Goss stated she will consult MTA about numbering of amendments, adopted or unadopted.

Turning again to the verification process, Goss offered to verify Articles 10, 11, and 37 as her other duties allow.

Motion by Popp that we provide the planning commission members each with their own CD, even if you don't have a computer, of the certified copy of the zoning ordinance.

Lengthy discussion followed, with much of it concerning the process of recodification.

Other comments had to do with cursory review, items that have brought the public to the board level three times this year, addressing items frequently before the ZBA or zoning administrator, review having gone beyond cursory, the need for the public to be able to access an accurate copy of the ordinance, goal of simplifying the ordinance, various services of recodification companies, whether the recodification company must have Michigan-licensed attorneys, and creating a list of services the township wants from a recodification company.

Popp's motion failed for lack of a second.

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Motion by Lawson that we move forward with recodification and get it rolling and get it done; second by Hubbell.

Mangus asked if the PC keeps working on the ordinance in the meantime.

Goss re-read the motion: **Motion by Lawson that we move forward with recodification.**

Lawson confirmed that he is making the motion as a township board member.

Popp stated he would not vote for the motion the way it is because we are still in the selection of the company, stating he is in agreeance with the recodification process but we need to select a company to do this for us.

Lawson adjusted his motion to start the process by selecting a group and continuing to move forward with the next steps.

Seconded again by Hubbell.

Mangus said she would like to see us continue to move forward with selection of a recodification company and that it was recommended that general ordinances affecting zoning be reviewed concurrently.

Discussion followed regarding whether the township board or planning commission will research recodification companies and whether a list of needed services should be created.

Goss re-read the motion: **Motion by Lawson that we move forward with recodification; second by Hubbell; Lawson adjusted his motion to start the process by selecting a group and continuing to move forward with the next steps, again seconded by Hubbell.**

Brief discussion followed.

On voice vote, Goss, Hubbell, and Lawson voted in favor, Popp opposed, Benak absent. Motion carried.

More discussion followed touching on creating a list of services, verification from day one, complete re-adoption of what we have, creating an ordinance for recodification, previous recodification of the zoning ordinance, going back to the beginning, the need to know what services the companies offer, description of services offered, whether an in-person interview with representatives of the recodification companies is possible, who will do the research of recodification companies and cost, and whether some or all of their various services should be sought.

Depending on cost, desired services were listed as follows:

- Top to bottom verification of the zoning ordinance, beginning with original Ordinance No. 6 adopted 12/23/1972 and all amendments.

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- Compliance with existing law.
- Organization, i.e., like topics grouped together, find inconsistencies.
- Table of contents.

Motion by Hubbell to let Goss do the research to these various companies and bring it back to us, and if we have to have another joint meeting to decide this, we will; second by Lawson. There was no further discussion. **On voice vote, Goss, Hubbell, Lawson, and Popp voted in favor, none opposed, Benak absent. Motion carried.**

Mangus said one item missing from the list is a cross reference of general ordinances pertinent to zoning.

Popp and Goss disagreed with adding that to the list.

Discussion turned to whether the planning commission should continue with their cursory review.

Hubbell suggested that be halted for a while until we get a decision.

Popp expressed that, for some of the items listed in the letter, we have not done a good job of informing the public of changes, i.e., temporary uses in Article 37 and personal storage buildings. Outreach should be done before it gets to the board.

Discussion followed, with Hubbell and Popp stating they think the PC stops, and Lawson stating we need to get going on recodification.

The question was posed concerning what the PC will do between now and the start of the recodification process.

Goss suggested that Article 17 could be finished.

Mangus stated she would like to work on Article 27 and maybe community outreach or internally preparing for community outreach.

Joint Discussion re: Article 11, RC District

Discussion of what the planning commission will do while awaiting the recodification process led into discussion of the RC district.

Popp said there is one potential thing that could be worked on, i.e., the planning commission's request that the township provide all clerk and zoning administrator records regarding the amendment altering the RC district from 40,000 square feet to 5 acres, and stated that, to the public, that means the 5-acre zoning minimum is under challenge. Whether it has been legally put in place is under challenge.

Much discussion followed.

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Popp suggested this is an item we could pay the township attorney to opine on ahead of the recodification and get that question answered.

After further discussion, there was board consensus that Goss will send all zoning ordinance information regarding the RC district to Attorney Patterson for review.

Popp brought up a point in the PC letter about districts, the existence of legal descriptions for the districts, and the desire to go to a map base, and cited an instance where the zoning map and legal description did not match.

Hooper stated he thinks the consensus of the planning commission is that they want to be able to accommodate the ability of the public to find out what zoning district they are in by looking at a map.

Lawson clarified that the legal descriptions would not be removed. The map would be used for quick reference, and if there is any doubt, you go to the legal descriptions. GIS can produce a map that is accurate.

Joint Discussion re: Recreational Marijuana

Popp said the board had decided to hold off to see whether or not it was going to pass.

Savage noted that, as a township, we voted it down. Had it been voted in, he was prepared to say our mind has already been made up for us.

Popp noted that the major difference is that, with medical marijuana, we had to opt in. For recreational marijuana, we have to have ordinance drawn up to get out of it. Our residents still do not want to see it.

Jacobson pointed out that the law also has to do with growing hemp and that hemp is a product that can be used in many ways. He stated marijuana is illegal because the paper, oil, and cloth industries made it illegal, because they did not want to compete with it. If we do not allow a marijuana business in this community, it also means none of the farmers can grow hemp as an agricultural product. If you plant marijuana, you can get paid for the bark, the wood inside, the seed, and the leaf, and nobody is smoking or getting high on any of it. It also puts pollen everywhere and makes it hard for the marijuana growers to grow the good marijuana that everybody is complaining about.

Discussion followed regarding separating the agricultural component of recreational marijuana from the pot store, perhaps putting a survey in the December newsletter and educating the public.

Goss stated that although this issue was not scheduled to come back before the board if the law passed, she suggested it be on the township board's 11/13 agenda in order to discuss whether the township can allow the growing of hemp without allowing pot establishments in the township.

Popp agreed with adding the issue to the 11/13 board agenda.

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR***Planning Commission Only: Consideration of Additional Article 17 Verbiage re: Financial Responsibility Ordinance**

Mangus stated they got the attorney comments yesterday and she does not know if everyone has had an opportunity to go over it, and asked whether the PC and board would be okay with postponing it till December, or do we even continue with it in light of the fact we are setting everything else aside.

Brief discussion followed.

There was consensus of the planning commission that they will table all of Article 17 until recodification.

Planning Commission Only: Set Public Hearing Date on Article 17 Amendments

Tabling of Article 17 negates setting a public hearing date.

Public Comment

Steve Mangus, 1214 Cerro Drive, said he thinks it is important what you are doing with recodification and verifying the legality of everything. Regarding Article 11, he said the board is here to represent the public; the zoning ordinance belongs to them; they need to know what the truth is. A town hall meeting is going to be the right thing to do, because he can see it from both sides.

Adjournment

Motion by Lawson to adjourn; second by Hubbell. Meeting adjourned at 9:33 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
December 5, 2018

Call to Order at 7:04 p.m.

Roll Call: Dean, Hooper, Jacobson, Mangus, Savage

Absent: Lawson, Render

Also in attendance: Recording Secretary MacLean + 5 in audience

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment: None.

Approval of Minutes:

Motion to approve the October 3, 2018, meeting minutes by Hooper, second by Savage. All in favor. Motion carried.

Correspondence: Acme Township Master Plan review. Elk Rapids Village and Township combined Master Plan
Reports:

Zoning Administrator Report: N/A. Mangus notes the township has hired a full time Zoning Administrator, Lindsey Wolf. Has previous experience in other local townships.

Chair's Report, Mangus: Same as ZA

Township Board Rep., Lawson: N/A.

ZBA Representative, Hooper: November 29, meeting on a request for a variance on Miami Beach. The building was already in the set back and they are going up, not adding to the foot print in the setback. The variance was approved.

Committee Reports: None.

Additional Items: None.

Old Business:

1. Discussion of Joint meeting of November 7, 2018: Dean: reading through part of the draft minutes, page 3257, "Popp expressed that, for some of the items listed in the letter, we have not done a good job of informing the public of changes. . . ." Mangus notes that she thinks the Board's problem was that by the time the public was aware it was in "the Board's front yard" so they got the input prior to us. Dean notes that we did have a meeting here. Hooper notes that there was some misunderstanding of what the PC is doing and what the Board perceives we are doing. There is no such thing as a " cursory review" of our ordinance.
Discussion of community outreach ideas. One idea is to create a section of the Township website dedicated to topics of the Planning Commission.
Comment from the audience: Sue McCraven, 9435 Fairview Rd., feels there was a lack of communications regarding the subject of the event barns. Mangus: Event Barns had been on the PC agenda for almost a year. There had been no proposal or application presented to the PC.
Dean notes that the PC makes proposals to the Board.
Hooper notes that the notes from the attorney make it clear that we need to be sending this out for recodification. The attorneys have recommended sending it out for recodification. We want an ordinance that is understandable by the average person. There is a ripple effect to changes throughout the ordinance.
Dean: There appears to be a lack of appreciation for what we have done. We have done a substantial amount of work cleaning things up throughout the ordinance.
2. Attorney's report on Articles 6, 7 and 14 (Amendments 73 and 74). Attorney is supplying a brief rationale for the changes that they propose. This is the first time we have gotten through the whole process including information back from the attorney with the rationale for the proposed changes. Some of the changes have come through simplifying areas, eliminating repetition. That is a good thing.
Discussion:
Mangus feels the attorney review was respectful and right in line with what we were trying to do and meet the necessities of the law. Suggests we recommend to the Board that they adopt it the way the attorney has proposed.
Hooper: Feels the Board did not understand what we have been attempting to do, clarify, clean up and simplify.
Mangus: The goal is to clarify, align, and create consistency.
Jacobson: Use the attorney proposed amendment changes. We don't want the Board to think we are just pushing

this through. Recodification will make our job much easier. We will know the areas that need to be addressed. Mangus: The consensus at the last meeting to set this aside was based on the fact that we did not have the attorney's changes. With that information it is realistic to move forward on this. Let the attorney prepare the document with the changes they have proposed.

Hooper: This is something that will go right through recodification because this part will already be cleaned up before being sent out.

Dean: What is the township going to send out? What we have worked on over the past year or what is in the official zoning ordinance in the Clerk's office?

Mangus: The Clerk is looking into recodification companies. It seems reasonable to process the amendments we have worked on before it goes to recodification because these are areas that will need to be addressed now or later. This will make it easier on the recodification process. There will be plenty that needs to be addressed after recodification.

Dean: Articles 6, 7, 14 and 17 are ready to go. What is the clerk going to send out?

Mangus: The original ordinance, every amendment, notice and posting that is in the clerk's office is what the clerk's plan is to send off. The Board will do some research and speak with firms who do the recodification. The companies contacted previously charge by the page.

Dean: The new ZA will be using the working copy as is posted on the website. We have made changes in the last two years that do make it more functional.

Mangus: The working copy has been cleaned up significantly and with the proposed changes that are before the Board, the ZA working copy will be much better even before going to recodification.

Dean: We, the PC, will be the receivers of the recodified ordinance and will have to address the issues that are raised. The working copy is what needs to go out for recodification.

Mangus: Recodification will point out the areas of problem. It is the PC that needs to go through and address the areas of problem when it comes back.

Motion to recommend that the board review the attorney letter and approve the continuation of the process of adoption of Amendments 73 and 74 with the adjustments the attorney recommended and that the attorney provide the final draft for reevaluation by the PC by Savage, second by Jacobson. On voice vote, all in favor. Motion carried.

This will come back to the PC for public hearing.

Dean: It is best to not have things hanging in limbo before it goes out for recodification.

New Business:

1. **Planning going forward:** We can utilize the time we have now to look at items that need to be clarified. Tune up as much as possible before it goes out.
2. **Recodification/amendment outreach planning.** It will likely take several months for the Board to complete finding and hiring a recodification firm.

Take advantage of the April Newsletter with lots of information of what is happening with the PC, how the PC is working with the Board and what the process of recodification is. Include a short introduction of each PC member. Have more than one question and answer session.

Have the PC have a town hall type meeting explaining what the recodification process is before the recodified document is adopted. Present the letter of recommendations from the recodification company.

Comment from the public: Heidi Young: 6388 Bebe Court, TC, 49696: Explanation of things is a good idea. Clarifying, for example, what 6, 7 and 8 are is helpful. The meeting where everyone showed up here was FaceBook (FB) driven by the page Williamsburg, Michigan, that posted a picture of the letter that people reacted to. When you want to get things to the masses use social media. I don't know if you have a FB page, I don't know if you can even do that. I think it is a good idea to get things out to people in layman's terms and offer a question and answer session on the recodification.

Wait for the recodification to be completed so we have answers. Recodification does not change anything. They make suggestions so the PC still needs to make changes. There will be some contentious areas.

Everything related to Article 11, the RC District, minimum lot size, the legality issue, will be reviewed before it

goes to recodification. The records the township has on hand regarding the RC District lot size will be sent to the attorney for a historical analysis. The first thing is to always know what you are starting with.

Mangus will verify with the Clerk who is up for re-appointment and contact so notification can be given to the Supervisor.

Next meeting: January 2, 2019, Agenda: Review of by-laws, election of officers and the 2019/2020 calendar.

Public Comment: Ron Bachi, 6987 Cook Rd.: Wasn't sure if I can respond anytime outside of the public comment. (The Chair has the option to allow comment outside of the two mandatory, designated, public comment opportunities) Respond to the 100 people that showed up for a meeting regarding event barns. Information may have been shared on FB. The public outpour was based on a draft of the special use amendment language that was shared. No one wants an event barn in this community. The next time it comes up it won't be a 100 people it will be 1000. None of you are a fan of opposition. Try to be open-minded when making decisions, not narrow minded. Think about what is best for everyone in the community. Think of the peoples' position. You are going to push anything forward that you want. Be open-minded and able to change your decision as I did after hearing Jacobson's information on farming hemp. I have a good, hard working friend, Tony Dean, who said that it (event barns) would be a great thing for him. Tony said that it wouldn't happen, there cannot be concerts seven days a week, there is a time and a place and that is not the place. The hard working people in the community do not get catered to. People come in from outside the community and get catered to. Keep an open mind. Have a debate, have a conversation and be able to change your mind. Mangus notes that there was no request for an event barn. Event barns was on the PC to do list, we did not rush in. The Board discussed doing a community survey. We have not seen or heard about the survey since then. This does need to be revisited because currently we have no rules for event barns. If someone were to come in to do it and fight for it in court, they would win. We are very vulnerable with no rules or standards. Regarding the property on Cook Road, there was never anything going on with that "project" but there was something going on on that property. The DEQ was notified by multiple people. When the people first came and asked what ducks they would need to get in a row they were told that an event barn project would not be allowed on Cook Road. We are still very vulnerable because there are no rules. People are not supposed to be on that property. Back and forth conversation between Jacobson and Bachi. Things got a little loud and Mangus called the meeting to order.

Commission Discussion/Comments: Hooper indicates that everyone, we and you (speaking to Bachi), need to be open minded. We, the PC, have to address things that are allowed by state and federal law. State law requires things and we have to make them work and fit into our township. The letter that went out to the people that came in for that meeting was incorrect.

Dean: Jacobson was checking on something, fact finding, as a community member.

Hooper: We all listen, we all may have preconceived notions and, like you, our minds can be changed when we have additional information. We want to save large parcels of property not necessarily generate tax revenue for the township. How do we facilitate that? We have to consider everything because we are all neighbors.

Savage: An example, I was opposed to sending a letter to the attorney. After getting more information and understanding, I am the one who made the motion to send the letter to the attorney. We can all have our minds changed.

Continuing Education: None.

Adjournment: 8:58 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

Whitewater Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Whitewater Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

SECTION 1: Membership

- A. Membership Size** - The Planning Commission shall consist of seven (7) members.
- B. Membership Terms of Office** – Members are appointed by the Township Supervisor for staggered three year terms with the approval of the Township Board and expire December 31. Members are expected to take the Oath of Office and serve until their term expires and a successor has been appointed as provided above.
- C. Membership Departure** - Members who are unable or unwilling to serve the entire terms for which they were appointed or who do not wish to be considered for reappointment shall provide sixty (60) days advance written notice of that fact to the Township Supervisor so that a successor may be appointed and approved in a timely manner that does not require the Commission to function with less than the seven (7) members provided.
- D. Membership Qualification** - All members shall be qualified electors of the Township of Whitewater, except that one member may be a non-qualified elector.
- E. Membership Representation** - Membership shall be representative of the important segments of the community including:
 - 1. Agriculture
 - 2. Natural Resources/Environmental
 - 3. Recreation
 - 4. Education
 - 5. Public Health
 - 6. Government
 - 7. Transportation
 - 8. Industry
 - 9. Commerce
 - 10. Littoral Owner
 - 11. Building Trades
 - 12. Resident at Large
- F. Township Board Representation** – One member of the Township Board shall serve as a member of the Planning Commission. His/her term shall coincide with their term of office on the Whitewater Township Board of Trustees. The Township Supervisor is ineligible to serve in this capacity.
- G. Zoning Board of Appeals Representation** – One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals. His/her term shall coincide with their appointment to the Planning Commission.
- H. Liaisons** - The Township Attorney and the Planning Department staff (including their agents and consultants) shall have the ability to participate in discussions of the Commission during their meetings.

SECTION 2: Officers

- A. Selection and Tenure** - At the first regular meeting each January, the Planning Commission shall select a Chairperson, Vice Chairperson and Secretary. All officers shall serve a term of one year, and shall be eligible for re-election for consecutive terms for the same office. The newly elected officers shall assume their responsibilities at the next regular meeting. If due to unforeseen circumstances, the Planning Commission is unable to elect officers at the January

As Adopted by the Whitewater Township Board on 01/23/2018

meeting, those officers whose terms as officers have expired and who remain as active members of the Planning Commission shall continue their services as officers until elections are held.

- B. Chairperson** - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission, including recommending the Zoning Board Representative to the Township Board when a vacancy occurs.
- C. Vice Chairperson** - The Vice Chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. Secretary** - The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine. The Secretary may be assisted by a Recording Secretary and/or the Zoning Administrator in the performance of his/her duties.

SECTION 3: Meetings

The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** – Meetings of the Planning Commission shall be held on the First Wednesday of each month. All meetings shall take place at Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690 at 7:00 P.M. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Planning Commission meetings shall be posted at Township Hall each year in accordance with the Open Meetings Act and on the township website.

- B. Special Meetings** - Special meetings may be called by the Chairperson or upon written request to the secretary by at least two members of the Planning Commission. Notice of special meetings shall be given to the members of the Planning Commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. Notice** - Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute. All Planning Commission agendas and notices will be posted on the Township website, whitewatertownship.org. and in all other Township designated locations.
- D. Public Hearings** - All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission.
 - 1. Public Hearings that will result in the consideration of amending the Zoning Ordinance text or map shall be set by motion of the Planning Commission.
 - 2. Public Hearings that are required for site plan and/or special use consideration may be set in accordance with the Planning Commissions regular schedule by the Zoning Administrator.
- E. Agenda** - The chairperson shall be responsible for preparing a tentative agenda, with the assistance of the Zoning Administrator or Recording Secretary, if requested, for Planning Commission meetings. The agenda may be modified by quorum of the Commission.

- F. Quorum** - Four (4) members of the Planning Commission shall constitute a quorum for transacting business and taking official action for all matters with the exception of Master Plan adoption or amendments (see G below).
- G. Voting** - An affirmative vote of 2/3 of the members of the Planning Commission is required to recommend approval of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any Commission member or directed by the chairperson. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson and ex officio member, shall vote on all matters.
- H. Public Records** - All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- I. Parliamentary Procedure** – Parliamentary procedure in Planning Commission meetings shall be governed by Roberts Rules of Order.

SECTION 4: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
- C.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Master Plan as required.
- D.** Prepare an annual written report to the Township Board of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the Township Board.
- H.** Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

SECTION 5: Absences and Removals

- A.** To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson, other Planning Commission member or Township Staff when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B.** Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C.** Following three consecutive absences or six within any 12-month period, the Planning Commission shall present to the Township Board a recommendation for dismissal or continued service of a member.

As Adopted by the Whitewater Township Board on 01/23/2018

SECTION 6: Conflict of Interest

During the Declaration of Conflict of Interest portion of the agenda, Planning Commission member(s) shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The Planning Commission member owns or has a financial interest in neighboring property.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

In the event that a conflict is declared, the member shall remove themselves from the meeting table until the agenda item is concluded.

SECTION 7: Compensation

Planning Commissioners will receive compensation on a per meeting basis as determined by the Township of Whitewater Board of Trustees. Planning Commissioners may receive reimbursement for travel and expenses with recommendation by the Planning Commission and approval by the Township Board.

SECTION 8: Education

Members shall complete one training/educational program each year. Training will be provided during each regular meeting of the Planning Commission by the Planning/Zoning Administrator (or his/her designee) will qualify as acceptable training, however additional training is encouraged.

SECTION 9: Order of Business

The order of business shall be as follows:

1. Call to Order/Pledge of Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. Public Comment – Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the Commission on matters that are relevant to Township planning and zoning issues.

As Adopted by the Whitewater Township Board on 01/23/2018

- d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing
- a. Open public hearing/ state time.
 - b. Request those attending sign attendance sheet.
 - c. State date of public hearing notice publication and newspaper published in.
 - d. State purpose of public hearing.
 - e. Introduce any presentations to be given.
 - i. Zoning Administrator
 - ii. Petitioner/Agent
 - f. Read any written comments received.
 - g. Receive public comment.
 - h. Close public hearing/state time.

Questions shall be addressed through the Chair during the public hearing. Planning Commission discussion and/or action shall take place following the public hearing.

- 7. Approval of Minutes of Previous Meeting(s)
- 8. Correspondence
- 9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair
 - c. Township Board Representative
 - d. ZBA Representative
 - e. Committee Reports
 - f. Additional Items
- 10. Unfinished Business
- 11. New Business
- 12. Next Meeting Agenda
- 13. Public Comment
- 14. Commission Discussion/Comments
- 15. Continuing Education
- 16. Adjournment

SECTION 10: Amendments

These bylaws may be amended at any time following a recommendation of the majority of the membership of the Planning Commission and subsequent adoption by the Township Board.

Adopted by the Whitewater Township Board at their regular meeting on January 23, 2018.

As Adopted by the Whitewater Township Board on 01/23/2018

Resolution #PC19-01

Resolution for Whitewater Township Planning Commission
Regular Meeting Schedule for 2019/2020
Whitewater Township
Grand Traverse County, Michigan

Be It Resolved that the Whitewater Township Planning Commission will meet in regular sessions for the 2018/2019 fiscal year on the following dates at 7 p.m. at the Whitewater Township Hall, 5777 Vinton Rd., Williamsburg, Michigan.

Wednesday, April 3, 2019
Wednesday, May 1, 2019
Wednesday, June 5, 2019
Wednesday, July 3, 2019
Wednesday, August 7, 2019
Wednesday, September 4, 2019
Wednesday, October 2, 2019
Wednesday, November 6, 2019
Wednesday, December 4, 2019
Wednesday, January 8, 2020
Wednesday, February 5, 2020
Wednesday, March 4, 2020

A motion to adopt the foregoing Resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:

Dean -
Hooper -
Jacobson -
Lawson -
Mangus -
Render -
Savage -

Resolution declared adopted.

I, _____, Secretary of the Whitewater Township Planning Commission, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Planning Commission of said municipality at a meeting held on _____, relative to the adoption of Resolution #PC19-01.
