

**PAW PAW TOWNSHIP  
PLANNING COMMISSION MINUTES**

**Regular Meeting – May 21, 2024**

**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, Phil Hover, Chuck Felcyn, Mark Root, Phillip Arbanas, Fran Sanders, Chad Learned

**ABSENT:** None

**ALSO PRESENT:** David Jirousek of Horizon Community Planning

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**3. APPROVAL OF THE AGENDA**

A motion was offered by Learned to approve the agenda with the addition of a Board update. The motion was supported by Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0)
- Aye: Chairman Kerby, Root, Hover, Felcyn, Arbanas, Sanders, Learned
- Nay: none
- Abstain: none

**4. APPROVAL OF MINUTES**

A motion was offered by Root to approve the minutes from the meeting held on April 24, 2024, as presented. The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0)
- Aye: Chairman Kerby, Root, Hover, Felcyn, Arbanas, Sanders, Learned
- Nay: none
- Abstain: none

## 5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

## 6. BUSINESS

a. **Public Hearing and Consideration of a Special Land Use and Site Plan:** Paw Paw Affordable Solar, LLC, requests special land use and site plan approval for a 2.5 MW-AC solar farm along Paw Paw Road, Paw Paw, MI, 49079, across the street from 37792 Paw Paw Road (parcel #s 80-14-023-002-00 & 80-14-023-003-00).

Jirousek explained that the applicant requested a special land use and site plan approval for a 2.5 MW-AC solar farm. The project will include multiple rows of solar panels over 19 acres of land. The project will interconnect to the grid via aboveground poles to the existing overhead three-phase power lines located on the project parcel and along Paw Paw Road. Ancillary project facilities will include electrical equipment pads and utility infrastructure, and the entire project area will be enclosed by security fencing.

The applicant, Lauren Beduhn, stated that this would be a community system in which energy would be fed into local lines. The project would be coordinated with the village and funded through the USDA. It is subject to federal NEPA review.

Arbanas asked about the front setback and whether it would be screened. The applicant stated that no screening was proposed at this time, but they were open to it, and the proposed setback is just over 120 feet.

Chairman Kerby asked if wetlands would be impacted, and the applicant stated that there are wetlands on the site, but they would not be affected.

Chairman Kerby asked about the back of the site, and the applicant stated that the back was used by the village for other purposes.

Learned asked about the contract arrangements, and the applicant stated that it was a long-term easement for use and a purchase agreement.

Chairman Kerby asked how it benefits the community, and the applicant stated that it would provide clean, renewable, locally sourced energy as a 25-year land use.

Hover asked if there would be screening, and the applicant said no screening was proposed, but they were certainly open to it.

Chairman Kerby asked if the surface was reflective, and the applicant stated that the panels would absorb the light and that a glare study demonstrated that there would be no impact.

Arbanas asked if they would be clearing out the entire area in 25 years, and the applicant stated that the project would be decommissioned and all materials removed after 25 years.

Learned asked about the performance guarantee, and the applicant stated that it would be a bond. Learned was comfortable with the bond as a performance guarantee.

Hover asked if there would be battery storage, and the applicant stated that none would be on site.

Hover was concerned with soil restoration, and the applicant explained that they would only be driving piles and there would be no footings aside from pads for two pieces of equipment.

Hover also expressed concerns with soil contamination, and the applicant was confident that no contamination would occur. It was also mentioned that the project is subject to federal review.

Hover and Felcyn both expressed concern with vegetation around the panels.

Chairman Kerby opened the public hearing at 6:33 PM.

- A neighbor across the street expressed concern with the visual impact, financial benefit, location, decommissioning, monitoring, tree preservation, wildlife, screening, and use of herbicides.
- Another neighbor asked about the need for a substation

Chairman Kerby closed the hearing at 6:40 PM

Felcyn asked about noise, and the applicant stated that there would be very little noise resulting from the facility.

An annual review was mentioned, but it was determined that it would not be necessary.

There was a general discussion about the location of existing trees and which ones would be cut.

Fire Chief Jim Degroff mentioned that he needs to have a meeting with the applicant because he is concerned with fire safety issues.

There was a question about lighting, and the applicant confirmed that no lighting would be involved.

Learned recommended that screening be placed along the public roadway. Specifically, a type C buffer to fill the gaps.

Learned made a motion to approve the special land use and site plan for a solar farm property at the requested site (last revised April 22, 2024), including the plans and supplemental materials provided by the applicant. The motion was based on the documented findings included within the staff report dated May 15, 2024, provided by the Township Planner. Conditions of approval are as follows:

1. Provide a Type C buffer along the road frontage to fill any gaps in vegetation.
2. Confirm the maximum height of solar panels and structures.
3. Secure approval from the Township Supervisor and Township Attorney concerning the financial performance guarantee and decommissioning plan.
4. Record decommissioning plan after special land use and site plan approval but before the beginning of construction.
5. Secure approvals from the following agencies and provide copies to the Township:
  - a. Van Buren County Road Commission (driveway permit for expansion of use)

- b. Van Buren County Drain Commission (stormwater retention and SESC)
- c. Fire Department

The motion was supported by Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0)
- Aye: Chairman Kerby, Root, Hover, Felcyn, Arbanas, Sanders, Learned
- Nay: none
- Abstain: none

**b. Public Hearing and Consideration of Zoning Ordinance Amendments:** Ordinance amendment to allow adult use marijuana processing facilities in the AGR and ARR zoning

Jirousek explained the proposed ordinance would allow for marijuana processing within existing buildings.

Root explained that existing businesses were looking to process out of the same facilities in which they grew marijuana.

Learned expressed concern with odor control and wanted to ensure that any buildings that were used for processing also incorporated odor control.

Chairman Kerby opened up the public hearing at 7:09 PM. There were no public comments, and the public hearing was closed.

A motion was offered by Root to recommend approval of the zoning ordinance amendment with the condition that an odor control provision would be added. The motion was supported by Sanders.

- Chairman Kerby called for the vote, and the motion passed (6-1)
- Aye: Chairman Kerby, Root, Hover, Felcyn, Sanders, Learned
- Nay: Arbanas
- Abstain: none

**c. Master Plan Review.** Discussion of priorities and issue areas.

Learned felt that the master plan update needed to have a strong section concerning farmland preservation, how we define it, and how decisions affect farmers. Chairman Kerby agreed.

Felcyn asked whether or not zoning changes could be recommended through this process, and Jirousek confirmed that recommendations could be included in the plan.

Sanders felt that infrastructure should be addressed as it guides development, such as roads, water, and sewer.

Learned wondered whether the public would support water and sewer infrastructure and felt that the question should be asked during the process.

The Planning Commission felt that we should continue to discuss the master plan and develop the project scope.

**d. Zoning Ordinance Amendments:** Signs.

Jirousek generally explained the sign ordinance clean-up process and the need to address multi-tenant wall signs. The Planning Commission agreed and felt that the conversation should continue at future meetings.

**7. ADDITIONAL PUBLIC COMMENT**

- None

**8. ADDITIONAL DISCUSSION**

Sanders provided an update on the general zoning ordinance text amendments in that there were some changes concerning recreational vehicle storage. Sanders also mentioned the short-term rental ordinance was approved.

Felcyn encouraged improving the room's audiovisual capabilities, and Root said they would find a way to budget for it and get it done.

Hover felt that we should continue the conversation concerning the solar regulations, in particular soil testing and decommissioning, and the cost of the performance guarantee.

**9. ADJOURNMENT**

Learned made a motion to adjourn the meeting at 7:40 pm. The motion was supported by Felcyn.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0)
- Aye: Chairman Kerby, Root, Hover, Felcyn, Arbanas, Sanders, Learned
- Nay: none
- Abstain: none

Prepared by: David Jirousek, May 29, 2024

Approved: June 18, 2024