

Conway Township Planning Commission Meeting Agenda

Date: March 14, 2022

7:00pm

Next Meeting April 11, 2022

7:00pm

AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call and Sign in: Jeff Klein, Londa Horton, George Pushies, Kelly Ralko, Chuck Skwirsk, Meghan Swain-Kuch, Dave Whitt. Zoning Administrator: Todd Thomas.

APPROVAL OF LAST MEETING MINUTES

3. Planning Meeting Minutes from last meeting – February 14, 2022

CALL TO PUBLIC

APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT

COMMUNICATIONS

4. Zoning Administrator Report – February 2022
5. Board Ex-Officio Report – February 2022 Board Meeting

OLD BUSINESS

6. Small Event Template – Meghan
7. Solar Survey – Kelly, Abby
8. PC Bylaws – Abby
9. 13.10 Event weddings – Abby
10. PR Resolution - Abby

NEW BUSINESS

11. Census stats for Master Plan - Dennis
12. Solar List – The Planners
13. Solar Moratorium - Kelly

PLANNING COMMISSION MEMBER DISCUSSION

LAST CALL TO PUBLIC

ADJOURNMENT

Planning Commission Member Meeting Sign in

Date: _____

Planning Commission

Jeff Klein	
Londa Horton	
George Pushies	
Kelly Ralko	
Chuck Skwirsk	
Meghan Swain-Kuch	
Dave Whitt	

Zoning Administrator

Todd Thomas	
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Conway Township Planning Commission Meeting Minutes

February 14, 2022

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
AGENDA Call to Order Pledge of Allegiance Roll Call Signin	<p>Attendees: 7</p> <p>1. Chair Chuck Skwirsk called the Conway Township Planning Commission meeting to order at 7:00pm.</p> <p>Chair Chuck Skwirsk led in the Pledge of Allegiance.</p> <p>2. He called Roll Call of:</p> <p>Planning Commission Members present: Jeff Klein, Londa Horton, Kelly Ralko, Meghan Swain-Kuch, Chuck Skwirsk, Dave Whitt, George Pushies - Ex-Officio</p> <p>Zoning Administrator present: Todd Thomas.</p> <p>Livingston County Planning Commissioner present: Dennis Bowdoin</p> <p>Township Attorney present: Abby Cooper</p> <p>Community Builders (CIP) Master Planners present: Hannah Smith (hsmith@cibplanning.com), Justin Sprague (sprague@cibplanning.com)</p> <p>Those absent: -0-</p>	
CONSENT AGENDA APPROVAL	3. Planning Meeting Minutes from last meeting 1/10/2022 - A motion was made by Meghan Swain-Kuch to accept the minutes from the last meeting. Second by Dave Whitt. All in favor. Opposed. Motion passed.	
CALL TO PUBLIC	-0-	
APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT	Londa Horton made a motion to accept the meeting agenda for tonight with Abby Cooper's addition of 9B to Old Business regarding the LCPC staff reviews of the 7 ordinance amendments. Second by Dave Whitt. All in favor. Opposed. Motion passed.	
COMMUNICATIONS	<p>4. Zoning Administrator Report - 4 land permits for month of January were issued.</p> <p>5. Board Ex-Officio Report – provided by George Pushies.</p> <p>6. Chuck Skwirsk made a motion to include the ZA at all Board meetings. George Pushies second. All in favor. One opposed. Motion passed.</p>	George Pushies to take to the Board to include ZA at all Board meetings.

Conway Township Planning Commission Meeting Minutes

February 14, 2022

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
	<p>7. Londa Horton recusal Solar farming. Londa explained a conflict of interest regarding a family member considering solar farming. She expressed concern over having no farmer voice on the Board or PC on this issue. Homesteaders who built the infrastructure of this township were remembered as part of a Farm Bureau group including the: Millers, Carbarys, Deitrichs, Parsons, Vogts, Kreegers, Kleins, Kingsleys, Miles, Copelands, Baughns, Robbs, and the Hortons. Change is hard, but look into the future. Consider what could be in your backyard if not a solar farm; dog kennel, medical marijuana facility, shooting range, housing development. Why conduct a survey on solar farming when you already know the outcome. Instead ask the residents things like what road needs paving next? I feel it's my duty to recuse myself whenever we discuss solar farming.</p> <p>8. Justin Sprague, the Township Planner, offered that those with a conflict of interest can still participate, but not vote. Abby Cooper offered that you can have opinions. There is no pending application that Londa is involved in. If an application is filed, then it may be a conflict of interest. George Pushies commented we cannot deny her the first amendment right. Chuck Skwirsk made a motion that Londa Horton sit here with the PC until a solar farm application comes to a vote. Second by George Pushies. All in favor. Two opposed. Motion passed.</p>	
PUBLIC HEARING	<p>Public Hearing opened for public comment at 7:28pm and the PC meeting closed. No comment by the public. The Public Hearing was closed at 7:30pm and the PC meeting opened.</p> <p>9. Accessory Dwelling Units new section 6.27 in regard to detached accessory dwelling units in the AR and R Districts.</p> <p>10. General and Supplemental Regulations. Amend Section 6.09 (A)(8) pertaining to Temporary Land Use Permits for Ag Tourism entertainment events.</p> <p>PC discussion. PC vote to send to Board for adoption. Chuck Skwirsk made a motion to recommend to the Board for adoption new ZO section 6.26 and 6.09 (A)(8). Second by Kelly Ralko. All in favor. Motion passed. It goes to the LCPC next for review.</p>	Abby fills out forms to LCPC and Chuck signs forms.

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Agenda	Items Discussed	Actions to be Taken
	<p>George Pushies made a motion that any future updates from the LCPC and the PC be forwarded by the Chair, Vice Chair, and Secretary to the Township Board Clerk. Second by Meghan Swain-Kuch. All in favor. Opposed. Motion passed.</p>	<p>Chair, Vice Chair and Secretary forward all future ZO updates from the LCPC and PC to the Township Clerk.</p>
<p>OLD BUSINESS</p>	<p>11. Abby Cooper</p> <ul style="list-style-type: none"> a. PC Bylaws fixing the term of the officers – Revisions to the bylaws were made. She incorporated all changes missed previously such as correcting the duration for term of office for officers to one year. Londa Horton asked the Township Clerk change the PC members terms on the website. Also, Abby noted the PC Agenda items are to be sent to the Secretary and Chair by noon on the Tuesday before the meeting. Londa Horton made a motion to approve the proposed bylaws as presented. Meghan Swain-Kuch second. All in favor. Opposed. Motion passed. b. LCPC staff reviews of the 7 ordinance amendments. It was agreed that the vast majority of the ordinances be approved. Take a closer look at new section 13.10(W) for Event/Wedding structures and venues. They also asked for a definition for medical marijuana caregiver operation. No district listed just AR or R, commented Dennis Bowdoin. Abby Cooper advised PC to take a vote to move on these amendments that were approved by LCPC and give PC another month to review these 2 remaining amendments. George Pushies asked to include the new Planners in this discussion. Abby Cooper will send the 7 amendments to them. Keep this as an agenda item for next month. <p>12. Large and Small Event definitions – Meghan Swain-Kuch and Kelly Ralko came up with a template of topic areas, then we can fill in the blanks to make it stricter. Meghan will send to Londa Horton to send out to the Planner and all PC members.</p> <p>13. Solar Ordinances – Todd, review Ranger Power proposals. Discussion ensued.</p> <ul style="list-style-type: none"> a. Township accessor provided him something to be included in the ordinance like a nameplate. 	<p>Township Clerk to change PC member terms of office on website.</p> <p>CIP, the Planners, to take a look at the 7 ordinances.</p> <p>Abby to send the 7 ordinances to the Planners.</p> <p>Chuck to keep the 7 ordinance amendments on March agenda</p> <p>Meghan to send large and small event topic template to Londa to send out to PC and Planner</p>

Conway Township Planning Commission Meeting Minutes

February 14, 2022

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
	<ul style="list-style-type: none"> b. 6' fence, but federal statute requires 7' fence minimum. Could there be passageways? MSU Extension solar ordinances was worked on by Hannah Smith. c. Kelly Ralko asked about wetland setbacks. d. Transmission lines underground to be look at e. Setbacks; 200' from adjacent property, 50' from property lines. Appeared 75' from road right of way on M-13 project in Shiawassee Township, commented Todd Thomas. f. Site drainage is an issue from property owners, commented Todd Thomas. g. Site plan final requirements; suggestion to have a preliminary approval in terms of the footprint and how it will look. A two-step approval process is something to consider. h. Request on scale to reduce to 1" = 20' scale drawing. i. Justin Sprague explained a Predevelopment process where the Planners work with the applicant through the site plan to work through the process. The point is not to waste their time. The approval conditioned upon these things____. The applicant pays for the Predevelopment process. j. Suggestion that the Planners look at all ordinances and come up with our ordinances. Look at the proposed amendments from the county, and all resources with the ZA, attorney, Supervisor, Chair. The Planners will conduct the meeting before the next PC March meeting. k. Hannah Smith requested to have a conversation about what it is that you like. She has a list of questions. What are the goals for the township? If it's ag preservation then make sure it's consistent. l. Chuck Skwirsk asked Todd Thomas to provide all resources to Hannah Smith. m. A comparison to the federal statute needs to be referenced, commented George Pushies. n. Kelly Ralko asked if all land is suitable for solar? Look at the wetlands map. o. Justin Sprague cautioned that provisions for wetland delineation. George Pushies commented that developers 	<p>Todd Thomas to provide all solar farm resources to the Planners</p>

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Agenda	Items Discussed	Actions to be Taken
	<p>drill through tile line. Should we be bringing in Cohoctah township as this will affect them?</p> <ul style="list-style-type: none"> p. Remember performance bond and surety bonds – cannot have water discharge from one property to another. q. Meghan Swain-Kuch asked if there is a template for the impact study for things like storm water, environmental, wildlife impacts. r. Make sure the Drain Commission is brought into this. The substation will be right across road from the township hall, commented Dennis Bowdoin. s. Abby Cooper is providing the times for the meeting. Chuck Skwirsk will set the meeting. 	<p>Abby Cooper will provide available meeting times</p> <p>Chuck Skwirsk will set the meeting</p>
NEW BUSINESS	<p>Meghan Swain-Kuch commented that the PC training provided was good.</p>	
PLANNING COMMISSION MEMBER DISCUSSION	<p>Dave Whitt asked if the Planners had a chance to look at our Master Plan yet? Justin Sprague indicated they had.</p> <p>Chuck Swirsk directed that if we need to speak to the attorney, send your request to the Chair who will approach the attorney. He wants to be conscious of spending of funds for this. There should be no duplication of effort.</p>	<p>PC to alert the Chair if they wish to speak to township attorney.</p>
LAST CALL TO PUBLIC	<p>Todd Thomas received an email for a request for an application from the Luke Bryant concert group. One attendee indicated that we need to lean hard on the county for asphalt for these concerts.</p> <p>An attendee who works for Ranger Power clarified that the red line document provided to the PC was not dictating amending ordinances. The goal was to simplify the process. A preliminary process was suggested.</p> <p>An attendee was concerned with radio interference with the DC voltage on solar farms.</p> <p>George Pushies asked if we needed to make a motion to provide funding for the meeting? Chuck Skwirsk made a motion for the Township Board to cover expenses for a special meeting with the Planners, Chair, ZA,</p>	<p>George Pushies to take request to the Board to provide funds for special solar meeting.</p>

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Agenda	Items Discussed	Actions to be Taken
	<p>Supervisor, attorney, and Planners at the special solar meeting. Second by Meghan Swain-Kuch. All in favor. Opposed. Motion passed.</p> <p>Next meeting may be a long one as there will be a review of a draft of zoning ordinances for solar farms.</p>	
ADJOURMENT	<p>Chuck Skwirsk made a motion to adjourn. Second by Dave Whitt. All in favor. Opposed. Motion passed. Adjourned at 8:40pm.</p>	

Name	Location	Permit#	ID #	Details
Leonard James	6355 Nicholson	005-022	32-400-012	solar building mounted

Unapproved Minutes
Of the February 15, 2022
Conway Township
Regular Board Meeting
7:00 pm

REGULAR MEETING

Supervisor Grubb called the meeting to order at 7:00 p.m. with the pledge of allegiance to the American flag.

Present: Clerk Elizabeth Whitt, Supervisor William Grubb, Trustee Anthony St. Charles, Trustee George Pushies, Treasurer Debra Grubb.

Motion to approve Consent Agenda. Motion by Whitt. Support by D. Grubb. Roll Call: Whitt – yes, W. Grubb – yes, D. Grubb – yes, St. Charles – no, Pushies – no. Motion approved.

Call to the public: Two residents spoke regarding the proposed Secluded Acres SAD.

Motion to approve the Board Meeting Agenda with the following changes: add Cohoctah Supervisor to the top of the agenda as number 10, all others moved down one number. Add Board Minutes to PC to #23 New Business. Motion by Pushies. Support by D. Grubb. Motion approved.

Motion to share in the cost to chip seal Owosso Road from Allen Road to Chase Lake Road with Cohoctah Township. Motion by W. Grubb. Support by Pushies. Roll call: Whitt – yes, St. Charles – yes, D. Grubb – yes, Pushies – yes, W. Grubb – yes. Motion approved.

Motion to submit board questions to the Supervisor for the township attorney's office regarding Special Assessment Districts by the end of day February 22. Motion by Pushies. Support by W. Grubb. Motion approved.

Resolution 220215-03 offered by Whitt. Hearing no support the resolution died.

Motion to move on to Resolution 220215-02. Motion by Pushies. Support by St. Charles. Motion approved.

Resolution 220215-02 offered by Pushies. Support by St. Charles. Roll Call: Whitt – no, St. Charles – yes, Pushies – yes, W. Grubb – yes, D. Grubb – yes. Resolution adopted.

Resolution 220115-01 offered by Whitt. Hearing no support, the resolution died.

Deputy Clerk Nanci Forster left the meeting at 8:28 p.m. Clerk Whitt took over the recording of the minutes.

Motion to approve the budget amendments as presented. Motion by Whitt. Hearing no support, the motion died.

W. Grubb offered resolution 220215-04. Support by D. Grubb. Roll call: Whitt – yes, D. Grubb – yes, Pushies – yes, W. Grubb – yes, St. Charles – yes. Resolution adopted.

Motion to hire Nature's Outdoor Solutions to do tree removal and cleanup at Antrim Cemetery for \$6750. Motion by Whitt. Support by St. Charles. Roll Call: St. Charles – yes, Pushies – no, D. Grubb – yes, W. Grubb – yes, Whitt – yes. Motion approved.

Motion to hire Rescue Me Pure Lawncare to do the mowing for the township for the 2022 season for \$17,000 paid in advance. Motion by Whitt. Support by D. Grubb. Roll Call: St. Charles – yes, D. Grubb – yes, W. Grubb – yes, Pushies – yes, Whitt – yes. Motion approved.

Motion to approve the Fowlerville Recreation Budget as presented. Motion by Whitt. Support by Pushies. Motion approved.

Unapproved Minutes
Of the February 15, 2022
Conway Township
Regular Board Meeting
7:00 pm

Motion to pay the Recreation Association invoice for \$5239.12. Motion by Whitt. Support by Pushies. Roll call: St. Charles – yes, W. Grubb – yes, D. Grubb Motion approved.

Motion to have the attorney draft a new resolution charging a 3% penalty on late tax bills with no waivers. Motion by D. Grubb. Support by St. Charles. Roll call: Pushies – yes, W. Grubb – yes, D. Grubb – yes, Whitt – yes, St. Charles – yes. Motion approved.

Motion to approve a special meeting with the Planner, Attorney, Zoning Administrator, Planning Commission Chair, and the Supervisor to discuss a Solar Farm ordinance. Motion by Whitt. Support by Pushies. Roll Call: Pushies -yes, Whitt – yes, St. Charles – yes, D. Grubb – yes, W. Grubb – yes. Motion approved.

Call to the Public: one resident spoke again regarding the proposed Secluded Acres SAD.

Motion to adjourn at 9:33 p.m. Motion by D. Grubb. Support by St. Charles. Motion approved.

Elizabeth Whitt, Township Clerk

Large Gatherings

Text in yellow highlight are from Georgia, the rest from Stockbridge Township

Title: Concerts/Special Events, Outdoor Gathering, Outdoor Assembly

Preamble:

Definitions:

License/**Permit** Required: (**fees**) (**permit deposit**) (**deposit return**) **Inspections; right of entry**

Application for License:

Review:

Township Board Approval; Conditions; Insurance:

Denial: (**permit approval; denial; conditions for issuance**) (**appeal of denial of application or conditions of approval for permit**)

General Operating Regulations:

Exemptions:

License, Posting on Premise:

Minimum Requirements:

Security Personnel:

Water Supply:

Restroom Facilities:

Shower Facilities:

Food Service and Beverage Service:

Medical Facilities:

Liquid Waste Disposal:

Solid Water Disposal:

Public Bathing Beaches:

Public Swimming Pools:

Access and Traffic Control:

Parking:

Camping and Trailer Parking:

Lighting:

Insurance:

Bonding:

Fire Protection:

Noise Control:

Boundaries:

Miscellaneous:

Revocation, Reinstatement, and Corrections: (revocation of permit)

Violations:

Severability:

Indemnity:

Limitation of Liability:

Penalties:

Effective Date:

Please see draft solar survey I have composed for review. Please forward to both Township Planner and Attorney for review. I would like to request this be on the next agenda under old business to discuss, review, revise and send to the Board of Trustees for their vote. It is a live document, I can share editing of it for anyone who would like access.

<https://docs.google.com/forms/d/1UJZr76sYpqew2lNIRjxrUuvHx3eqqPENrKdn0i1JUCk/edit?usp=sharing>

Thank you kindly,
Kelly Ralko

Resident Survey for Commercial/Industrial Scale Solar Operating Facilities/Farms in Conway Twp.

Conway Township values the opinions and input from our residents. Commercial/industrial scale solar is currently allowed in Conway Township under our ordinances as a special use with approval of the Township in all zoned areas, including agriculture/residential.

The purpose of this Township Survey is to determine the desire of the community to continue to allow commercial/industrial solar and wind operations in agricultural/residential zoned areas in our current Master Plan, Future Master Plan and to ensure our ordinances reflect the desire of our residents.

Where do you believe commercial and industrial solar should be allowed in Conway Township?

- ☐ () Commercially zoned areas
- ☐ () Industrial zoned areas
- ☐ () Agricultural/Residential areas
- ☐ () Prefer it not be allowed in our Township
- ☐ () Other:

If commercial/industrial scale solar continues to be allowed in the Township what are your concerns with a facility/farm being built? (Check all that apply)

- ☐ () Loss of natural features of the landscape
- ☐ () Health Concerns
- ☐ () Strain on our Ecosystem/Wildlife
- ☐ () Drainage/Flooding Issues
- ☐ () Value of Home
- ☐ () Glare from panels
- ☐ () Noise from inverters
- ☐ () Traffic from construction
- ☐ () Strain on our current infrastructure
- ☐ () No discount given to residents on power
- ☐ () All of the above
- ☐ () Additional concerns, please note here:
- ☐ () Other:

The power produced by panels goes directly into the centralized grid for all consumers in the nation and contributes to less reliance on fossil fuels. What benefits do you believe industrial/commercial scale solar will bring to Conway Twp. on a local level and the resident's here if continued to be allowed in all zoned areas with special use permit?

- () Some farmers and large land owners will lease their land to Solar Companies for profits.
- () Some farmers will no longer need to conduct farming activities for all other types of crops
- () It may create some temporary local jobs during construction.
- () It may produce several permanent positions for operators of the facility.
- () It may preserve agricultural land for the term of the lease to landowner (typically 35-40 years)
- () It will prevent other types of future development for the term of the lease to the landowner.
- () It will contribute to slowing effects of global warming in our Township.
- () Other benefits not listed:
- () I do not believe it will benefit our Township Residents.
- () Other:

Do you want industrial/commercial scale solar facilities/farms allowed in our Township?

- () Yes
- () No
- () Undecided
- () Yes, but only in specific areas. Please specify areas here:

Anything additional you would like to share on your feelings on this issue?

Resident Survey Relating To Commercial/Industrial Scale Solar Operations in Conway Twp.

Conway Township values the opinions and input from our residents. Commercial/industrial scale solar is currently allowed in Conway Township under our ordinances as a special use with approval of the Township in the Agricultural Residential, Commercial, and Industrial Zoning Districts. These operations are currently not allowed in the Residential District.

The purpose of this Township Survey is to determine the desires of the community related to commercial/industrial solar operations in agricultural/residential zoned areas, and other areas of the Township, as part of our Zoning Ordinance review and updating of the Township Master Plan.

Where do you believe commercial and industrial solar should be allowed in Conway Township?

- ☐ () Commercially zoned areas
- ☐ () Industrial zoned areas
- ☐ () Agricultural/Residential areas
- ☐ () All of the above
- ☐ () None of the above

What are your concerns related to a commercial industrial scale solar operation being built in the Township? (Check all that apply)

- ☐ () Loss of natural features of the landscape
- ☐ () Health Concerns
- ☐ () Strain on Ecosystem/Wildlife
- ☐ () Drainage/Flooding Issues
- ☐ () Value of Home
- ☐ () Glare from panels
- ☐ () Noise from inverters
- ☐ () Traffic from construction
- ☐ () Strain on current infrastructure
- ☐ () No discount given to residents on power
- ☐ () All of the above
- ☐ () Additional concerns, please note here:
- ☐ () None.

One stated benefit of commercial/industrial scale solar is that the power produced by panels goes directly into the centralized grid for all consumers in the nation and contributes to less reliance on fossil fuels. What benefits do you believe commercial/industrial scale solar could bring to Conway Twp. on a local level and the residents here? (Check all that apply)

- ☐ () Farmers and large land owners will lease their land to Solar Companies for profits.
- ☐ () Farmers will no longer need to conduct farming activities for all other types of crops.
- ☐ () Creation of temporary local jobs during construction.
- ☐ () Creation of several permanent positions for operators of the facility.
- ☐ () Preservation of agricultural land for the term of the lease to landowner (typically 35-40 years).

- () Prevention of other types of future development for the term of the lease to the landowner.
- () Contribution to slowing effects of global warming in our Township.
- () Other benefits not listed:
- () All of the above.
- () I do not believe it will benefit our Township residents.

Do you favor commercial/industrial scale solar facilities/farms in our Township?

- () Yes
- () No
- () Undecided
- () Yes, but only in specific areas. Please specify areas here:

Anything additional you would like to share on your feelings on this issue?

CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2014)

(Revised October 8, 2018)

(Revised February 14, 2022)

1. Name Purpose

- A. The name shall be the Conway Township Planning Commission, hereafter known as the "Commission".
- B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."
- C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

2. Membership

- A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21, as amended. There shall be seven members, which shall include one ex officio member.
 - 1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
 - 2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees.
- B. Ex Officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided, who serves on the planning commission by virtue of holding another office, for the term of that other office.
- C. Omitted.
- D. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.
- E. Conflict of Interest and Incompatibility of Office.
 - 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. Each member shall disclose to the Planning Commission any matter in which the member may reasonably be considered to have a conflict of interest or an appointment which creates an incompatibility of office.

2. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Deliberating on, voting on, or reviewing a case concerning land owned by him or her.
 - c. Deliberating on, voting on, or reviewing a case concerning a neighboring property to property owned by a member or to property a member has a financial interest in. For purposes of this subsection, a neighboring property shall include any property falling within the notification radius for the particular application or request, as required by the Zoning Ordinance or other applicable statute; or, in the event no notification provision applies, 300 feet.
 - d. 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.
 - e. Deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - f. Deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
 - g. Deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1) an applicant or agent of an applicant, or
 - (2) Has a direct interest in the outcome.
 - h. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Commission.
 3. When a conflict of interest exists, the member of the Commission, 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 Commission:
 - b. cease to participate at the Commission, or in any other manner, or represent one's self before the Commission, or others; and
 - c. during deliberation of the agenda item before the Commission, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
 4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
- F. Duties of all members.
1. Ex Parte contact.
 - a. Members shall avoid ex parte contact about cases where an administrative decision is before the Commission whenever possible.
 - b. 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 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.

2. Site inspections.
 - a. Site inspections shall be done by the Zoning Administrator. An oral report of the site inspection shall be presented to the Commission at a public meeting. Written presentation may be requested by the Commission.
 - b. If desired, no more than one member of the Commission may accompany the Zoning Administrator on a site inspection.
3. Omitted.
4. Accepting gifts.
 - a. Gifts shall not be accepted by a member of the Commission from anyone connected with an agenda item before the Commission.
 - b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
 - c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), Section 23(3) of the Planning Act.
 - d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission
5. Spokesperson for the Commission.
 - a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - b. Once a vote is taken and an issue is decided by vote, the duty of each member of the 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 Commission.
 - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct. Each member, upon appointment, shall sign a code of conduct. The current Code of Conduct for the Planning Commission is attached to these Bylaws.
7. Officers
 - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. 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 Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.
 - b. Tenure. All officers shall take office at the meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
 - c. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - (1) Preside at all meetings with all powers under parliamentary procedure.

- (2) Shall 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 Commission.
- (3) Restate all motions as pursuant to these Bylaws.
- (4) Appoint committees.
- (5) Appoint officers of committees or choose to let the committees select their own officers.
- (6) May call special meetings pursuant to these Bylaws.
- (7) Act as an Ex-Officio member of all committees of the Commission.
- (8) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
- (9) Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
- (10) Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
- (11) Act as the Commissions chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
- (12) Represent the Commission before the Conway Township Board of Trustees.
- (13) Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
 - (1) Act in the capacity of the Chair, with all the powers and duties of the Chair.
 - (2) Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
 - (1) Execute documents in the name of the Commission;
 - (2) Be responsible for the minutes of each meeting.
 - (3) Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission.
 - (4) Keep attendance records pursuant to these Bylaws.
 - (5) Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
 - (6) Prepare an agenda for the Commission meetings pursuant to these Bylaws.
 - (7) Perform such other duties as may be ordered by the Commission.

G. Meetings

- 1. Regular meetings. Meetings of the Commission will be held the 2nd Monday of every month at 7:00 p.m. at the Conway Township Hall. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
- 2. Special Meetings. Special meetings shall be called in the following manner:
 - a. By the Chair.
 - b. By any two members of the Commission.

- c. By the Chair at the request of any non-member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
 - d. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).
- 3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), may suspend the Commission's business and evaluate the remaining items on its agenda. The 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 applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
- 4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- 5. Motions.
 - a. Motions shall be restated by the Chair before a vote is taken.
 - b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality'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 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 Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standard;
 - (3) The Commission's action; and
 - (4) As applicable, recommendation or decision on approval, approval with conditions, or disapproval.
- 6. 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 Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the

adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
8. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order, as amended and revised, 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.
9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. 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. The Chair may limit the amount of time allowed for each person wishing to make public comment at a 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 Commission meeting with an extended time limit set by the Chair.
10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification).
 - a. Any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation.
 - b. A motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes could be proposed on the agenda as a Consent Item.
 - c. Consensus business can be proposed for any item on the agenda, but shall never include any of the following.
 - (1) Review of plans and zoning ordinances, or any part or amendment thereto.
 - (2) Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers.
 - (3) Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
 - d. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

11. Order of Business/Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
 - a. Call to order, Pledge of Allegiance.
 - b. Matters pertaining to citizens present at the meeting, as 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
 - c. Housekeeping business such as, consent business, approval of minutes, communication, other.
 - d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees about the action taken by the Board on the items sent to them by the Commission for their action.
 - e. New business.
 - f. Public participation for items not on this agenda.
 - g. Adjournment.
12. Delivery of Agenda.
 - a. A digital copy of the agenda and accompanying materials shall be emailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date. A hard copy may be available for pick up upon request.
 - b. Any agenda materials must be submitted to the Chair and Secretary no later than noon the Tuesday before the meeting.
13. Placement of Items on the Agenda.
 - a. The Conway Township Clerk shall be the office of record for the Commission.
 - b. The Zoning Administrator may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
 - c. Items received by the Zoning Administrator between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
 - d. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.
14. Record
 - a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
 - (1) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 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.
 - (3) Time and place the meeting was called to order.

- (4) Attendance.
 - (5) Indication of others present.
 - (6) Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at eh meeting, and who gave the report and in what capacity.
 - (7) 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.
 - (8) 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: who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved , or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting member enters or leaves the meeting, 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, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.
 - b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
 - c. Retention. Commission records shall be preserved and kept on file according to the Township's record retention schedule.
15. Mileage and Per Diem. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.
16. 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 Conway Township Board of Trustees, the 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 each newspaper of general circulation. 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, Zoning Act, and

relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

17. Zoning Responsibilities. All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustees. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustees. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, or variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.
18. Other Matters to be Considered by the Commission
 - a. The following matters shall be presented for consideration at a meeting of the Commission:
 - (1) Preparation of an annual report of the Commission.
 - (2) Selection of Consultants and a recommendation to the Conway Township Board of Trustees for same.
19. Adoption, Repeal, Amendments
 - a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
 - b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
 - c. These Bylaws may be amended at any regular or special meeting by a two-third (2/3) vote of the members present.

Amended by the Conway Township Planning Commission at a regular meeting held on February 14, 2022.

/s/ _____
Londa Horton, Secretary

CODE OF CONDUCT AND OATH OF OFFICE

The Appointed Member of the Conway Township Planning Commission agrees to abide by this Code of Conduct.

As a member I will:

1. Accept responsibility to represent the Conway Township Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support development of effective planning and zoning programs.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
6. Read the Master Plan, Zoning Ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge and understanding through self-study, inquires and attending appropriate training when possible.
7. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission and Township Board of Trustees.
8. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
9. Refrain from deciding cases before the meeting discussion.
10. Participate in the Planning Commission deliberation at the meetings when appropriate.
11. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, ex parte contact, or accepting gifts as a form of influencing your vote.
12. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.
13. I will follow, and will help my community follow the community planning principles established by the Michigan Association of Planning, the Michigan Chapter of the American Planning Association.

OATH OF OFFICE

I, _____ solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of the Planning Commission in and for Conway Township to the best of my ability.

Signed: _____ Date _____

**RESOLUTION TO RECOMMEND APPROVAL OF ZONING ORDINANCE
AMENDMENTS TO TOWNSHIP BOARD**

Conway Township Planning Commission

WHEREAS, the Conway Township Planning Commission (“Township PC”) held a public hearing on the following zoning ordinance amendments on December 13, 2021, and recommended approval to the Township Board:

Z-05-22 Conway Township, Zoning Ordinance Amendment, Article 2 Definitions and Article 6 General and Supplemental Regulations, regarding Accessory Buildings and Structures.

Z-06-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District and Article 10 C Commercial District regarding Additional Dimensional Requirements.

Z-07-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District, Article 10 C Commercial District, and Article 11 I Industrial District regarding Event/Wedding Structures as a Special Use

Z-08-22 Conway Township, Zoning Ordinance Amendment, Article 13 Special Land Uses regarding Special Event/Wedding Structures and Venues.

Z-09-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Medical Marijuana Uses.

Z-10-22 Conway Township, Zoning Ordinance Amendment, Article 15 Off-Street Parking and Loading-Unloading Standards regarding Parking Space Requirements.

Z-11-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Solar Energy Collectors.

The above-listed numbers are those assigned by the Livingston County Planning Commission (“LCPC”) to the proposed amendments .

WHEREAS, pursuant to statute, these proposed zoning ordinance amendments were provided to LCPC for their review and recommendation;

WHEREAS, the LCPC likewise recommended approval of the above noted amendments with the exception of Z-08-22 related to Special Event Wedding Structures and Venues;

WHEREAS, as to the Special Event Wedding Structures and Venues, the LCPC and its staff did believe the proposed amendments to be reasonable and appropriate but encouraged the Township to take careful consideration of the comments in their review prior to taking final action, which

included additional considerations related to noise levels, hours of operation, farming preservation, traffic, setbacks, landscaping, lighting, sanitation, and appropriate bond.

WHEREAS, the Township PC wishes to take additional time to go through the LCPC review and comments in these areas before making a final recommendation on those proposed amendments in addition to allowing the input of its newly engaged planners;

WHEREAS, regarding Z-09-22 relating to Medical Marihuana Uses, the LCPC recommended a definition in Article 2 be added for “Medical Marihuana Caregiver Operation;” however, upon further review, that definition is already in the ordinance at Section 6.25(C)(2).

WHEREAS, the Township PC previously believed it would be necessary to delete the word “special” in 6.25(G)(9); however, upon further review, that word is appropriate in that subsection as Medical Marihuana Caregiver Operations are permitted as a special use in the AR District per Sections 7.03(19) and 6.25G(1).

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township PC recommends to the Township Board the proposed amendments assigned LCPC numbers Z-05-22, Z-06-22, Z-07-22, Z-09-22, Z-10-22, and Z-11-22 for approval and proposed revisions to Section 6.25 shall be unchanged from the original vote of the Township PC, as shown on the attached.
2. The Township PC’s final recommendation on amendment Z-08-22, relating to Special Event Wedding Structures and Venues, shall be delayed to allow the Township PC more time to explore the various issues outlined in the LCPD’s review, and therefore this proposed amendment will not be forwarded to the Township Board at this time.

The foregoing resolution offered by Board Member _____.
Second offered by Board Member _____.

Upon roll call vote the board members voted as follows:

Skworsk:
Swain-Kuch:
Klein:
Ralko:
Whitt, D:
Horton:

The Chairperson declared the resolution adopted at a regular meeting of the Conway Township Planning Commission held on March 14, 2022.

Londa Horton, Clerk

ATTACHMENT TO RESOLUTION

Section 6.25 Medical Marijuana Uses

A. Findings. These requirements for Medical Marijuana Uses are based on the following findings of fact:

1. Voter Approved. Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act” or “MMMA”).
2. Intent. The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act
3. Controlled Substance. Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B. Purpose. It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Conway Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Conway Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. Definitions. For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. Drug Paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.
2. Medical Marijuana Caregiver Operation or Caregiver Operation means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use in accordance with the Act. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.
3. Medical Marijuana Collective, Cooperative, or Dispensary means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act and the Administrative Rules of the Michigan Department of Health and Human Services. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on- site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.
4. Medical Use of Marijuana, also known as Marihuana, also known as Cannabis has the meaning given to it in Section 7106 of the Michigan Public Health Code, as it is referred to in Section 3(c) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department

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of Health and Human Services issued in connection with the Act.

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5. Primary Caregiver or Registered Primary Caregiver is defined as set forth in the Act.
6. Qualifying Patient or Registered Qualifying Patient is defined as set forth in the Act.

D. Compliance Required. “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 6.25(F) for qualifying patients, and the requirements of Section 6.25(G) for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Health and Human Services. Caregiver operations shall be available for inspection, during business hours, by the Zoning Administrator, to confirm the operation is operating in accordance with State laws and Township ordinances.

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E. Marijuana Collectives, Cooperatives and Dispensaries Prohibited. It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Conway Township.

It is the express intent of Conway Township not to allow the operation of any kind of marijuana facility pursuant to 2016 PA 281, MCL 333.27205(1), 2016 PA 282, and 2016 PA 283, within the boundaries of the Township.

F. Requirements for Qualifying Patients. Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:

1. Consumption. Consumption of marijuana by a qualifying patient may not occur in any public place.
2. Growing for Personal Use. Growing of marijuana by a qualifying patient for his or her own personal use, as set forth in the Act, is permitted in any location within the Township, subject to the following requirements:
 - a. Patient Control. The site must be under the control, through written lease, contract, or deed, in favor of the qualifying patient.
 - b. Enclosed, Locked Facility. Such growing, indoors and outdoors, shall only be allowed as set forth by the Act and subject further to the requirements of Sections 6.25(G)(2).
 - c. Lighting. Artificial lighting is permitted for the purposes of growing marijuana as set forth in Section 6.25(G)(3).

Deleted: at a medical marijuana caregiver operation, at any place of business, or

Deleted: , or at a primary caregiver's dwelling unit, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit

G. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in

the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. Where Permitted. A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the AR District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
2. Growing. Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:
 - a. For marijuana grown indoors, a closet, room or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.
 - b. For marijuana grown outdoors:
 - i. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and
 - ii. Are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
 - iii. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and
 - iv. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.

The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.

3. Lighting. Lighting used for the purposes of growing marijuana is permitted subject to the following:

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- a. For marijuana grown outdoors: Lighting shall not be illuminated from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
- b. For marijuana grown indoors: Lighting shall not be visible outside the building from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed. Lighting cast by exterior light fixtures other than for the purposes of growing marijuana shall comply with the provisions of Section 6.16(J).

4. One Caregiver per Approved Caregiver Operation. The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver's services as allowed under the Act.

5. Delivery Method. Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by a person 21 years of age or older.

6. Location. Caregiver operations shall comply with the following location requirements:

- a. Separation Measurement. The distances set forth below shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the caregiver operation, or between the nearest point of the zoning district boundary from which the caregiver operation is to be separated to the nearest point of the property line of the caregiver operation.
- b. Separation from Schools. The location shall not be located within 1,000 feet of any public or private school having a curriculum including kindergarten or any grades between 1 and 12, or any state-licensed child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- c. Separations. The location from which a primary caregiver grows for service to a qualifying patient shall not be within 1000 feet of any of the following:
 - i. Caregiver to caregiver;
 - ii. A church, place of worship, or other religious facility;
 - iii. A public library, public park, or public playground;

Additional separation requirements may be recommended by the Planning Commission and approved by the Township Board.

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Deleted: the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

7. **Operation in Conjunction with Other Uses.** To facilitate monitoring, and to comply with the limited access requirements of the Act, a caregiver operation must be located in a single use building with an outside entrance separate from any other use, except for a permitted single family residential dwelling or permitted single family accessory structure. No other commodity, product or service shall be available on the same lot.

8. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

9. **Special Land Use Permit Fee and Annual Renewal Required.** To ensure compliance with the Act and the requirements set forth herein, all Medical Marijuana Caregiver Operation special land use permits shall require payment of an annual fee as set forth by the Township Board, and shall expire one (1) year after issuance. Renewal of the special land use permit shall be granted upon successful completion of a Township inspection of the caregiver operation site, confirming the Primary Caregiver remains legally registered with the State of Michigan, the caregiver operation complies with the requirements set forth in the Act, and the caregiver operation complies with Section 6.25.

H. Security. Qualifying patients and primary caregivers shall provide secure locations, consistent with the Act, for cultivation and storage of medical marijuana. Primary caregivers shall submit a security plan and a floor plan identifying the number of plants, storage locations for chemical and growing materials, and other critical aspects of the layout, and how they intend to secure the facility, with the special land use application. Security measures for primary caregiver operations shall include, but are not limited to, security cameras installed to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition a monitored alarm system shall be provided. The recorded data shall be made available to law enforcement personnel and the Conway Township Zoning Administrator or other Township designee upon request to allow confirmation of compliance with these regulations. The Township may require additional security measures such as fencing, security lighting, and other measures as conditions of the special land use approval. The security plan shall be considered a confidential document by the Township and exempt from disclosure under the Freedom of Information Act.

I. Building Approvals. Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

J. Taxes Paid. No special land use shall be approved by the Township unless the property taxes are paid and up-to-date at the time of approval.

K. Signage. A primary caregiver operation shall not bear any sign or emblem that would

Deleted: <#>Consumption. Consumption of marijuana by a qualifying patient may not occur at a caregiver operation, at any place of business, in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.¶

Deleted: <#>Special Land Use and Site plan Approval Required. Special land use and site plan approval shall be required for any Medical Marijuana Caregiver Operation prior to its establishment in Conway Township. The requirements and procedures of Article 13 Special Land Uses and Article 14 Site Plan Review of this Ordinance shall apply.¶

indicate the presence of the MMMA related activity.

- L. MMMA Amendments.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.

Forwarded to all PC members from Dennis Bowdoin

Hi All:

Here is a link from the Livingston County Planning Commission. Open and click on Conway Township and you will have all your stats to upgrade your Master Plan.

[https://www: livgov.com/plan/Pages/Community-Demographics.aspx](https://www.livgov.com/plan/Pages/Community-Demographics.aspx)

Have a great weekend.