

Bylaws of the Osceola County Planning Commission



As Approved by the Osceola County Board of Commissioners

September 2010

Incorporates changes approved by the Osceola County Planning Commission at its January 18, 2012 Annual Meeting.

Summary of Changes

Change 1, January 18, 2012

- a. Paragraph 2B: Delete “There are no permanent liaisons assigned or appointed to the Planning Commission. The role of liaisons is limited to participation in discussions with the Planning Commission, speaking during public participation, and nothing else.”
- b. Paragraph 2D: Delete “Vice Chair” and replace with “Recording Secretary”.
- c. Paragraph 3E(3)a: Delete “at the next meeting of the Planning Commission or committee”.
- d. Paragraph 4F: Delete “the Administrative Aide assigned to the County Coordinator’s office” and replace with “assigned by the Board of Commissioners”.

Bylaws of the Osceola County Planning Commission

1. Name and Purpose

- A. The name shall be the Osceola County Planning Commission, hereafter known as the “Planning Commission.”
- B. These bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, hereinafter “the Planning Act.”

2. Membership

- A. **Members.** Members of the Planning Commission are appointed by the Osceola County Board of Commissioners, hereafter known as the “Board of Commissioners,” pursuant to the Osceola County Planning Commission Ordinance.
 - (1) As a first priority, each member shall represent and advocate what is best for Osceola County as a whole, putting aside personal or special interests.
 - (2) As a second priority, each member shall represent a separate important segment of the community, as appointed by the Board of Commissioners:
 - a. One citizen member representing agricultural, forestry and land use interests.
 - b. One citizen member representing environmental interests.
 - c. One citizen member representing educational interests.
 - d. One citizen member representing economic development interests
 - e. One citizen member representing small business interests.
 - f. One citizen member representing recreational interests.
 - g. One citizen member representing governmental and municipal interests.
 - h. Two members will be County Commissioners.
 - i. Two citizen members representing the public-at-large.
 - (3) All but one member must be a qualified elector in Osceola County.
- B. **Liaisons.** From time-to-time the Planning Commission may request certain government or quasi-government officials to participate in discussions with the Planning Commission. ~~There are no permanent liaisons assigned or appointed to the Planning Commission. The role of liaisons is limited to participation in discussions with the Planning Commission, speaking during public participation, and nothing else~~ (Change 1). Liaisons can not vote, introduce motions, initiate any other parliamentary action, or be counted towards the number needed for a quorum.

C. Attendance. If any Planning Commission member is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Board of Commissioners to remove a member from the Planning Commission for nonfeasance. The Planning Commission Secretary, or Acting Secretary in the elected Secretary's absence, shall keep attendance records and shall notify the Board of Commissioners.

D. Training. Prior to assuming office, or as soon as possible thereafter, new Planning Commission members will receive initial orientation. Orientation training is conducted by the ~~Vice-Chair~~ **Recording Secretary** (Change 1). Initial orientation will include, at a minimum:

- (1) A review of these bylaws.
- (2) Review and completion of the Planning Commission Member Expectation Form.
- (3) Introduction to basic parliamentary motions. This can be accomplished by going over motions from several previous meetings and explaining where the Planning Commission keeps copies of Robert's Rules of Order.
- (4) Receipt of a Planning Commission notebook complete with contents.
- (5) Arranging for the County Clerk's office to administer the Oath of Office.

The Planning Commission does not have a continuing education requirement; however, periodically Planning Commission members will have the opportunity to attend various training events.

E. Conflict of Interest.

- (1) Each member of the Planning Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

- d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in financial benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent in-laws, grandparent in-laws, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant or has a direct interest in the outcome.
- (2) If there is a question whether a conflict of interest exists or not, the question shall be put before the Planning Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Planning Commission.
- (3) When a conflict of interest exists, the member of the Planning Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
- a. Declare a conflict exists ~~at the next meeting of the Planning Commission or committee~~ (Change 1).
 - b. Cease to participate at the Planning Commission or committee meetings, or in any other manner, or represent one's self before the Planning Commission, its staff, or others, on the item for which the conflict of interest exists.
 - c. During deliberation of the agenda item before the Planning Commission or committee, leave the meeting or remove one's self from the front table where members of the Planning Commission sit, until that agenda item is concluded.
- (4) If a member of the Planning Commission is appointed to another office or assumes a position which is incompatible with his or her membership on the Planning Commission, then on the effective date of the appointment to the other office or assuming the other position, that shall result in an automatic resignation from the Planning Commission. If an individual holding an incompatible office or position is appointed to the Planning Commission, the appointment to the Planning Commission does not take effect until the individual no longer holds the incompatible office or position.

3. Duties of all Members.

A. *Ex Parte* Contact.

- (1) Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.

- (2) Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Planning Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

B. Site Visits & Inspections.

- (1) In no instance will a site visit or inspections, if required, be done unless approved by the Planning Commission at a public meeting or hearing.
- (2) Site visits and inspections will be conducted by at least three Planning Commission members, but less than a quorum unless the site visit or inspection has been properly posted under the Open Meetings Act.
- (3) A written report of the site inspection shall orally be presented to the Planning Commission at a public meeting or hearing and the report will be kept on file.

C. Not Voting on the Same Issue Twice. Any member of the Planning Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making.

D. Accepting Gifts.

- (1) Gifts shall not be accepted by a member of the Planning Commission from anyone connected with an agenda item before the Planning Commission.
- (2) As used here, gifts shall mean cash, any tangible item, or service, regardless of value, and food valued over \$10.

E. Spokesperson for the Planning Commission.

- (1) Free and open debate should take place on issues before the Planning Commission. Such debate shall only occur at meetings of the Planning Commission.
- (2) Once a vote is taken and an issue is decided by vote, the duty of each member of the Planning Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Planning Commission.

- (3) From time-to-time, or on a specific issue, the Planning Commission may appoint a spokesperson for the Planning Commission for all matters which occur outside of the meetings of the Planning Commission.

F. Expectation of Members. Each member upon assignment shall sign a Member Expectation Form.

4. Officers

A. Election. At the organizational meeting (Section 5.A) each year, the Planning Commission shall elect from its membership a Chair, Vice-Chair, and Secretary. A member who is also a County Commissioner is not eligible for election as Chair or Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Planning Commission shall elect a successor to the office of Vice-Chair for the unexpired term. If in the event the office of the Secretary becomes vacant, the Planning Commission shall elect a successor for the unexpired term. The Vice-Chair will assume the responsibilities of the Secretary until a new Secretary is elected. The Planning Commission or Secretary may also designate another person who is not a member of the Planning Commission to be a Recording Secretary.

B. Tenure. The Chair, Vice-Chair and Secretary shall take office following their election and shall hold office for a term of one year or until their successors are elected and assume office.

C. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Planning Commission. The Chair shall:

- (1) Preside at all meetings with all powers under parliamentary procedure.
- (2) Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Planning Commission.
- (3) Restate all motions pursuant to Section 5.H of these Bylaws.
- (4) Appoint committees pursuant to Section 7 of these Bylaws.
- (5) Appoint officers of committees or choose to let the committees select their own officers.
- (6) Call special meetings pursuant to Section 5.C of these Bylaws.

- (7) Act as an Ex-Officio member of all committees of the Planning Commission.
- (8) Appoint an Acting Secretary in the event the Recording Secretary and Secretary are absent from a Planning Commission meeting.
- (9) Review with the Recording Secretary, prior to a Planning Commission meeting, the items to be on the agenda if he or she so chooses.
- (10) Conduct site inspections when needed.
- (11) Serve on the Osceola County Parks Commission.
- (12) Represent the Planning Commission, along with the two Board of Commissioner members, before the Osceola County Board of Commissioners.
- (13) Perform such other duties as may be ordered by the Planning Commission.

D. Vice-Chair's Duties.

- (1) Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Bylaws, in the Chair's absence.
- (2) Conduct site inspections when needed.
- (3) In the event that the office of Secretary becomes vacant, assume the duties of Secretary until a replacement is selected.
- (4) Perform such other duties as may be ordered by the Planning Commission.

E. Secretary's Duties. The Secretary shall:

- (1) Execute documents in the name of the Planning Commission.
- (2) Be responsible for the minutes of each meeting, pursuant to Section 6.A of these Bylaws if a Recording Secretary is not assigned, or if assigned, is not present.
- (3) Review the draft of the minutes once completed by the Recording Secretary.
- (4) Conduct site inspections when needed.
- (5) Perform such other duties as may be ordered by the Planning Commission.

F. Recording Secretary. The Recording Secretary shall be **assigned by the Board of Commissioners** ~~the Administrative Aide assigned to the County Coordinator's office~~ (Change 1). The Recording Secretary shall not be a member of the Planning Commission or any of its committees, and shall:

- (1) Receive all communications, petitions, and reports addressed or delivered to the Planning Commission.
- (2) Keep attendance records pursuant to Section 2.C of these Bylaws.
- (3) Provide notice to the public and members of the Planning Commission for all organizational, regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261 *et seq.*
- (4) Prepare an agenda for Planning Commission meetings pursuant to Section 5.N. of these Bylaws.
- (5) At each meeting take notes for minutes and prepare a draft of minutes pursuant to Section 6.A of these Bylaws for review and adoption by the Planning Commission.
- (6) Distribute copies of minutes from the previous meeting to each member of the Commission prior to the next meeting of the Planning Commission.
- (7) Retain and keep on file Planning Commission records pursuant to Section 6.B.

5. Meetings

A. Frequency and Types. The Planning Commission will hold a minimum of four meetings each year: one Organizational meeting, a minimum of three Regular meetings, and Special meetings as needed.

B. Organizational Meeting. The Organizational meeting will take place during the month of January, February, or March. At this meeting, Officers for the year will be elected. Also at this meeting, the Planning Commission shall determine, by resolution, the date, time, and place for the Regular meetings.

C. Regular Meetings. Unless circumstances dictate otherwise, Regular meetings will take place at the date, time, and location determined at the Organizational meeting. Approximately two weeks prior to each meeting the Recording Secretary will send notice to each Commissioner that includes:

- (1) An agenda, including the date, time, and location of the meeting.
- (2) A copy of the minutes from the previous Planning Commission meeting.

- (3) Any other material that is relevant.
 - (4) Notices shall comply with P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, MCL 15.261 *et seq.*
- D. Special Meetings.** A special meeting of the Planning Commission may be called by the Chair or by two other members, upon written request to the Secretary or Recording Secretary:
- (1) The Secretary shall send written notice of a special meeting to Commission members not less than 48 hours before the meeting.
 - (2) The notice shall state the purpose, time, day, month, date, year, and location of the meeting.
 - (3) Notices shall comply with P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, MCL 15.261 *et seq.*
- E. Notification.** Meeting notices may be hand delivered, sent by U.S. Postal Service, sent by commercial delivery service, or delivered electronically with receipt requested, if the Planning Commission member has given permission to receive notices electronically.
- F. Recess.** The Chair, or the Planning Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Planning Commission's business and evaluate the remaining items on the agenda. The Planning Commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If more than 18 hours will pass before the reconvened meeting, public notice shall be given to comply with P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, MCL 15.261 *et seq.* Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with same agenda. The same Planning Commission members need not be in attendance; however, a quorum must be in attendance. The Planning Commission shall resume with the same meeting agenda, proceeding at the same point where it left off, without the addition of additional business.
- G. Quorum.** More than half the total number of seats for members of the Planning Commission, regardless if vacancies exist or not, shall constitute a quorum. Whenever a quorum is not present, the Planning Commission may meet as long as it is not a reconvened meeting (Section 5.F); however, no motions may be made or passed.
- H. Motions.** Motions shall be restated by the Chair before a vote is taken.

- I. Findings of Fact.** All actions taken in an administrative capacity (including but not limited to, review and submission on another local unit of government's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
- (1) A finding of fact, listing what the Planning Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - (2) Conclusions to list reasons based on the facts for the Planning Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - (3) The Planning Commission's action, recommendation or position, approval, approval with conditions, or disapproval.
- J. Voting.** Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Planning Commission and shall be recorded as "yes" or "no". Members must be present to cast a vote. No proxy voting is allowed. The majority of a quorum is required to adopt a motion.
- K. Planning Commission Action.** Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- L. Parliamentary Procedure.** Parliamentary procedure in Planning Commission meetings shall be informal. However, if required to keep order, Planning Commission meetings shall then be governed by *Robert's Rules of Order (version recognized by the Osceola County Board of Commissioners)* for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- M. Public Participation.** All meetings, hearings, records, and accounts shall be open to the public.
- (1) Public comment on all agenda items should be presented at the beginning of the meeting where provided in the agenda. Public comment is at the beginning of the meeting so the Planning Commission can hear concerns and questions before acting on an issue. After that point public comment is normally not allowed; however, sometimes the Planning Commission may direct questions to members of the public. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting,

any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

- (2) The Chair may limit the amount of time allowed for each person wishing to make public comment at a Planning Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Planning Commission meeting without time limit or an extended time limit.

N. Agenda (Order of Business). The Recording Secretary, or designee, shall prepare an agenda for each meeting and the order of business shall be as follows:

- (1) Call to Order, roll call, and Pledge of Allegiance.
- (2) Matters pertaining to citizens present at the meeting, in the following order:
 - a. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
 - b. Persons requested by the Planning Commission to attend the meeting.
 - c. Other public participation for items on this agenda.
- (3) Housekeeping business.
 - a. Approval of Minutes.
 - b. Budget Report.
 - c. Other.
- (4) Unfinished business and reports.
- (5) New business (other business and communications).
- (6) Public participation for items not on this agenda.
- (7) Adjournment.

6. Record

A. Minutes and Record

- (1) Copy of the meeting notice posted pursuant to P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, MCL 15.261 *et seq.*

(2) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:

- a. Time and place the meeting was called to order.
- b. Attendance.
- c. Indication of others present (listing of names if sign-in sheet used and/or count of those present).
- d. Summary or text of points of all reports given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if one is offered in writing.
- e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - [1] When testimony is given document who testified and what was said.
 - [2] The location of the property involved (tax parcel number and description, legal description is best).
 - [3] When exhibits are submitted, what exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - [4] What evidence was considered (summary of discussion by members at the meeting).
 - [5] The findings of fact.
 - [6] Reasons for the decision made.
 - [7] The decision (e.g., approve, deny, approve with modification).
- g. Who called the question.
- h. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "The motion passed/failed after a voice vote."
- i. That a person making a motion withdrew it from consideration.
- j. All the Chair's rulings.
- k. All challenges, discussion and vote/outcome on a Chair's ruling.
- l. All parliamentary inquiries or points of order.
- m. When a voting member enters or leaves the meeting.
- n. When a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.

- o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
- p. The start and end of each recess.
- q. All Chair's rulings of discussion being out of order.
- r. Full text of any resolutions offered.
- s. Summary of announcements.
- t. Summary of informal actions, or agreement on consensus.
- u. Time of adjournment.

(3) Records of any action, support documents, maps, photographs, correspondence received, attached as an appendix to the minutes.

B. Retention. Planning Commission records shall be preserved and kept on file according to the following schedule:

- (1) Minutes, oaths of officials, master plans, records of decisions, Commission publications: Permanent.
- (2) Correspondence: Permanent.
- (3) Financial Records: As determined by County Treasurer.

7. Committees

A. Ad Hoc Committees. The Planning Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

B. Citizen Committees. The Planning Commission or Chair may establish and appoint citizen committees. Membership can be any number, so long as less than a quorum of the Planning Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Planning Commission, and to better represent various interest groups in Osceola County.

8. Rules of Procedure for All Committees

A. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Planning Commission for review and action. The Planning Commission can overrule any action of any committee.

B. Same Principles. The same principles of these Bylaws for the Planning Commission also apply to all committees of the Planning Commission including, but not limited to:

- (1) Officers. Officers of committees are appointed by the Chair of the Planning Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary/Vice-Chair.
- (2) Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
- (3) Voting. Only those appointed members of a committee, who are present at the time of a vote, shall be eligible to cast a vote.
- (4) Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Planning Commission to remove any member from the committee. The committee Secretary/Vice-Chair or acting committee Secretary/Vice Chair in the absence of the elected committee Secretary/Vice-Chair shall keep attendance records and notify the Planning Commission of any committee member who is absent from three consecutively scheduled meetings so the Planning Commission may consider removal of the individual from the committee or excuse the absence(s).
- (5) Minutes. The Secretary/Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Planning Commission and filed in the same office as the Planning Commission's minutes.
- (6) Public. All committee meetings are open meetings available for public attendance and participation, and minutes of the meetings are to be available for public inspection under P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, MCL 15.261 *et seq.*
- (7) Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

9. Mileage and Per Diem

- A. Mileage and per diem shall be paid to members of the Planning Commission at rates established by the Board of Commissioners for attending Planning Commission meetings if those Planning Commission members bill Osceola County for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Planning Commission members bill Osceola County for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Board of Commissioners with recommendation by the Planning Commission.
- B. Mileage and per diem shall be paid to members of the Planning Commission at rates established by the Board of Commissioners when attending training being paid for by the Planning Commission, if those Planning Commission members bill Osceola County for the same. When attending training not being paid for by the Planning Commission, members shall not be paid per diem, but shall be paid mileage if those Commission members bill Osceola County for the same; however, they must first receive approval from the Planning Commission or Chair.

10. Hearings

- A. **Plan Hearings.** Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Board of Commissioners, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation in Osceola County.
- B. **Special Hearings.** Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act.
- C. **Notice of Decision.** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

11. Plan Reviews

- A. The Planning Commission shall review all adjacent township plans, adjacent county plans, and local government plans (township, village, and city plans) within the boundaries serviced by the Planning Commission.

- B.** Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's action, pursuant to Section 5.I of these Bylaws.
- C.** The review should focus on:
- (1)** First and foremost, to increase coordination of planning between governments.
 - (2)** Consistencies or inconsistencies with Osceola County's plans for matters such as:
 - a.** Border issues.
 - b.** Issues of greater than local concern.
 - c.** Comparison with local plan contents.
 - d.** Comparison with county/regional plan contents.
 - e.** Comparison to other relevant adopted plans (such as brownfield redevelopment plan, recreation plan, etc.).
 - f.** Comparison to various implementation strategies.
 - (3)** If the Planning Commission considered the proposed plan to be inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
 - (4)** If the Planning Commission considers the draft plan (or amendment) to be inconsistent with any County plan.
 - (5)** Action by the Planning Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
 - a.** The assumption is made that there should not be any provision of a municipal plan which is in conflict with the County's plan.
 - b.** The Planning Commission shall use compliance with the County's plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.

- c. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Planning Commission's finding of compliance with the County's plan. The municipality (or both municipalities) not in compliance with the County's plan shall be deemed to have the plan which contributes to the boundary conflict.

D. The review shall be in the form of a letter and shall take into account:

- (1) Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
- (2) Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
- (3) Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
- (4) Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

12. Township Zoning Reviews

- A.** The Planning Commission shall review all zoning ordinances and zoning amendments for townships within the County.
- B.** Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's action, pursuant to section 5.I of these Bylaws.
- C.** Township zoning, which shall be submitted with the following information:
 - (1) The text of the proposed ordinance.
 - (2) The map for the proposed ordinance.
 - (3) A letter from the township's attorney of their choice indicating:
 - a. proper procedure for adoption and
 - b. the ordinance has been reviewed against all other applicable statutes and law, and
 - c. the ordinance is appropriately drafted for use as a legal/ordinance document.

D. Action by the Planning Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:

- (1) The assumption is made that there should not be any provision of the township plan which is in conflict with the County's plan. Thus the proposed zoning, which is based on the township plan, should also comply with the County's plan.
- (2) The Planning Commission shall use compliance with the County's plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
- (3) The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Planning Commission's finding of compliance with the County's plan. The municipality (or both municipalities) not in compliance with the County's plan shall be deemed to have the zoning which contributes to the boundary conflict.

E. The review shall be in the form of a letter and shall take into account:

- (1) Respect for the idea that the submission and review stages are near the end of the ordinance adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
- (2) Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
- (3) Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
- (4) Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

13. Capital Improvements Review

- A. **Capital Improvements** (defined as the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a *grant*, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.
- B. All preliminary plans and reports for the physical development of the County of Osceola, including the general location, character and extent of streets and roads, bridges, farmland, agricultural land, forest land, parks and open spaces shall be reviewed, together with the general location of public buildings and other public property, and the general location and extent of public utilities and terminals.
- C. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's action, pursuant to section 5.I of these Bylaws.
- D. When reviewing the proposed project the Planning Commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the Planning Commission's review of the project should not be favorable.
 - (1) Is the proposed project consistent with adopted plans?
 - (2) Is the project consistent with other governmental management plans?
 - (3) Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
 - (4) Is the project consistent with adopted capital improvement plans, if any?
- E. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:
 - (1) Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
 - (2) Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.

- (3) Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
- (4) Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

14. Capital Improvements Program

The Planning Commission is exempt from this requirement. The Board of Commissioners has elected to retain this responsibility.

15. Other Matters to be Considered by the Planning Commission

- A. At least annually, the adoption of priorities for the Planning Commission's plan of work.
- B. Annually, preparation of an annual report of the Planning Commission for submission to the Osceola County Board of Commissioners.
- C. All planning reports and plans before publication.
- D. Matters which properly come before the Osceola County Solid Waste Management Planning Committee, pursuant to Part 115 of P.A. 451 of 1994, as amended, being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11501 *et seq.*
- E. Planning Commission's budget requirements for the fiscal year, and request for appropriation.