

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – July 19, 2022

1. CALL TO ORDER AND ROLL CALL

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 PM.

PRESENT: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned

ABSENT: None

Also present were David Jirousek, AICP, Township Consulting Planner; Tom Palenick, Deputy Township Supervisor; Catherine Kaufman, Township Attorney; and several Paw Paw Township citizens.

2. APPROVAL OF THE AGENDA

A motion was offered by Mr. Root to approve the agenda as presented. The motion was supported by Mr. Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned
- Nay: none
- Abstain: none

3. APPROVAL OF MINUTES- June 21, 2022

A motion was offered by Mr. Learned to approve the minutes from the meeting held on June 21, 2022, as submitted with one correction to remove the word “unanimously” under Ken Shafer’s approval summary. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned
- Nay: none
- Abstain: none

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Kerby called for general public comments.

- None

6. BUSINESS:

a. Public Hearing and Consideration of a Zoning Ordinance Amendment: An ordinance to prohibit Grower facilities - Class A, Class B and Class C, Excess Marihuana Grower Facilities, and Marihuana Microbusinesses within the AGR and ARR zoning districts; to prohibit outdoor and open-air cultivation, growing, harvesting, and storage of marihuana; and to authorize limited expansion of nonconforming medical and/or recreational marihuana grower facilities in the AGR and ARR zoning districts.

Chairman Kerby outlined the proposed ordinance objectives:

1. Prohibit Grower facilities - Class A, Class B and Class C, Excess Marihuana Grower Facilities, and Marihuana Microbusinesses within the AGR and ARR zoning districts (Sections 42-5.02 and 42-5.03);
2. Prohibit outdoor and open-air cultivation, growing, harvesting, and storage of marihuana (Section 42-8.07); and
3. Authorize limited expansion of nonconforming medical and/or recreational marihuana grower facilities in the AGR and ARR zoning districts (Section 42-8.07).

Chairman Kerby called for a public hearing at 6:06 PM.

- Marilyn Murphy asked for clarification if growers would be allowed in AGR and ARR under the proposed changes. Mr. Learned confirmed that this change would prohibit growers in AGR and ARR. Ms. Murphy stated that prohibiting it would be a shame, and the Township would lose out on tax revenue. Ms. Murphy also stated that there are no issues with crime.
- Nate Smallcombe mentioned that his group developed a recommendation, and the priority was to control marihuana facilities appropriately. Mr. Smallcombe believes some marihuana operations will ultimately go out of business and does not support this type of commercial use in farm areas.
- Lorraine Balk (sp?) appreciates the limitations proposed. Ms. Balk thanked the Township and said odor causes a major issue with her wedding facility.

Deputy Supervisor Palenick said that Ms. Murphy has a license valid until November but is not involved in an operation. Mr. Palenick would like an exception for the one license that is still valid.

Mr. Learned stated that Ms. Murphy's special land use approval is no longer valid, and Mr. Jirousek confirmed that to be accurate.

Ms. Murphy explained why delays occurred and outlined the merits of her property.

Attorney Kaufman restated the situation and stated that Ms. Murphy's operation should have been on the list of operations exempt from the moratorium.

Mr. Jirousek suggested the moratorium language be amended rather than making an exception in the Zoning Ordinance. Attorney Kaufman agreed and noted concerns with the timing and termination date of the moratorium.

There was a general conversation about the timing of approvals, the moratorium, and the need for Mr. Medoza and Ms. Murphy to submit full special land use applications prior to the effective date of the zoning ordinance amendment.

Mr. Learned read an email from Lorraine and Bill Root, which expressed support for the proposed Zoning Ordinance Amendment.

Mr. Learned moved to recommend approval of the zoning ordinance amendment. The motion was supported by Mr. Felcyn.

During the discussion, Mr. Felcyn said he supported the proposal and felt that Ms. Murphy could be accommodated in a different manner.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned
- Nay: none
- Abstain: none

b. Concept Review of a Special Land Use and Site Plan: Adam Smith (Smith's Loud House) requests initial input on a site plan for an indoor commercial growing operation at 64471 46th Street, Paw Paw, MI 49079 (parcel # 80-14-030-007-20).

Deputy Supervisor Palenick stated that both items b and c are exempt from the moratorium. Mr. Palenick Generally spoke on behalf of the applications, as both are family operations.

Mr. Jirousek stated that both applications are incomplete.

Adam Smith and his attorney mentioned that the operation would include the indoor growing of 500 plants within a 2,500-square-foot building. Impacts are expected to be negligible.

The Planning Commission generally spoke about the site, and support was expressed. No action was taken, and all comments were non-binding and informal.

c. Concept Review of a Special Land Use and Site Plan: Pedro and Maria Mendoza request initial input on a concept plan for an indoor commercial growing operation at 39899 Red Arrow, Paw Paw, MI 49079 (parcel # 80-14-015-028-00).

Mark Zietlow spoke on behalf of the Mendoza family. It was mentioned that the applicants are minorities who are prequalified, and it is a family business. Mr. Zietlow stated that the site is wooded,

and the building will not be visible from the road. Air filtration and odor control efforts will be incorporated, and the operation will include the indoor growing of 500 plants

Ms. Sanders and Ms. Learned discussed carbon and HEPA filter usage.

The Planning Commission generally spoke about the site, and support was expressed. No action was taken, and all comments were non-binding and informal.

7. ADDITIONAL PUBLIC COMMENT

Chairman Kerby called for general public comments.

- John Reitsma stated that last month the Planning Commission stated that the Mendoza property was too small.
- Someone (no name provided) asked if there would be retail at the previously reviewed sites, and it was confirmed there would be none.
- Someone (no name provided) asked how validity is interpreted. Mr. Palenick stated that operations have 18 months of validity.
- Attorney Kaufman stated that vested rights are only secured with a building permit and shovels in the ground and summarized the timing of the special land use process.
- Nate Smallcombe asked if there would be others that would be added to the list of exempted operations. Mr. Palenick stated that Ms. Murphy was the only applicant with a valid license that should be exempted.
- Mr. Learned asked residents to report problematic odors from grower sites so that they could be considered during the annual review process.

8. ADJOURNMENT

Mr. Hover made a motion to adjourn the meeting at 7:15PM. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP
Township Consulting Planner
July 26, 2022

Approved: August 16, 2022