

AGENDA
Cascade Charter Township Planning Commission
Monday, February 5, 2024
7:00 pm
2870 Jacksmith Ave

Public may access the meeting via video conference software Zoom

Webinar ID: 841 0379 0598

<https://us02web.zoom.us/j/84103790598>

- ARTICLE 1. Call the meeting to order. Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the Flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Disclose any Conflict of Interest**
- ARTICLE 5. Approve the Minutes of the January 22, 2024 Meeting**
- ARTICLE 6. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 7. Ordinance Amendment – Chapter 23**
 - Reschedule Public Hearing for February 26, 2024
- ARTICLE 8. Planning Commission Bylaws**
- ARTICLE 9. Acknowledge visitors and those wishing to speak.
(Comments are limited to five minutes per speaker)**
- ARTICLE 10. Any other business**
- ARTICLE 11. Adjourn**

Meeting format

- 1. **Staff Presentation** *Staff report and recommendation*
- 2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. PUBLIC HEARINGS**
 - i. *Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. *Close public hearing*
- 3. **Commission discussion –** *May ask for clarification from applicant, staff or public*
- 4. **Commission decision - Options**
 - a. *Table the decision*
 - b. *Deny*
 - c. *Approve*
 - d. *Approve with conditions*
 - e. *Recommendation to Township Board*

Minutes

Cascade Charter Township
Planning Commission
Monday, January 22, 2024
7:00 pm
2870 Jacksmith Ave SE

ARTICLE 1. Chair Noordyke called the meeting to order at 7:00 pm.
Members Present: Noordhoek, Richardson, Bruneau, Moxley, Noordyke, Engel, Rissi, Rowland
Members Absent: None
Others Present: Zoning Administrator (ZA) Madison Smith-Jacoby and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Rissi to approve the current agenda. Supported by Member Engel. Motion carried 8 to 0.

ARTICLE 4. Disclose any conflict of interest

There were no conflicts of interest disclosed.

ARTICLE 5. Approve the Minutes of the December 18, 2023 Meeting

Member Bruneau made a variety of edits including the addition of his comment "Thank you for sharpening your pencil and being within 5 percent of 3 times 832 sqft" to Article 7. In Article 8 he made an edit to the first sentence clarifying that the township's Zoning Ordinance is transferred to a police power ordinance per the Michigan Planning and Enabling Act. He also made an edit to Article 9 in the second sentence to change "preservation" to "conservation" and to include farmers and builders in that discussion as well. Member Bruneau also wanted to mention Lancaster Pennsylvania's ordinances inspired the in addition to Grattan Township. Lastly, he wanted it documented that McKenna was approved to assist the planning department.

Motion was made by Member Bruneau to approve the December 18, 2023 meeting minutes with the proposed changes. Supported by Member Rissi. Motion carried 8 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

Chair Noordyke moved Article 7.

ARTICLE 8. 2023 Planning Department Annual Report

ZA Smith-Jacoby presented the 2023 Planning Department Annual Report which outlines cases from the prior year. There were 45 new development requests and 9 lot split requests for a total of 54 cases. Also included in the report were attendance records for the year for both the Planning Commission and ZBA members.

Member Rissi noticed Windy Korstange's name was spelled incorrectly.

Member Bruneau suggested including that Ken Peirce is no longer on the Township Board.

Chair Noordyke wanted the list of Planning Commission members adjusted to have the Chair, Vice Chair, Secretary, and Trustee Noordhoek, in that order, with the rest of the members in alphabetical order.

ZA Smith-Jacoby also provided summaries of the Farmland Preservation Subcommittee and the Master Plan Subcommittee. There have been continued efforts in working with the Grand Valley Metro Council and other organizations. The Village Design Review Committee has also reconvened.

Member Rissi recommended mentioning the intent to preserve green space in the Farmland Preservation Subcommittee description.

Member Bruneau pointed out that the number of requests should be listed as 54 rather than 53 in the table.

Members sought some level of involvement during the process of hiring a new Planning Director.

Chair Noordyke asked if Manager Smith would be attending a meeting to discuss the Capital Improvement Budget. ZA Smith-Jacoby said she would make a request for this.

ARTICLE 9. 2024 Calendar

Members agreed to move the April 1 meeting to April 22.

ARTICLE 7. Election of Officers

Chair Noordyke explained that the positions to be filled were Chairperson, Vice Chairperson, Secretary, the Planning Commission Representative to the ZBA, and the Planning Commission Representative to the Village Design and Review Subcommittee Board.

Member Noordhoek suggested moving the elections to next month since Supervisor Lesperance had not made her appointments yet. ZA Smith-Jacoby said the current ordinance states that the election of officers shall take place at the first meeting in January.

A nomination was made by Member Moxley to appoint Member Rissi as Planning Commission Chair. Supported by Member Engel. Member Rissi accepted the nomination.

A nomination was made by Member Richardson to appoint Member Moxley as Planning Commission Chair. Supported by Member Rowland. Member Moxley accepted the nomination.

Vote failed 4-4 by roll call vote to elect Member Moxley or Member Rissi as Chair.

In favor of Member Rissi as Chair: Moxley, Noordyke, Engel, Rissi

In favor of Member Moxley as Chair: Noordhoek, Richardson, Bruneau, Rowland

Members held discussion around officers.

Member Moxley withdrew his candidacy and then rescinded his withdrawal, stating that he was willing and happy to serve.

A vote carried 7 to 1 by roll call vote in favor of electing Member Moxley as Chair.

In favor of Member Moxley as Chair: Noordhoek, Richardson, Bruneau, Moxley, Noordyke, Engel, Rissi

In favor of Member Rissi as Chair: Rowland

A nomination was made by Member Rowland to appoint Member Rissi as Planning Commission Vice Chair. Supported by Member Engel. Member Rissi accepted the nomination.

A nomination was made by Member Noordhoek to appoint Member Bruneau as the Planning Commission Vice Chair. Supported by Member Rowland. Member Bruneau accepted the nomination.

A vote carried 7 to 1 by roll call vote in favor of electing Member Rissi as Vice Chair.

In favor of Member Rissi as Vice Chair: Noordhoek, Richardson, Bruneau, Moxley, Noordyke, Engel, Rissi

In favor of Member Bruneau as Vice Chair: Rowland

A nomination was made by Member Richardson to appoint Member Engel as Secretary of the Planning Commission. Supported by Member Moxley. Member Engel accepted the nomination.

A nomination was made by Member Noordhoek to appoint Member Bruneau as Secretary of the Planning Commission. Supported by Member Rissi. Member Bruneau did not accept the nomination.

The vote for Member Engel to be appointed Secretary of the Planning Commission carried unanimously 8 to 0.

A nomination was made by Chair Noordyke to appoint Member Moxley as the Planning Commission Representative to the ZBA. Supported by Member Engel. Member Moxley accepted the nomination.

A nomination was made by Member Rowland to appoint Member Bruneau as the Planning Commission Representative to the ZBA. Supported by Member Noordhoek. Member Bruneau accepted the nomination.

A vote carried 5 to 3 by roll call vote in favor of appointing Member Moxley as the Planning Commission Representative to the ZBA.

In favor of Member Moxley as the Planning Commission Representative to the ZBA:
Richardson, Bruneau, Moxley, Noordyke, Rissi

In favor of Member Bruneau as the Planning Commission Representative to the ZBA:
Noordhoek, Engel, Rowland

A nomination was made by Chair Noordyke to appoint Member Rowland as the Planning Commission Representative for the Village Design and Review Subcommittee. Supported by Member Bruneau. Member Rowland accepted the nomination.

A nomination was made by Member Engel to appoint Member Rissi as the Planning Commission Representative for the Village Design and Review Subcommittee. Supported by Member Richardson. Member Rissi accepted the nomination.

A vote carried 6 to 1 with 1 abstention to appoint Member Rowland as the Planning Commission Representative for the Village Design and Review Subcommittee.

In favor: Noordhoek, Bruneau, Moxley, Noordyke, Rissi, Rowland
Opposed: Engel
Abstained: Richardson

ARTICLE 10. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

ARTICLE 11. Any other business

Member Moxley noted that there is a Farmland Preservation Subcommittee meeting on January 24 at 8:00 am at the Cascade Township Office.

Member Bruneau questioned why legal counsel was not in attendance to present the commission with documents discussed at the previous meeting. He expressed the difficulty of holding a public hearing without reviewing the documents beforehand. Member Rissi suggested canceling and rescheduling the public hearing. ZA Smith-Jacoby stated that she had sent the documents from Attorney Homier to Chair Noordyke the previous week. Chair Noordyke apologized for being out of the loop and requested she send the documents to the new Chair.

Member Engel expressed his gratitude to Chair Noordyke for the commendable work he has accomplished in his role as Chair.

Member Rissi said there is usually a copy of the Bylaws, code of conduct, and other documents included in the meeting packet for review. He thought it would be good to include it in the next meeting.

ARTICLE 12. Adjournment

Motion was made by Member Engel to adjourn the meeting. Supported by Member Moxley. Motion carried 8 to 0. The meeting adjourned at 8:04 pm.

Respectfully submitted,
Joe Engel, Secretary

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CASCADE CHARTER TOWNSHIP PLANNING COMMISSION

BYLAWS

Adopted on _____, 20242

ARTICLE 1: AUTHORITY AND SCOPE

These bylaws are adopted by the Cascade Charter Township Planning Commission (“Planning Commission”) pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et seq.), as amended. In cases where these bylaws are in conflict with the Cascade Charter Township Planning Commission Ordinance~~Cascade Charter Township Zoning Ordinance, the Zoning that~~ Ordinance shall prevail.

ARTICLE 2: CREATION AND MEMBERSHIP

2.1 Creation. Pursuant to the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended), ~~and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)~~, the Cascade Charter Township Board of Trustees ~~confirmed the establishment of~~continued the Cascade Charter Township Planning Commission by resolution and ordinance with the powers and duties set forth ~~in the Michigan Zoning Enabling Act~~under Michigan law.

2.2 Members. The Planning Commission shall consist of ~~nine (9)~~seven (7) members representing major interests present in the Township. –Members shall be appointed by the Township Supervisor of Cascade Charter Township with the approval of the Township Board.

- a. All members must be residents and qualified electors of the Township.
- b. One (1) member of the Township Board must be appointed to the Planning Commission.
- c. One member of the Planning Commission must be appointed to the Township Zoning Board of Appeals. However, the person who is the

Planning Commission Member-Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.

2.3 Chairperson, Vice Chairperson, and Secretary. At the first meeting in January, the Planning Commission must select a chairperson, vice chairperson, and secretary from among its members, and must create and fill other offices and committees as it considers advisable by a majority of the quorum present at the meeting. The term of each office is 1 year, with eligibility for re-election for no more than 2 consecutive terms. The Township Board member is not eligible to be selected as an officer.

- a. Chairperson. The Chairperson presides at the public meetings of the Planning Commission, appoints committees, subject to Planning Commission approval, and performs other duties as may be ordered by the Planning Commission.
- b. Vice Chairperson. The vice chairperson is authorized to serve as chairperson if the chairperson is absent. If there is a vacancy in the office of chairperson, the vice chairperson shall fill the vacancy for the unexpired term and the Planning Commission shall fill the vacancy in the office of the vice chairperson the remainder of the unexpired term.
- c. Secretary. The secretary (or authorized designate) must execute all documents in the name of the Planning Commission. The Planning Director shall serve as the recording secretary and is responsible for the minutes of each meeting and must provide for permanent keeping of all documents of the Planning Commission at the Township Hall. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the secretary (or the secretary's authorized designate).

2.4 Compensation. Members of the Planning Commission shall be compensated for their services as provided by the Township Board.

ARTICLE 3: TERMS OF OFFICE; VACANCIES

3.1 Terms of Office. Except for members of the Planning Commission first appointed under MCL 125.3815, Planning Commission members shall be appointed to three-year terms and shall hold office until his or her successor is appointed (except for the member representing the Township Board, whose term shall expire with his or her term on the Township Board).

3.2 Vacancies. If a vacancy occurs on the Planning Commission during a term for reasons including, but not limited to death, disability, resignation or removal, or the Planning Commissioner is no longer a resident and registered elector, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.

3.3 Removal from Office. The Township Board may remove members from the Planning Commission for violating the ~~Planning Commission Rules of Conduct~~ Township Conflict of Interest Policy, or for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. To initiate this action, the Planning Commission ~~may shall~~ make a recommendation for removal to the Township Board, and shall specify the reasons for removal.

ARTICLE 4: RESPONSIBILITIES AND AUTHORITY

4.1 Responsibilities. The Planning Commission must perform all of the actions required by law, ~~the Township Zoning Ordinance (including but not limited to Chapter 23), and other applicable rules and regulations.~~

4.2 Requirements for Action. A majority of the Planning Commission shall constitute a quorum for the transaction of ordinary business and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission attending any meeting where a quorum is

present, unless Michigan law provides otherwise. If a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied.

4.3 Voting Procedure.

- a. Motions before the Planning Commission may be restated by the chairperson before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
- b. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in Section 23.03(5)(b) of the Zoning Ordinance and these Bylaws.
- c. Action by the Planning Commission on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission.
- d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

4.4 Conflict of Interest. The Planning Commission and its members shall adhere to the Township Conflict of Interest Policy. A conflict of interest is described in the Planning Commission Rules of Conduct exhibit.

Commented [BK1]: ??? What is this, where is it, and why is it not just included here?

ARTICLE 5: MEETINGS

5.1 Meeting Schedule.

- a. Regular Meetings. Regular meetings of the Planning Commission shall be held on the first and third Mondays of each month at a time and place as determined

by the Recording Secretary unless cancelled or rescheduled by the Planning Commission. When the regular meeting day falls on a legal holiday, the Planning Commission may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Planning Commission's first meeting in December, the Recording Secretary shall submit to the Planning Commission a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Planning Commission.

b. Special Meetings. A special meeting of the Planning Commission may be requested by any Planning Commissioner or the Recording Secretary. The Recording Secretary shall send written notice personally, by mail (if time is sufficient), or any other electronic means, including facsimile, text or email, of a special meeting to Planning Commission members not less than 18 hours before the meeting.

5.2 Meetings. Planning Commission meetings, subcommittee meetings, and hearings will be held in compliance with the Open Meetings Act.

5.3 Notice of Meetings. Notice of all public meetings must be posted pursuant to the Open Meetings Act.

5.4 Agenda. A written agenda outlining the order of business for all regular or special meetings may be developed by the Planning Director then amended and approved by the Planning Commission Chairperson. The agenda may be supplemented or re-ordered by the Planning Commission during a meeting, provided the same does not violate any applicable law.

5.5 Public Participation. A member of the public may speak at public meetings or the public hearing part of a meeting of the Planning Commission in accordance with procedures adopted by the Planning Commission. The following procedures apply:

- a. Time for public comment must be provided at each Planning Commission meeting. Additional time for public comment may be scheduled at the end of any meeting, if necessary, in the discretion of the Planning Commission.
- b. Individuals wishing to speak are requested to provide the person's name and address.
- c. Persons must be recognized by the Chairperson before speaking and may be limited by the rules of the Planning Commission.
- d. No person may speak more than once during public comment (excluding any comments made at a public hearing).
- e. Persons addressing the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the meeting.
- f. Public comments shall be directed to the Chairperson.
- g. The Planning Commission reserves the right in its sole discretion to make inquiries, correct factual errors, respond to questions in a timely manner, or provide any other information it deems appropriate. ~~Where appropriate, The Planning Commission will make a good faith effort to respond to questions in a timely manner, at its discretion.~~

ARTICLE 6: ATTENDANCE AND QUORUM

6.1 Quorum. A majority of the members of the Planning Commission appointed and serving constitute a quorum for purposes of transacting business of the Planning Commission and the Open Meetings Act. Each member of the Planning Commission has one vote.

6.2 Attendance. Members of the Planning Commission who are absent from more than three consecutive, regularly-scheduled Planning Commission meetings or more than 50% percent of the regularly-scheduled Planning Commission meetings in a calendar year are subject to review and possible recommendation for removal to the Township Board. Exceptions may be made if absences are due to

the conduct of other business as authorized by the Planning Commission or are excused by the Planning Commission. The following procedures must apply:

- a. A member of the Planning Commission must notify the Planning Commission Chairperson of an anticipated absence as far in advance of the meeting as possible, stating the reason for such absence.
- b. The Chairperson may postpone or reschedule a meeting in the event a quorum will not be present.

ARTICLE 7: RECORDS

7.1 Meeting Records. Minutes must be maintained for all Planning Commission proceedings, including evidence, information, and data relevant to each case under consideration, resolutions, transactions, findings, voting by members, determinations, and final disposition of each case.

7.2 Maintenance of Records. Minutes of each Planning Commission meeting must be filed with the Township Clerk and must be available to the public. Minutes of closed sessions must be maintained separately and not disclosed to the public, except upon court order. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function must be made available to the public except where exempted by the Freedom of Information Act.

ARTICLE 8: COMMITTEES

8.1 Formation of Committees. The Planning Commission may establish committees to meet the needs and objectives of the Planning Commission and must specify the number of members, terms of appointment, functions, goals, and projected time periods for such committees. The Planning Commission may appoint advisory committees outside of its membership.

8.2 Public Notice. Notice of the formation of committees, their purpose, membership, and meeting schedule must be posted at the Cascade Charter

Township Hall. All meetings and meeting records must be open to the public as required by the Open Meetings Act or the Freedom of Information Act.

8.3 Accountability and Records. Committees must be accountable to the Planning Commission. Records must be maintained for all meetings. Reports and recommendations must be submitted to the Planning Commission in writing.

8.4 Discharge of a Committee. A committee may be discharged from its responsibilities by a majority vote of the Planning Commission.

ARTICLE 9: PERSONNEL

The Township Board, in consultation with the Planning Commission, may employ a zoning administrator, planning director or other personnel or consultants, contract for services of planning and other experts and technicians, provide support staff, and pay or authorize payment of expenses within the funds budgeted for planning or zoning purposes by the Township Board.

~~**ARTICLE 10: EX PARTE COMMUNICATION**~~

~~*Ex Parte communication is described in the Planning Commission Rules of Conduct exhibit.*~~

ARTICLE 104: REVIEW AND AMENDMENT OF BYLAWS

Rules and procedures adopted by the Planning Commission may be reviewed and amended from time to time. Amendments will require an affirmative vote of a majority of the Planning Commission appointed and serving.

STATE OF MICHIGAN)
)
COUNTY OF KENT)

I the undersigned, the duly qualified and acting Secretary of the Planning Commission of Cascade Charter Township, Kent County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Bylaws adopted by the Planning Commission at a meeting held on the _____, 2022-2024 at _____ p.m.

_____, Planning Commission Secretary

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