

Ottawa County Planning Commission Position Paper



Ottawa County
Where You Belong[®]

Created by the Ottawa County Planning and
Performance Improvement Department

August 2020

Table of Contents

Page Number

Summary	1
Background	1
County Planning Commission as Land Use Authority	2
Recently Dissolved Planning Commissions	4
Assessing Ottawa County Planning Commission's Duties	5
Zoning Ordinance Reviews	7
Master Plan Reviews	8
PA 116 Application Reviews	8
Current and Potential Opportunities	9
Conclusion	10
Item A – Resolution to create Ottawa County Grant/Planner Position	12
Item B – Resolution to create Ottawa County Planning Commission	15
Item C – Ottawa County Planning Commission Summary of Duties	17
Item D – Ottawa County Planning Commission Ordinance	18
Item E – Ottawa County Planning Commission Bylaws and Rules	20
Item F – History of the Ottawa County Planning Commission	30
Item G – Map of County Planning/Land Use Personnel in Michigan	45
Item H – Act 156 County Board of Commissioners	46
Item I – Grand Traverse County resolution dissolving planning commission	49
Item J - Monroe County resolution dissolving planning commission	51
Item K – Section 307 of the Michigan Zoning Enabling Act	54
Item L – Board of Commissioners resolution waiving zoning reviews	55
Item M – Board of Commissioners resolution waiving zoning reviews	60
Item N – Section 39 of the Michigan Planning Enabling Act	67
Item O – Section 41 of the Michigan Planning Enabling Act	68
Item P – Sec. 36104 of the Natural Resources and Environmental Protection Act	69

Summary

The Planning and Performance Improvement Department (PPID) recommends the Ottawa County Planning Commission is dissolved and replaced with specialized committees as necessary, which are more adept at addressing the specific challenges facing Ottawa County. The planning commission's primary objective of fostering comprehensive, countywide land use will continue to be pursued by the county's professional planning staff while resources and expertise are allocated towards groundwater, housing, broadband, farmland preservation, and other initiatives as needed.

Background

On December 16, 1986, the Ottawa County Board of Commissioners approved the creation of a Grants Planner position (**Item A**), representing the inception of the Ottawa County Planning and Grants Department. Three years later, The Ottawa County Planning Commission was established. During this time, many Ottawa County communities were growing rapidly but lacked full-time zoning administrators and planners. The lack of existing planning resources coupled with the prospect of unmanaged growth presented an unmet need that would be addressed by the creation of the county planning department and later the county planning commission.

In the enabling resolution passed on August 8, 1989 (**Item B**), the planning commission would be tasked with coordinating the economic, social, and physical development of the county with local units of government. In the 1990 Summary of Duties (**Item C**), the planning commission would perform "intergovernmental coordination of all related planning activities among the state and local government agencies concerned." Both the ordinance and by-laws (**Item D and Item E**) state this would be accomplished by creating a comprehensive county development plan and using powers granted to county planning commissions through enabling legislation. These powers are derived from the following legislation:

- Michigan Zoning Enabling Act of 2006
- Michigan Planning Enabling Act of 2008
- Natural Resources and Protection Act of 1994 (PA 116 Farmland Preservation)

These acts allow the planning commission to review local government's rezoning and master plan amendments and farmland preservation applications. While these acts allow county planning commissions to provide feedback, suggestions, and recommendations, they do not provide legal authority to enforce the commission's decisions, making the planning commission an advisory body at best.

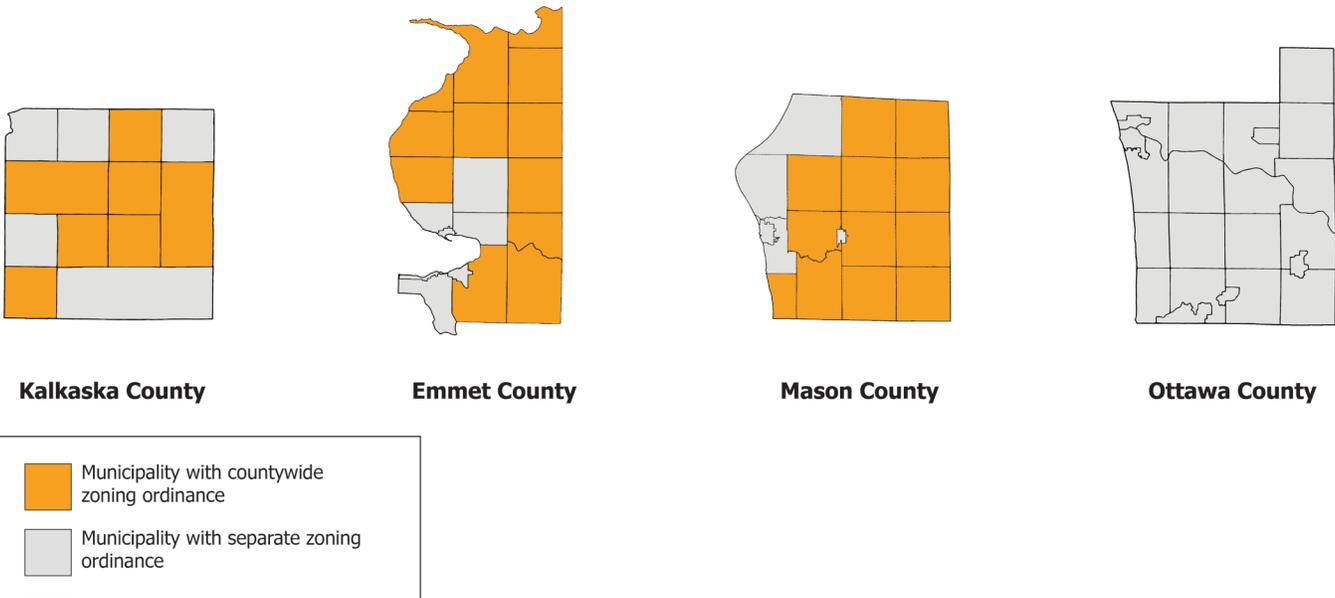
While the Ottawa County Planning Commission has overseen numerous projects over its 30-year history (**Item F**), many of the reasons for its existence have changed in the past three decades. The following pages offer some considerations for dissolving the body and repurposing its resources to better meet the needs of Ottawa County and its communities.

County Planning Commission as Land Use Authority

The Michigan Zoning Enabling Act of 2006 enables counties to administer land use regulations in areas outside incorporated units of government. Sec. 102 (w) defines “zoning jurisdiction” as:

Zoning jurisdiction – “means the area encompassed by the legal boundaries of a city or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance.”

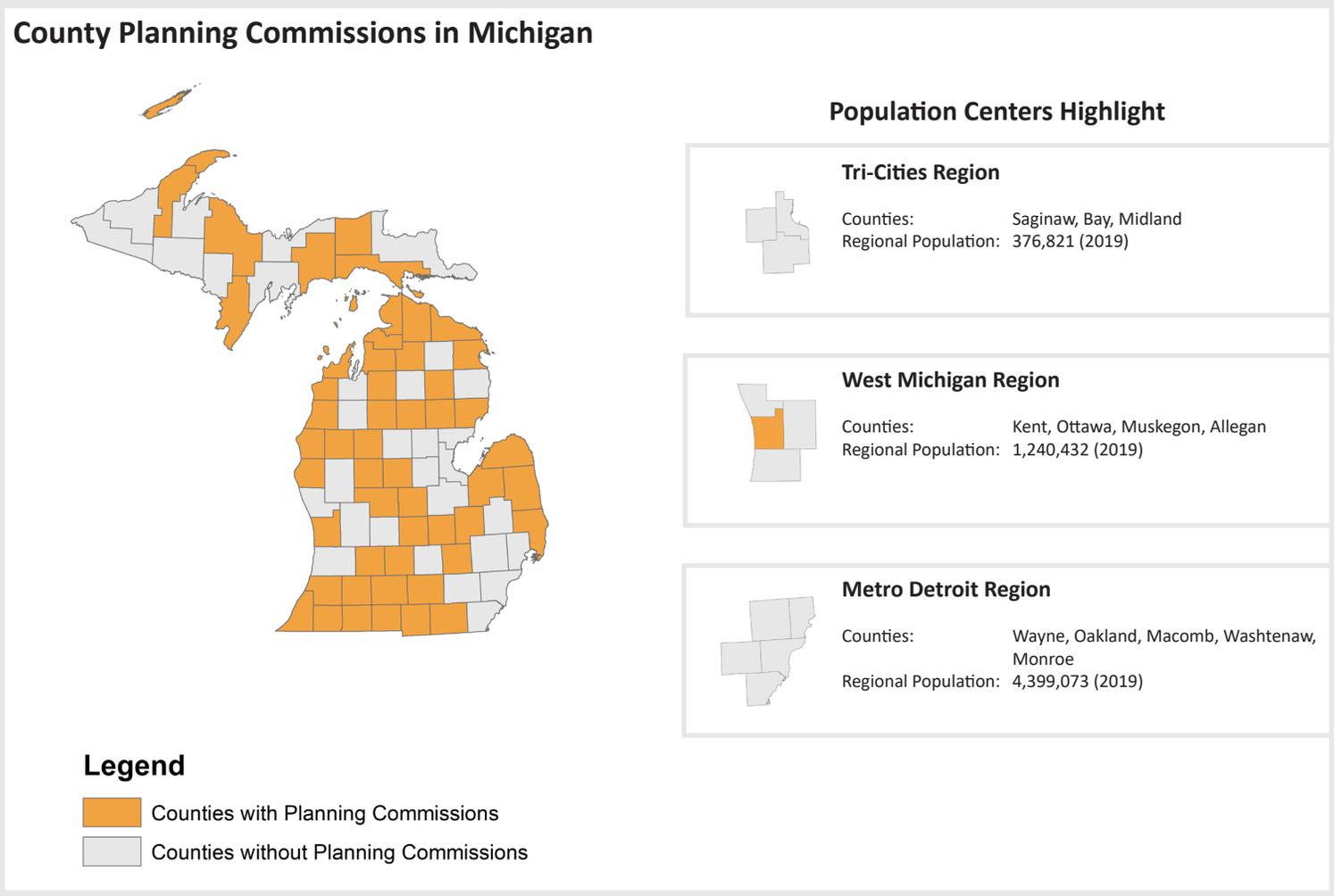
While many townships in Michigan have enacted zoning ordinances that grant them zoning jurisdiction independent of the county, some townships in rural and sparsely populated areas of the state continue to operate without independent zoning. This results in the county retaining zoning jurisdiction and administering a countywide zoning ordinance in unincorporated areas. In these instances, a county planning commission is required to develop a zoning ordinance and oversee land use applications such as special use permits, planned unit developments, and rezoning requests.



Selection of counties in Michigan that administer countywide zoning ordinances. Ottawa County included for comparison.

In Ottawa County, all 24 local units of government have zoning jurisdiction, as they have adopted independent zoning ordinances and feature planning commissions that make land use decisions within their boundaries. While the Ottawa County Planning Commission was created to facilitate multi-jurisdictional planning projects, the commission lacks authority and acts solely as an advisory body because of this.

As of July 2020, there are 52 counties (63%) in Michigan that have planning commissions and 31 counties (37%) that do not have planning commissions. Although there are outliers, counties without planning commissions are typically more urbanized with higher populations – conditions that imply zoning jurisdiction is maintained by local units of government.



For comparative purposes relative to Ottawa County, the following table compares the five most populous counties with planning commissions to the five most-populous counties that do not have planning commissions. A spatial analysis of county planning/land use personnel is included in the attachments **(Item G)**.

County with Planning Commission	County Population	County without Planning Commission	County Population
Genessee County*	405,813	Wayne County	1,749,343
Ottawa County*	291,830	Oakland County*	1,257,584
Kalamazoo County*	265,066	Macomb County*	873,972
Livingston County*	191,995	Kent County	656,955
St. Clair County	159,128	Washtenaw County	367,601

Asterisk denotes county has planning department/personnel. None of the counties with planning commissions maintain zoning jurisdiction.

Recently Dissolved Planning Commissions

In the interest of eliminating redundancies within local government, numerous counties in Michigan have dissolved their planning commissions. Two of these counties are Grand Traverse County and Monroe County. The Grand Traverse County Planning Commission was dissolved on September 19, 2018 after the county folded its planning department in 2017 due to consultants handling the county's economic development endeavors. The Monroe County Planning Commission was dissolved on October 15, 2019, with many of the former commission's duties currently accomplished by the Monroe County Community Planning and Engagement Department.

The planning commission can be dissolved by adopting a resolution in accordance with Sec. 46.11 (j) of Act 156 (**Item H**). Both the Grand Traverse County resolution (**Item I**) and Monroe County resolution (**Item J**) are included for reference.

In order to garner direct insights about the dissolution process and relevant impacts, PPID staff contacted Christopher Forsyth, Deputy County Administrator for Grand Traverse County and Jeff McBee, Director of the Monroe County Community Planning and Engagement Department. Their experiences are a valuable resource in considering the purpose of the Ottawa County Planning Commission, as both individuals offer insight on county land use operations absent of a planning commission.

What were the primary reasons to dissolve the planning commission?

Jeff McBee: "The primary reason to dissolve the planning commission was to make the development process at the local municipality level more efficient. This really drove the whole process. As you stated, the planning commission's role was only advisory."

Christopher Forsyth: "Toward the end of 2017, then County Administrator Vicki Uppal decided to dissolve the county's planning and economic development department with economic development issues like brownfield projects being handled by a consultant. In the summer of 2018, then interim (and now current) County Administrator Nate Alger hosted a meeting of the Board of Commissioners with township and city officials to discuss the county's planning commission. The consensus from those that attended the meeting was the county should focus on community development and not zoning and planning, which are best addressed by the local units of government. The dissolution of the department and input from city and township officials led to the dissolution of the planning commission."

Counties that lack zoning jurisdiction can only perform advisory duties, offering suggestions to local units of government on zoning ordinance revisions/master plan updates. Has this process changed since the planning department has assumed the responsibility without consulting a planning commission?

Jeff McBee: “Recommendations/comment on local master plans are now submitted directly to the [Monroe] County Board of Commissioners following a review by our staff planner. The review of zoning ordinance revisions was waived by our board of commissioners, as permitted by the Planning Enabling Act.”

Since dissolving the body, have planning efforts changed in the county?

Christopher Forsyth: “With no planning commission or staff the county has not engaged in those activities or responsibilities as provided in the Planning Enabling Act such as developing or updating a county master plan.”

In your experience, has dissolving the planning commission increased the planning department’s capacity to assume new projects/operate more efficiently?

Jeff McBee: “Yes, dissolving the commission has freed up time to focus on other projects.”

Have relations with local units of government changed since the body was dissolved?

Jeff McBee: “With the exception of less mandated communication for zoning reviews, I would say the relations with local units of government have not changed.”

Christopher Forsyth: “Township and city officials have responded favorably.”

Assessing Ottawa County Planning Commission’s Duties

Listed as a primary objective in the planning commission’s establishing resolution, the creation of the 1992 Ottawa County Development Plan would “provide a framework within which each local planning commission and legislative body can operate, while working with its neighbors to build a sense of community.” The document outlined specific land use goals, such as balancing development pressures with farmland and natural space preservation, ensuring safe and efficient inter-county travel, and improving communication between local units of government.

To accomplish these objectives, the document outlined action items to be pursued by the planning commission. The table on the following page lists these action items along with the ability of the PPID to perform them in the planning commission’s absence.

Action Item from 1992 Ottawa County Development Plan	Status	Can Task Be Performed by PPID?
Educate farmers, developers, and landowners on practices that improve water and air quality	Ongoing	Yes
Assist local units of governments in identifying sensitive environmental areas	2004 Road Salt Management Report	Yes
Develop guidelines for determination/designation of locally important environmental areas	Ongoing	Yes
Provide information on recycling programs and efforts of area businesses and governments	Ongoing	Yes
Educate communities on the benefits and procedures of site plan review, with emphasis on integrating natural features into project sites	Ongoing	Yes
Develop model agricultural/rural character preservation provisions	1998 Rural Character and Preservation Guidebook	Yes
Identify common development issues (private streets, site condos, large lot zoning, etc.) and provide technical assistance to help communities address them	Ongoing	Yes
Exercise county review authority of zoning ordinances and master plans	Ongoing	Yes, requires board of commissioners resolution
Review proposed county actions in the context of their relationship to the county development plan and its goals and policies	Ongoing	Yes
Develop a model access management program	2004 M-104 Access Management and Corridor Study, 2004 North-South Corridor Study	Yes
Complete a comprehensive transportation plan	Most Recent: 2012 West Michigan Transit Linkages Study	Yes
Develop aesthetic guidelines for major transportation corridors	2004 M-104 Access Management and Corridor Study, 2004 North-South Corridor Study	Yes
Coordinate an annual basic planning commission and zoning board of appeals training seminar	Excellence Through Training Annual Seminar	Yes
Develop a countywide capital improvements program for county agencies	Ottawa County CIP	Yes
Investigate and implement actions recommended in the Prein & Newhof water and sewer report	Unknown	Yes
Study the economic, social, and institutional barriers to affordable housing and suggest strategies to overcome them	2019 Reinstatement of Ottawa County Housing Commission	Yes
The Ottawa County Planning Commission (or Department) will ask local governments and county agencies to comment on their efforts, and on the effectiveness of the county's efforts, to achieve the visions and goals	N/A	Yes
The Ottawa County Planning Commission (or Department) should request that one member of the commission be appointed to serve on any regional or sub-regional cooperative planning group of more than two communities	N/A	N/A
Form task forces to investigate countywide issues which could benefit from multi-community/agency cooperation	Groundwater Task Force, other ad-hoc committees	Yes

As the table above illustrates, the PPID can perform all action items outlined in the 1992 Ottawa County Development Plan. Over its thirty-year history, the planning commission has also exercised state-enabled advisory duties for local units of government.

As discussed in the “Background” section of this document, enabling legislation for county planning commissions allow them to provide input and suggestions on master plans, zoning revisions, and farmland preservation applications. The enforcement “teeth” of these acts remains with local units of government maintaining zoning jurisdiction however, making county planning commissions lacking zoning jurisdiction merely advisory bodies.

While the Ottawa County Planning Commission has performed these advisory duties in the past, many of them have been delegated to the PPID over the past decade. With these responsibilities already handled internally by the county’s professional planning staff, the planning commission is not necessary to continue these duties. These duties and the manner in which the PPID currently performs them is discussed below.

Zoning Ordinance Reviews

Sec. 307 of the Michigan Zoning Enabling Act (**Item K**) requires townships to submit proposed zoning ordinances and maps to the county planning or county zoning commission. If neither of these bodies exist, Sec. 307 (2) states that the county can create a coordinating zoning committee composed of 3 or 5 members appointed by the county board of commissioners. Sec. 307 (4) states the county board of commissioners may also waive its right to review these ordinances by resolution.

On October 24, 2006, the Ottawa County Board of Commissioners passed a resolution waiving local government zoning reviews that occurred more than 500 feet from municipal boundaries. On December 22, 2015, the board of commissioners signed a resolution waiving all zoning reviews from local governments (**Item L**). The board of commissioners waived these reviews again on December 11, 2018, with a sunset of December 30, 2021 (**Item M**).

Since this resolution, the PPID has continued consulting with local units of government on an ad-hoc basis, reviewing ordinances and zoning maps when requested. In the absence of the planning commission, the department can continue working with local units of government on an as-needed basis.

Master Plan Reviews

Sec. 39 (2)(e) of the Michigan Planning Enabling Act (**Item N**) states that local units of government must notify the county planning commission or the county board of commissioners when they are performing a master plan update. Sec. 41 (2)(e) (**Item O**) states that once a local unit of government prepares a proposed master plan, it must provide the plan to the county planning commission or the county board of commissioners. The county planning commission or the county board of commissioners are empowered to provide feedback on the proposed master plan, but only serve advisory roles as stated in Sec. 41 (4). Upon the local unit of government's adoption of the master plan, notice of its adoption and copies of the plan are to be provided to either the planning commission or the county board of commissioners.

Due to their advisory nature, the PPID has handled master plan reviews in-house, offering feedback and professional suggestions to local units of government. In the absence of the planning commission, the board of commissioners would instead receive notices of master plan updates from local units of government and the PPID would continue to conduct the reviews.

PA 116 Application Reviews

The county planning commission can review applications for the MDARD Farmland and Open Space Program (PA 116). This program seeks to preserve agricultural land by creating a development rights agreement between farm owners and the State of Michigan. The PA 116 application process begins with a farm owner filing an MDARD-issued application with their local unit of government. Sec. 36104 of the Natural Resources and Environmental Protection Act of 1994 (**Item P**) states that the county planning commission or regional planning commission and soil conservation district must be consulted and has 30 days to review and comment on applications. After 30 days, the local unit of government can send the application to MDARD regardless of whether they receive feedback from these agencies.

On August 6, 2003, the planning commission decided that staff would administer all PA 116 reviews except for applications for termination from the program. On November 28, 2011, the planning commission decided that only new PA 116 applications would be discussed by the commission, with applications for program renewal or termination handled by staff.

Sec. 36104 (2) states that if there is no county planning commission, PA 116 applications will be sent to the regional planning commission and soil conservation district for review. In Ottawa County, these will be the Ottawa Conservation District and the West Michigan Regional Planning Commission (WMRPC). Due to Ottawa County's continued commitment towards farmland preservation, a memorandum of understanding could be drafted and submitted to WMRPC to retain PPID record-keeping and advisory duties on all farmland preservation applications within Ottawa County.

In summary, all of the planning commission advisory duties can continue to be accomplished by the PPID, taking advantage of the county’s staff resources while reducing the regulatory burden on local units of government. The following table summarizes how these advisory duties would be performed without the planning commission.

Planning Commission Advisory Action	Required Change	Result
Zoning review of local units of government - per Sec. 307 of the Michigan Zoning Enabling Act	None	PPID will continue reviewing proposed zoning changes with local units of government as needed
Master plan review of local units of government - per Sec. 41 of the Michigan Planning Enabling Act	Local units of government will be notified of the planning commission dissolution and will provide master plan documents to the board of commissioners instead per Sec. 39(e) of the Michigan Planning Enabling Act	PPID will continue reviewing proposed master plan changes with local units of government as needed
PA 116 farmland preservation application review - per Sec. 36104(2) of the Natural Resources and Environmental Protection Act	Establish memorandum of understanding with regional planning commission (WMRPC) to continue receiving Ottawa County farmland preservation applications	PPID will continue reviewing farmland preservation applications under the PA 116 program

Current and Potential Opportunities

While the need for a countywide planning advisory body has diminished over the past thirty years, regional issues that cross municipal boundaries have emerged that require immediate attention. Shifting from a broad commission that is only empowered to offer suggestions to nimbler, more specialized committees that have clear objectives can better address these regional challenges. Potential examples are provided below:

Housing Commission – Reinstated on April 9, 2019, the Ottawa County Housing Commission seeks to gain status as a public housing agency (PHA) to secure housing vouchers for Ottawa County communities. With increasing housing costs countywide, this body will be a crucial partner for local municipalities and other housing organizations within the region.

Farmland Preservation Board - Continuing Ottawa County’s commitment towards promoting its vibrant agricultural industry, this body will work with the agricultural community and staff to develop programs and resources for producers and the preservation of prime agricultural land within the county.

Groundwater Commission - Listed as Strategy 26 in the Ottawa County Groundwater Pro-active Strategies Index adopted in 2019, the existing Groundwater Task Force would be formalized into the Groundwater Commission, continuing to provide oversight of the county’s groundwater initiatives.

Broadband Commission - COVID-19 has not only disrupted how organizations operate, it has highlighted the digital divide that limits access to high-speed internet in the county. Just as rural electrification during the Great Depression brought modern amenities into the rural homestead, reliable internet access is increasingly important as business, retail, and education are conducted in online formats. Improving broadband internet access has long been a county goal and a formal body could be tasked with overseeing countywide initiatives.

Brownfield Redevelopment Authority - Growing Ottawa County's tax base strengthens local communities. Dedicating resources towards the Brownfield Redevelopment Authority facilitates the remediation and rehabilitation of underutilized parcels across the county, creating new businesses and jobs.

Future Land Use Vision - With the current Ottawa County Development Plan created in 1992 and last updated in 2008, a full-scale revision is needed to reflect the three-decades of change since its adoption. This will require dedicated staff resources and a wide-ranging outreach effort to identify countywide land use goals. As Ottawa County does not maintain zoning jurisdiction, the future land use plan will remain a guiding document and as such can be adopted by the Board of Commissioners.

Conclusion

Throughout its thirty-year history, the Ottawa County Planning Commission has relied on expert opinion and utilized the best information available in making decisions that have wide-ranging land use impacts within the county. Many of the original reasons for the body's existence have diminished however, with many of the tasks already delegated to county planning staff. With the Ottawa County Board of Commissioners establishing many of the same goals as the planning commission, such as promoting economic and environmental health and encouraging collaboration across municipalities, the board of commissioners will continue to provide the needed oversight to further these county land use initiatives. In efforts to elevate and not duplicate planning efforts, the PPID recommends dissolving the planning commission and instituting specialized bodies administered by the PPID that address crucial countywide issues local units of government lack the capacity and require assistance to address.

Just as the planning department operated prior to the planning commission, the advisory responsibilities of the planning commission will continue to be performed by PPID staff, who can provide professional expertise with local units of government on implementing best planning practices. Dissolving the planning commission reduces the rigid regulatory relationship between the county and local units of government while the PPID can continue to partner with local units on addressing regional land use challenges. This is part of Ottawa County's strategic goal of continually improving the county's organization and services, as these duties can continue to be efficiently handled by county staff.

The actions required to dissolve the Ottawa County Planning Commission and officially transfer its statutory responsibilities to the PPID's professional planning staff are included below:

- 1.) Ottawa County Board of Commissioners approves resolution dissolving the planning commission
- 2.) Notify all 24 local units of government of the dissolution and inform them that all master plan reviews are to be directed to the Ottawa County Board of Commissioners per Sec. 39(e) of the Michigan Planning Enabling Act. All master plan reviews will continue to be conducted by PPID staff
- 3.) Secure Memorandum of Understanding with the West Michigan Regional Planning Commission and Ottawa Conservation District on the processing of PA 116 farm land preservation applications in Ottawa County

PROCEEDINGS OF THE OTTAWA COUNTY
BOARD OF COMMISSIONERS
DECEMBER 1986 SESSION

The Ottawa County Board of Commissioners met on Tuesday, December 16, 1986 at 9:30 A.M. and was called to order by the Chairman.

The Clerk led in the Pledge of Allegiance to the flag.

Mr. Vander Laan pronounced the invocation.

Present at roll call: Mr. Parish, Mrs. Laug, Messrs. Smant, Schipper, Mayers, Vander Laan, Timmer, Mrs. Dalman and Mr. Michmerhuizen. (9)

Absent: Messrs. Soule and Duryee. (2)

B/C 86-457 Mr. Parish moved the Minutes of the November 11, 1986 meeting be approved as presented and amended. Mrs. Laug supported the motion and the motion passed.

A letter was read from Guy Vander Jagt, 9th District Congressman regarding Park Township and the Southwest Ottawa County Landfill.

B/C 86-458 Mr. Mayers moved the letter be received and filed. Mr. Schipper supported the motion and the motion passed.

A letter from the West Michigan Health Systems Agency thanking the Board for their financial support for the Health Expo '86 was read.

B/C 86-459 Mr. Vander Laan moved the letter be received for information. Mr. Parish supported the motion and the motion passed.

A letter was read advising the Board of the resignation of Edward Tobin from the Private Industry Council representing the private sector.

B/C 86-460 Mr. Timmer moved to accept the letter, declare a vacancy on the Private Industry Council and advertise for this appointment to be filled at the January meeting of the Board. Mrs. Laug supported the motion and the motion passed.

B/C 86-461 Mr. Timmer moved to accept Correspondence Logs No. 115 and 116. Mr. Parish supported the motion and the motion passed.

B/C 86-462 Mr. Schipper moved to amend the agenda of today as follows:
Add update on House Arrests to Criminal Justice
Add approval of Contract for Assistant Human Services Director to Human Services
Add Employees Christmas party to Human Resources
Add to Finance, No. 7 Designation of Fund Balance, 8. Foreign Trade Zone
Resolution at 2:30 P.M. and 9. Update. Mr. Timmer supported the motion and the motion passed.

Mr. Parish announced that the Annual Christmas Coffee for county employees will be Wednesday, December 24, 1986 from 9:00 to 11:00 A.M. in all County Buildings.

B/C 86-463 Mr. Parish moved to approve one (1) Service Worker position for JTPA to assist in recruitment efforts. Mr. Timmer supported the motion.

B/C 86-464 Mrs. Dalman moved to amend the motion, that after a proper job review and the job does not produce the results it was designed for, then the job will be eliminated in a year. Mr. Mayers supported the motion to amend and the motion passed.

However, the occupant should refrain from smoking in his/her office when a non-smoking employee or visitor is present. Department heads are encouraged to use the signs "Thank You for Not Smoking" within their departments. Mr. Michmerhuizen supported the motion and the motion passed.

B/C 86-466 Mrs. Laug moved the position of Grants Person/Planner be put in place and direct the Human Resources Committee to prepare a job description. Mrs. Dalman supported the motion.

B/C 86-467 Mr. Mayers moved to table indefinitely. Mr. Schipper supported the motion and the motion lost.

B/C 86-468 Mr. Parish moved to table until 3:00 P.M. today. Mr. Michmerhuizen supported the motion and the motion passed.

B/C 86-469 Mrs. Laug moved to authorize a monthly rental increase from \$790 to \$840 per month for the Coopersville Health Clinic effective January 1, 1987. Mr. Michmerhuizen supported the motion and the motion passed.

B/C 86-470 Mr. Vander Laan moved to renew the contract with Patricia Rehfield, D.O. as Medical Director with a \$2.00 per hour increase. Mr. Schipper supported the motion and the motion passed.

B/C 86-471 Mr. Vander Laan moved to approve the revised fee schedule for the Environmental Health Department as presented. Mr. Mayers supported the motion and the motion passed.

B/C 86-472 Mr. Vander Laan moved to approve \$2,231.04 from the Health Department Fund Balance for laboratory services for senior screening. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Mrs. Laug, Messrs. Schipper, Mayers, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish and Smant. (9)

A Resolution for Support of Full Funding of Cost Sharing on Public Health was read.

B/C 86-473 Mr. Vander Laan moved to adopt the Resolution to Support Full Funding of Cost Sharing for Public Health. Mr. Mayers supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Schipper, Mayers, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug and Mr. Smant. (9)

B/C 86-474 Mr. Vander Laan moved to approve the agreement between the Board of Commissioners and the Mental Health Board as presented at the November 11, 1986 meeting. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Schipper, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug and Mr. Smant. (8)

Nays: Mr. Mayers. (1)

B/C 86-475 Mr. Michmerhuizen moved to go into a Closed Session for the purpose of discussing pending litigation and contract negotiations. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Mayers, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper and Smant. (9)

B/C 86-476 Mrs. Laug moved to rise from the Closed Session. Mrs. Dalman supported the motion and the motion passed.

A Resolution was read to Support Foreign Trade Zones.

B/C 86-489 Mrs. Dalman moved to adopt the Resolution to Support Foreign Trade Zones. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Schipper, Mayers, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug and Mr. Smant. (9)

B/C 86-490 Mrs. Laug moved to remove from the table Motion 86-466 which was tabled this morning. Mrs. Dalman supported the motion and the motion passed.

B/C 86-466 Mrs. Laug moved the position of Grants Person/Planner be put in place and direct the Human Resources Committee to prepare a job description. Mrs. Dalman supported the motion and the motion passed.

B/C 86-491 Mr. Parish moved to fund three (3) additional Road Patrol Deputies. Mr. Timmer supported the motion.

B/C 86-492 Mr. Michmerhuizen moved to cut off debate. Mr. Parish supported the motion and the motion passed.

A vote was then taken on the motion and the motion passed as shown by the following votes: Yeas: Messrs. Mayers, Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper and Smant. (9)

Mr. Kurt Humphrey, Controller/Administrator gave an update on the house arrest tour made by the County of Washtenaw and Genessee Counties.

B/C 86-493 Mrs. Dalman moved to approve the general claims in the amount of \$2,882,860.54 as presented by the summary report having been reviewed by the Finance Committee for November 1, through November 30, 1986, and direct the Chairman and the Clerk to sign the accounts payable check reconciliation report associated with the above summary report for submission to the Treasurer. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Vander Laan, Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper and Smant. (8)

Absent at time of voting: Mr. Mayers. (1)

B/C 86-494 Mrs. Dalman moved to approve the general claims in the amount of \$448,747.50 as presented by the summary report having been reviewed by the Finance Committee for December 1, through December 3, 1986, and direct the Chairman and the Clerk to sign the accounts payable check reconciliation report associated with the above summary report for submission to the Treasurer. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Mr. Timmer, Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper, Vander Laan and Smant. (8)

Absent at time of voting: Mr. Mayers. (1)

B/C 86-495 Mrs. Dalman moved to approve increasing the petty cash to Mental Health by \$300 for the ACT Program. Mr. Timmer supported the motion and the motion passed as shown by the following votes: Yeas: Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper, Vander Laan, Timmer, Mrs. Dalman and Mr. Smant. (8)

Absent at time of voting: Mr. Mayers. (1)

B/C 86-496 Mrs. Dalman moved to reserve \$2,500 from Park Township and \$2,500 County match in 1987 for use in 1988 and spend the \$10,000 Crime Prevention Grant in 1987 and authorize the Chairman to sign the grant. Mrs. Laug supported the motion and the motion passed as shown by the following votes: Yeas: Mrs. Dalman, Messrs. Michmerhuizen, Parish, Mrs. Laug, Messrs. Schipper, Vander Laan, Timmer, and Smant. (8)

Absent at time of voting: Mr. Mayers. (1)

Item B

STATE OF MICHIGAN

COUNTY OF OTTAWA

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the County Building in Grand Haven, Michigan on the ___ day of _____, 1989. at ___ o'clock ___ .m. local time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following resolution and ordinance be adopted.

WHEREAS, the Ottawa County Board of Commissioners ("Board") is statutorily empowered to create a County Planning Commission which among other tasks will establish a comprehensive County development plan addressing the economic, social and physical development of the County and which will also coordinate planning activities within the County.

WHEREAS, the Board determines that the communities of Ottawa County are becoming increasingly interdependent and that the expanding economic, social and physical growth of the County requires County-wide coordination and planning.

NOW, THEREFORE, BE IT RESOLVED that the Ottawa County Board of Commissioners hereby creates the Ottawa County Planning Commission by adopting the attached ordinance.

BE IT FURTHER RESOLVED that this resolution is to be interpreted in a manner consistent with Michigan law, and any

provision of any existing Board resolution, motion, ordinance or act which is inconsistent with any provision in this resolution or ordinance is hereby modified, rescinded, or repealed.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED.

Jessie Dalman, Chairperson
Ottawa County Board of
Commissioners

Daniel C. Krueger
Ottawa County Clerk



County of Ottawa

Planning Commission

Frederick Bevis
Chair
Thomas Poel
Vice Chair / Secretary

414 Washington Ave. Room 206 Grand Haven, MI 49417-1494 Tel (616) 846-8295

Mary Swanson
Planner/Grants Coordinator

Edward Bytwerk
Dale Deppe
Clarence Piersma
Steven Schouten

SUMMARY OF DUTIES

Primary duty is to create, revise, and maintain an Ottawa County development plan to promote, plan, and coordinate the County's economic, social and physical growth, and environmental impact.

Make studies, investigation, and surveys relative to economic, social and physical development, and their environmental impact on the County.

Formulate plans and make recommendations for the most effective economic, social and physical development of the County, and its environmental impact on the County.

Cooperate with all departments of the State and Federal governments and public agencies concerned with programs directed toward the economic, social and physical development of the County, and environmental impact on the County and seek maximum coordination of County programs with these agencies.

Perform any and all functions necessary or desirable to secure the financial aid or cooperation of the federal government in carrying out the functions of the planning commission.

Consult with representatives of adjacent counties with respect to their planning so that conflicts in overall county plans may be avoided.

Review proposed land transactions by any County board, department, or agency for consistency with the County Development Plan and report to and advise the County Board of Commissioners regarding the proposal.

Consult and advise public officials and public agencies, private organizations and agencies and citizens within the County to develop adequate support and understanding of the objectives of the County plan.

Serve as the coordinating agency for all planning committees and commissions within the County.

Serve as a metropolitan county planning commission with the following specific duties:

Preparation of general physical plans with respect to pattern and intensity of land use, the provision of public facilities, and environmental impact together with long-range physical plans for such development.

Programming of capital improvements based on relative urgency together with definitive financial plans.

Coordination of all related plans of the departments or subdivisions of the government concerned.

Intergovernmental coordination of all related planning activities among the state and local governmental agencies concerned.

ORDINANCE ESTABLISHING THE OTTAWA COUNTY
PLANNING COMMISSION

1. Purpose

The intent of this ordinance is to create the Ottawa County Planning Commission pursuant to MCL 125.101. The Planning Commission's functions as described herein are deemed necessary to adequately promote, plan and coordinate Ottawa County's economic, social and physical development.

2. Composition and Compensation

The Planning Commission shall consist of six (6) members, including one representative from each of the following communities:

- Agricultural
- Business and Industrial
- Tourism
- Financial
- Environmental
- Sociological Academic

Two members of the Planning Commission must be members of the Ottawa County Board of Commissioners; however, a majority of the Planning Commission members may not hold another office or position in County Government.

Each appointed member shall serve a three year term, except that on the first appointment of the Planning Commission membership, two commissioners shall be appointed to a one year term and two commissioners shall be appointed to a two year term. The Ottawa County Board of Commissioners reserves the right to remove any member for nonperformance of duty or misconduct upon a public hearing.

Planning Commission members may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties and may be paid a per diem as established by the Ottawa County Board of Commissioners; however, in no event may such a per diem be paid at a rate in excess of the per diem paid to members of the Ottawa County Board of Commissioners.

3. Officers; Directors; Meetings; and Records

The Planning Commission must annually elect a chairperson from its membership and appoint a secretary who need not be a member. The Planning Commission may also create such other offices as it deemed advisable. The Planning Commission chairperson shall be seated on the Ottawa County Parks and Recreation Commission.

With the approval of the Ottawa County Board of Commissioners, the Planning Commission may employ a director and other personnel it deems necessary. Any expenditures or financial commitments must be within appropriations authorized by the Ottawa County Board of Commissioners. Likewise, contracts for goods or services must be approved by the Ottawa County Board of Commissioners and any personnel employed will be County employees.

The Planning Commission must hold at least four regular meetings each year and may hold as many other meetings as it deems necessary. It must adopt rules for the transaction of its business and keep a record of its resolutions, transactions, findings and determinations. Records of the Planning Commission will be public records.

4. Duties

The Planning Commission shall exercise the mandatory duties of a county planning commission as described in MCL 125.104, MCL 125.105 and MCL 125.106. Such mandatory functions will include, but are not limited to creation of an Ottawa County Development Plan to accommodate and promote the County's economic, social and physical growth.

In addition to the duties described or referenced above, the Planning Commission shall serve, pursuant to MCL 125.104 as the coordinating agency for all planning organizations operating within the County and is authorized to serve as a liaison between such organizations and any regional or state planning organization. In addition, the Planning Commission shall serve as a metropolitan county planning commission and shall exercise all of such a commission's rights and responsibilities as described in MCL 125.104a. The Planning Commission is authorized pursuant to MCL 125.104a to perform any and all functions necessary or desirable to secure the financial aid or cooperation of the federal or state governments in carrying out the functions of a county planning commission.

Item E

BYLAWS AND RULES OF THE OTTAWA COUNTY PLANNING COMMISSION

SECTION I

PURPOSE

The Ottawa County Planning Commission was created pursuant to MCL 125.101 et seq. by the Ottawa County Board of Commissioners. The provisions of the "Ordinance Establishing the Ottawa County Planning Commission" and any amendments thereto are incorporated herein by reference. That ordinance authorizes the Planning Commission to establish rules and bylaws to govern its operations. These Bylaws and Rules are to be read in a manner consistent with that ordinance, as well as state law, and any provision herein deemed inconsistent with the ordinance or state law shall be struck and the remainder of the Bylaws and Rules shall remain in full force and effect.

SECTION II

ORGANIZATION

2.1 MEMBERSHIP. By ordinance, the Planning Commission shall total six (6) members, two (2) from the Ottawa County Board of Commissioners and the remaining four (4) from among the following communities: agricultural, business and industrial, tourism, financial, environmental and sociological academic. Upon a proper vote, the Planning Commission may appoint ex-officio members to assist it in the performance of its duties. Ex-officio members shall not have voting rights.

2.2 FIDUCIARY DUTIES. All members including ex-officio members must recognize their fiduciary duty to the Planning Commission. While the Planning Commissioners and ex-officio members are representative of different constituencies within the county, they shall endeavor to promote the general public good rather than special interests. No Planning Commissioner or ex-officio member shall breach the confidentiality of Planning Commission material or information before it has been made public. Any such breach shall be considered cause for removal.

2.3 ATTENDANCE. If a member is unable to attend a Planning Commission or committee meeting, he or she must contact the Ottawa ✓ County Planning Department or Chairperson by 5 p.m. of the day preceding the meeting and advise them of the reason for the absence. That reason must then be reported at the meeting at which the member is absent. Failure to notify the Planning ✓ Department or the Chairperson of the reason for absence will result in the absence being declared "unexcused." The Planning Commission or committee shall also have the discretion, despite utilization of the notice and reporting provisions herein, to declare the absence "unexcused." Three (3) unexcused absences of a member in the aggregate during any twelve (12) month period, from Planning Commission and committee meetings shall be reported by the Secretary to the Ottawa County Board of Commissioners and may be "cause" for that Board's removal of the member.

2.4 COMPENSATION. Planning Commissioners may be paid a per diem as established by the Ottawa County Board of Commissioners. ✓ Ex-officio members shall not receive compensation.

Planning Commissioners and ex-officio members may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties. No such reimbursement shall be paid without appropriate receipt or mileage statement. Each Planning Commissioner or member shall be responsible for procuring and presenting such back-up documentation to the Secretary who shall collect and preserve such documentation.

SECTION III

OPERATIONS

3.1 SESSION. The Planning Commission shall operate on an annual session coterminous with the calendar year.

3.2 MEETINGS. The Planning Commission must hold at least four (4) meetings a session, including an organizational meeting each January. At the organizational meeting, the Planning Commission shall select a Chairperson, Vice-Chairperson and Secretary, the latter need not be a member of the Planning Commission.

At the organizational meeting, a schedule of regular meetings for the year shall be established, including the organizational meeting for the following January. This schedule shall include the date, time and meeting location. Notwithstanding the above regular meetings may be adjourned and rescheduled by the Chairperson for cause.

Special meetings to discuss particular topics may be called by the Chairperson or by a written request signed by three (3) Planning Commissioners and filed with the Secretary. Special

meetings of the Board will require seven (7) calendar days written notice to all Planning Commissioners of the meeting date, time, location and topic. No business except that related to the topic may be conducted at the special meeting.

Each Planning Commissioner shall be responsible for keeping the Secretary apprised of his or her current address and telephone number and if such information is utilized, no defect in notice will be recognized.

No Planning Commission action shall be official unless it occurs upon a proper vote at a properly convened meeting or unless it is ratified by a proper vote at a subsequent, properly convened meeting.

"Properly convened meeting" refers to a Planning Commission meeting where a majority of the appointed members are present, and which was the subject of seven (7) calendar days prior written notice to each member or diligent prior attempts to reach each member telephonically if the meeting was called with less than seven (7) calendar days notice.

"Proper vote" refers to a polling of the Planning Commissioners of the Planning Commission at a properly convened meeting which results, unless otherwise specified in these bylaws, in a ✓ majority of those members present and voting in support of a motion or resolution.

3.3 OFFICERS. The officers of the Planning Commission shall consist of the Chairperson, Vice Chairperson, and Secretary and shall be elected for a one year term by a proper vote at the organizational meeting.

Officers shall exercise functions including but not limited to those described below:

✓ Chairperson - shall preside at the meetings of the Planning Commission, serve as its spokesperson and signatory and coordinate its activities. The Chairperson of the Planning Commission shall be seated as a member of the Ottawa County Parks and Recreation Commission.

Vice Chairperson - shall exercise the powers of the Chairperson when the Chairperson is unavailable.

Secretary - shall be responsible for arranging meetings, and recording and distribution of the minutes of each meeting, and for carrying on the normal administrative duties necessary to the Planning Commission's functions. Upon approval of the Planning Commission, the details of these duties may be delegated to non-commission members or other Commission members.

3.4 COMMITTEES. The Planning Commission may establish such standing committees, special committees and task forces as it deems necessary. Such committees and task forces shall be advisory only in authority and shall not exercise the powers of the Planning Commission.

Standing committee members must be members of the Planning Commission. Members of special committees or task forces need not be members of the Planning Commission. Any special committee or task force established shall be required to file a written report of its activities upon the completion of its assigned task. Special committees or task forces shall be dissolved upon presentation of a final report. The Planning Commission may dissolve any special committee or task force it establishes, at any time. The Chairperson shall make committee and task force appointments subject to the approval of the Planning Commission

upon a proper vote. Each committee or task force shall elect a chairperson from its membership.

3.5 RULES OF ORDER. Except as otherwise provided herein, Roberts Rules of Order shall be used in all Planning Commission meetings, including those of its committees and task forces. Members shall have the following rights and duties:

- A. When a commissioner wishes to speak, he or she shall be recognized and address themselves to the Chairperson.
- B. When two (2) or more commissioners wish to speak at the same time, then the Chairperson shall decide who is to speak first.
- C. When a commissioner is speaking on any question before the Planning Commission, he or she shall not be interrupted except to be called to order.
- D. When a commissioner is called to order, he or she shall immediately suspend his or her address except to register an appeal. The Planning Commission, if appealed to, shall decide the question upon a proper vote. If there is no appeal, the ruling of the Chairperson shall be final.
- * E. The Chairperson shall vote on all questions decided by yea and nay except on an appeal from his or her own decision. When a yea and nay vote is taken, every commissioner present shall vote or note their absention.

3.6 ORDER OF BUSINESS. Regular meetings of the Planning Commission shall follow an order of business structured as follows:

- A. Call to Order by Chairperson
- B. Roll Call
- C. Announcements
- D. Approval of Minutes of Previous Meeting
- E. Presentation of Petitions and Communications

- F. Public Participation
- G. Reports of Standing and Special Committees
- H. Hearings
- I. Old Business
- J. New Business
- K. Adjournment

Public participation shall require that each individual identify his or her name and address and speak to the Chairperson in an orderly fashion. The Chairperson may set reasonable limits upon public participation, subject to reversal by a proper vote of the Planning Commission.

3.7 PERSONNEL. The Planning Commission may petition the Ottawa County Board of Commissioners for a director and other personnel deemed necessary. All such personnel shall be county employees subject to the policies and procedures of the Ottawa County Human Resources Department.

3.8 MINUTES. The Secretary shall record, prepare in writing, sign and maintain minutes of each Planning Commission ~~regular and special meeting, noting attendance and all Planning~~ Commission actions.

3.9 RECORDS. The records of the Planning Commission shall be considered public records subject to potential disclosure under the Freedom of Information Act, MCL 15.231 et seq. The Chairperson shall work with the Chairperson of the Ottawa County Board of Commissioners or designee in responding to requests for information.

SECTION IV

DUTIES

4.1 MANDATORY DUTIES. The Planning Commission shall perform the mandatory duties specified by statute including those in MCL 125.104, MCL 125.105 and MCL 125.106. A summary of duties, both mandatory and optional as authorized by the Ottawa County Board of Commissioners and adopted by the Planning Commission, are included as Attachment 1. The Planning Commission's primary duty is to create, revise and maintain the Ottawa County Development Plan which shall promote, plan and coordinate the County's economic, social and physical growth, and environmental impact.

4.2 METROPOLITAN COUNTY PLANNING COMMISSION. The Planning Commission shall perform metropolitan and regional planning pursuant to MCL 125.104a.

4.3 DEVELOPMENT PLAN. The Planning Commission may adopt the Plan in total or in parts corresponding to major geographical or topical sections. Approval of the Plan or any part shall require a proper vote of a majority of the members appointed and serving. An approving resolution must refer expressly to any maps, charts, plats or descriptive material intended to be part of Plan and such supplementary material must be signed by the Chairperson as a notation of its inclusion in the Plan. The Secretary shall create a seal which includes the signature of the Chairperson for this purpose.

Once adopted, the Plan or any part thereof must be submitted to the Ottawa County Board of Commissioners for their action by

the Secretary's filing of a certified copy of the Plan and its supplementary material with the Ottawa County Clerk.

4.4 PLANNING COMMISSION REVIEW. Once a Plan or a part thereof has been approved and certified, all county boards, departments or agencies must submit a report of planned land acquisition, or building extensions, construction, erections or improvements to the Planning Commission through its Secretary, who shall promptly advise the Chairperson of such a submission. The Planning Commission must furnish its advice and recommendations regarding the proposal to the Ottawa County Board of Commissioners and submitting board, agency or department within thirty (30) days of the filing of the proposal with its Secretary.

SECTION V

FISCAL ADMINISTRATION

5.1 BUDGET. The Planning Commission shall work within the fiscal administration and budgetary policies and procedures established by the Ottawa County Controller/Administrator. The Planning Commission shall not expend funds in excess of those appropriated by the Ottawa County Board of Commissioners.

5.2 EXPENDITURES. All expenditures of the Planning Commission must be approved by proper vote, although the Planning Commission may by proper vote authorize identified personnel to approve expenditures of not more than \$1,000.00 prior to the Planning Commission's approval, provided funds are budgeted for such expenditure and provided the Planning Commission's ratification is achieved at its next meeting.

5.3 ANNUAL AUDIT. The Planning Commission shall submit to and cooperate with the County's annual audit of all revenues and expenditures.

SECTION VI

ADOPTION AND AMENDMENTS

These Bylaws and Rules shall be adopted and become operative when approved by two-thirds of the Planning Commissioners appointed and serving. These Bylaws and Rules may be amended at any time provided the Planning Commissioners have been provided with a written copy of the proposed amendments at least seven (7) days prior to a meeting at which the amendment will be considered. Adoption of any amendment will require approval of two-thirds of the Planning Commissioners appointed and serving.

ATTESTATION

We, the Chairperson and Secretary of the Ottawa County Planning Commission hereby certify that on _____, 1990, the Planning Commission duly approved these Bylaws and Rules.

Chairperson

Secretary

Ottawa County Planning Commission History

1990 - 2020



Ottawa County
Where You Belong[®]



1990

The Ottawa County Planning Commission met for the first time on February 6, 1990. Commissioners sought to attend local planning commission meetings to develop relationships and inform them of the county's initiative to develop a countywide development plan. An October 2, 1990 work session with local units of government identified key environmental issues facing Ottawa County that would be addressed in a countywide development plan. These issues included:

- Uncontrolled growth and development
- Inadequate zoning without performance standards and controls
- Decline in surface and groundwater quality, especially in agricultural areas
- Agricultural land being viewed as "land in a holding pattern for development"
- Stress on the lower Grand River and all water sheds in Ottawa County

It was identified that the Ottawa County Planning Commission would act as a "mechanism for coordinating planning between units" and would act as an advisory body that provides information and studies for countywide land use initiatives. The commission performed several rezoning and PA 116 farmland preservation application reviews.

1990 Important Items

- Countywide development plan work session with local units of government

1991

Throughout 1991, the planning commission hosted four regional seminars that gathered feedback from Ottawa County residents on countywide planning. Some of their concerns were:

- Water/air quality
- Grand Rapids sewer overflow
- Wetlands and natural resource protection
- Education
- Need for mass transit/ride sharing
- Major corridor planning
- Need for parks and recreation land
- Local planning assistance to county communities
- Consistency in regulations and language
- Community facilities
- Service consolidation
- Utilize the county as a source of information and education
- Relation of the county planning commission to local planning

These items would be addressed in the countywide development plan being developed by staff.

1991 Important Items

- Hosted regional seminars to gather feedback from Ottawa County residents

1992

The planning commission adopted the 1992 Ottawa County Development Plan on December 22, 1992. In addition to continuing reviewing rezoning requests for local units of government and PA 116 applications, the commission discussed a request to move Ottawa County from the West Michigan Regional Planning Commission (WMRPC) to the West Michigan Shoreline Regional Development Commission (WMSRDC).

1992 also marked the beginning of the commission's involvement with the US-31 bypass (M-231), as a letter of support was drafted for the project's environmental impact statement (EIS) to begin in late 1992.

1992 Important Items

- Approved the 1992 Ottawa County Development Plan
- US-31 bypass letter of support for beginning environmental impact statement

1993

With the Ottawa County Development Plan in place, the planning commission performed a strategic planning session on March 18, 1993 to better identify the commission's goals and action items for the county. These goals are listed below:

Environmental: Goal 1 – The county, working with state and federal agencies, will actively protect our environment and set aside and preserve natural areas throughout the county. **Action** – Compile existing environmental regulations and recommend their feasibility and effectiveness to appropriate legislative/policy boards.

Environmental: Goal 2 – The county will promote policies and adoption of environmentally friendly regulations which protect our natural resources and encourage conservation. **Action** – Compile existing environmental regulations and recommend their feasibility and effectiveness to appropriate legislative/policy boards.

Quality of Life: Goal 3 – The county will work to promote and protect the physical, social, economic, and environmental well-being of the community. **Action** – Training seminars will be provided to local planning commissions.

Growth: Goal 4 – The county will work with federal and state agencies and local units of government to resolve service and infrastructure needs of the county. **Action** – Identify potential public and private funding for infrastructure and act as a clearinghouse to share information with local units. **Action** – Seek funding for infrastructure through grants and demonstration projects.

Growth: Goal 5 – The county will improve communication, information exchange, and coordination among units of local government and area agencies on countywide service and infrastructure needs. **Action** – Sponsor joint meetings of planning commission chairs on a countywide or regional basis to discuss issues of common concern. **Action** – Prepare a capital improvement plan and promote its funding.

The commission also discussed the reviewing policy required under the Township Rural Planning and Zoning Act. The act required that all zoning amendments be submitted to the planning commission, however, this requirement could be waived by a Board of Commissioners resolution. It was decided that the planning commission's policy of requiring rezoning reviews only when the changes were within 500 feet of a neighboring municipality was adequate.

1993 Important Items

- Commission performed strategic planning session to identify countywide land use goals and actions
- 1992 Ottawa County Development Plan received the Planning Honor Award from the Michigan Society of Planning Officials

1994

The planning commission was informed that the county received a grant for a groundwater demonstration project. This project would involve a partnership with the Michigan Society of Planning Officials and the GVSU Water Resources Institute to identify ways to mitigate groundwater contamination. It was decided the project would focus on the Village of Spring Lake, Jamestown Township, Port Sheldon Township, and later Robinson Township.

The commission was also shown the plans for the Ottawa County Fillmore Complex to be constructed over the coming years.

1994 Important Items

- Received W.K. Kellogg Grant for County & Local Partnerships for Groundwater Protection Zoning: A Michigan Demonstration Project, created agreement with GVSU Water Resources Institute to administer project

1995

The planning commission continued reviewing rezoning and PA 116 applications.

1995 Important Items

- N/A

1996

A joint teleconference with MSU Ottawa County extension was held on April 2, 1996 and identified the “most important land use challenges for Ottawa County”. These included:

- Agricultural issues (conflict and market issues, economics of farming and public perception of farming)
- “Section line building” which consumes lots of open space
- Large lots and “suburban sprawl”

The teleconference also identified steps the MSU Ottawa County extension and planning commission could take to address these issues such as:

- Educate citizens
- Provide forum/mechanism for local dialogue on land use issues
- Facilitate cooperation between local units of government, frame issues in a regional context

The commission also provided input on the Rural Character and Open Space Guidebook being developed to provide best practices to preserve agricultural and natural areas of the county.

1996 Important Items

- Completion of Ottawa County Rural Character and Open Space Guidebook
- MSU-E teleconference identifying opportunities
- Voted in favor of constructing the Ottawa County Fillmore Complex

1997

1997 was a busy year for the planning commission. The planning department received a new director, a countywide transit study began, the Water & Environment Subcommittee was formed, and the commission began acting as a mediating body on the US-31 bypass project.

The US-31 bypass project would become a staple agenda item over the coming years, with numerous presentations, discussions, and public hearings taking place. The first of which occurred on May 7, 1997 where residents from Crockery and Zeeland Townships opposed the creation of the 120th Avenue route being considered. Their concerns stemmed from the loss of farmland and the urban sprawl the highway would encourage. The Zeeland Township Board of Trustees signed a resolution opposing the highway’s development and the planning commission decided it would play a larger role in the US-31 bypass project going forward.

On June 4, 1997, the planning commission decided it would develop a route recommendation and would meet with MDOT to gain a better understanding of the project. A representative from MACC shared an information packet that stated between 1993 and 1996 the following meetings took place:

- 13 speaker presentations were presented to local organizations (Kiwanis, Rotary Club, chambers of commerce, North Ottawa Association of Realtors, ASCE Grand Haven)
- 7 major investment meetings between MPOs and local units of government
- 3 public hearings

An August 6, 1997 meeting featured MDOT officials stating that local townships didn't have "veto" authority, but the Ottawa County Board of Commissioners did due to the county's status as an Act 51 transportation agency. A joint resolution from Spring Lake Township, City of Grand Haven, Grand Haven Township, and the City of Ferrysburg denounced the proposed route alternative that would convert US-31 into an elevated free-way through the Tri-Cities area. A month later, representatives from Spring Lake, Grand Haven, and the central townships discussed the project's proposed routes, with each party arguing the route should pass through the other's municipality. Letters from disgruntled residents began flowing into planning commission inboxes and it was decided the commission would wait for MDOT's draft environmental impact statement to be released. In the meantime, the planning commission and staff would visit the proposed sites before developing an opinion.

On July 10, 1997, the Water & Environment Subcommittee convened for the first time. This body was organized to address septic and animal waste from agricultural operations and was tasked with overseeing a wetlands waste removal demonstration project.

1997 Important Items

- US-31 bypass discussions
- Creation of Water & Environment Subcommittee
- Countywide transit study began

1998

The planning commission received a position paper from WMSRDC on January 7, 1998 that supported the US-31 bypass route on its current alignment through the Tri-Cities area. January also marked the first meeting of the Transportation and Land Use Committee, which sought to "discuss and initiate policy regarding future transportation and infrastructure needs in Ottawa County based on an analysis of land use, population, and development trends". This body approved membership in MACC and GVMC and opposed an MDOT proposal to assume control of 59 miles of local municipal roads within Ottawa County.

In October 1998, the planning commission received letters of support from Polkton, Wright, and Tallmadge Townships supporting the US-31 bypass route through the central part of the county along 120th Avenue.

1998 Important Items

- First meetings of Transportation and Land Use Committee
- Ottawa County membership with GVMC and MACC
- Ottawa County Rural Character and Preservation Guidebook Completed
- Ottawa County Public Transportation Study Completed

1999

The US-31 Staff Position Paper was made available and discussed with the planning commission. The paper argued that the 120th Avenue route through the central townships was the ideal choice, as it would divert traffic around the highly traveled US-31 corridor. The paper stated that the county “has to prepare for growth” and that limiting exit ramps coupled with zoning could limit farmland destruction. This prompted criticism from Olive Township, Crockery Township, and the Ottawa County Farm Bureau, stating that the planning commission’s release of the Rural Character and Preservation Guidebook in 1998 coupled with this route decision was contradictory.

The Ottawa County Smart Growth Demonstration Project was discussed as a way to illustrate farmland preservation and traditional land use patterns. Both Jamestown and Blendon Townships were selected for the project in October 1999 and would undergo revised zoning ordinances and master plans to account for population growth and agricultural preservation.

1999 Important Items

- US-31 Bypass Staff Position Paper
- Began Ottawa County Smart Growth Demonstration Project
- Purchase planning department library materials

2000

The planning commission discussed updating the Ottawa County Development Plan completed in 1992. Items to be accounted for included:

- The transportation/land use connection
- Timelines on updating document
- Infrastructure issues
- Possibility of one overlay map of the county to deal with infrastructure, zoning, land use, and master plans of local units of government
- Coordination through communication between local units of government
- Address urban blight/redevelopment issues
- Cross jurisdictional planning as it relates to watersheds and transportation
- County planning department becoming a “clearinghouse” of information relating to successful planning techniques used in other parts of the country

The Water & Environment Subcommittee also performed a strategic planning session on January 13, 2000. The body would “provide leadership and problem resolution in environmental and water quality issues that are affecting Ottawa County.” Specific items the body would address included:

- Water treatment
- Air quality rules
- Home stewardship
- Tree programs
- Stormwater retention
- Exotics
- Impervious surfaces
- Buffer strips

The planning commission also developed a contract with a consultant to conduct the Ottawa County Non-Motorized Pathways Study.

2000 Important Items

- First “Excellence Through Training” seminar held September 16, 2000
- Began Non-Motorized Pathways Study

2001

The planning commission continued reviewing rezoning and PA 116 applications.

2001 Important Items

- N/A

2002

On September 12, 2002, the planning commission passed a motion to waive the review of local government zoning changes if they occurred more than 500 feet from another unit of government.

The planning commission also discussed coordinating efforts with the parks department and the road commission on incorporating four-foot paved shoulders on repaving projects.

2002 Important Items

- Blendon Township Smart Growth Zoning Ordinance
- Planning commission extended waiving local government zoning review requirement

2003

With increasing budget constraints, the US-31 bypass was removed from MDOT's 5-year transportation improvement plan. This jeopardized the project, as this delay would render the environmental impact statement (EIS) out-of-date, requiring an additional EIS to be completed. The planning commission passed a resolution requesting \$30 million be returned to the project and requested local units of government send similar resolutions to the Governor/MDOT.

The planning commission also discussed Ottawa County's potential purchase of development rights (PDR) program. An August 6, 2003 meeting outlined the pros and cons of a countywide PDR program. At this time, the commission decided to oppose a farmland PDR program.

It was also decided that PA 116 applications would only be brought to the planning commission if the applications requested an agreement termination from the program. All other applications would be handled within the planning department and summaries would be presented to the planning commission as needed.

2003 Important Items

- Resolution to reinstate funding for US-31 Bypass Project
- Planning commission granted administrative oversight of PA 116 applications to planning department

2004

The use of internet and email within the planning department was discussed, as reviewing documents and responding to local units of government would be more convenient. Access to wireless broadband internet was also raised as an important objective for countywide planning efforts.

With disjointed local government planning and zoning maps, the planning commission saw value in a standardized mapping initiative to illustrate countywide land use in a coherent, uniform manner. The department began working with local units of government to develop these map documents.

Concerns over crop and vegetation damage from salt applications was raised and the Road Salt Commission was created to minimize the use and impacts of road salt within the county. Policies such as designating sensitive "low-salt" areas and considering de-icing alternatives such as sand were incorporated in the "Recommendations for Salt Management" made available in August 2004.

The planning commission also discussed the Urban Smart Growth Demonstration Project, with the cities of Coopersville, Ferrysburg, Grand Haven, and Hudsonville chosen as potential partners. Out of these, Hudsonville was chosen, and the department began collaborating with the city on the project.

2004 Important Items

- Discussions on countywide wireless broadband initiative
- Approved Ottawa County Non-Motorized Pathways Study
- Began standardized mapping project
- Road Salt Commission created; Recommendations for Salt Management made available in Summer 2004
- North South Corridor Study (48th Avenue) was completed
- Urban Smart Growth Demonstration Project began, Hudsonville selected as partner

2005

The planning commission continued reviewing rezoning and master plan amendments. With the Tri-Cities region incorporated into WMSRDC's MPO service boundary in 2003, the department prepared a report outlining methods of improving communication between Ottawa County's 3 MPOs.

2005 Important Items

- 2005 Ottawa County MPO Report

2006

Ottawa County's depleting bedrock aquifer was first discussed in 2006, as homeowners in Allendale Township stated that their wells were running dry. This prompted concerns and the first discussions on conducting a countywide groundwater study.

The planning commission was informed of MDOT's decision to proceed with Phase I of the US-31 Bypass Project. This would construct M-231 between I-96 and M-45, providing the additional river crossing central to the project.

The planning commission decided to waive the requirement of receiving zoning ordinances, zoning text changes, or rezoning requests from local units of government if they occurred more than 500 feet from a municipal boundary.

2006 Important Items

- M-104 District Overlay District Ordinance
- First mention of declining water levels in Allendale Township
- Planning commission extended waiving local government zoning review requirement

2007

The planning commission was informed that the department would work with USGS on conducting a countywide groundwater study as well as performing an administrative update of the 1992 Ottawa County Development Plan.

The planning commission also discussed the proposed county PDR program. This program would be administered by an appointed agricultural board. The department would create a draft scoring system to illustrate what parcels would be eligible for the program.

With the M-231 project advancing, including a non-motorized pathway was discussed with MDOT.

2007 Important Items

- Begin work on countywide groundwater initiative
- Develop draft scoring system for countywide farmland PDR program

2008

The planning commission discussed a potential public transportation study, as the Tri-Cities communities cited a need for connections to Muskegon County.

The planning commission also received preliminary cost estimates for Phase I of M-231; construction of the freeway between I-96 and M-45 was estimated at \$150 million and the bridge over the Grand River estimated at \$35 million.

The planning commission was also informed Ottawa County would develop a brownfield redevelopment authority.

2008 Important Items

- Created Ethanol Production Facilities Model Ordinance for Wright Township
- Ottawa County Housing Needs Assessment made available
- Road Salt Management Program received NACO 2008 Achievement Award
- Urban Smart Growth Demonstration Project received “Honorable Mention” award from the Michigan Association of Planning
- Planning department moved offices into the west wing of the Ottawa County Fillmore Complex

2009

The 2008 Michigan Planning Enabling Act combined many of Michigan’s land use regulations under one law. The new legislation removed the requirement that county planning commissions review master plans of local units of government. Regardless, the planning department informed the planning commission that they would still review these documents to ensure consistency of land use decisions across Ottawa County.

With the Great Recession impacting Ottawa County, the planning commission discussed methods of attracting businesses. One of the discussions included creating a west Michigan metropolitan statistical area (MSA). MSAs are typically used by businesses to identify a region’s demographics and market potential, with areas of 1,000,000 or more in population seen as more attractive. Muskegon County, Ottawa County, Allegan County, and Kent County were separated into individual MSAs in 2003. These separate MSAs were discussed as not being representative of the region and the planning commission drafted a resolution to support including Ottawa County in a regional MSA.

2009 Important Items

- Supporting resolution for creation of a regional West Michigan MSA

2010

Michigan State University was selected to perform the Comprehensive Water Resource Study to research Ottawa County's groundwater challenges.

Following the removal of trees along Lakeshore Drive in Park Township by the Ottawa County Road Commission, the planning commission established the Tree Legacy Committee to resolve conflicts and establish guidelines for tree preservation.

The construction of the Musketawa White Pine Trail became a contested issue, as the trail would pass through the Triick Farm property in Wright Township. Concerns of vandalism and disturbing cattle were raised, and opposition from the farming community paused the project. The planning department would develop a report to weigh recommendations.

2010 Important Items

- Selected Michigan State University to conduct the Comprehensive Water Resource Study (Phase I Water Study)
- Establish Tree Legacy Committee
- Completion of the Zoning Ordinance for the Hudsonville Urban Smart Growth Demonstration Project

2011

The Ottawa County Musketawa Trail/Triick Farm Impasse Report was presented in January 2011, with the planning commission deciding to pursue other route alternatives.

The planning commission decided that PA 116 renewal applications could be handled by the planning department without commission approval.

2011 Important Items

- Ottawa County Musketawa Trail/Triick Farm Impasse Report
- Planning commission waived administrative oversight of PA 116 renewal applications

2012

The planning commission was informed of rezoning reviews and PA 116 applications as needed and approved the final report of the 2012 West Michigan Transit Linkages Study.

2012 Important Items

- 2012 West Michigan Transit Linkages Study

2013

Phase I of the MSU Water Resource Study was presented to the planning commission. This prompted discussions of developing monitoring wells to measure bedrock aquifer conditions across the county.

Discussions of a non-motorized trail connection along M-231 continued. A Board of Commissioners resolution was created that stated the county's intention to connect the bridge trail segment to the greater Ottawa County non-motorized network.

The planning department also received a \$400,000 EPA brownfield redevelopment authority grant that would encourage the redevelopment of contaminated sites within Ottawa County.

The department also presented the Agricultural Technology Business Incubator Report to the planning commission, which was then sent to the Board of Commissioners. The planning commission bylaws were also amended to include an ad-hoc member of the Ottawa County Road Commission.

2013 Important Items

- Phase I of Ottawa County Water Resources Study
- Secured \$400,000 EPA grant for brownfield redevelopment
- Agricultural Technology Business Incubator Report
- Amended planning commission bylaws to include ad-hoc road commission member

2014

The Board of Commissioners appointed a 13-member Groundwater Task Force to oversee the county's groundwater initiatives.

The Spoonville Trail project to connect the M-231 non-motorized bridge segment was contested by Crockery Township residents concerned about its proximity to the Spoonville Gun Club. Some farmers also wanted fences installed so trail users wouldn't disturb their cattle. The trail was rerouted due to MDOT considering an I-96/M-231 interchange. This required project reengineering and applying for MDNR grants for the updated route. The planning commission was informed the non-motorized bridge segment would be named the Henry E. Plant Memorial Pathway after the Civil War hero and Medal of Honor recipient from Nunica.

2014 Important Items

- Groundwater Task Force appointed by Board of Commissioners

2015

To celebrate the completion of the Urban Smart Growth Demonstration Project, both the Ottawa County and Hudsonville Planning Commissions featured a joint planning commission meeting on May 20, 2015.

The planning commission also discussed the potential agriculture technology incubator. The department received additional economic development staff to administer the incubator and the brownfield redevelopment authority.

The planning commission also forwarded a motion to waive all local government rezoning reviews. The commission would still review local government's master plan documents.

2015 Important Items

- Ottawa County Urban Smart Growth Demonstration Project Completion
- Ottawa County entered Remonumentation maintenance phase
- Planning commission waived local government zoning review requirement

2016

The planning commission discussed updating Ottawa County's Development Plan (last document was created in 1992 and updated in 2008).

The planning commission first discussed the West Michigan Pike Historical project, as pike markers were found along forgotten segments of the route.

2016 Important Items

- Phase II of Ottawa County Water Resource Study began
- Spoonville Trail Phase I completed

2017

The planning commission passed a resolution supporting the southern portion (Phase II) of M-231. The commission discussed how local units of government would need to amend their master plans to reflect the route.

Complaints of the Spoonville Trail Phase II complicated the trail's construction along Leonard Road, requiring the trail segment to be reengineered to pass through the Terra Verde Golf Course instead. This delayed the project and extended the construction timeframe.

2017 Important Items

- Resolution of support for M-231 Phase II
- The Ottawa County Agricultural Preservation Board hosts first "Farms are the Tapas" promotional event on September 17, 2017

2018

The planning commission discussed various broadband internet opportunities, as a survey conducted in Tallmadge Township identified areas of need within the county.

Phase II of the MSU Water Resource Study was made available and the development of a specialized Groundwater Commission was discussed.

2018 Important Items

- Phase II MSU Water Resource Study

2019

The planning commission passed a resolution opposing the Grand River Waterway proposal which would dredge the Grand River between Fulton Street in Grand Rapids and the Bass River State Recreation Area. The commission cited the damage to fish and wildlife habitats along with recurring costs that were unaccounted for in the study as reasons to oppose the project.

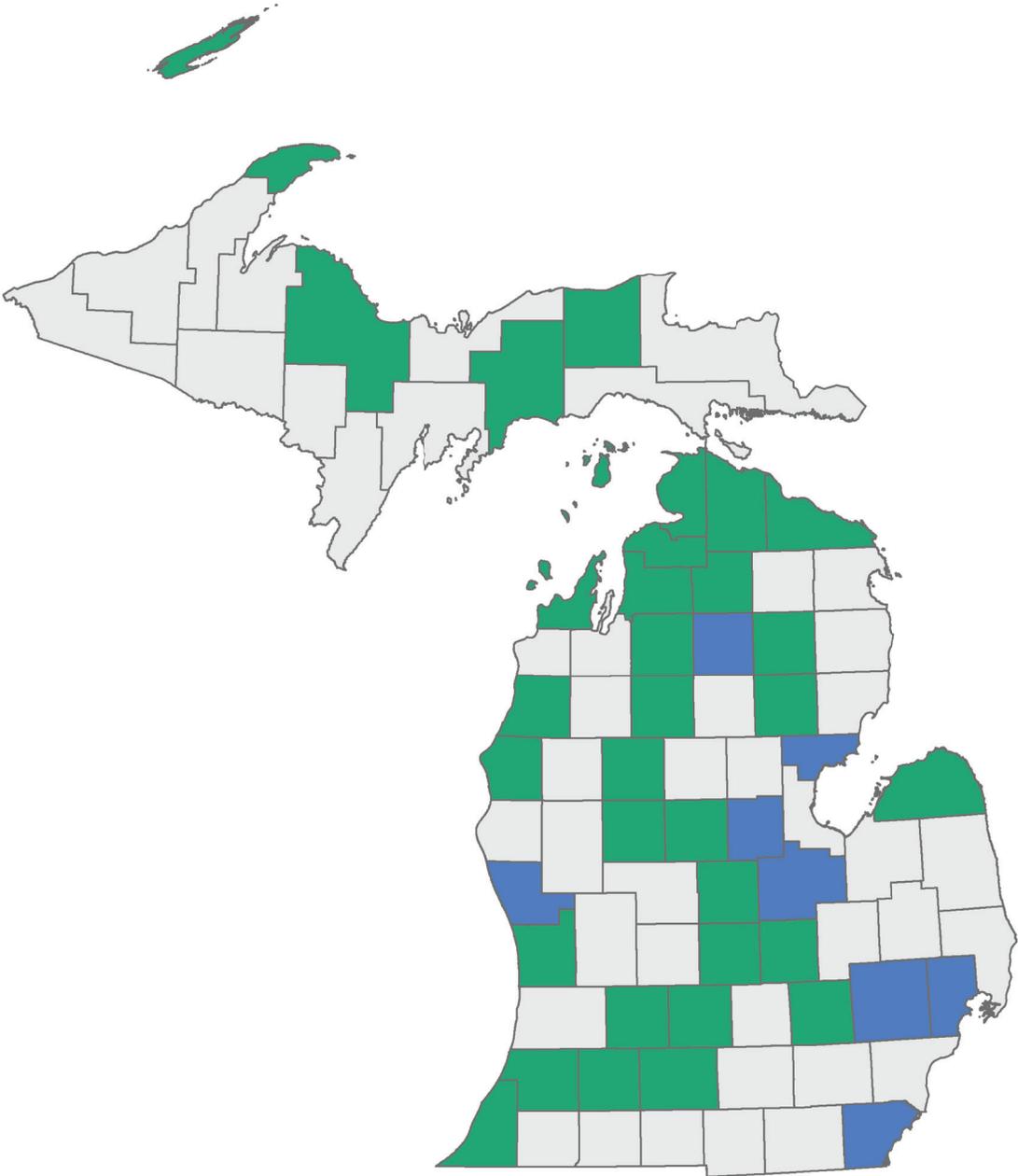
Staff also informed the planning commission that 10 townships had passed resolutions of support for the PDR farmland preservation program.

2019 Important Items

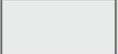
- Resolution of opposition for Grand River Waterway dredging project
- Ottawa County Groundwater Proactive Strategies Index

County Planning/Land Use Personnel in Michigan

Item G



Legend

-  Counties with planning/land use personnel but no planning commission (8 counties)
-  Counties with planning/land use personnel and planning commission (32 counties)
-  Counties with no planning/land use personnel (43 counties)

COUNTY BOARDS OF COMMISSIONERS (EXCERPT) Act 156 of 1851

46.11 Powers of county board of commissioners.

Sec. 11. A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

(a) Purchase or lease for a term not to exceed 20 years, real estate necessary for the site of a courthouse, jail, clerk's office, or other county building in that county.

(b) Determine the site of, remove, or designate a new site for a county building. The exercise of the authority granted by this subdivision is subject to any requirement of law that the building be located at the county seat.

(c) Authorize the sale or lease of real estate belonging to the county, and prescribe the manner in which a conveyance of the real estate is to be executed.

(d) Erect the necessary buildings for jails, clerks' offices, and other county buildings, and prescribe the time and manner of erecting them.

(e) Borrow or raise by tax upon the county those funds authorized by law. The exercise of the authority granted by this subdivision is subject to any voting requirement provided by the law authorizing the borrowing or tax if different from the voting requirement under section 3.

(f) Provide for the repayment of a loan made by the board, by tax upon the county. The loan must be repaid within 15 years after the date of the loan, except that a loan to erect a county building for a public function must be repaid within 30 years after the date of the loan.

(g) Prescribe and fix the salaries and compensation of employees of the county if not fixed by law and, except in a county having a board of county auditors, adjust claims against the county. The sum allowed in the adjustment of a claim is subject to appeal as provided by law.

(h) Direct and provide for the raising of money necessary to defray the current expenses and charges of the county and the necessary charges incident to or arising from the execution of the board's lawful authority, subject to the limitations prescribed in this act. The county board of commissioners may borrow in a year, in anticipation of the levy or collection of taxes for the year, a sum of money, not exceeding 50% of the tax to be levied or collected for the general fund of the county, necessary to defray current expenses of the county. The money borrowed must be repaid from the tax when levied and collected.

(i) Authorize the making of a new tax roll.

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. An ordinance or act of incorporation provided in this subdivision takes effect when notice of the adoption is published in a newspaper of general circulation in the county. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the district to be affected by the ordinance or act for approval or rejection, then the ordinance or act does not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

(k) Require a county officer whose salary or compensation is paid by the county to make a report under oath to the county board of commissioners on any subject connected with the duties of that office and require the officer to give a bond reasonable or necessary for the faithful performance of the duties of the office. An officer who neglects or refuses either to make a report or give a bond within a reasonable time after being required to do so may be removed from office by the board by a vote of 2/3 of the members elected or appointed, and the office declared vacant. The board may fill the vacancy for the unexpired portion of the term for which the officer was elected or appointed. If an election occurs before the expiration of the unexpired term, and if the office is elective, the vacancy must be filled at that election. The board shall give reasonable notice of the election to fill the vacancy.

(l) Represent the county and have the care and management of the property and business of the county if other provisions are not made.

(m) Establish rules and regulations in reference to the management of the interest and business concerns of the county as the board considers necessary and proper in all matters not especially provided for in this act or under the laws of this state. The county board of commissioners shall not audit or allow a claim, including a bill or charge, against the county unless the claim has been filed with the county clerk of the county before the fourth day of a regular meeting of the board, or before the second day of an adjourned or other meeting, the claim is contracted by the board during the session of the board or the claim is for mileage and per diem of the members of the board. The county clerk shall keep a book of all claims in the order in which the claims are presented, giving the name of each claimant and the amount and date of presentation of each claim. The book, after the time prescribed for the presentation of claims, must be delivered to the chairperson for the use of the board. At the October session, the board, by a vote of 2/3 of the members, may receive and allow accounts that have wholly accrued during the session.

(n) Subject to subdivision (o), remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.

(o) If the county has an appointed county manager or other appointed chief administrative officer or a county controller, the county board of commissioners may enter into an employment contract with that officer. The term of the employment contract may extend beyond the terms of the members of the county board of commissioners. The term of the employment contract must be 3 years or less, unless the employment contract is entered into on or after August 1 of an even-numbered year, in which case the term of the employment contract must be 1 year or less. However, in a county organized under 1966 PA 293, MCL 45.501 to 45.521, with an appointed chief administrative officer, an employment contract with the appointed chief administrative officer must be for the term provided by section 11a of 1966 PA 293, MCL 45.511a. An employment contract under this subdivision must be in writing and must specify the compensation to be paid to the officer, any procedure for changing the compensation, any fringe benefits, and any other conditions of employment. If the officer serves at the pleasure of the county board of commissioners, the contract must so state and may provide for severance pay or other benefits in the event the employment of the officer is terminated at the pleasure of the county board of commissioners.

(p) Establish rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding before the board.

(q) Acquire by exchange land needed for county purposes, including the purchase of land to be used in exchange for other land of approximate equal value owned by the federal government and needed for county purposes.

(r) Grant or loan money to a nonprofit corporation organized for the purpose of providing loans for private sector economic development initiatives. A grant or loan under this subdivision must not be derived from ad valorem taxes except for ad valorem taxes approved by a vote of the people for economic development. The county shall establish an application process for proposals to receive a grant or loan under this subdivision. The awarding of a grant or loan under this subdivision must be made at a public hearing of the county board of commissioners. The grant or loan contract must require a report to the county board of commissioners regarding the activities of the recipient and the degree to which the recipient has met the stated public purpose of the funding.

(s) By majority vote of the members of the county board of commissioners elected and serving in a county with an appointed board of county road commissioners, pass a resolution that transfers the powers, duties, and functions that are otherwise provided by law for the appointed board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subdivision, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain

commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(t) By majority vote of the members of the county board of commissioners elected and serving in a county with an elected board of county road commissioners, pass a resolution to submit to the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(u) If, after a board of county road commissioners is dissolved as provided in subdivision (s) or (t), the county board of commissioners for a county determines that a board of county road commissioners would provide a cost savings to the county residents and would better meet the needs of the county residents, the county board of commissioners for that county may do either of the following:

(i) By majority vote of the members of the county board of commissioners, adopt a county road system with a board of county road commissioners as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(ii) By majority vote of the members of the county board of commissioners, submit the question of adopting a county road system with a board of county road commissioners to a vote of the electors of the county as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(v) Loan money to a township within the county for the purpose of funding a road construction project or providing matching funds for a joint project between the county and the township. A loan granted under this subdivision must not exceed a term of 10 years.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 345;—Am. 1859, Act 244, Eff. May 18, 1859;—Am. 1867, Act 81, Eff. June 27, 1867;—CL 1871, 477;—Am. 1877, Act 165, Eff. Aug. 21, 1877;—How. 483;—CL 1897, 2484;—Am. 1905, Act 98, Eff. Sept. 16, 1905;—Am. 1909, Act 322, Eff. Sept. 1, 1909;—Am. 1913, Act 397, Eff. Aug. 14, 1913;—CL 1915, 2274;—Am. 1925, Act 69, Eff. Aug. 27, 1925;—CL 1929, 1130;—CL 1948, 46.11;—Am. 1955, Act 108, Imd. Eff. June 3, 1955;—Am. 1956, Act 132, Imd. Eff. Apr. 13, 1956;—Am. 1958, Act 59, Eff. Sept. 13, 1958;—Am. 1959, Act 193, Imd. Eff. July 22, 1959;—Am. 1964, Act 182, Eff. Aug. 28, 1964;—Am. 1975, Act 206, Imd. Eff. Aug. 21, 1975;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1978, Act 278, Imd. Eff. July 6, 1978;—Am. 1978, Act 629, Imd. Eff. Jan. 8, 1979;—Am. 1980, Act 334, Eff. Dec. 30, 1980;—Am. 1985, Act 171, Eff. Mar. 31, 1986;—Am. 1988, Act 227, Imd. Eff. July 8, 1988;—Am. 1994, Act 18, Eff. May 1, 1994;—Am. 1996, Act 22, Imd. Eff. Feb. 16, 1996;—Am. 1996, Act 396, Imd. Eff. Oct. 8, 1996;—Am. 1998, Act 97, Imd. Eff. May 15, 1998;—Am. 2003, Act 94, Imd. Eff. July 24, 2003;—Am. 2012, Act 15, Imd. Eff. Feb. 21, 2012;—Am. 2015, Act 236, Imd. Eff. Dec. 22, 2015;—Am. 2016, Act 77, Imd. Eff. Apr. 12, 2016;—Am. 2020, Act 1, Imd. Eff. Jan. 27, 2020.

Compiler's note: Act 259 of 1937 purported to amend this section, but the effective date of that act depended on the approval of Act 258 of 1937, which was defeated by referendum.

Item I

RESOLUTION

159-2018

**Repeal of Grand Traverse County Ordinance No. 30,
Grand Traverse County Planning Commission Ordinance**

WHEREAS, The Grand Traverse County Board of Commissioners met in regular session on October 3, 2018, reviewed recommendation to repeal Ordinance No. 30, the Grand Traverse County Planning Commission Ordinance which was adopted on January 28, 2015 as amended and to repeal any former Planning Commission Ordinance with the intent that there shall be no Planning Commission for Grand Traverse County; and,

WHEREAS, The intent of the Board of Commissioners in adopting this ordinance is to eliminate the Grand Traverse County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS THAT Grand Traverse County approves the Ordinance, attached hereto and hereby becoming a part of this resolution, to repeal the Grand Traverse County Planning Commission Ordinance No. 30.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners authorizes the Board Chair or County Administrator to effectuate the necessary documents to implement the Board authorized action.

APPROVED: October 3, 2018

ORDINANCE #33

AN ORDINANCE TO REPEAL GRAND TRAVERSE COUNTY ORDINANCE NO. 30, GRAND TRAVERSE COUNTY PLANNING COMMISSION ORDINANCE, WHICH WAS ADOPTED ON JANUARY 28, 2015 AS AMENDED, AND TO REPEAL ANY FORMER PLANNING COMMISSION ORDINANCES WITH THE INTENT THAT THERE SHALL BE NO PLANNING COMMISSION FOR GRAND TRAVERSE COUNTY

THE GRAND TRAVERSE COUNTY BOARD OF COMMISSIONERS ORDAINS:

- A. Grand Traverse County Ordinance No. 30, Grand Traverse County Planning Commission Ordinance of January 28, 2015 as amended is hereby repealed.
- B. Any previous planning commission ordinances that may have been in effect are also repealed.
- C. The intent of the Board of Commissioners in adopting this ordinance is to eliminate the Grand Traverse County Planning Commission.
- D. EFFECTIVE DATE: This ordinance shall take effect on October 8, 2018, when the notice of the adoption of this ordinance is published in a newspaper of general circulation in Grand Traverse County.

10/3/2018

/s/ Bonnie Scheele, County Clerk

10/3/2018

/s/ Carol J. Crawford, Chairwoman

COUNTY OF MONROE

RESOLUTION TO DISOLVE THE MONROE COUNTY PLANNING COMMISSION & TRANSFER STATUTORILY REQUIRED FUNCTIONS

WHEREAS, the Monroe County Board of Commissioners, as the governing body of Monroe County, Michigan, a Michigan county government, has established the Monroe County Planning Commission pursuant to Section 11 of Article II of Public Act 33 of 2008, the Michigan Planning Enabling Act, as amended; and

WHEREAS, the Monroe County Board of Commissioners did adopt the amended Monroe County Planning Ordinance on November 15, 2011; and

WHEREAS, under the Michigan Planning Enabling Act the Monroe County Planning Commission has been required to perform those primary duties under the Monroe County Planning Ordinance; and

WHEREAS, there is no statutory requirement for a county in the State of Michigan to adopt an ordinance creating and/or retaining a county planning commission as the existence of a county planning commission is a permissive act of a county government, and the County of Monroe has now determined to dissolve the Monroe County Planning Commission by rescinding the Monroe County Planning Ordinance; and

WHEREAS, the Monroe County Board of Commissioners has determined that dissolving the Monroe County Planning Commission would streamline the process of orderly development within Monroe County by eliminating the duplication of effort by both a local municipal government's planning authority and role of county planning that is advisory only; and

WHEREAS, local units of government are fully informed as to the impact of planning decisions made within their own jurisdictions and local citizens will continue to have direct access and input on planning decisions made at the local planning commission and township/municipal governing boards; and

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Monroe County Board of Commissioners of the County of Monroe, Michigan, a Michigan county government, hereby dissolves the Monroe County Planning Commission and statutorily required functions formerly performed by the Monroe County Planning Commission may be transferred to other officials and/or waived entirely; and

IT IS FURTHER RESOLVED, that pursuant to Section 41 of Article III of Act 33 of 2008, as amended, the Monroe County Board of Commissioners will directly receive proposed master plans of townships for review and comment; and

IT IS FURTHER RESOLVED, that pursuant to Section 307 of Article III of Act 110 of 2006, as amended, the Monroe County Board of Commissioners waives its right to review township ordinances and amendments; and

IT IS FURTHER RESOLVED, that pursuant to Part 361 of Act 451 of 1994, as amended, applications for the Farmland and Open Space Preservation program will be presented to the Monroe County Board of Commissioners as an item of the Board's agenda for informed consent and then forwarded with a review and recommendation prepared by the Monroe County Community Planning and Engagement Department to the Michigan Department of Agriculture, Farmland and Open Space Preservation Office; and

IT IS FURTHER RESOLVED, that pursuant to Section 65 of Article IV of Act 33 of 2008, as amended, the Monroe County Board of Commissioners directs it's chief administrative officer to administer a Monroe County capital improvements program as part of the County's financial management plan and budget development program; and

IT IS FURTHER RESOLVED, that in the absence of a planning ordinance and the requisite requirement for a master plan, the Monroe County Board of Commissioners will retain qualified professional services to lead a task force in the development and update of a county strategic plan every five (5) years with members of this task force representing varied sectors of Monroe County economic development disciplines; and

IT IS FURTHER RESOLVED, that this Resolution shall have immediate effect; and

IT IS FURTHER RESOLVED, that any and all previously adopted resolutions, policies, or programs of the Monroe County Board of Commissioners that are inconsistent with this Resolution are hereby repealed and terminated.

This Resolution was adopted by the Monroe County Board of Commissioners at a regular meeting held at the Monroe County Board Chambers, Monroe County Courthouse, Monroe County, Michigan, by a vote of a majority of the membership of the County Board of Commissioners, on the ____ day of October, 2019.

This Resolution was offered by Commissioner _____, and supported by Commissioner _____.

A roll call vote was taken and this Resolution was passed by a vote of _____ in favor, and _____ against, and _____ excused, and _____ abstained.

The Resolution was declared adopted, effective immediately.

J. Henry Lievens, Chairman
Monroe County Board of Commissioners

ATTEST:

Sharon D. Lemasters
Monroe County Clerk

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3307 Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.

Sec. 307. (1) Following the hearing required in section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

History: 2006, Act 110, Eff. July 1, 2006.

Item L

COUNTY OF OTTAWA

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the ___ day of _____, 2015 at _____ o'clock p.m. local time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Resolution be adopted:

WHEREAS, Section 307 of the Michigan Zoning Enabling Act (MCLA 125.3307) requires that a township submit any proposed rezoning, new zoning ordinance, and proposed text amendment to a zoning ordinance to a county planning commission (or the equivalent) for review and recommendation where such a body exists and such submission review requirements has not been waived or modified by the county board of commissioners for the county involved. More specifically, MCLA 125.3307 states in relevant part as follows:

125.3307 Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.

Sec. 307

(1) Following the hearing required in Section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or a county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

WHEREAS, the authority accorded to a county planning commission (or the equivalent body) under MCLA 125.3307 is recommendatory only – the township involved is free to disregard the county body’s recommendations and comments; and

WHEREAS, townships often find the county submission requirement under MCLA 125.3307 to be cumbersome and time-consuming. Furthermore, if the county submission procedure is not followed precisely, it could lead to court challenges thereafter for the township zoning matter involved; and

WHEREAS, many counties in Michigan have waived the MCLA 125.3307 county submission requirement or have made it optional for townships;

WHEREAS, in 2008 the Ottawa County Board of Commissioners adopted a resolution to waive the statutory requirement that township zoning amendments and other similar changes (except for rezonings within 500 feet of a local unit boundary) be submitted to the Ottawa County Planning Commission for review prior to taking effect.

WHEREAS, staff reductions have impacted the time and resources that can be dedicated to planning projects; and

WHEREAS, significant time and resources are required to review and process local rezoning requests which further impacts the ability to complete planning projects.

WHEREAS, in 2010, the County Board of Commissioners adopted a resolution which waived the requirement for the mandatory submission process whereby townships are required before adoption to submit rezonings, new zoning ordinances, and proposed amendments to zoning ordinances to the Ottawa County Planning Commission (or its successor) for recommendation.

WHEREAS, this resolution included a five-year sunset provision which expires on December 30, 2015 to study the impact of the resolution

WHEREAS, during this five-year period, neither the County Planning Commission nor the local units of government have reported or experienced any negative consequences of waiving this requirement while the conditions which prompted the Board of Commissioners to adopt the resolution in 2010 are largely the same

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to MCLA 125.3307, the Ottawa County Board of Commissioners hereby waives the mandatory submission process whereby townships are required before adoption to submit rezonings, new zoning ordinances, and proposed amendments to

zoning ordinances to the Ottawa County Planning Commission (or its successor) for recommendation.

2. Any township in Ottawa County may, at its sole and absolute discretion, submit a proposed new zoning ordinance, text amendment to a zoning ordinance, to the Ottawa County Planning Commission (or its successor) if it so chooses for informal review and comment. Any such submissions to the county pursuant to this Section 2 are optional only and shall not be mandatory.

3. Ottawa County also hereby requests that all townships voluntarily submit copies of all new ordinances and ordinance amendments to the County Clerk’s office within thirty (30) days of the date of enactment.

4. This resolution is revocable and may be amended or modified at any time by resolution of the Ottawa County Board of Commissioners.

5. This resolution shall have immediate effect. Furthermore, the Ottawa County Clerk is hereby directed to send a copy of this resolution to all townships located within Ottawa County.

6. This resolution shall automatically “sunset” and be of no further effect as of noon on December 30, 2018. The Ottawa County Board of Commissioners will study the impact of this resolution over the next three years before determining whether or not to adopt a successor resolution regarding this subject matter.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED:

Chairperson, Ottawa County
Board of Commissioners

Ottawa County Clerk/Register

Action Request



Committee:	Board of Commissioners
Meeting Date:	12/11/2018
Requesting Department:	Planning & Performance Improvement Department
Submitted By:	Paul Sachs
Agenda Item:	Statutory Requirements for Local Unit of Government Zoning Changes

Suggested Motion:

To approve and authorize the Board Chairperson and Clerk/Register to sign a resolution (with a three-year sunset) to waive the statutory requirements to compel local units of government to submit proposed township zoning ordinances, proposed zoning text changes and township rezoning requests to the County Planning Commission.

Summary of Request:

Pursuant to the Michigan Zoning Enabling Act, townships are required to submit zoning amendments to the County Planning Commission. In 2010, the County Board of Commissioners adopted a resolution waiving this requirement. This resolution included a five-year sunset provision, followed by subsequent resolution in 2015 which included a three-year sunset provision.

The resolutions were adopted for the following reasons:

1. The majority of local units of governments requested that Ottawa County waive this Statutory requirement because it's time consuming, local units could be open to litigation if the review process was not followed pursuant to Statute and since local units are free regardless to disregard the County's recommendations and comments related to submitted zoning amendment reviews.
2. Due to staffing limitations, the Planning and Performance Improvement Department (PPID) does not have the time or resources necessary to prepare a staff report to the Planning Commission for each proposed zoning change.

(continued on the next page)

Financial Information:

Total Cost: \$0.00	General Fund Cost: \$0.00	Included in Budget:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
--------------------	---------------------------	---------------------	------------------------------	-----------------------------	---

If not included in budget, recommended funding source:

Action is Related to an Activity Which Is: Mandated Non-Mandated New Activity

Action is Related to Strategic Plan:

Goal: Goal 2: To Contribute to the Long-Term Economic, Social and Environmental Health of the County.

Objective: Goal 2, Objective 1: Consider initiatives that contribute to the economic health and sustainability of the County and its' residents.

Administration: Recommended Not Recommended Without Recommendation

County Administrator: *Alan G. Vandenberg*

Committee/Governing/Advisory Board Approval Date:

Summary of Request Continued:

As noted above, the resolutions included sunset provisions in order to provide an opportunity to study the impact of the resolutions before adopting a successor resolution. Over the past three years since the adoption of the 2015 successor resolution, PPID has not noted any negative consequences of adopting the resolution and local units remain in favor of maintaining the waiver. Furthermore, PPID still does not have adequate staff resources to analyze and prepare reports on proposed local unit zoning changes.

COUNTY OF OTTAWA

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the 11th day of December 2018 at 1:30 o'clock p.m. local time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Resolution be adopted:

WHEREAS, Section 307 of the Michigan Zoning Enabling Act (MCLA 125.3307) requires that a township submit any proposed rezoning, new zoning ordinance, and proposed text amendment to a zoning ordinance to a county planning commission (or the equivalent) for review and recommendation where such a body exists and such submission review requirements has not been waived or modified by the county board of commissioners for the county involved. More specifically, MCLA 125.3307 states in relevant part as follows:

125.3307 Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.

Sec. 307

(1) Following the hearing required in Section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or a county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

WHEREAS, the authority accorded to a county planning commission (or the equivalent body) under MCLA 125.3307 is recommendatory only – the township involved is free to disregard the county body’s recommendations and comments; and

WHEREAS, townships often find the county submission requirement under MCLA 125.3307 to be cumbersome and time-consuming. Furthermore, if the county submission procedure is not followed precisely, it could lead to court challenges thereafter for the township zoning matter involved; and

WHEREAS, many counties in Michigan have waived the MCLA 125.3307 county submission requirement or have made it optional for townships; and

WHEREAS, in 2008 the Ottawa County Board of Commissioners adopted a resolution to waive the statutory requirement that township zoning amendments and other similar changes (except for rezonings within 500 feet of a local unit boundary) be submitted to the Ottawa County Planning Commission for review prior to taking effect; and

WHEREAS, significant time and resources are required to review and process each local rezoning request which further impacts the ability to complete more pertinent Countywide planning projects; and

WHEREAS, in 2010 and 2015 respectively, the County Board of Commissioners adopted a resolution which waived the requirement for the mandatory submission process whereby townships are required, before adoption, to submit rezonings, new zoning ordinances, and proposed amendments to zoning ordinances to the Ottawa County Planning Commission (or its successor) for recommendation; and

WHEREAS, the most recent 2015 resolution included a three-year sunset provision which expires on December 30, 2018; and

WHEREAS, during this three-year period, neither the County Planning Commission nor the local units of government have reported or experienced any negative consequences of waiving this requirement; and

WHEREAS, efforts to collaboratively enhance coordination of land use planning activities countywide are currently being pursued which align with the intent of the Statute referenced herein but do not result in excessive administrative burden for local units or the County to accomplish that end.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to MCLA 125.3307, the Ottawa County Board of Commissioners hereby waives the mandatory submission process whereby townships are required before adoption to submit rezonings, new zoning ordinances, and proposed amendments to zoning ordinances to the Ottawa County Planning Commission (or its successor) for recommendation.

2. Any township in Ottawa County may, at its sole and absolute discretion, submit a proposed new zoning ordinance, text amendment to a zoning ordinance, to the Ottawa County Planning Commission (or its successor) if it so chooses for informal review and comment. Any such submissions to the county pursuant to this Section 2 are optional only and shall not be mandatory.

3. This resolution is revocable and may be amended or modified at any time by resolution of the Ottawa County Board of Commissioners.

4. This resolution shall have immediate effect. Furthermore, the Ottawa County Clerk is hereby directed to send a copy of this resolution to all townships located within Ottawa County.

5. This resolution shall automatically “sunset” and be of no further effect as of noon on December 30, 2021. The Ottawa County Board of Commissioners will study the impact of this resolution over the next three years before determining whether or not to adopt a successor resolution regarding this subject matter.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED:

Chairperson, Ottawa County
Board of Commissioners

Ottawa County Clerk/Register

MICHIGAN PLANNING ENABLING ACT (EXCERPT)
Act 33 of 2008

125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

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

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

MICHIGAN PLANNING ENABLING ACT (EXCERPT)
Act 33 of 2008

125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

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

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.36104 Application for farmland development rights agreement; form; contents; notice; review, comment, and recommendations; approval or rejection; appeal; preparation, contents, execution, and recordation of agreement; annual listing of current agreements; application effective for current tax year; reapplication; tax exemption.

Sec. 36104. (1) An owner of land desiring a farmland development rights agreement may apply by filing an application with the local governing body having jurisdiction under this part. The owner shall apply on a form prescribed by the state land use agency. The application shall contain information reasonably necessary to properly classify the land as farmland. This information shall include a land survey or a legal description of the land and a map showing the significant natural features and all structures and physical improvements located on the land.

(2) Upon receipt of the application, the local governing body shall notify the county planning commission or the regional planning commission and the soil conservation district agency. If the county has jurisdiction, it shall also notify the township board of the township in which the land is situated.

(3) An agency or local governing body receiving notice has 30 days to review, comment, and make recommendations to the local governing body with which the application is filed. These reviewing agencies do not have an approval or rejection power over the application.

(4) After considering the comments and recommendations of the reviewing agencies and local governing bodies, the local governing body holding the application shall approve or reject the application within 45 days after the application is received, unless that period is extended by agreement of the parties involved. The local governing body's approval or rejection of the application shall be based upon, and consistent with, rules promulgated under section 36116.

(5) If an application for a farmland development rights agreement is approved by the local governing body having jurisdiction, the local governing body shall forward a copy, along with the comments and recommendations of the reviewing bodies, to the state land use agency. The application shall contain a statement from the assessing officer where the property is located specifying the current fair market value of the land and structures in compliance with the agricultural section of the Michigan state tax commission assessor manual. If action is not taken by the local governing body within the time prescribed or agreed upon, the applicant may proceed as provided in subsection (6) as if the application was rejected.

(6) If the application for a farmland development rights agreement is rejected by the local governing body, the local governing body shall return the application to the applicant with a written statement regarding the reasons for rejection. Within 30 days after receipt of the rejected application, the applicant may appeal the rejection by submitting the application to the state land use agency.

(7) The state land use agency, within 60 days after a farmland development rights agreement application is received under subsection (5) or (6), shall approve or reject the application. The state land use agency may reject an application for a farmland development rights agreement that has been approved by a local governing body only if the proposed agreement would be inconsistent with section 36101(f). If the application is approved by the state land use agency, the state land use agency shall prepare a farmland development rights agreement that includes all of the following provisions:

(a) A structure shall not be built on the land except for use consistent with farm operations, which includes a residence for an individual essential to the operation of the farm under section 36111(2)(b), or lines for utility transmission or distribution purposes or with the approval of the local governing body and the state land use agency.

(b) Land improvements shall not be made except for use consistent with farm operations or with the approval of the local governing body and the state land use agency.

(c) Any interest in the land shall not be sold except a scenic, access, or utility easement that does not substantially hinder farm operations.

(d) Public access is not permitted on the land unless agreed to by the owner.

(e) Any other condition and restriction on the land as agreed to by the parties that is considered necessary to preserve the land or appropriate portions of it as farmland.

(8) Upon approval of an application by the state, the state land use agency shall execute the farmland development rights agreement on behalf of the state and shall forward the agreement to the applicant for execution. After the applicant executes the farmland development rights agreement, the applicant shall have the executed farmland development rights agreement recorded by the register of deeds in the county in which the property is located. The applicant shall provide a copy of the recorded farmland development rights agreement to the state land use agency.

(9) The state land use agency shall annually provide a listing of current farmland development rights agreements to county equalization offices where the land is located and to the approving local governing body.

(10) An application that is approved by the local governing body by November 1 shall take effect for the current tax year.

(11) If an application for a farmland development rights agreement is rejected by the state land use agency, the state land use agency shall notify the affected local governing body, all reviewing agencies concerned, and the applicant with a written statement containing the reasons for rejection. An applicant receiving a rejection from the state land use agency may appeal the rejection pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(12) An applicant may reapply for a farmland development rights agreement following a 1-year waiting period.

(13) The value of the jointly owned development rights as expressed in a farmland development rights agreement is not exempt from ad valorem taxation and shall be assessed to the owner of the land as part of the value of that land.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 1996, Act 233, Imd. Eff. June 5, 1996;—Am. 2016, Act 265, Eff. Sept. 26, 2016.

Popular name: Act 451

Popular name: Farmland and Open Space

Popular name: NREPA