



CHEBOYGAN COUNTY PLANNING COMMISSION

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**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MARCH 6, 2019 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

UNFINISHED BUSINESS

NEW BUSINESS

1. Review Of Draft Amendment To Planning Commission Bylaws

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 20, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill
STAFF: Mike Turisk
GUESTS: Eric Boyd, Bob Lyon, Charles Veneros, Carl Muscott, John F. Brown, Ed Delana, Russell Crawford, Cheryl Crawford, Bob Andrews, David Hockey, John Moore, Mark Elliott

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

APPROVAL OF MINUTES

The February 6, 2019 Planning Commission minutes were presented. Mr. Kavanaugh revised the second sentence of the second paragraph on page two, “Mr. Kavanaugh noted that there are requirements for on-site sewage.” **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

TeleSite Wireless on behalf of Verizon Wireless and TowerCo and Michael O’ Grady – A request for an extension of an approved Special Use Permit for a wireless communications facility. Per Section 18.12. , an approved Special Use Permit shall expire one year following approval by the Planning Commission unless substantial construction has begun pursuant to the permit prior to permit expiration or the property owner applies to the Planning Commission for an extension prior to expiration. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 130 W. Devereaux Lake Rd., Mullett Twp., Section 24, Parcel # 130-024-400-002-03.

Mr. Turisk reviewed the background information contained in the staff report.

Ms. Croft asked for public comments. Mr. Brown stated that he is a contiguous land owner and stated that he doesn’t understand why there hasn’t been any progress in the past year on this tower. Mr. Brown asked if the Planning Commission can have a condition that they don’t keep renewing the permit. Ms. Croft explained that the ordinance only allows for one extension of the zoning permit. Public comment closed.

The Planning Commission reviewed and approved the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2.b, Conditions, And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Jazdyk, to approve the extension of the special use permit based on the General Findings, Findings Of Fact Under Section 17.13.1, Findings Of Fact Under Section 17.13.2.b, Conditions, And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the screening requirements and meeting FAA & FCC requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

Team Andrews Enterprises/ Bob Andrews - Requests an amendment of a Special Use Permit to construct a 30-ft. x 130-ft. Indoor Storage Facility, per Sections 6.3.16 and 18.11 of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 6123 North Straits Highway, Inverness Twp., Section 34, Parcel #091-034-400-006-03.

Mr. Turisk reviewed the background information contained in the staff report.

Ms. Croft asked for public comments. Mr. Muscott referred to the item f in the Findings of Fact Under Section 20.10 and stated that North Straits Highway is a state highway. Mr. Elliott stated that he received a notification in the mail regarding this request and he doesn't have any problems with this request. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting Department of Building Safety requirements. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

Sunrise Structures - Requests Site Plan Review approval for outdoor retail sales of storage sheds, gazebos, livestock shelters and small cabins in a Commercial Development (D-CM) zoning district, per Section 6.2.19 (of the Zoning Ordinance (Retail Sales, Specialty). The 2.4-acre subject property is zoned Commercial Development (D-CM), is currently unaddressed, but located just east of the junction of State Highways 27 and 33 in Inverness Township.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Kavanaugh asked if this application is the result of an enforcement action. Mr. Turisk stated yes.

Mr. Freese stated his issues over the site plan being inadequate. Mr. Turisk stated that staff was unhappy with the site plan as well. Mr. Freese stated that the applicant and owner are capable of coming up with a better site plan and in the future the site plan should be sent back to the applicant/owner and state that it will not be accepted.

Ms. Lyon asked where the business will take place. Ms. Lyon questioned if the storage buildings will be sold from this site and is there an office somewhere else and this will be for display only. Mr. Freese stated that there is a telephone number posted at the site and they are selling at an office down state. Mr. Turisk noted that customers do visit the site.

Discussion was held regarding whether this site is on a state highway. Mr. Turisk noted that the property has access from an unnamed road off of Pine Ridge Trail. Mr. Turisk stated that the unnamed road will have to be addressed for emergency purposes.

Mr. Storr explained that the storage sheds are on display at the site and there is a phone number to call. Mr. Storr stated that there is no one on site and there will never be someone at the site to man it. Ms. Lyon asked if these buildings are examples of storage buildings and if the purchased storage buildings will be shipped from where Mr. Storr lives. Mr. Storr stated that he ships from where he lives, but he also sells the buildings at this site. Mr. Storr stated that the buildings on this site will not stay for more than a year. Discussion was held. Mr. Bartlett asked if deliveries will be made from this site. Mr. Storr stated that he does not let a customer pick up a shed. Mr. Storr stated that he delivers the sheds for safety reasons and to keep the structure sound.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

Mr. Freese asked Mr. Storr what is the maximum number of units that will be kept on site. Mr. Storr stated between 12-20 units. Mr. Freese asked if being limited to 15 units would be acceptable. Mr. Storr stated he would probably not put more than 15-20 units. Mr. Freese stated that it can be limited to 20 units.

Motion by Mr. Freese, seconded by Mr. Bartlett, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following:

1. Limited to 20 units on site
2. Prior to operation, an address must be obtained from the Cheboygan County GIS/Address Coordinator
3. All structures on site shall comply with minimum setback requirements for the Commercial Development Zoning District.
4. Any future expansion shall require submittal and approval of a site plan review amendment application per standards set forth in Section 20.14.

Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

UNFINISHED BUSINESS

No comments.

NEW BUSINESS

Discussion Regarding Possible Amendment to Zoning Ordinance No. 200 to Permit Home Occupations and/or Bathrooms in Private Storage Buildings.

Mr. Turisk and the Planning Commission discussed permitting home occupations and bathrooms in private storage buildings. Mr. Turisk stated that tiny homes, guest homes, and accessory dwelling units should also be discussed, but they may require a fair amount of discussion and should be separate topics. Mr. Turisk stated that home occupations are limited by design to prevent them from growing beyond a traditional business to ensure that residential character is not compromised by excessive traffic or signage. Discussion was held regarding contractor's office/yard, number of employees, repair services, home occupations on adjoining parcel and storage. Mr. Turisk stated that he is looking for guidance from the Planning Commission on what they would want when creating the language for the proposed amendment. Discussion was held regarding small engine repair. Mr. Freese suggested adding "Repair of any equipment which would create excessive noise, dust and odors will not be allowed in Lake and Stream Protection and Residential Zoning Districts."

Mr. Turisk asked if the Planning Commission would consider permitting bathrooms in private storage. Mr. Turisk stated that the intent behind this was to preclude these buildings becoming dwellings. Mr. Turisk stated that the only way we are aware of private storage being used as a dwelling is if we receive a complaint and then it is difficult to enforce. Discussion was held regarding allowing bathrooms with a toilet and a hand wash sink. Mr. Kavanaugh stated that this would require Health Department review and a plumbing permit and inspection by the Department of Building Safety. Mr. Kavanaugh stated people will be living in the structure if you allow showers, bathtubs, and hot tubs. Discussion was held regarding including this same restriction for private storage workshop.

STAFF REPORT

Mr. Turisk stated that on February 12, 2019, the Cheboygan County Board of Commissioners approved amendments #150, #151 and #152. Mr. Turisk noted that these amendments will be published in the Tribune on February 21, 2019, and will be effective 8 days after being published.

Mr. Turisk stated that the bylaws will be on the next Planning Commission agenda. Mr. Turisk stated that an enforcement report is scheduled for the second meeting in March.

PLANNING COMMISSION COMMENTS

Mr. Borowicz noted that he will not be available for the March 6, 2019 Planning Commission meeting.

Mr. Kavanaugh and Ms. Croft stated that site plans that are inadequate should not be accepted. Discussion was held regarding when a stamped plan should be required and also regarding requiring an applicant to submit a site plan drawn with a straight edge and drawn to scale. Mr. Jazdyk suggested requiring a stamped plan but allowing it to be waived at the discretion of the Zoning Administrator. Mr. Borowicz stated that all site plan requirements should be included on the site plan. Discussion was held.

Ms. Lyon asked if staff is able to approve a special use permit one-year extension request if there are no changes. Ms. Lyon noted that this is redundant. Mr. Kavanaugh stated that sometimes there are changes such as a new house within 300 feet, a pond or a gravel pit. Discussion was held. Mr. Turisk stated that special use permit amendments that fall within a certain size can be approved by the Zoning Administrator and is comparatively limited. Mr. Turisk asked the Planning Commission how much, if anything, they want to allot the Zoning Administrator to review and approve. Mr. Turisk stated that special use

permit extensions could be changed to allow Zoning Administrator approval under certain circumstances. Mr. Turisk stated that another example would be the special use permit amendment for the storage building for Waterways Campground. Mr. Turisk stated that this requires an applicant to wait 4-6 weeks for a Planning Commission approval for this type of request. Mr. Turisk asked if the Planning Commission prefers to have everything receive Planning Commission approval or do we want to allow certain things to be approved by the Zoning Administrator to be more business friendly. Mr. Freese asked Mr. Turisk to come up with items that he feels are appropriate to be approved by the Zoning Administrator and present that to the Planning Commission. Mr. Borowicz stated that it should be included in the amendment that the Zoning Administrator submits a report of administrative approvals on a monthly basis. Mr. Bartlett stated that he believes that the special use permit amendment request for an indoor storage facility for Bob Andrews is something that should have been approved by the Zoning Administrator. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that the special use permit amendment for Telesite does warrant another public hearing. Mr. Muscott stated that the request was approved last February and someone could have bought property last summer not knowing that the tower was going to be built and if there wasn't a public hearing advertised they would not be aware of the proposed tower. Mr. Muscott stated that the Planning Commission should consider the PUD amendment in case another big developer decides to come to Cheboygan. Mr. Muscott stated that the Planning Commission should also consider readdressing the wind turbine ordinance. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:33pm.

Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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MEMORANDUM

Date: March 6, 2019

To: Cheboygan County Planning Commission

Re: Draft Amendment to Planning Commission Bylaws

Commissioners,

Please find attached a draft copy of the revised Planning Commission Bylaws with recommended changes from legal counsel for review and discussion.

Feel free to call should you have questions prior to Wednesday's meeting.

**CHEBOYGAN COUNTY
PLANNING COMMISSION**

1. **PURPOSE.** These Bylaws are adopted to provide for the efficient and uniform administration of the Cheboygan County Planning Commission.
2. **MEMBERSHIP.** The Planning Commission shall be composed of nine (9) members as provided in Cheboygan County Ordinance No. of 2009.
3. **OFFICERS AND COMMITTEES.**
 - 3.1 **Officers.** The officers of the Planning Commission shall be a Chairperson, Vice Chairperson, and Secretary/Recording Secretary.
 - 3.2 **Election of Officers.** The officers of the Planning Commission shall be chosen from its members by the Planning Commission at its first meeting in January of each year. ~~The County Board liaison to the Planning Commission shall not be eligible to serve as Chairperson or Vice Chairperson.~~ The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.
 - 3.3 **Chairperson.** The Chairperson shall preside over all meetings of the Planning Commission.
 - 3.4 **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.
 - 3.5 **Secretary/Recording Secretary.** The Secretary/Recording Secretary shall assure that the minutes of all meetings of the Planning Commission are properly recorded and that notices for all meetings are duly given. He or she shall also perform such other duties as may be assigned by the Chairperson or the Planning Commission.
 - 3.6 **Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. All other vacancies in offices shall be filled by the Planning Commission from its members for the unexpired term of the office.
4. **MEETINGS**
 - 4.1 **Regular Schedule.** The regular meetings of the Planning Commission shall be scheduled at the first meeting in January each year and posted as required by the Open Meetings Act, as amended. If any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. Notice of this alternate date shall be given as provided in Section 5.3.
 - 4.2 **Special Meetings.** Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request of two (2) of the members of the Planning Commission filed with the Secretary/Recording Secretary. No less than eighteen (18) hours before the scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall provide each member of the Planning Commission with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed to each member of the Planning

Commission, given personally to each member, or left at the member's usual place of residence.

- 4.3 Place of Meeting.** Meetings of the Planning Commission shall be held at the Cheboygan County Building in Room #135, Commissioner's Room. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the County Building so that it is visible from outside and shall be published in a newspaper of general circulation within the county, if such publication can be accomplished prior to the meeting.
- 4.4 Time of Meetings.** Meetings of the Planning Commission shall begin at 7:00 p.m., unless the Planning Commission, by a vote of a majority of its members, specifies a different starting time. The Planning Commission shall not begin considering any matter on the agenda after 10:30 p.m., except by unanimous consent of the members present and voting. Matters on the agenda which have not been considered may be heard at an adjourned meeting/hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.
- 4.5 Change in Schedule.** Changes in the schedule of a regular meeting shall not be made except by a vote of a majority of the entire Planning Commission. If a quorum is not present at a regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.
- 4.6 Meeting Attendance.** Each member of the Planning Commission shall attend all regular and special meetings of the Planning Commission, unless excused by the Chairperson for good cause. A member of the Planning Commission with three (3) consecutive unexcused absences may be removed from office by the County Administrator, subject to the approval of the County Board, following notice and a hearing before the County Board.
- 4.7 Adjournment of Rezoning Request or Administrative Proceeding.** A property owner or applicant who has requested a rezoning of property or a property owner or applicant who has an application pending before the Planning Commission for a special use permit, planned unit development, site plan, or other administrative proceeding shall be entitled to no more than two (2) adjournments of the matter pending. Any request for an adjournment shall be received by the Planning and Zoning Department no less than four (4) business days before the matter is scheduled for consideration by the Planning Commission. Any written request for an adjournment shall also include a future date of a regularly scheduled meeting of the Planning Commission for future consideration of the matter. The failure of a property owner or applicant to comply with these procedural requirements shall result in the Planning Commission considering the matter as scheduled, or shall require the property owner or applicant to withdraw the pending matter. Any such withdrawal shall require the payment of a new fee in the event the matter is resubmitted.

5. PUBLIC NOTICE OF MEETINGS

- 5.1 Public Notice of Meetings.** The Secretary/Recording Secretary or his/her designee shall be responsible for providing the proper notice of all meetings of the Planning Commission. Notices shall comply with the Open Meetings Act, as amended, the Michigan Zoning Enabling Act, as amended, and the Cheboygan County Zoning Ordinance, as amended.
- 5.2 Regular Meetings.** The Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice within ten (10) days after the first meeting of the Planning Commission in each calendar year indicating the dates, times, and places of regular meetings.
- 5.3 Schedule Change.** Whenever the Planning Commission changes its schedule of regular meetings, the Secretary/Recording Secretary or his/her designee shall, within three (3) days after the regular meeting at which the change was made, post at the County Building so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.
- 5.4 Special Meetings.** No less than eighteen (18) hours before any scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

6. QUORUM AND VOTING

- 6.1 Quorum.** A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business at all meetings of the Planning Commission.
- 6.2 Voting.** An affirmative vote of a majority of the entire Planning Commission shall be necessary to approve the county master plan and any amendment to the master plan.

Unless the Cheboygan County Zoning Ordinance requires otherwise, an affirmative vote of a majority of the Planning Commission members present and voting shall be necessary to decide in favor of the applicant on any matter before the Planning Commission and to make all other decisions.

- 6.3 Conflict of Interests.** A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:
- a. The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the Planning Commission member or the member's spouse.
 - b. The Planning Commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.

- c. The Planning Commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- d. The Planning Commission member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the Planning Commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- e. The Planning Commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

7. REGULAR MEETING AGENDA.

7.1 Regular Meeting Agenda. The agenda for a regular meeting of the Planning Commission shall be as follows:

- a. Call to order.
- b. Pledge of Allegiance.
- c. Roll call.
- d. Approval of Agenda.
- e. Approval of minutes.
- f. Scheduled public hearings.
- g. Unfinished business.
- h. New business.
- i. Staff report with update on Master Plan revision.
- j. Planning Commission comments.
- k. Public comments.
- l. Adjournment.

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present and voting at the meeting.

7.2 Special Meeting Agenda. Whenever the Planning Commission meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the Planning Commission are present and concur.

8. CONDUCT OF MEETINGS.

8.1 Public Hearing Procedure. The procedure for a public hearing of the Planning Commission shall be as follows:

- a. The Chairperson shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the Planning Commission's decision must be based.
- b. Determination by the Chairperson whether a time limitation will be imposed on members of the public wishing to address the Planning Commission during the public hearing.

- c. Staff report, if applicable.
- d. Compilation of list of all exhibits to be considered by the Planning Commission when making its decision.
- e. Presentation by the applicant or applicant's attorney or other agents.
- f. Correspondence and/or persons speaking in favor of the application.
- g. Correspondence and/or persons speaking in opposition to the application.
- h. Rebuttal comments by the applicant or applicant's attorney or other agents.
- i. Chairperson declares public hearing portion of the case closed.
- j. The Planning Commission begins its deliberations on the case.
 1. During deliberations the Planning Commission may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the Chairperson. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.
 2. During deliberations the Planning Commission shall also specify in writing the findings of fact on which it bases its decision.
 3. If during deliberations the Planning Commission determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
- k. At the conclusion of its deliberations, the Planning Commission shall adopt a motion documenting its decision.

8.2 Members of the Public. Members of the public wishing to address the Planning Commission during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall state his or her name and shall address the entire Planning Commission.

8.3 Opportunity for Public Comment. Each member of the public desiring to address the Planning Commission (outside public hearings) shall be given an opportunity to speak. The time provided each member of the public desiring to address the Planning Commission shall be at the discretion of the Chairperson.

8.4 Limitation of Public Comments during Public Hearings. Prior to opening a public hearing, the Chairperson may establish a reasonable time limitation for each member of the general public when addressing the Planning Commission during the public hearing. Members of the general public expressing a desire to address the Planning Commission may transfer their allotted time to another individual, who may act as a spokesperson for the group. The time limitation imposed pursuant to this section, however, shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the Planning Commission.

8.5 Written Statements Submitted by the Public. All written statements (both during public hearings and outside public hearings) should be given to the Secretary/Recording Secretary or his/her designee prior to the commencement of the meeting or public hearing. All written statements and documents presented to the Planning Commission

by an individual are considered public documents and shall be retained in the public record of the meeting.

8.6 Disorderly Conduct at Meetings. Individuals addressing the Planning Commission (both during public hearings and outside public hearings) should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the Planning Commission or county staff. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present and voting. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.

8.7 Rehearings.

- a. Except as provided in this subsection and the Cheboygan County Zoning Ordinance, a decision of the Planning Commission shall be final. The Planning Commission may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 1. The applicant who brought the matter before the Planning Commission made misrepresentations concerning a material issue which was relied upon by the Planning Commission in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission's findings of fact which occurred after the public hearing.
 3. The county attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.
- b. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission on its own motion, pursuant to the following procedure:
 1. A request for a rehearing which is made by an applicant or the Zoning Administrator must be made within twenty-one (21) days from the date of approval of the Planning Commission's minutes regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. Whenever the Planning Commission considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by

personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

8.8 Robert's Rules of Order. Except as modified by these Bylaws and state or federal law, the Planning Commission shall follow Robert's Rules of Order, as Revised, for all procedural questions.

9. RECORD OF MEETINGS.

9.1 Recording Responsibility. The Secretary/Recording Secretary or his/her designee shall be responsible for maintaining the official records and minutes of each meeting of the Planning Commission. The minutes shall include all the actions of the Planning Commission with respect to motions. The minutes shall include the names of Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

9.2 Voting. Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission may, by majority vote of the members present and voting, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the county attorney. Once the conflict of interest is declared or confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.

9.3 Requests for Remarks to be Included. Any Planning Commission member may request to have his or her comments printed as part of the minutes. If there are no objections by any Planning Commission member, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning Commission members present and voting.

9.4 Public Access to Meeting Records. The Secretary/Recording Secretary or his/her designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Secretary/Recording Secretary or his/her designee but not approved by the Planning Commission shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Planning Commission shall be available within five (5) business days after the meeting at which they were approved. The Secretary/Recording Secretary or his/her designee shall promptly mail copies of minutes to persons who have subscribed and paid the required fee as determined by the County Board.

- 10 **Ex Parte Communication.** The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. Therefore, for the purposes of these Bylaws, ex parte communication shall mean oral or written, off-the-record communication made to or by Planning Commissioners without notice that are directed to the merits or lack thereof or outcome of a business item(s). If any such communications are received, Planning Commission members shall disclose the nature of the communication at the Planning Commission meeting(s) after the introduction of the agenda item(s) to which the ex-parte communication regarded.

~~Planning Commission members may attend meetings held by applicants with adjacent property owners, for example; however, only in the capacity of an observer, and only if a quorum of the Planning Commission is not present unless proper notice of the meeting was provided. If a Planning Commission member(s) decides to take part in discussions at said meeting(s), the Planning Commissioner(s) shall disclose the nature of their participation to the Planning Commission prior to participating in a hearing, deliberation or voting on a request. The Planning Commission shall make a determination as to whether or not the Planning Commissioner(s) can impartially consider the request.~~

11. **Annual Training.** Planning Commissioners are to receive a minimum of four (4) hours of zoning and/or land use training each year during their term of office. This training may be accomplished as individuals or a group during a regular or special Planning Commission meeting and/or other venue. Failure to meet the annual training requirements may result in the Commissioner(s) not being reappointed to the Planning Commission.
12. **AMENDMENTS.** These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members shall be required to amend these Bylaws.
13. **SEVERABILITY.** If any section, provision or clause of these Bylaws or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of these Bylaws, which can be given effect without the invalid portion, or application.

These Bylaws were adopted by the Cheboygan County Planning Commission on September 16, 2009 and amended by adding Section 10 on, _____, 2019.

CHEBOYGAN COUNTY PLANNING COMMISSION

By: _____
Its: Chairperson

By: _____
Its: Secretary

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James G. Young, *Of Counsel*

MEMORANDUM

TO: Michael Turisk, Director
Cheboygan County Planning and Zoning

VIA EMAIL

FROM: Bryan E. Graham

DATE: February 21, 2019

BEG

SUBJECT: Review of draft planning commission bylaws

I have now had the opportunity to review the draft planning commission bylaws. The following are my comments concerning these draft bylaws.

1. Concerning Paragraph 2, this provision states there are nine (9) members of the planning commission. The original planning commission ordinance I prepared in 2009 indicated that there would be nine (9) members of the planning commission. However, I prepared an amendment to the planning commission ordinance in 2010 that reduce the number of planning commission members to seven (7). However, I do not know whether this amendment was ever enacted by the board of commissioners. I prepared the amendment on December 9, 2010. Therefore, if the amendment was enacted, it would have been enacted in early 2011. I suggest you speak with Karen to see if that amendment was enacted. Obviously, the bylaws must be consistent with the ordinance.
2. Concerning Paragraph 3.2, because the county board of commissioners only has a liaison to the planning commission, that board member is not a member of the planning commission. As a result, the second sentence of this paragraph should be deleted in its entirety.
3. Concerning Paragraph 4.4, the phrase "and voting" must be inserted after the word "present" in line 4. This change is necessary so that under Roberts Rules of Order, a planning commission member who has a conflict of interest is not a factor in the vote. This is a rather complex area of parliamentary procedures. I am happy to explain this change when we speak.
4. Concerning Paragraph 6.2 (second paragraph), the phrase "and voting" must be inserted after the word "present" in line 2.

5. Concerning Paragraph 7.1 (last paragraph), the phrase “and voting” must be inserted after the word “present” in line 2.
6. Concerning Paragraph 8.6, the phrase “and voting” must be inserted after the word “present” in line 11.
7. Concerning Paragraph 9.2, the phrase “and voting” must be inserted after the word “present” in line 5.
8. Concerning Paragraph 9.3, the phrase “and voting” must be inserted after the word “present” in line 6.
9. Concerning Paragraph 10, it is my advice that the second paragraph be deleted in its entirety. Planning commissioners have a constitutional duty to be fair and impartial decision-makers. As a result, merely attending meetings held by applicants with adjacent property owners creates the appearance that the planning commissioner may be biased one way or the other. All information given to a planning commissioner on a pending administrative matter should be presented at a planning commission public hearing and not to a planning commissioner outside of the public hearing process.

If there are questions concerning any of my comments, please do not hesitate to contact me.

BEG

cc: Jeffery B. Lawson, Administrator (via email)