



Appendix



Appendix A

JOINT MUNICIPAL PLANNING ACT
Act 226 of 2003

AN ACT to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

The People of the State of Michigan enact:

125.131 Short title.

Sec. 1. This act shall be known and may be cited as the "joint municipal planning act".

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.133 Definitions.

Sec. 3. As used in this act:

(a) "Municipality" means a city, village, or township.

(b) "Participating" means, with respect to a municipality, that the municipality is a member of a joint planning commission.

(c) "Planning act" means either of the following acts:

(i) 1931 PA 285, MCL 125.31 to 125.45, if a city or village is a participating municipality or a township whose planning commission was created under that act is a participating municipality.

(ii) 1959 PA 168, MCL 125.321 to 125.333, if a township whose planning commission was created under that act is a participating municipality.

(d) "Registered elector of the municipality" means a registered elector residing in the municipality or, if the municipality is a township, a registered elector residing in the portion of the township outside the limits of cities and villages.

(e) "Zoning act" means either of the following:

(i) The city and village zoning act, 1921 PA 207, MCL 125.581 to 125.600, if a city or village is a participating municipality.

(ii) The township zoning act, 1943 PA 184, MCL 125.271 to 125.310, if a township is a participating municipality.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.135 Joint planning commission; approval of agreement; specifications.

Sec. 5. Subject to section 9, the legislative bodies of 2 or more municipalities may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify at least all of the following:

(a) The composition of the joint planning commission, including any alternate members.

(b) The qualifications, the selection by election or appointment, and the terms of office of members of the joint planning commission.

(c) Conditions and procedures for removal from office of members of the joint planning commission and for filling vacancies in the joint planning commission.

(d) How the operating budget of the joint planning commission will be shared by the participating municipalities.

(e) The jurisdictional area of the joint planning commission, which may consist of all or part of the combined territory of the participating municipalities.

(f) Procedures by which a municipality may join or withdraw from the joint planning commission.

(g) The planning act whose procedure will be followed by the joint planning commission in adopting a plan or exercising any other power or performing any other duty of a planning commission. The planning act shall be a planning act that would otherwise be applicable to at least 1 participating municipality.

(h) The zoning act whose procedure will be followed by the joint planning commission in exercising the powers and performing the duties of a zoning board or zoning commission. The zoning act shall be a zoning act that would otherwise be applicable to at least 1 participating municipality.

(i) Any additional provision concerning the powers or duties of a zoning board or zoning commission that the zoning act specified pursuant to subdivision (h) authorizes to be set forth in a zoning ordinance and that is agreed to by the participating municipalities.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.137 Joint planning commission; powers and duties.

Sec. 7. (1) All the powers and duties of a planning commission under each planning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. In exercising such powers or performing such duties, the joint planning commission shall follow the procedure provided under the planning act specified pursuant to section 5(g).

(2) All the powers and duties of a zoning board or zoning commission under each zoning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. In exercising such powers or performing such duties, the joint planning commission shall follow the procedure provided under the zoning act specified pursuant to section 5(h).

(3) If only part of the territory of a participating municipality is in the jurisdictional area of a joint planning commission, the participating municipality, with the joint planning commission acting as the zoning board or zoning commission, may adopt a zoning ordinance that affects only that portion of its territory in the jurisdictional area of the joint planning commission.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.139 Adoption of ordinance by municipality; notice of intent to file petition; petition subject to certain laws; referendum.

Sec. 9. (1) Subject to subsection (3), if a municipality adopts an ordinance under section 5, within 7 days after the municipality publishes the ordinance or a synopsis of the ordinance, whichever is required by law, a registered elector of the municipality may file with the clerk of the municipality a notice of intent to file a petition under this section. If a notice of intent is filed, then within 30 days following the publication of the ordinance or synopsis, a petition signed by a number of registered electors of the municipality equal to not less than 15% of the total votes cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the municipality may be filed with the clerk of the municipality requesting the submission of the ordinance to the registered electors of the municipality for their approval. Upon the filing of a notice of intent, the ordinance adopted by the legislative body of the municipality shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance or synopsis, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the municipality determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the municipality determines that the petition is adequate and the ordinance is approved by a majority of the registered electors of the municipality voting for the ordinance at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The legislative body of the municipality shall provide the manner of submitting the ordinance to the registered electors of the municipality for their approval or rejection, and determining the result of the election.

(2) A petition under subsection (1), including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition under subsection (1) is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(3) If a municipality has a charter and the charter provides for a right of referendum on municipal ordinances, then, in that municipality, the charter referendum provisions, instead of subsections (1) and (2), apply to an ordinance adopted under section 5.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.141 Conduct of business at public meeting; writings subject to freedom of information act.

Sec. 11. (1) The business that a joint planning commission may perform shall be conducted at a public meeting of the joint planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained by a joint planning commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2003, Act 226, Imd. Eff. Dec. 18, 2003.

125.143 Allocation of land; conditions.

Sec. 13. (1) If a joint plan allocates land, within the territory of a participating municipality and the jurisdictional area of the joint planning commission, for a particular land use, both of the following apply:

(a) The joint plan need not allocate land that is within the territory of any other participating municipality and that is within the jurisdictional area of the joint planning commission for that land use.

(b) A plan of a participating municipality under 1959 PA 168, MCL 125.321 to 125.333, or 1931 PA 285, MCL 125.31 to 125.45, need not allocate land that is within the territory of that participating municipality but that is outside the jurisdictional area of the joint planning commission, if any, for that land use.

(2) If a plan of a participating municipality under 1959 PA 168, MCL 125.321 to 125.333, or 1931 PA 285, MCL 125.31 to 125.45, allocates land that is within the territory of the participating municipality but that is outside of the jurisdictional area of the joint planning commission for a particular land use, the joint plan need not allocate land for that land use.

History: Add. 2004, Act 405, Imd. Eff. Nov. 22, 2004.



Appendix B

TOWNSHIP PLANNING
Act 168 of 1959

AN ACT to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1998, Act 194, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

125.321 Township planning commission; definitions.

Sec. 1. As used in this act:

(a) "Basic plan" or "plan" means a master plan, general development plan, guide plan, or the plan referred to in 1943 PA 184, MCL 125.271 to 125.310, being the basis on which the zoning plan is developed.

(b) "Citizen member" means a member of a township planning commission holding no other township office except that a citizen member may be a member of a township zoning board of adjustment or appeals.

(c) "County board of commissioners" means 1 of the following, as applicable:

(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, 1 of the following:

(A) The elected county board of commissioners.

(B) A subcommittee of the county board of commissioners if the county board of commissioners delegates its powers and duties under this act to such a subcommittee.

(C) The regional planning commission for the region in which the county is located if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(D) "Planning commission" means township planning commission.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.322 Township planning commission; purpose of plans.

Sec. 2. The purpose of plans prepared pursuant to this act shall be to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and to consider the character of each township and its suitability for particular uses judged in terms of such factors as the trend in land and population development.

History: 1959, Act 168, Eff. Mar. 19, 1960.

125.323 Township planning commission; creation; referendum; resolution, copies to secretary of state and county or regional planning commission.

Sec. 3. (1) The township board of any township may create, by resolution, a township planning commission with power to make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township as provided in this act.

(2) The resolution creating a planning commission shall become effective 60 days after publication in a newspaper having general circulation in a township. Within 60 days following the publication of the resolution by the township board, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, may be filed with the township clerk praying therein for the submission of the resolution to the electors residing in the unincorporated portion of the township for their approval or rejection. Upon the filing of the petition, the resolution shall not take effect until approved by a majority of the electors voting thereon at the next regular or special election which allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose. The township board shall provide the manner of submitting such resolution to the electors for their approval or rejection, and determining the results thereof.

(3) Upon the filing with the township clerk of a petition requesting the township board to adopt a resolution as herein provided, signed by a number of qualified and registered voters residing in the unincorporated area of the township equal to not less than 8% of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, the township board, at its first meeting following such filing shall submit the same to a vote as provided in this section.

(4) The township clerk shall transmit copies of the resolution to the secretary of state and to the planning commission of the county of which the township is a part, and if there is no county planning commission, to the regional planning commission which is exercising planning jurisdiction over the township, within 10 days after adoption. The secretary of state shall maintain a public record of all resolutions so received.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1962, Act 78, Eff. Mar. 28, 1963.

125.323a Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.

Sec. 3a. A petition under section 3, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 194, Eff. Mar. 23, 1999.

125.324 Township planning commission; members, qualification, appointment, term, vacancies, compensation, budget; gifts; expenditures.

Sec. 4. (1) The planning commission shall consist of not less than 5 nor more than 9 members, who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and property owners of the township. One member of the township board shall be a member of the planning commission.

(2) All members of the planning commission shall be appointed by the township supervisor with the approval of the township board. Members may be removed by the township supervisor, after a hearing, with the approval of the township board.

(3) The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

(4) Members of the planning commission may be compensated for their services as provided by the township board. The planning commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the township planning commission, including attendance at conferences and meetings. The planning commission shall prepare a detailed budget and submit same to the township board for approval or disapproval. The township board annually may appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match township funds with federal, state, county or other local government or private grants. The township board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township treasurer shall draw warrants against the special nonreverting fund only upon vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the township clerk. The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the township board.

History: 1959, Act 168, Eff. Mar. 19, 1960.

125.325 Township planning commission; election of officers; creation of offices and committees; term of officer; appointment of advisory committees; meetings; conducting business at public meeting; notice of meeting; powers of township board; rules; public record; annual report; availability of certain writings to public.

Sec. 5. (1) The planning commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The term of each officer shall be 1 year. The planning commission may appoint advisory committees outside of its membership.

(2) The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. A special meeting may be called by 2 members upon written request to the secretary or by the chairperson. The business which the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267

of the Public Acts of 1976 and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

(3) The township board, upon recommendation of the planning commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

(4) The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1965, Act 97, Imd. Eff. June 28, 1965;—Am. 1977, Act 168, Imd. Eff. Nov. 17, 1977.

125.326 Basic plan as guide for development of unincorporated portions of township; basis; expert advice and information; technical assistance; adoption of plan for certain geographic area; site plan; authority of planning commission clarified.

Sec. 6. (1) The township planning commission shall make and approve a basic plan as a guide for the development of unincorporated portions of the township. As a basis for the plan, the township planning commission may do any of the following:

- (a) Make inquiries, investigations, and surveys of all the resources of the township.
- (b) Assemble and analyze data and formulate plans for the proper conservation and uses of all resources, including a determination of the extent of probable future need for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.
- (c) Meet with other governmental planning commissions to deliberate.

(2) The township planning commission may make use of expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to township planning. State, regional, county, and municipal officials, departments, and agencies shall make available public information for the use of township planning commissions and may furnish such other technical assistance and advice as they may have for planning purposes.

(3) In addition to the basic plan provided in subsection (1), by a majority vote of the members, the township planning commission may adopt a plan for a geographic area less than the entire unincorporated area of the township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 2. Before adoption of a plan under this subsection, the township planning commission shall hold at least 1 public hearing on the plan after giving notice as provided in section 8(1).

(4) After adoption of a plan under this act, a site plan for a property located in the plan area that is required to be submitted under section 16e of the township zoning act, 1943 PA 184, MCL 125.286e, shall comply with the plan adopted under this act.

(5) The purpose of the 1987 amendments to this section was to clarify the authority of a planning commission, which was implied from the language of this act, but was not specifically set forth in this act.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1987, Act 73, Imd. Eff. June 29, 1987;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.327 Basic plan; contents.

Sec. 7. The basic plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township. The basic plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the township:

(a) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(b) The general location, character and extent of streets, roads, highways, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution, and works for maintaining water

levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities.

(d) Recommendations for implementing any of its proposals.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.327a Adoption of basic plan; notice; submission of information electronically.

Sec. 7a. (1) A basic plan shall be adopted under the procedures set forth in this section and sections 7b and 8.

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

(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the township.

(b) The regional planning commission for the region in which the township is located, if there is no county planning commission for the county where the township is located. If there is a county planning commission for the county where the township is located, the township planning commission may consult with the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and mailing address for this purpose with the township planning commission.

(3) The notice to an entity under subsection (2) may request permission for the township or county, as applicable, to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

History: Add. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.327b Adoption of basic plan; submission to township board; review and comment; notice to certain entities; submission of comments; advisory statements.

Sec. 7b. (1) A plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the township or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the township planning commission shall submit the proposed plan to the township board for review and comment.

(3) If the township board approves the distribution of the proposed plan, it shall notify the secretary of the planning commission and the secretary of the township planning commission shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the township.

(b) The regional planning commission, if any, for the region in which the township is located, if there is no county planning commission for the county in which the township is located. If there is a county planning commission for the county in which the township is located, the secretary of the township planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located. The secretary of the township planning commission shall concurrently submit to the county planning commission or, if there is no county planning commission, the county board of commissioners, a statement, signed by the secretary, that the requirements of subdivisions (a) and (b) have been met. The statement shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and address for this purpose with the secretary of the township planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the township for any copying and

postage costs thereby incurred by the township.

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the township planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the township planning commission its comments on the proposed basic plan. 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, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

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

(6) The statements provided for in subsection (5)(a) and (b) are advisory only.

History: Add. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.328 Basic plan; public hearing approval procedure; approval by township board; final adoption.

Sec. 8. (1) Before approving a proposed basic plan, the township planning commission shall hold a public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The township planning commission shall publish notice of the hearing twice in a newspaper of general circulation in the township. The first publication shall be not more than 30 days or less than 20 days before the date of the hearing. The second publication shall be not more than 8 days before the date of the hearing.

(2) At or after the hearing under subsection (1), the township planning commission may approve the proposed plan by majority vote of its membership. Following approval of the proposed plan by the township planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the township board.

(3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, unless the township board by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the township board shall approve or reject the plan.

(4) If the township board rejects the proposed plan, the township board shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the township board's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the township board.

(5) The plan is effective upon final adoption. Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.329 Plan amendment or adoption of new plan.

Sec. 9. (1) An extension, addition, revision, or other amendment to a basic plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, both of the following apply:

(a) The 65-day period otherwise provided for in section 7b(4) shall be 40 days.

(b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.

(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(3) Until 1 year after the effective date of the 2001 amendments that added this subsection, a township may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

(4) The planning commission shall promote public understanding of and interest in the plan, shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1999, Act 197, Imd. Eff. Dec. 20, 1999;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.330 Basic plan; approval of public way, space, building, or structure; adoption of capital improvement program.

Sec. 10. (1) Whenever the planning commission has adopted the basic plan of the township of 1 or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the township or in the planned section and district until the location, character and extent thereof shall have been submitted to and approved by the planning commission. The planning commission shall communicate its reasons for approval or disapproval to the township board, which shall have the power to overrule the planning commission by a recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the township board, then the submission to the planning commission shall be by the board, commission or body having jurisdiction, and the planning commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership. The failure of the planning commission to act within 60 days after the official submission to the planning commission shall be deemed approval.

(2) A township may adopt a capital improvement program.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1960, Act 10, Imd. Eff. Mar. 30, 1960;—Am. 2001, Act 263, Imd. Eff. Jan. 9, 2002.

125.331 Transfer of powers and duties for zoning boards to planning commission; postponement; filing zoning ordinances and amendments.

Sec. 11. The township board, by resolution, may transfer to the planning commission all powers and duties provided by the township rural zoning act, Act No. 184 of the Public Acts of 1943, as amended, being sections 125.271 to 125.301 of the Michigan Compiled Laws, for zoning boards created under that act. If the existing zoning board is nearing the completion of its zoning plan, the township board shall postpone the transfer of the zoning board's powers and duties until the completion of the zoning plan, but the postponement shall not exceed 1 year. In a county in which a county planning commission is established, the township planning commission shall file with the county planning commission a copy of the township zoning ordinances and any amendments to the ordinances.

History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1966, Act 193, Eff. Mar. 10, 1967;—Am. 1980, Act 228, Imd. Eff. July 20, 1980;—Am. 1990, Act 142, Imd. Eff. June 27, 1990.

125.332 Approval of plats.

Sec. 12. The township board shall refer plats or other matters relating to land development to the planning commission before final action thereon by the township board and may request the planning commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design and the physical improvements that may be required.

History: 1959, Act 168, Eff. Mar. 19, 1960.

125.333 Inconsistent acts.

Sec. 13. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling except that this act shall not supersede Act No. 240 of the Public Acts of 1937, as amended, being sections 338.551 to 338.576 of the Compiled Laws of 1948, as to work required to be performed by registered architects, professional engineers or land surveyors. This act shall not preclude the creation or continuance of a township planning commission created pursuant to Act No. 285 of the Public Acts of 1931, as amended, being sections 125.31 to 125.45 of the Compiled Laws of 1948.

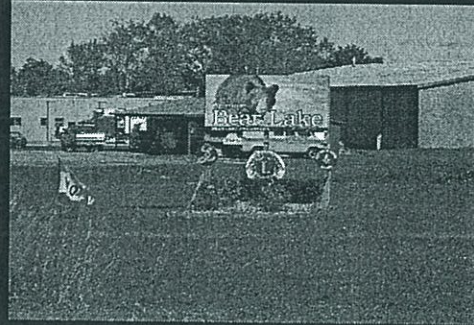
History: 1959, Act 168, Eff. Mar. 19, 1960;—Am. 1963, Act 91, Eff. Sept. 6, 1963.



Appendix C

Bear Lake

Bear Lake



Bear Lake

Bear Lake



Bear Lake



Bear Lake



Bear Lake



Bear Lake



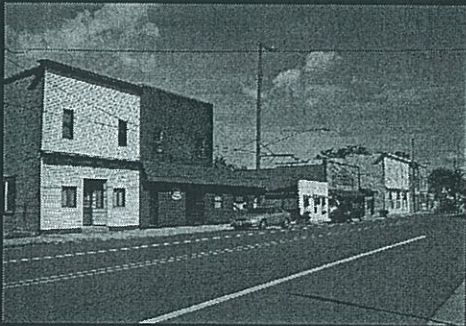
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Bear Lake



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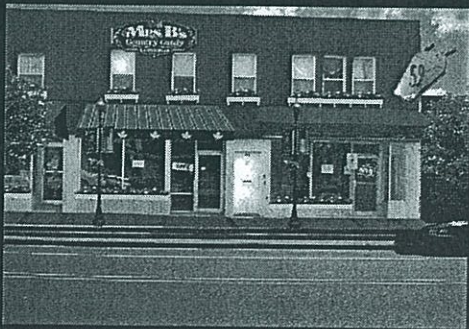
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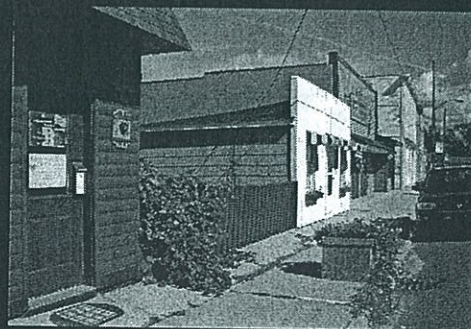
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Bear Lake



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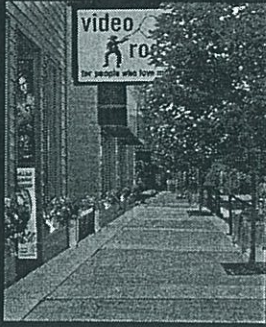
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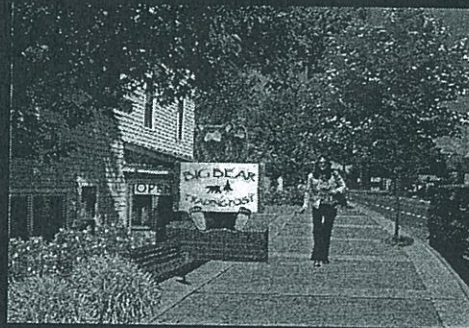
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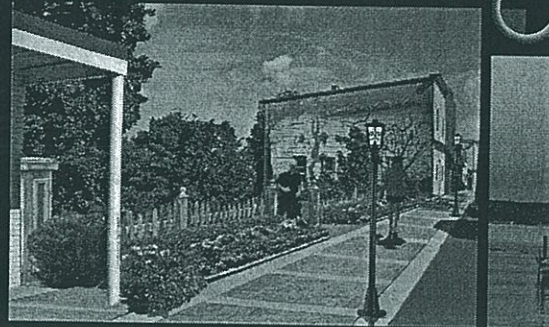
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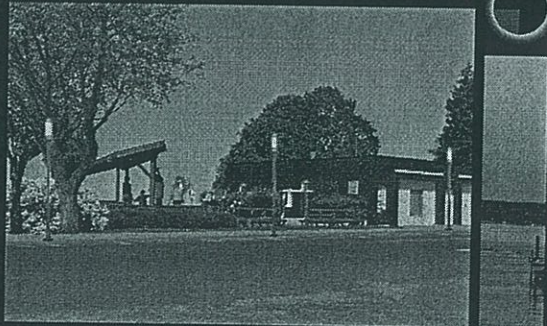
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Bear Lake



Bear Lake



Bear Lake



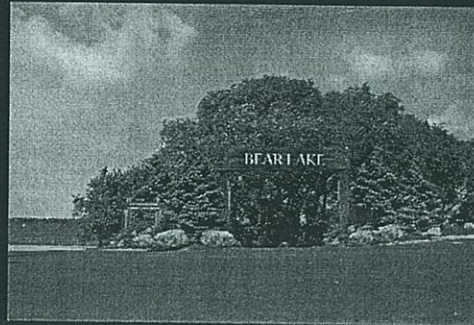
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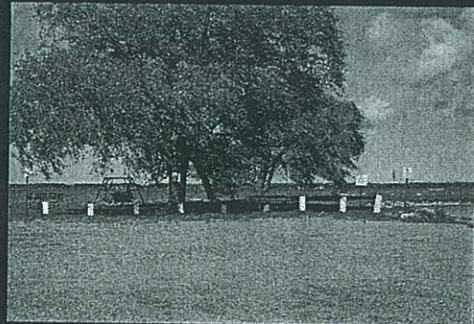
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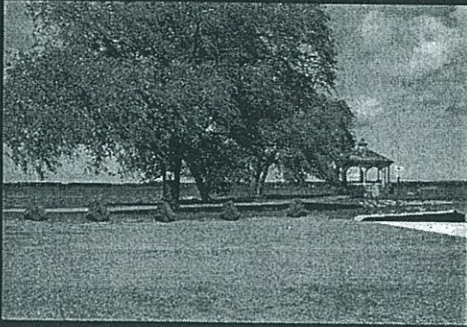
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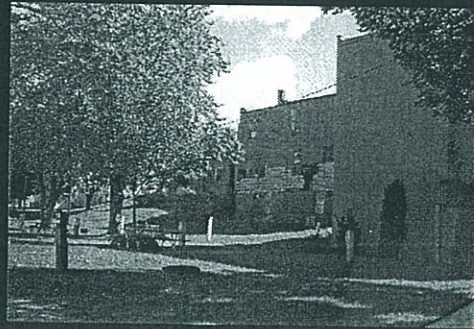
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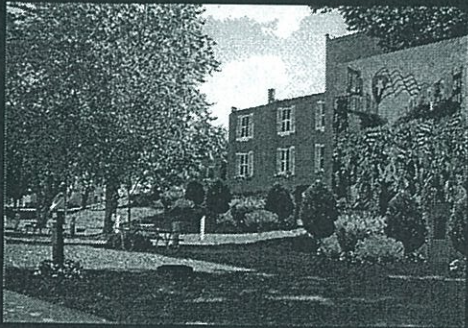
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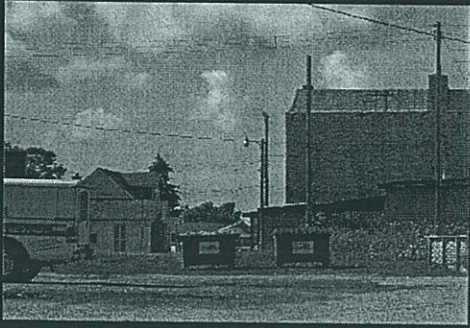
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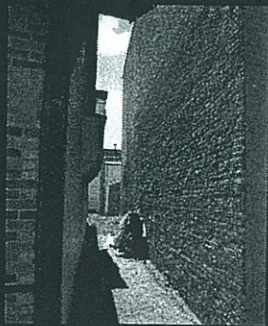
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Bear Lake





Appendix D



**Proposal To Form
Multi-Jurisdictional
Planning Commission for**

**Townships of:
Pleasanton & Bear Lake
& General Law Village of Bear Lake**

April 2006

**RFP Land Information Access Association:
Application for Project Support: Level One**

Community Resource and Focus:

The single most valuable asset held in trust by the rural Bear Lake/ Pleasanton community is our shared, pristine natural environment: our woodlands, wetlands and surface waters.

Bear Lake itself is bisected by Bear Lake and Pleasanton Township boundary. The Village of Bear Lake sits on its east shore and comprises the greatest concentration of residential and commercial activity including the location of municipal drinking water supply and K-12 School.

Federal highway US31 routes through the Village adjacent to the east shore of Bear Lake.

A tight knit, primarily agricultural community, many families can trace their arrival to the late 1870's when the Village was first settled during Michigan's lumber era. The Village was a 'Company' town built to house workers at the Hopkins Lumber Mill. Agricultural development came from homesteading, and, although considerably declined from the heyday of fruit farms and orchards, still forms a significant sector of the local economy. Bear Lake was once seen as purely an industrial asset, a function of the Mill. "Downtown" Bear Lake was built to hide that operation. It's once thriving, but now obsolete, storefronts face US31, not the Lake. The economy which once supported commerce changed forever during the past 60 years, leaving businesses struggling to make 12 months income from a 6 month peak of residency.

However, this area is receiving considerable attention as a desirable place to live: small town ambiance, close knit 'safe' environment, good schools, great natural environment and access to outdoor recreation - but at the same time within an hour's drive in either direction to good paying jobs in Cadillac, Traverse City, Manistee or Ludington.

Therein lies both the opportunity, and immediate need, for wise land use planning and the inherent danger of incremental sprawl from failure to do so.

Goals:

1. To create a community/ government partnership to realize the shared 'vision' for preserving Bear Lake as an enviable place to live.
2. To form a Tri-Unit Multi Jurisdictional Planning Commission under Public Act 226 of 2003 charged with;
 - i) creating a unified Comprehensive Master Land Use Plan
 - ii) creating uniform, legally defensible, planning and zoning ordinances.
 - iii) writing a unified 5 Year Master Recreation Plan for submission April 2007.

Opportunities:

Bear Lake and Pleasanton Townships reside in Manistee County which is preparing a Master Plan. Since 2004, under the auspices of Manistee County Community Foundation and Northwest Michigan Council of Governments, EnVision Manistee County has facilitated county wide community dialog addressing current and future quality of life issues including:

- Economy & Employment
- Government & Infrastructure
- Natural Environment & Recreation

In 2005, a companion grass roots project to "envision" Bear Lake, began to consider where conservation and economic development would fit within that countywide plan. (In, 2003, the Village of Bear Lake had sponsored a "Strengths, Weaknesses, Opportunities and Threats" strategic planning workshop, facilitated by Joe Borgstrom of the Michigan Economic Development Corporation, the Village invited those interested in redeveloping Downtown Bear Lake to participate in the first step of the Strategic Plan.)

With Manistee County working on a countywide Master Plan and legislation now enacted to permit: Downtown Development Authorities which cross jurisdictional lines; the encouragement and availability of Manistee County Brownfield Redevelopment; incentives to capitalize on access to high speed internet infrastructure; eligibility for low interest loans via State of MI Strategic Water Quality Initiative to provide alternative wastewater systems plus the successful Shoreline Campaign which lead to preserving a large tract of Pleasanton Township farm land via the Grand Traverse Regional Land Conservancy - there exists a rare opportunity to define who we are, what we value and where we want to go. Perhaps in recognition of this commitment, Vision Bear Lake and Envision Manistee County were recently accepted as a community case study for aspiring Michigan State University land use and community planning students.

Are we a thriving, vital, participatory community willing to explore and invest in new thinking? Or are we in danger of becoming a gentrified 'bedroom' or second home community viable only during single season occupation leaving a non sustainable winter ghost town with dwindling school enrollment? Do we want to plan proactively or only react to each crisis as it occurs?

History:

There is no current planning or zoning within the Village of Bear Lake - primarily because of physical size and insufficient year-round voting-age population from which to form regulatory/oversite bodies.

A source of contention has been, and continues to be, that the General Law Village of Bear Lake is a legally constituted separate unit of government, wholly contained within the Township of Bear Lake.

A highly contentious community rift has occurred because of a proposed new construction sanitary sewer district - currently in limbo because of community opposition to the cost.

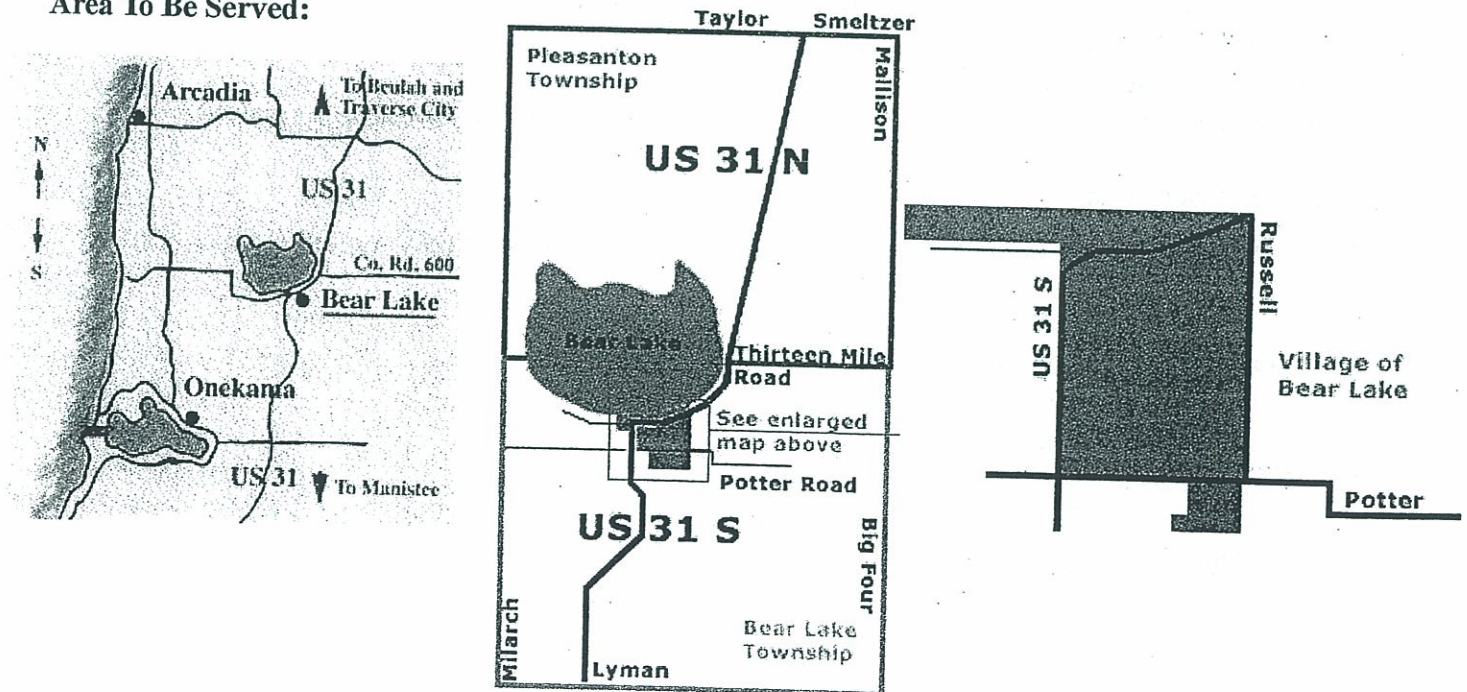
All 3 units of government combined to spearhead an effort to build a facility to house a new public Manistee County Library branch in 2002.

A Bear Lake and Pleasanton Township millage funds a joint volunteer Fire and Rescue Department. An increasingly costly solid waste service, with some recycling, is under review.

A recurring theme, echoed by Vision Bear Lake and the 2003 MEDC facilitated meeting, is that a real, or perceived, belief in a reluctance of governments to plan or work cooperatively is a serious roadblock to consensus and wise land use decisions. Lack of communication, allowing adequate time for fact finding and public debate can have serious consequences - the ripple effect can last for years.

That is the reason for optimism at the timeliness of this application. There is forward momentum at the County and the community levels, the willingness of both Townships to consider conceding autonomy to a multi /cross jurisdictional planning authority and the opportunity to utilize Partnerships for Change in their capacity as an outside non-vested facilitator.

Area To Be Served:



In 2000 total population of the Village of Bear Lake was 318, 234 were over 18, 63 over 65. Of that population it is probable over 40% are seasonal residents. Median income \$31,389 (in 1999 \$)
Pleasanton Township - 817, 625 over 18, 195 over 65. Median income \$33,977 (in 1999 \$)
Bear Lake Township - 1587, 1193 over 18, 272 over 65. Median Income \$37,898 (in 1999 \$)

Michigan median income for the same period is \$44,667.

The Village of Bear Lake, as do both Townships, plus the Downtown commercial district have no centralized wastewater collection or treatment systems other than individual onsite septic. No ordinance covers regular inspections or pumping. Siting and design is governed by the County Health Department.

Only the Village has a municipal drinking water system which draws from a highly vulnerable unconfined aquifer. It supplies the K-12 School plus a number of Township residents and businesses. Because of this, and the cost of replacing that aging water infrastructure, the Village is in year 4 of the 5 year State of Michigan Department of Environmental Quality Wellhead Protection Program. The delineated catchment protection area falls wholly within the boundary of Bear Lake Township. estimated future costs to replace and maintain supply exceed \$2 million.

Both Townships face current and future issues with past legacy and future production of oil and gas facilities, groundwater nitrate contaminations, past agricultural practices with relation to fruit farming. See attached map of known wells.

Composition:

1. Formal Planning Commission will be composed of 9, 3 from each governmental entity, either an elected official, a suitably qualified community or planning official. Completion of a baseline Citizen Planner course is considered as a requirement for membership on the final Commission.
2. An Advisory Team has been identified and contacted: See attached list and Letters of Intent. All will serve without pay.
3. Each unit of government has passed by Resolution at a Regular Meeting, a Memoranda of Agreement to participate in the formation of a Joint Planning Commission.
(See attached signed copies.)
4. Pleasanton Township will act as the responsible Fiduciary Agent and Grant Administrator.

Request For Services:

LIAA Level One services are requested with a timeline for completion of 6-9 months from date of award.

Available designated Cost Share:

Pleasanton Township - \$5,000.00

Bear Lake Township - \$2,500.00

Village of Bear Lake - \$2,000.00

TOTAL MATCH = \$9,500.00 TOTAL LIAA = \$15,500.00

TOTAL Request = \$25,000.00

Project Advisory and Peer Review Team

MI State University Extension: Jim Weising. Grand Traverse County Extension Director *

Michigan Land Use Institute: Jim Lively*

Northwest Michigan Council of Governments: Matt McCauley Regional Planner*

Manistee County Planner: Heather Bacon*

Also Representing Manistee County Brownfield Redevelopment Authority

Manistee County Commissioner - Janice McCraner

Manistee Conservation District - Jay Raupp

Natural Resource Conservation Service - Ben Loosemore

Northwest Michigan Onsite Wastewater Task Force - as part of Manistee County Community

Foundation Local Government Education grant.

Envision Manistee County - Karen Bruchan*

Vision Bear Lake: Rick Farfsing*

* = Letters of Intent Attached.

The purpose of this Team is to advise and/or participate in the following

- i. create an action plan for integrated and comprehensive community participation.
- ii. identify core components of multi-jurisdictional planning under Public Act 226 of 2003
- iii. prioritize actions required for application to State of MI 2007 Master Recreation Plan.



Bernard Ware: Pleasanton Township
Chair Planning Commission

Date: 3/31/06

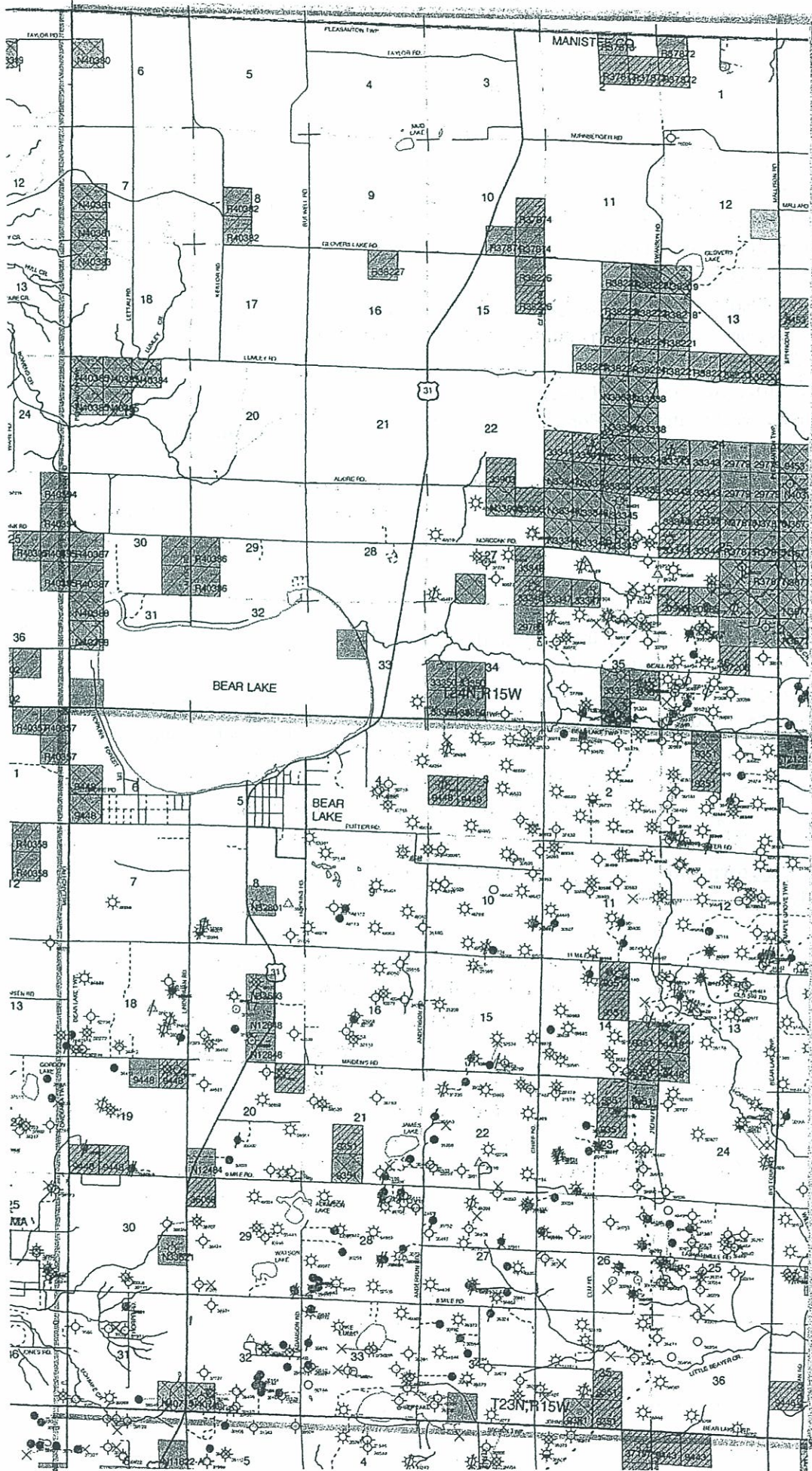
Tel: (231)864-3242

email:warefarm@coslink.net

Pleasanton Township Hall: 8958 Lumley Road, Bear Lake, MI 49614

Township Clerk: Connie Ledford: 6466 Norconk Road, Bear Lake, MI 49614. (231) 864-3461

www.pleasantontownship.org



MINERAL LEASE INFORMATION AND DNR OWNERSHIP

Manistee County

LEGEND

- LEASE CLASSIFICATION RECOMMENDATION**
- Development with Restrictions
 - Non-Development
 - Non-Leasable
 - Mixed Classification
- LEASE NUMBER**
- 12345 Development Lease
 - R12345 Development with Restrictions Lease
 - N12345 Non-Development Lease
 - S12345 Gas Storage Lease
 - M12345 Metallic Mineral Lease
 - Z12345 Nonmetallic Mineral Lease
 - * Multiple Leases within QOS - one lease # shown
- OIL AND GAS WELLS**
- Oil
 - Natural Gas
 - Gas Condensate
 - Gas Injection
 - Gas Storage
 - Liquified Petroleum Gas Storage
 - Gas Production and Brine Disposal
 - Brine Disposal
 - Dry Hole
 - Water Injection
 - Other Injection
 - Observation
 - Other
 - Permitted Well Location
- PLUGGED WELLS**
- Plugged Well Symbol
- SURFACE LOCATIONS**
- Surface of Directional Well
- DIRECTIONAL LINES**
- Directional
 - Horizontal (90 deg.)
- WELL PERMIT NUMBER**
- Permit Number
- DNR OWNERSHIP**
- Surface
 - Mineral and Surface
 - Minerals
 - Mixed Ownership
 - Other Rights
 - Reserved Minerals
 - 40.00 Acres of Surface Ownership
 - 40.00 Acres of Mineral and Surface Ownership
 - 40.00 Acres of Mineral Ownership
- ROW DNR has a Right of Way and/or an acquired easement(s) from private landowner within the quarter-quarter section**
- TRANSPORTATION**
- Two-Track and Seasonal Roads
 - Highways
 - Residential Roads
 - Railroads
 - Paved Airports
 - Unpaved Airports
 - County Roads
- UTILITY**
- Pipelines and Transmission Lines
 - Electric Transmission Lines
- POLITICAL**
- Township Boundaries
 - Great Lakes Shoreline
 - County Boundary
 - Section Lines
- HYDROLOGY**
- Lakes and Ponds
 - Rivers and Streams
 - Drains and Intermittent Streams

MAP INFORMATION

Oil and gas well information obtained from drilling records on file in the Michigan Department of Environmental Quality (DEQ), Geological and Land Management Division. Additional information on oil and gas wells can be obtained by contacting GLMD, DEQ.

Lease identification recommendations are current and may differ from lease type (i.e., the lease area may be used for other purposes).

Classification designations on individual parcels are reviewed each year based on data submitted to the State. Parcels may be added for lease under different classification at future years.

Mineral Lease and DNR Land Ownership information is derived mainly from the Michigan Land Ownership Database. Parcel information is compiled in the quarter-quarter section level. Multiple parcels with varying types of ownership within a quarter-quarter section result in the Mixed Ownership Category. Nonownership rights are identified as Other Rights.

COMPLETENESS AND QUALITY

The data does not reflect planned parcels. Private claims and parcels within the City of Detroit are not shown on this map.

The amount of acreage owned within a quarter-quarter section is identified by acreage levels in the bottom right corner of the quarter-quarter section.

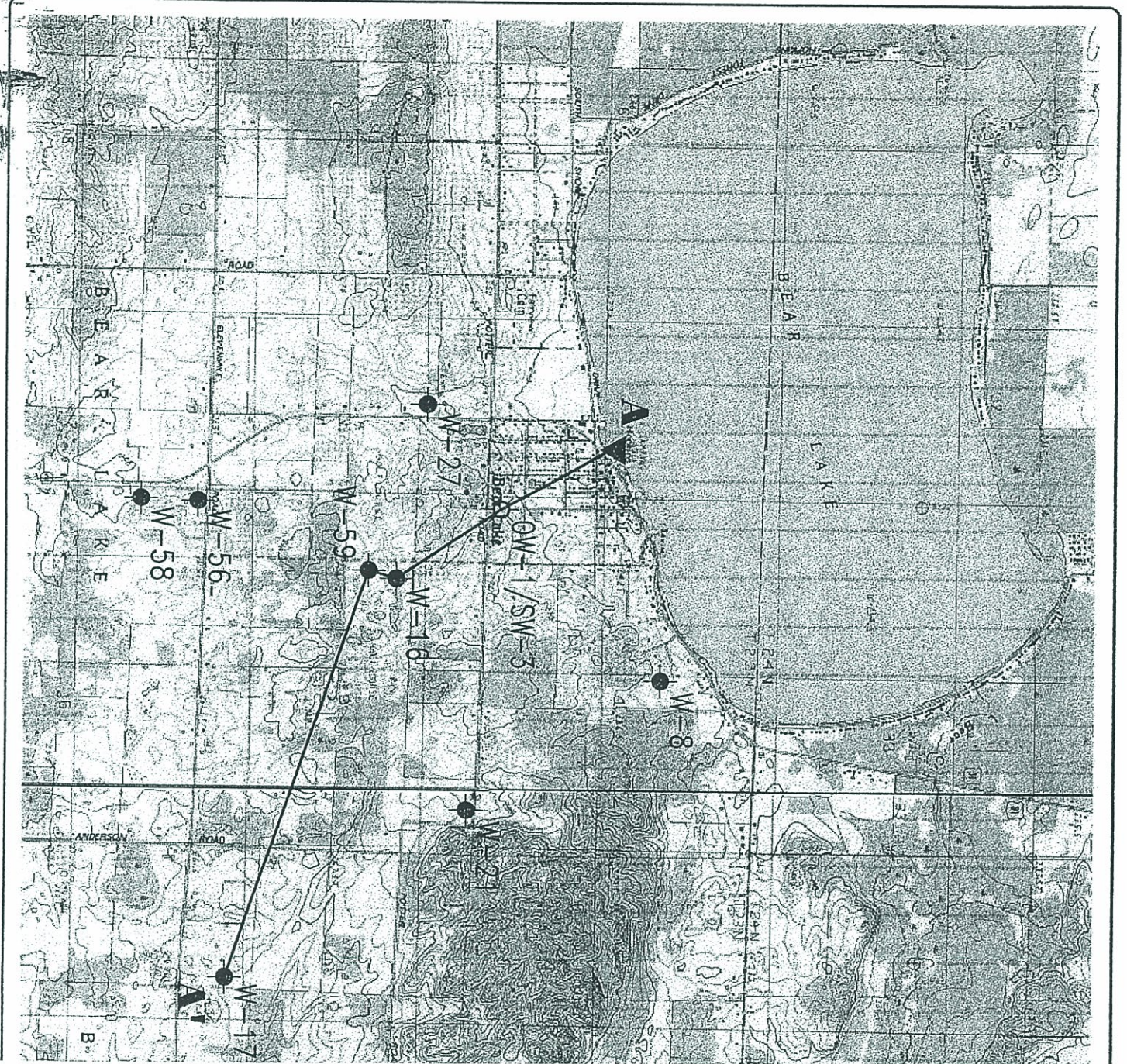
The quality and completeness of the data is unknown. It is suggested that the data be confirmed with a current source, such as a plat map, in further detail.

The information displayed on this map is provided for general planning purposes only. Specific ownership or lease information should be verified by contacting the MGLD.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
 Forest, Mineral and Fire Management

DATE: 02/21/2005





P:\2000206.01\CADD-Data\Bear Lake.dwg\GNF.dwg 11/10/03 8:16am jrlumley

WELL
BUILDING
SUPPLY WELL
NO. 2

OW #2
17.84

17.80

17.85

GROUND WATER FLOW

17.90

17.95

18.00

18.05

SMITH ROAD

WELL
BUILDING
SUPPLY WELL
NO. 3

OW #3
17.92

OW #1
18.04

WATER LEVEL
MEASUREMENTS OF
SEPT. 11, 2001.

SCALE 1" = 40'



GROUND WATER FLOW MAP Village of Bear Lake

Location:

Sheet 1 of 1

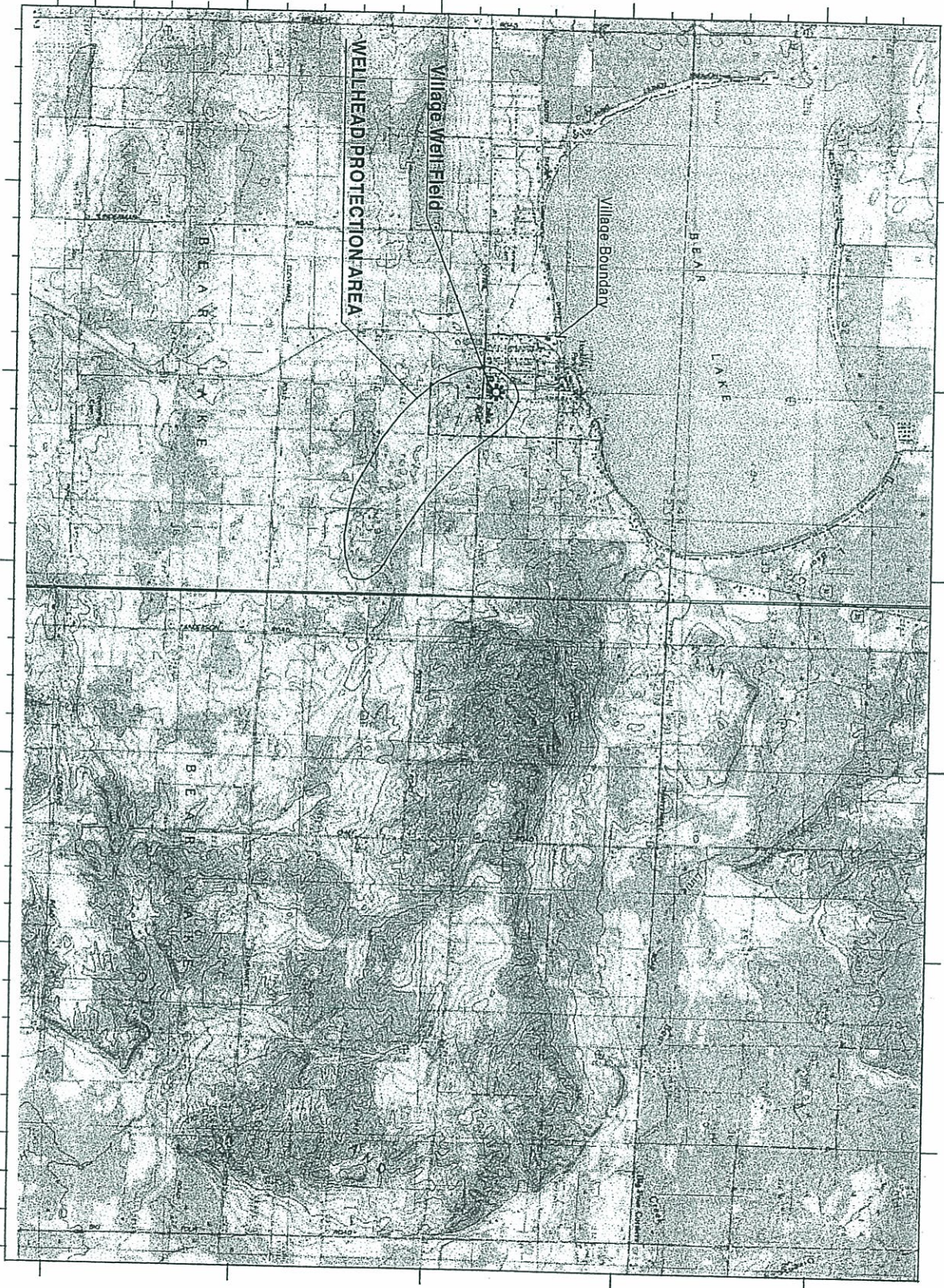
SE 1/4 OF SECTION 5,
T 23N, R 15W,
BEAR LAKE TOWNSHIP
MANISTEE COUNTY, MICHIGAN

Job No.: 2000206.01
Date: 10/08/2001
Scale: AS NOTED
Drawn: JRL
Chk'd.: DOS
Rev.:



Gosling Czubak
engineering sciences, inc.
Engineers • Surveyors
Environmental Services

1280 Business Park Drive
Traverse City, MI 49686-8607
231-946-9191
800-968-1062
Fax: 231-941-4603



K = 216 ft/dy
Q = 320 gpm



LOCATION:
T 23 N, R 15 W
BEAR LAKE TWP.
MANISTEE COUNTY, MICHIGAN

WELLHEAD PROTECTION AREA
10 Year Trave Time
Village of Bear Lake

Job No.: 2000206
Date: 10/11/02
Scale: bar scale
Drawn: DGC



Gosling Czubak
engineering sciences, inc.
Engineers • Surveyors
Environmental Services



Appendix E



Land Information Access Association

... helping communities sustain their cultural and natural resources

Board of Directors

Cathie Ballard
Chief
Coastal Programs Unit
Michigan Department of
Environmental Quality

Christopher DeRose
Director
Office of Retirement Services
Michigan Department of
Management and Budget

William Enslin
Senior Research Specialist
Remote Sensing & GIS
Research & Outreach Services
Michigan State University

Arlene Fluharty
Executive Director
Americana Foundation

Barbara Nelson-Jameson
Michigan Coordinator
Rivers & Trails Program
National Park Service

Douglas Luciani
President
Traverse City Area
Chamber of Commerce

Jack Bails
Vice President
Public Sector
Consultants, Inc.

Daniel Kildee
County Treasurer
Genesee County

July 5, 2006

Bernard Ware
Chair, Pleasanton Township Planning Commission
Pleasanton Planning Commission
8958 Lumley Road
Bear Lake, MI 49614

Dear Mr. Ware,

We are pleased to inform you that Pleasanton Township and its municipal partners have been selected to participate in the *Partnerships for Change Program*. The *Program* sponsors found that your proposal is well supported by the participating municipalities, is consistent with the objectives of *Partnerships for Change*, and provides the necessary funds and matching efforts. Therefore, we are offering this letter of agreement to the Village of Bear Lake, Bear Lake Township and Pleasanton Township.

You have been identified as the primary contact for this project. We ask that you and representatives from the participating units of government review this letter carefully. If you or the participating municipalities do not agree with any of the terms and conditions set forth below, please contact us at your earliest convenience. If these terms are acceptable, please provide a signed original at our first project meeting. Please note, we are asking for your signature, as well as the appropriate signatures from the Village of Bear Lake and Bear Lake Township.

Overall Project Description

Partnerships for Change is a multi-jurisdictional planning assistance program developed by LIAA, Michigan Municipal League (MML), Michigan Townships Association (MTA), Michigan Association of Planning (MAP), and Michigan State University Extension (MSUE). The overall mission of the program is to foster new and expanded cooperation between cities, townships and villages in developing and carrying out local land use policies that contribute to the preservation of cultural and natural resources. Wherever possible, these policies will encourage urban redevelopment and discourage urban sprawl. Administered by LIAA, *Partnerships for Change* is funded by grants from: the Americana, C.S. Mott, Frey, W.K. Kellogg, and Fremont Area Community Foundations, and the Coastal Management Program (Department of Environmental Quality), as well as MML and MTA.

Benefits to the Region

The project sponsors are committed to the success of *Partnerships for Change*. We have agreed to provide professional planning assistance and technical support to *Pleasanton*

224 Munson Avenue
Traverse City
MI 49686
(231) 929-3696
fax: (231) 929-3771
www.liaa.org



Township and the participating units of government in developing useful, appropriate, and well-supported intergovernmental planning policies and programs consistent with Michigan's enabling legislation. LIAA will organize and present this assistance over a period of up to 12 months as needed to achieve success in this project, including;

- Project planning and management;
- On-site facilitation services, surveys, workshops and educational assistance;
- Research and analyses (e.g., identifying & evaluating alternatives);
- Geographic analyses and map production; and
- Development and drafting of implementation policies (e.g., plans, programs).

LIAA will provide regular progress reports indicating the amount and type of assistance provided over the reporting period and the amount of service remaining in the grant.

As discussed during our recent phone conference, the *Partnerships for Change Program* and LIAA will provide at least \$25,000 worth of services over the term of this project. The *Partnerships for Change Program* will cover \$15,500 worth of these costs and the participating municipalities will provide the remaining \$9,500 (as cash match). As the fiduciary for this project, *Pleasanton Township* is responsible for securing and delivering the matching funds.

Participation Agreement

Through its voluntary application to the *Partnerships for Change Program* and the execution of this agreement, *Pleasanton Township* and its project partners agree to support the goals and objectives of the *Partnerships for Change Program*, as described in the program description and the proposal you submitted April 1, 2006. The participating local units of government agree to work in good faith together to establish a Joint Planning Commission under the Joint Municipal Planning Act. In conjunction with this process, officials from the local units of government will also work together to develop a Joint Comprehensive Plan.

In addition, *Pleasanton Township* and the participating municipalities agree to:

1. Make a cash payment of \$9,500 to LIAA as matching funds for the *Partnerships for Change Program* on or before three months from project start up.
2. Contribute the time and commitment of community leaders and appropriate governmental staff members toward the success of this project, providing periodic reports on this *in-kind* effort.
3. Assure the participation of a broad spectrum of citizens, interest groups, community leaders and public officials in the development of the Comprehensive Area Plan.
4. With the cooperation and involvement of all local units of government, take steps to assure the implementation of land use policies devoted to this project.
5. Participate in evaluation efforts associated with *Partnerships for Change*.

Acceptance

This agreement letter, the *Partnerships for Change Program* description, and the *Bear Lake Community* project application (dated April 1, 2006) contain the entire agreement between the Village of Bear Lake, Pleasanton Township, Bear Lake Township and LIAA. Any changes in this agreement require at least 30 days notice and must be made with the full agreement of LIAA, the Village of Bear Lake, Pleasanton Township and Bear Lake Township. Please indicate your acceptance of this agreement by providing an original signed copy of this agreement to LIAA at the first project meeting. The signatures provided must include the duly appointed representatives from the Village of Bear Lake, Pleasanton Township and Bear Lake Township

Sincerely,




Joe VanderMeulen, Ph.D.
Executive Director

cc: Daniel P. Gilmartin, Michigan Municipal League
Larry Merrill, Michigan Township Association
Andrea Brown, Michigan Society of Planning
Kurt Schindler, MSU Extension

We have read and understand this letter for the *Partnerships for Change* project. We agree that the terms and conditions are acceptable to us and that we will comply with these terms and conditions.

Signature:  Date: 9-6-06
Village President, Village of Bear Lake

Signature:  Date: 9-6-06
Supervisor, Pleasanton Township

Signature:  Date: 9-6-06
Supervisor, Bear Lake Township



Appendix F

AGREEMENT ESTABLISHING THE BEAR LAKE COMMUNITY JOINT PLANNING COMMISSION

This Agreement establishing the Bear Lake Community Joint Planning Commission (the "Agreement") is entered into by: the Village of Bear Lake, a Michigan municipal corporation, whose office is located at 7727 Lake Street, Bear Lake, Michigan 49614-0175; Pleasanton Township, a Michigan municipal corporation, whose office is located at 8958 Lumley Road, Bear Lake, Michigan 49614 and Bear Lake Township, a Michigan municipal corporation, whose office is located at 7771 Lake Street, Bear Lake, Michigan 49614.

1. Purpose and Jurisdictional Area

The Village of Bear Lake, Pleasanton Township and Bear Lake Township find it in their long-term interests to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use and to jointly exercise zoning powers. As a result, all three participating entities enter into this Agreement to establish a joint planning commission pursuant to the legal authority granted by Michigan Public Act 226 of 2003, as amended, MCL 125.131, et seq., (Public Act 226) as well as an ordinance enacted by the Village Council of the Village of Bear Lake on _____; an ordinance enacted by the Township Board of Pleasanton Township on _____; and an ordinance enacted by the Township Board of Bear Lake Township on _____. The joint planning commission established by this Agreement shall be referred to as the "Bear Lake Community Joint Planning Commission," (hereinafter, the "Joint Planning Commission.")

The jurisdictional area of the Joint Planning Commission shall comprise the corporate limits of the Village of Bear Lake, and the unincorporated portions of Pleasanton Township and Bear Lake Township all of Manistee County, Michigan.

The participating municipalities agree that the Joint Planning Commission shall develop a comprehensive land use plan for its jurisdictional area consistent with the powers granted by Public Act 226 and this Agreement. When completed, the comprehensive land use plan shall be presented to each of the participating municipalities for its review and approval. If the comprehensive land use plan is approved by all the participating municipalities, then the participating municipalities may direct the Joint Planning Commission to prepare a joint zoning ordinance for their consideration, consistent with Public Act 226, other applicable laws and this Agreement.

2. Composition of the Planning Commission

The Joint Planning Commission shall consist of nine (9) members.

3. Terms and Qualifications of Office

The Village President of the Village of Bear Lake shall appoint three (3) members of the Joint Planning Commission with confirmation by the Village of Bear Lake Board. The Supervisor of Pleasanton Township shall appoint three (3) members with confirmation by the Pleasanton Township Board. The Supervisor of Bear Lake Township shall appoint three (3) members with confirmation by the Bear Lake Township Board.

The initial members appointed by the Village of Bear Lake shall be appointed for staggered terms with one member appointed to a one-year term, one member appointed to a two-year term, and one

member appointed to a three-year term. The initial members appointed by each of the townships participating in this Agreement shall be appointed for staggered terms with one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term. After the initial terms, all appointed members shall serve for terms of three years ending on December 31 of the applicable year.

All duly appointed members of the Joint Planning Commission shall reside within the jurisdictional area of the Joint Planning Commission as defined in this Agreement. All of the members appointed by each of the participating municipalities shall reside within the jurisdictional area of his or her appointing municipality. If a member's domicile changes to a municipality within the jurisdictional area of the Joint Planning Commission but outside of the municipality from which that member was appointed, that member may complete the appointed term but shall not be eligible for re-appointment from the participating municipality that originally appointed the member.

At least one of the members appointed by the Village of Bear Lake shall be a duly elected member of the Bear Lake Village Council. At least one of the members appointed by each of the townships participating in this Agreement shall be a duly elected member of the appointing Township's board.

All of the members appointed to the Joint Planning Commission shall commit to completing continuing education that involves planning and zoning issues each year, as specified in this Agreement.

Within the first twelve (12) months of being appointed to the Joint Planning Commission, each member shall attend at least eight (8) hours of education through seminars or continuing planning education that involves planning and zoning issues, or show that this education requirement has been met, as approved in advance by the Joint Planning Commission chair. Thereafter, each member shall attend at least three (3) hours of seminars or continuing education per calendar year as approved in advance by the Joint Planning Commission Chair. The Joint Planning Commission shall pay for all such approved seminars and continuing planning education courses subject to the appropriation and availability of training funds. If a member does not fulfill this requirement, it may be deemed nonfeasance in office and the member subject to removal as provided by law.

4. Operating Procedures

The business performed by the Joint Planning Commission shall be conducted at a meeting of the Joint Planning Commission held in compliance with the Open Meetings Act, MI Public Act 267 of 1976, as amended (MCL 15.261, et seq.)

The Joint Planning Commission shall publish a schedule of meetings in the first month of each calendar year providing notice to the public of the times, dates and locations of each meeting planned for the next twelve (12) months. The Joint Planning Commission may also hold special meetings as needed following proper and lawful public notice.

Materials prepared for, or on behalf of the Joint Planning Commission in the performance of an official function are subject to the Freedom of Information Act, MI Public Act 442 of 1976, as amended (MCL 15.231, et seq.) The Joint Planning Commission, at its first meeting of every calendar year shall select a Chair, Vice-Chair, and Secretary, who shall serve as such officers of the Joint Planning Commission for that calendar year. Each appointee selected to serve in these positions must

represent a different participating municipality. Members selected to be officers shall serve no more than two (2) consecutive one-year terms in any office.

Removal from Office and Filling Vacancies.

The Joint Planning Commission may request the removal of one of its members by submitting a written request to the participating municipality that made the appointment of the member in question.

A member of the Joint Planning Commission may be removed from office by the participating municipality that made the appointment following a hearing for cause. "Cause" shall include, but not be limited to, performance, conduct or behavior, whether by act or omission, which the participating municipality appointing the member concludes materially adversely affects the orderly or efficient operation of the Joint Planning Commission.

Examples of performance, conduct or behaviors that constitute "cause" for purposes of this provision include:

- Material breach of this Agreement;
- Violation of established by-laws, rules, regulations and policies, whether written or oral;
- Attendance infractions as defined by the Joint Planning Commission;
- Conviction of any crime; and/or
- Relocation of domicile outside the Joint Planning Commission jurisdictional area.

The seat of a member becomes vacant when the member dies, resigns, is convicted of a crime, is removed by the participating municipality that made the appointment for other cause, or ceases to be domiciled in the Joint Planning Commission jurisdictional area. If a vacancy occurs, the vacancy shall be filled for the balance of the unexpired term by the participating municipality that made the original appointment to the vacated position.

6. Operating Budget

The Joint Planning Commission shall be funded by the participating municipalities annually on a fiscal year basis corresponding to the fiscal year of Bear Lake Township. The funds of the Joint Planning Commission shall be deposited into a separate account or fund under the employer identification number of Bear Lake Township and audited with the annual audit of Bear Lake Township, unless the parties agree to a separate audit for the Joint Planning Commission.

The Joint Planning Commission shall approve payments for goods, services and per diem member fees drawn from an account established in accordance with this Agreement. The Joint Planning Commission shall establish an annual budget, which shall be approved upon the approval of all of the municipalities participating in this Agreement.

Each year, funding for the annual budget shall be divided among the Village of Bear Lake, Pleasanton Township and Bear Lake Township based on the weighted average percentage of the taxable valuation of real property on the ad valorem tax roll plus the weighted average percentage of population as recalculated using the population data available from the most recent decennial census (the U.S. Census Bureau and the most recent real taxable value data available (see example below [is this example accurate?].))

Jurisdiction	Population	Taxable Value	Sum of Weights
Weight of Element	50%	50%	100%
Village of Bear Lake	6.62%	2.32%	8.94%
Pleasanton Township	16.99%	19.69%	36.68%
Bear Lake Township	26.39%	27.99%	54.38%
Totals	50.00%	50.00%	100.00%

Each participating municipality's contribution shall equal the annual approved budget of the Joint Planning Commission multiplied by the sum of one-half of the percentage determined by dividing that municipality's taxable valuation of real property on its ad valorem tax roll by the total real taxable valuation for the jurisdictional area of the Joint Planning Commission plus one-half of the percentage determined by dividing that municipality's population by the total population recorded by the U.S. Census Bureau for the jurisdictional area of the Joint Planning Commission.

7. Procedure for Joining the Joint Planning Commission

A city, village or township may petition to join the Joint Planning Commission pursuant to Public Act 226 by presenting a formal resolution stating the reasons for the request and committing to meeting the conditions set forth in this Agreement.

The Joint Planning Commission shall consider each petition to join and make a formal recommendation to the participating municipalities. After receiving the Joint Planning Commission's recommendation, each participating municipality shall vote to accept or reject the petition to join. If a majority of participating municipalities vote to accept the petition to join, then the Joint Planning Commission will develop and present recommendations concerning the revision of this Agreement to the participating municipalities. Upon the revision of this Agreement, the petitioning municipality shall pay a one-time fee to the participating municipalities, negotiated at the time of the request for joining. If a majority of participating municipalities vote to reject the petition to join, then the petition shall be rejected and no further action will be taken.

8. Procedure for Withdrawing from the Joint Planning Commission

A participating municipality shall have the right to withdraw from the Joint Planning Commission subject to the following requirements:

- Any and all obligations of the withdrawing municipality to the Joint Planning Commission, including the balance of any contractual fees, service contracts, legal and other costs, shall be settled prior to withdrawal;
- The withdrawing municipality provides for public notice and a public hearing on its proposal to withdraw from the Bear Lake Community Planning Commission, such notice to be published at least two times in a newspaper of general circulation in the jurisdictional area of the Joint Planning Commission, with the first publication to be at least ten days prior to the public

hearing and such notice and hearing to be provided at the sole cost of the withdrawing municipality; and

- The withdrawing municipality adopts an ordinance rescinding the ordinance that approved that municipality's participation in this Agreement.

The withdrawal shall take effect when the above requirements have been satisfied, or on such later date as the proposal for withdrawal shall provide. Upon the withdrawal of two (2) or more participating municipalities, this Agreement shall become null and void and the Joint Planning Commission shall cease to function and shall have no further legal authority. Prior to the dissolution of the Commission, the participating municipalities shall negotiate a fair and reasonable distribution of the assets and liabilities of the Commission upon dissolution.

Upon the withdrawal of any participating municipality from the Joint Planning Commission, the remaining entities shall develop and present recommendations concerning the revision of this Agreement.

9. Powers and Duties

All the powers and duties of a planning commission under each applicable Planning Act are, with respect to the jurisdictional area of the Joint Planning Commission, hereby conferred upon the Joint Planning Commission by the participating municipalities. In exercising such powers or performing such duties, the Joint Planning Commission shall follow the procedures of the Township Planning Act, Michigan Public Act 168 of 1959, as amended (MCL 125.321, et seq.) and the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended (MCL 125.3101, et seq.). Further, any Master Land Use Plan formally developed and adopted under the Township Planning Act by the Joint Planning Commission shall be subject to review and approval by the legislative bodies of the participating municipalities, and any Joint Zoning Ordinance formally developed under the Michigan Zoning Enabling Act by the Joint Planning Commission shall be subject to review and must be adopted by the legislative bodies of the participating municipalities. Notwithstanding anything to the contrary contained herein, until the participating municipalities adopt a Joint Zoning Ordinance, the planning commissions of each participating municipality will continue to exercise exclusive jurisdiction over matters assigned to them by the zoning ordinances now in effect, or as they may hereafter be amended, in each participating municipality.

10. Amendments

This Agreement may only be amended by written addendum approved and executed by all of the participating municipalities.

11. Effective Date

Provided that no proper petition calling for a public referendum is filed with the Village of Bear Lake, Pleasanton Township and Bear Lake Township, as provided by Section 9 of Public Act 226, this Agreement shall take effect upon the adoption and publication by each participating entity, respectively, of an ordinance pursuant to Public Act 226.

IN WITNESS WHEREOF, the parties through their duly qualified representatives have executed this Agreement as of NOV 21, 2006.

Document_HIRMWITOWNSHIP\BEARLAKE\Joint Planning Materials\Joint Planning Agreement redlined 11-10-06.DOC

Trustee SHREVE moved the adoption of the foregoing Agreement, which was supported by Trustee KRUEGER and thereupon adopted by Bear Lake Township by a roll call vote of the Township Board at the regular meeting held this 21 of November 2006.

Leslie Smith
Leslie Smith, Bear Lake Township Supervisor

Deanna Pattison
Deanna Pattison, Bear Lake Township Clerk

I, Deanna Pattison, Clerk of the Township of Bear Lake, hereby certify that the foregoing is a true and correct copy a Agreement Establishing the Bear Lake Community Joint Planning Commission, adopted at a meeting of said Township Board of Trustees held on November 21, 2006, and the whole thereof now in my custody.

Deanna Pattison
Deanna Pattison



**BEAR
LAKE
MICHIGAN**



Welcome to the Village of Bear Lake Michigan website, BearLakeMichigan.Org

Bear Lake Village Ordinance No. 2006.01

**BEAR LAKE
VILLAGE
GOVERNMENT**
Home
Village Clerk
Meeting Minutes
[Meeting Archives]
Ordinances

BEAR LAKE COMMUNITY JOINT PLANNING COMMISSION

An ordinance to establish a Joint Planning Commission among Pleasanton Township, Bear Lake Township and the Village of Bear Lake to be known as the Bear Lake Community Joint Planning Commission and to repeal all ordinances in conflict herewith.

**HOPKINS PARK
CAMPGROUND**
Park Information
Rates

THE Village of Bear Lake ORDAINS:

Section. 1 . Formation of the Bear Lake Community Joint Planning Commission

**COMMUNITY
INFORMATION**
Events Calendar
Keddie Norconk
Library Project
Tree Project
Wellhead Project

Bear Lake Village approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), and the Village President is hereby authorized on behalf of Bear Lake Village to enter into and adhere to the Agreement Establishing the Bear Lake community Joint Planning commission among Pleasanton Township, Bear Lake Township and the Village of Bear Lake regarding the formation, composition and operation of the Bear Lake Community Joint Planning Commission.

**VISION
BEAR LAKE**
Newsletters

Section. 2. Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Village of
Bear Lake**
P. O. Box 175
Bear Lake,
Michigan
49614-0175
Phone/Fax:
231.864.4300

Section. 3. Repeal

All ordinances or parts of ordinances of Bear Lake Village inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

Section. 4. Effective Date and Publication

This ordinance shall be published within fifteen (15) days after its passage and shall become effective thirty (30) days from the date of its passage.

Adopted this 15th day of November, 2006.

This ordinance was duly adopted on this 15th day of November, 2006, at a regular meeting of the Village Council and will become effective on the 15th day of December, 2006.

Date: 15th day of November, 2006

Signed: Glen Moore, Village President

Signed: Michelle Mortenson, Village Clerk



Appendix G

Have Your Say!

Bear Lake Community Master Plan Meeting

Come to Our Meeting!

The Village of Bear Lake, Pleasanton and Bear Lake Townships are working on an unprecedented collaborative effort to develop a community wide Master Plan.

Wednesday
Dec. 18, 6:30 p.m.
Bear Lake High School
Media Center
*Refreshments will
be served*

Kickoff Meeting!

This meeting will provide an opportunity for interested citizens to learn more about the planning process and identify and discuss the important issues facing the Bear Lake Community.

For more information contact:

Bernard Ware, Chairman
Bear Lake Community
Planning Commission

9094 Alkine Rd.
Bear Lake, MI 49614
231-864-3242 warefarm@coslink.net

www.partnershipsforchange.cc/bearlake

Have Your Say!

Bear Lake Community Master Plan Meeting

Come to Our Meeting!

The Village of Bear Lake, Pleasanton and Bear Lake Townships are working on an unprecedented collaborative effort to develop a community wide Master Plan.

Wednesday
April 18, 6:30 p.m.
Bear Lake High School
Media Center
*Refreshments will
be served*

Fill Out Our Survey!

To help gather the opinions, ideas and suggestions of all residents, a community survey has been mailed to every household in the Bear Lake Community. Surveys are also available at the Keddie-Norconk Memorial Library. **Please** take a few minutes to complete the survey and mail it back no later than Wednesday, May 2nd! Completed surveys can also be dropped off at the Keddie-Norconk Memorial Library

For more information contact:

Bernard Ware, Chairman
Bear Lake Community
Planning Commission

9094 Alkine Rd.
Bear Lake, MI 49614
231-864-3242 warefarm@coslink.net

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Have Your Say!

Bear Lake Community Master Plan Meeting

Come to Our Meeting!

The Village of Bear Lake, Pleasanton
and Bear Lake Townships are working
on an unprecedented collaborative
effort to develop a
community wide
Master Plan.

Monday, August 20th
Bear Lake High School
Media Center
6:30 p.m.

This meeting will provide an opportunity for interested citizens to learn more about the community planning process (including results from the community-wide survey), review and discuss the *draft* goals and objectives of the Plan and consider actions for the future development of the Bear Lake Community.

For more information contact:

Bernard Ware, Chairman
Bear Lake Community
Planning Commission

9094 Alkire Rd.
Bear Lake, MI 49614
231-864-3242 warefarm@coslink.net

www.partnershipsforchange.cc/bearlake

Drop-Off & Pick-Up Master Plan Surveys Here!

**Make a Difference in Your Community
by Sharing Your Thoughts.**

Fill Out Our Master Plan Survey!

The Village of Bear Lake, Pleasanton and
Bear Lake Townships are working on an
unprecedented collaborative effort to
develop a community wide Master Plan.

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**Please take a few minutes
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For more information contact:

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Bear Lake Community Bear Lake, MI 49614
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