



## **VAN BUREN COUNTY PLANNING COMMISSION**

219 E. Paw Paw Street, Suite 201, Paw Paw, MI 49079  
Telephone (269) 657-8253 Fax (269) 657-0579

June 26, 2024 - 6:30 pm

### **Meeting Agenda**

**1. Call to Order & Attendance**

**2. Approval of Agenda**

**3. Approval of Minutes from June 3, 2024**

**4. Public Comment**

**5. Reports**

- a. County Board of Commission (BOC)
- b. Land Preservation Board (LPB) – next meeting is July 10, 2024
- c. Southwest Michigan Planning Commission (SWMPC)
- d. Local Visits Report
- e. Staff Report

**6. Unfinished Business**

- a. Membership Recruitment
- b. Coordination of Local Visits

**7. New Business**

- a. Text amendment for Paw Paw Township: Ordinance amendment to allow adult use marijuana processing facilities in the AGR and ARR zoning districts.....Concur or Not Concur
- b. Planning Commission By-Laws..... Review

**8. Adjournment - Next Meeting: July 24, 2024 at 6:30 pm**

# VAN BUREN COUNTY PLANNING COMMISSION

219 Paw Paw St., Suite 201, Paw Paw, MI 49079  
1073

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269.657.8200 X

## Van Buren County Planning Commission June 3, 2024 – Special Meeting Minutes

- 1) **Call to Order & Attendance** - The meeting was called to order by Scott Cedarquist at 6:30 p.m.  
**Present:** Tom Motycka, Scott Cedarquist, Jan Petersen, Kurt Doroh, Will Pugsley, Barbara Rose, Celinda Gilmore and Tony Hemenway. Others present included Lisa Imus Ransler and 3 guests.  
**Absent:** Alyssa Hosbein (2 current vacancies).
- 2) **Approval of Agenda:** Motion by Motycka, with support by Petersen to approve the amended agenda to include. Motion approved unanimously.
- 3) **Approval of Minutes:** A motion was made by Doroh, with support from Gilmore to approve the April 24, 2024, meeting minutes. Motion approved unanimously. A motion was made by Rose, with support from Pugsley to approve the May 22, 2024, meeting minutes. Motion approved unanimously.
- 4) **Public Comment:** No Public Comment. Keeler Township Zoning (agenda item 7b was moved here).

The owner of TJ Mitchell Farm, LLC with a property address of 94690 M-152, Dowagiac, Michigan. Parcel No# 80-12-032-057-10 and 80-12-032-057-20. The property owner is seeking to rezone its property located near the southwest corner of M-152 and CR 342 in Keeler Township (Parcel Nos. 80-12-032-057-10 and 80-12-032-057-20) from the existing R-1 Single Family Residential District Zoning Classification to the C Commercial District Zoning Classification in accordance with Section 18.04 of the Keeler Township Zoning Ordinance. Each parcel is approximately 9 acres in area. Keeler Township Planning Commission included their review of the findings of fact with their application to the County. Concerns noted included noise and traffic. All requirements were met, which requires approval. After some discussion, Motycka, supported by Doroh, made a motion to concur with the Keeler Township Planning Commission. Motion approved by acclamation.

- 5) **Reports:**
  - a. **BOC Liaison Report:** Commissioner Doroh reported that the County had several new appointments to the CMH Board, approved a new Materials Management Plan with Berrien and Cass Counties and were looking for members, and had reviewed the latest audit presentation.
  - b. **Land Preservation Board (LPB) Report:** The next Land Preservation Board meeting will be held on July 10, 2024.
  - c. **Southwest Michigan Planning Commission (SWMPC) Report:** No meeting.
  - d. **Local Visits Report:** Covert Township continues to discuss short-term rental ordinances yard sale permits. Lawrence is reviewing zoning for small homes. Several Townships continue to discuss solar options and battery storage. Cannabis was discussed at both South Haven City and South Haven Charter Township.
- 6) **Unfinished Business:** None.
- 7) **New Business:**

- b. **Almena Township Zoning Text Amendments: Recreational Vehicles:** After some general discussion regarding primary vs secondary structures and concern over allowances for hunting and recreational use, Doroh supported by Rose made a motion to concur with the Almena Township Planning Commission's recommendation on Recreational Vehicles Text amendment. Motion approved by acclamation.
  - c. **Antwerp Township Zoning Text Amendments: Outdoor Storage & Sales:** Motycka, supported by Rose, made a motion to concur with the Antwerp Township Planning Commission's recommendation on the Outdoor Storage and Sales Text amendment. Motion approved by acclamation.
  - d. **St. Joseph County Notice of Intent to Plan: Update County Master Plan** – Received.
  - e. **South Haven Charter Township Master Plan Adoption** – Received.
  - f. **Planning Commission By-Laws** – Discussion on the future necessary amendments, including the length of terms and quorum constitution.
- 8) **Adjournment:** Doroh made a motion to adjourn the meeting at 7:19 p.m.

Submitted by: Lisa (Imus) Ransler, Recording Secretary



## Paw Paw Township

**To:** Van Buren County Planning Commission  
**Date:** June 11, 2024  
**Topic:** Paw Paw Township Zoning Ordinance Amendment: Marijuana Processors  
**From:** David M. Jirousek, AICP

### Overview

An ordinance is proposed that would allow marijuana processors in the AGR and ARR zoning districts on the same site as approved marijuana growing facilities as “permitted uses” as long as there are no building expansions or new buildings dedicated to processing. Currently, processing is a “special land use” in these districts.

Please note that if this change is approved, processing could occur after administrative approval of the use and the Board’s approval of an annual permit. Processing authorized by this proposed change would not require Planning Commission review or approval through the special land use process.

The Planning Commission held a public hearing on May 21, 2024, and requested that processing only occur in odor-controlled buildings. This provision was added.

### Draft Minutes from May 21, 2024

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

*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*

**PAW PAW TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_  
ZONING ORDINANCE  
AMENDMENT**

At a regular meeting of the Paw Paw Township Board held at the Paw Paw Township Hall on the \_\_\_\_ day of \_\_\_\_, 2024, at \_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following ordinance was offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

**ZONING ORDINANCE AMENDMENTS TO ALLOW ADULT USE MARIJUANA PROCESSORS AS  
A PERMITTED LAND USE IN AGR, ARR ZONING DISTRICTS UPON CERTAIN CONDITIONS**

WHEREAS, THE TOWNSHIP OF PAW PAW, COUNTY OF VAN BUREN, STATE OF MICHIGAN  
ORDAINS:

Section 1. Chapter 42, Section 42-5.02 B. Section 42-5.02 B is amended by adding a new subsection (20), which subsection shall read as follows:

(20) Adult use marijuana processors within an odor-controlled building, when located on the same site as a licensed adult use grower in existence at the time of the adoption of this amendment and which does not require the expansion of any existing building or structure and/or the use or construction of any new building or structure.

Section 2. Chapter 42, Section 42-5.02 C. Section 42-5.02 C is amended by deleting subsection (13) and reserving it for future use.

Section 3. Chapter 42, Section 42-5.03 B. Section 42-5.03 B is amended by adding a new subsection (19), which subsection shall read as follows:

(19) Adult use marijuana processors within an odor-controlled building, when located on the same site as a licensed adult use grower in existence at the time of the adoption of this amendment and which does not require the expansion of any existing building or structure and/or the use or construction of any new building or structure.

Section 4. Chapter 42, Section 42-5.03 C. Section 42-5.03 C is amended by deleting subsection (18) and reserving it for future use.

Section 5. Severability. Should any section, clause, or provision of this ordinance be declared unconstitutional, illegal, or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this ordinance.

Section 6. Effective Date. This ordinance shall be effective seven days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Rebecca Payne  
Paw Paw Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township Paw Paw at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Rebecca Payne  
Paw Paw Township Clerk

**Bylaws of the Van Buren County Planning Commission**  
**Approved by Planning Commission 7/24/02**  
**Approved by the Van Buren County Board of Commissioners**

**Article I – Name**

The name of this Commission shall be the Van Buren County Planning Commission hereby referred to as the Commission. This Commission was created by resolution of the Van Buren County Board of Supervisors passed on August 12, 1968. As authorized by Act 282 of Public Acts of 1945, as amended.

**Article II – Object**

Section 1 The general purpose of the Commission is to plan for integrated county conservation and development to serve the needs and general welfare of the residents of this county in accordance with Act 282 as amended. In addition, the Commission works to enhance the community and county services by providing guidance in and leadership to issues brought before the Commission.

Section 2 The Commission shall have all the powers, authority, obligations and duties conferred or imposed upon it by said Act 282 as amended by the State of Michigan.

**Article III – Members**

Section 1 The Commission shall consist of up to 11 members with one of those members being a representative of the Van Buren County Board of Commissioners. Members will represent all geographical areas of the county and have qualifications that will be beneficial to the Committee.

Section 2 The Van Buren County Board of Commissioners makes all appointments to the Commission. The planning Commission may make recommendations to the Board of Commissioners prior to appointments being made.

Section 3 A regular term of office is two years.

Section 4 Members can be re-appointed to the Commission.

Section 5 Members of the Commission shall receive compensation and mileage specified by the County Board of Commissioners. All members of the Commission shall be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties.

Section 6 Members of the Commission cannot simultaneously serve on a city, village or township government's planning or zoning board, zoning board of appeals or hold elected office on a city, village or township board.

Section 7 If any member fails to attend three (3) consecutive regular scheduled meetings of the Commission, without approval of the chairperson, a vacancy shall exist and an appointment shall be made by the Board of Commissioners as soon as possible.

Section 8 The Van Buren County Planning Director (Director) shall act as the Secretary of the Planning Commission

#### **Article IV – Duties of Planning Staff**

Section 1 The Director shall be responsible for all technical studies, investigations, surveys, reports and recommendations authorized or prepared on behalf of the Commission.

Section 2 The Director shall report monthly on the status of planning issues his or her office is handling.

Section 3 The Director shall be responsible for maintaining the records of the Commission's actions minutes receipts and disbursements, etc. All such official records shall be kept on file in the Planning and Land Management Office.

Section 4 The Director shall be responsible for preparing the annual budget for the Commission's consideration and for administering and maintaining the budget as reviewed by the Planning Commission Chairperson and approved by the Commission.

Section 5 The Director shall be responsible for the day to day conduct and administration of the Commission's business and the Commission's staff, work assignments and those other administrative duties necessary to the effective disposition of the Commission's ongoing activities.

Section 6 If the Commission shall have occasion to make disbursements from funds under its control, all checks, the Director (or other designee as set by the Commission) shall handle drafts and orders for payment of money in the name of the Planning Commission with prior review and approval by the Commission.

#### **Article V – Officers**

Section 1 The officers of the Planning Commission shall be elected by the members of the Commission at their regular annual meeting. If the election of officers is not held at such meeting, the election shall be held as soon thereafter as conveniently possible. New offices shall be created and filled at any meeting of the Commission. Each officer shall hold office until his or her successor has been duly elected.

Section 2 The Commission shall elect a Chairperson and Vice- Chairperson from its appointed members and shall appoint a secretary and create and fill such other offices as it may be determined necessary.

Section 3 The Chairperson shall preside at all meetings, appoint committees as needed subject to the approval of the planning Commission, and perform such duties as may be delegated by the Planning Commission.

Section 4 The Chairperson shall be the official spokesperson for the Commission policy matters.

Section 5 The Vice-Chairperson shall preside in the absence of the Chairperson.

Section 6 The Secretary may not be a member of the Planning Commission.

Section 7 The Chairperson shall appoint a nominating committee for the selection of officers at the December meeting. The recommendation of officers from that committee will be voted on at the regular Annual meeting.

### **Article VI – Meetings**

Section 1 Regular meetings shall be held on the 4<sup>th</sup> Wednesday of each month commencing at a regular time to be set at the annual meeting. November and December meetings are held on the 3<sup>rd</sup> Wednesday of the month and shall be convened at a time set at the annual meeting or as set by the Chairperson.

Section 2 The regular annual meeting shall take place in January or as set by the Chairperson.

Section 3 Special meetings may be called by the Chair or Vice-Chairperson, or by three or more members of the Commission, at such time and place as deemed necessary after proper notice. Notices of special meetings, together with an agenda and purpose shall be given to members not later than 24 hours preceding such meeting.

Section 4 All meetings for the taking of official action shall be open to the public. The Commission may meet in executive session upon affirmative vote of a majority of a quorum.

Section 5 Regular meetings of the Commission shall be held at a time and place as the Commission determines (the 4<sup>th</sup> Wednesday of the month).

Section 6 A majority of the members in office constitutes a quorum for the transaction of business. A majority vote of the members present at a meeting shall constitute the action of the Commission, unless a larger majority is required by statute or elsewhere in these bylaws.

### **Article VII – Executive Committee**

When the execution of any contract, conveyance of other instrument has been authorized without specification of the executing officers, the chairperson of the planning Commission or the Vice-chairperson and the Secretary may execute the same in the name of the Planning Commission.

The Commission shall have the power to designate the officers and agents who shall have authority to execute any instrument on behalf of the Planning Commission.

### **Article VIII– Committees**

Standing and special committees shall be as authorized by the Commission and appointed by the Chairperson as necessary, subject to the approval of the Commission.

### **Article IX Parliamentary Authority**

The rules obtained in the current edition of Robert’s Rules of Order Newly Revised shall govern this Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order that the Commission may adopt.

### **Article X – Amendments**

Section 1 Recommendations of changes to these bylaws can be made at any regular meeting by a majority vote of the members on the Planning Commission, provided the proposed changes have been read at a preceding meeting.

Section 2 The County Board of Commissioners must approve all amendments to these by-laws.

# **Comparison of Van Buren Planning Commission Bylaws to Michigan Planning Enabling Act and Required Changes:**

## **1. Membership and Terms:**

- **Current Bylaws (Section III):**
  - The Commission consists of up to 11 members with 2-year terms.
  - Members can be re-appointed.
- **Act 33 (Sec. 15):**
  - A county planning commission should consist of 5, 7, 9, or 11 members.
  - Members (excluding ex officio members) are appointed for 3-year terms.

### **Required Change:**

- Adjust the term length in the bylaws from 2 years to 3 years to align with the Act.

## **2. Ex Officio Members:**

- **Current Bylaws:**
  - No specific provision for ex officio members.
- **Act 33 (Sec. 15(5)):**
  - Ex officio members, including members of the legislative body or the chief elected official, may be appointed. These members have full voting rights unless otherwise stated.

### **Required Change:**

- Include provisions for ex officio members in the bylaws, specifying their roles and voting rights as outlined in the Act.

## **3. Conflict of Interest:**

- **Current Bylaws (Section III, Section 6):**
  - Members cannot serve simultaneously on other planning or zoning boards within the county.
- **Act 33 (Sec. 15(9)):**
  - Members must disclose any potential conflict of interest before voting on a matter. Failure to disclose constitutes malfeasance in office.

### **Required Change:**

- Add a section on conflict of interest requiring members to disclose any potential conflicts before voting, in accordance with the Act.

## **4. Meetings:**

- **Current Bylaws (Section VI):**
  - Regular meetings are held monthly; special meetings require 24 hours' notice.
- **Act 33 (Sec. 21):**
  - The planning commission must hold at least 4 regular meetings each year. Special meetings require 48 hours' notice.

**Required Change:**

- Amend the bylaws to ensure that at least 4 regular meetings are held each year and adjust the notice period for special meetings to 48 hours.

**5. Annual Report:**

- **Current Bylaws:**
  - No specific requirement for an annual report.
- **Act 33 (Sec. 19(2)):**
  - The planning commission must make an annual written report to the legislative body on its operations and the status of planning activities.

**Required Change:**

- Include a requirement in the bylaws for an annual report to the legislative body.

**6. Adoption of Bylaws:**

- **Current Bylaws (Article IX):**
  - No specific procedure for bylaw adoption or amendment.
- **Act 33 (Sec. 19(1)):**
  - The planning commission must adopt bylaws for the transaction of business.

**Required Change:**

- Formalize the procedure for the adoption and amendment of bylaws to ensure compliance with the Act.

**Recommended Adjustments:**

**Bylaws of the Van Buren County Planning Commission**

1. **Article III – Members:**
  - Amend Section 3 to state: "A regular term of office is three years."
  - Add a new section for ex officio members: "Ex officio members may be appointed as outlined in the Michigan Planning Enabling Act, with full voting rights unless otherwise specified."
2. **Conflict of Interest:**

- Add: "Members must disclose any potential conflicts of interest before voting on a matter. Failure to disclose constitutes malfeasance in office."
- 3. **Meetings:**
  - Amend Section 1 to include: "The Commission shall hold at least 4 regular meetings each year."
  - Amend Section 3 to state: "Notices of special meetings shall be given to members not later than 48 hours preceding such meeting."
- 4. **Annual Report:**
  - Add a new article: "The Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities."
- 5. **Adoption of Bylaws:**
  - Add to Article IX: "The Planning Commission shall adopt bylaws for the transaction of business, which shall be kept as a public record."

After the Citizen Planner Course, there may be additional changes you would like to make that we can discuss. These are the minimum necessary changes to bring into compliance with the Michigan Planning Enabling Act - Act 33 of 2008.