



COMMUNITY DEVELOPMENT
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Staff Report

TO: Human Resource Committee
Isabella County Board of Commissioners

FROM: Timothy A Nieporte, Community Development Director

DATE: June 9, 2017

RE: ZA (Text) #17-05 Utility Grid Wind Energy Conservation Systems

BACKGROUND

Zoning Amendment #17-05 amends the Isabella County Zoning Ordinance in Section 12.05 (PP), Special Use Regulatory Design Standards for Utility Grid WECS and adds a new definition for “Non-participating Property Lines”.

The purpose of the amendment is to amend and enhance the current language with regard to WECS in an effort to protect public health, safety and welfare of the community.

The Isabella County Planning Commission held a public hearing on June 8, 2017 to hear comments related to the text amendment as recommended by staff. See minutes for public comment.

After discussion and review of the guidelines established in Section 15.08 (C) (2) the Planning Commission moved to recommend approval of the proposed language with amendments to the County Board of Commissioners.

ALTERNATIVES

1. Concur with the Planning Commission’s recommendation to approve Zoning Amendment #17-05 and authorize the chairperson to sign the Zoning Amendment which amends the Isabella County Zoning Ordinance in Section 12.05 (PP), Special Use Regulatory Design Standards for Utility Grid WECS and adds a new definition for “Non-participating Property Lines”.
2. Deny the amendment as submitted.
3. Return the amendment to the Planning Commission with a written report for further evaluations.

FINANCIAL IMPACT

None.

OTHER CONSIDERATIONS

None.

RECOMMENDATIONS

1. Move to adopt Zoning Amendment #17-05 which amends the Isabella County Zoning Ordinance in Section 12.05 (PP), Special Use Regulatory Design Standards for Utility Grid WECS and adds a new definition for “Non-participating Property Lines”.

ATTACHMENTS

1. Zoning Amendment #17-05.
2. Draft Planning Commission Minutes from June 8, 2017.

Amendment of Isabella County Zoning Ordinance
ZA# 17-05

AN ORDINANCE TO AMEND THE ISABELLA COUNTY ZONING ORDINANCE REQUIREMENTS FOR MINI-WAREHOUSE. THIS ORDINANCE AMENDMENT WAS ADOPTED BY THE ISABELLA COUNTY BOARD OF COMMISSIONERS ON _____.

PREAMBLE

It is hereby determined by the Isabella County Board of Commissioners that good and reasonable cause exists to amend the Isabella County Zoning Ordinance as ordained below:

THE COUNTY OF ISABELLA HEREBY ORDAINS

That the Isabella County Zoning Ordinance be amended as follows:

ARTICLE 2 DEFINITIONS

SECTION 2.14 DEFINITIONS “N”

Insert

Non-participating Property Line: A property line of a parcel of property which is owned by a person(s) and/or entity(ies) other than a person(s) and/or entity(ies) which has authorized the use of their property for WECS and/or Anemometer Tower and/or which has authorized the use of their property for wind flow to a WECS and/or Anemometer Tower.

ARTICLE 12 SPECIAL LAND USES

SECTION 12.05 DESIGN STANDARDS FOR SPECIAL LAND USES

PP. UTILITY GRID WIND ENERGY CONSERVATION SYSTES (WECS), ON SITE WECS OVER 66 FT IN HEIGHT, AND ANEMOMETER TOWERS OVER 66 FEET IN HEIGHT.

Strike

- ~~1. Such facilities are permitted by special use in the AG 1, AG 2 and AG 3 Districts.~~
- ~~2. In addition to the applicable information required by Article 11, the application shall include:
 - ~~a. Location of overhead electrical transmission or distribution lines.~~
 - ~~b. Location and height of all buildings, structures, towers, security fencing and other above ground structures associated with the WECS.~~
 - ~~c. Location and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the proposed WECS or Anemometer Tower. Specific distances to other on-site buildings, structures, and utilities shall also be provided.~~
 - ~~d. Existing and proposed setbacks of all structures located on the property.~~
 - ~~e. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous WECS of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.~~~~

- ~~f. Access road to the WECS and Anemometer Tower with detail on dimensions, composition, and maintenance.~~
 - ~~g. Planned security measures to prevent unauthorized trespass and access.~~
 - ~~h. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the County Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.~~
 - ~~i. An analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.~~
 - ~~j. A decommissioning plan that shall include the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.~~
- ~~3. WECS and Anemometer Towers shall be setback from the closest property line one (1) foot for every one (1) foot of tower height.~~
 - ~~4. WECS and Anemometer Towers shall not be located within thirty (30) feet of an above ground utility line.~~
 - ~~5. The minimum vertical blade tip clearance from grade shall be 20 feet for a WECS employing a horizontal axis rotor.~~
 - ~~6. WECS and Anemometer Towers shall comply with all applicable state construction and electrical codes and local building permit requirements. WECS and Anemometer Towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), the Michigan Tall Structures Act (PA 259 of 1959) and any local jurisdiction airport overlay zone regulations.~~
 - ~~7. WECS shall comply with all applicable parts of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).~~
 - ~~8. WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.~~
 - ~~9. WECS shall be grounded to protect against natural lightning strikes in conformance with the State Electrical Code.~~
 - ~~10. WECS and Anemometer Towers shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations. All required lighting shall be shielded to the extent possible to reduce glare and visibility from the ground.~~
 - ~~11. WECS shall be of monopole design and shall not have guy wires.~~
 - ~~12. If the Anemometer Tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.~~

- ~~13. Noise emanating from the WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55dB(A), the standard shall be ambient dB(A) plus 5 dB(A).~~
- ~~14. Color and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades of the WECS.~~
- ~~15. Each WECS shall have one sign posted at the base of the tower containing the following information:
 - a. Warning high voltage.
 - b. Manufacturer's name.
 - c. Emergency phone number.
 - d. Emergency shutdown procedures.~~
- ~~16. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.~~
- ~~17. WECS and Anemometer Towers shall be designed and constructed so as not to cause radio and television interference.~~
- ~~18. No WECS shall produce vibrations humanly perceptible beyond the property on which it is located.~~
- ~~19. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the State Electrical Code as adopted by the County.~~
- ~~20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.~~
- ~~21. The County hereby reserves the right upon issuing any WECS or Anemometer Tower special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.~~

Insert

1. Such facilities are permitted by special use in the AG-1, AG-2 and AG-3 Districts.
2. In addition to the applicable information required by Article 11, the application shall include:
 - a. The estimated construction timeline.
 - b. Location of overhead electrical transmission or distribution lines.
 - c. Location and height of all buildings, structures, towers, security fencing and other above ground structures associated with the WECS.
 - d. Location and height of all adjacent buildings, structures, and above ground utilities located within six hundred (600) feet of the proposed WECS or Anemometer Tower. Specific distances to other on-site buildings, structures, and utilities shall also be provided.

- e. Existing and proposed setbacks of all structures located on the property.
- f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within six hundred (600) feet. For wind farms in which case numerous WECS of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within six hundred (600) feet.
- g. Access road to the WECS and Anemometer Tower with detail on dimensions, composition, and maintenance.
- h. Planned security measures to prevent unauthorized trespass and access.
- i. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the County Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- j. A detailed description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the WECS. The process shall not preclude the County from acting on the complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached during normal business hours.
- k. An analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Wind Energy Conservation Systems shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
- l. The WECS application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of individual WECS turbine, or facility abandonment. Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, (c) the financial resources to be used to accomplish decommissioning, and (d) the escrow agent with which the resources shall be deposited. The Decommissioning Plan shall also include an agreement between the applicant and the County specifying that:
 - 1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the County.
 - 2. The County shall have access to the escrow account funds for the express purpose of completing the decommissioning, if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine, or

facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.

3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning as necessary.
 4. The County is also granted the right to seek and obtain injunctive relief to effect or complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.
3. WECS shall be exempt from the height requirements of this ordinance, subject to the provisions of Article 12 and compliance with all State and Federal regulations.
 4. WECS and Anemometer Towers shall be setback from non-participating property lines one (1) foot for every one (1) foot of tower height. This requirement may be modified by the planning commission if sufficient information is provided to reduce said setback.
 5. WECS and Anemometer Towers shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times the tower height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 6. WECS and Anemometer Towers shall be set back from the nearest railroad or rail trail a distance no less than 400 feet or 1.5 times the tower height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such railroad or rail trail.
 7. WECS and Anemometer Towers shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times the tower height, or (b) one thousand (1,000) feet.
 8. WECS and Anemometer Towers shall not be located within thirty (30) feet of an above ground utility line.
 9. The minimum vertical blade tip clearance from grade shall be 75 feet for a WECS employing a horizontal axis rotor.
 10. WECS and Anemometer Towers shall comply with all applicable state construction and electrical codes and local building permit requirements. WECS and Anemometer Towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), the Michigan Tall Structures Act (PA 259 of 1959) and any local jurisdiction airport overlay zone regulations.
 11. WECS shall comply with all applicable parts of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).
 12. WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 13. WECS and Anemometer Towers shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices

required by Federal regulations. All required lighting shall be shielded to the extent possible to reduce glare and visibility from the ground.

14. WECS shall be of monopole design and shall not have guy wires.
15. If the Anemometer Tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
16. Noise emanating from the WECS shall not exceed 50 dB(A) (not calculated as an average) at a non-participating property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
17. Color and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades of the WECS.
18. Each WECS shall have one sign posted at the base of the tower containing the following information:
 - a. Warning high voltage.
 - b. Manufacturer's name.
 - c. Emergency phone number.
 - d. Emergency shutdown procedures.
19. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
20. No WECS and Anemometer Towers shall be installed in any location where its proximity with existing fixed broadcast, transmission, or reception antennas for television, radio, or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
21. No WECS shall be interconnected with a local electric company until the utility company has reviewed and commented on it. The interconnection of the WECS with the utility company shall adhere to the State Electrical Code as adopted by the County.
22. The on-site electrical collection lines connecting the WECS to the public utility electricity distribution system shall be located underground where applicable. The interconnection of the WECS with the utility company shall adhere to the State Electrical Code.
23. A change in location of a WECS and/or Anemometer Tower shall be approved by the Zoning Administrator provided the change in location is not more than one hundred (100) feet from the approved location and provided that the amended plans contain all information required in this Ordinance and the alternative location satisfies the conditions set forth in this section of the Ordinance.
24. An approved special use permit for a utility grid WECS project shall expire if construction of the WECS has not commenced within twenty-four (24) months from the date of issuance. An applicant may request an extension of the approval of the special use permit by letter addressed to the planning commission. The planning commission may grant an extension of up to eighteen (18) months for the construction to commence provided the written request to extend the special use permit is submitted prior to the expiration of the special use permit and

provided that the proposed use continues to satisfy the applicable standards set forth within the ordinance.

- 25. An approved special use permit for a utility grid WECS and/or Anemometer Tower shall be deemed to constitute approval to operate and use the utility grid WECS and/or Anemometer Tower twenty four (24) hours per day.
- 26. The County hereby reserves the right upon issuing any WECS or Anemometer Tower special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

This Amendment of the Isabella County Zoning Ordinance shall become effective eight (8) days after the notice of adoption is published as required by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

The motion was made by Commissioner _____ and supported by Commissioner _____:

The motion carried with the following roll call vote of _____Yeas and _____Nays
_____ Absent

Yea Votes:
Nay Votes

George Green, Chairperson
Isabella County Board of Commissioners

Date signed

Minde Lux, Isabella County Clerk

Date signed

STATE OF MICHIGAN)

COUNTY OF ISABELLA)

I do hereby certify that the above Amendment of the Isabella County Zoning Ordinance is a true and correct copy of the Ordinance adopted by the Isabella County Board of Commissioners present on _____.

Minde Lux, Isabella County Clerk

ISABELLA COUNTY
PLANNING
COMMISSION

June 8, 2017

A Regular Meeting of the Isabella County Planning Commission was held on June 8, 2017 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann Silker

MEMBERS ABSENT: Jeremy Murphy, Phillip Vogel

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director
Ray Johnson, Zoning Administrator
Kim Kennedy, Recording Secretary

The meeting was called to order by Mr. Bean at 7:00 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

Mr. Bean requested that the agenda be approved with an amended addition of # 10 Farmland Agreement PA116 – Clarke - Wise Township Section 26

A motion was made by Mr. Gilchrist supported by Mrs. White to approve the amended agenda.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann Silker

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the May 2017 regular meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mrs. Silker supported by Mr. O'Neil to approve the minutes as presented.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann

Silker

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – None

Parks & Recreation – None

Board of Commissioners – Mr. Horton stated that the Board is working on setting the budget schedule and further researching the point of sale inspections for well and septic systems.

TOWNSHIP CONCERNS

Denver – None

Wise – None

Gilmore – None

Isabella – None

Sherman – None

PUBLIC COMMENT – None

Zoning Amendments

ZA #17-03 – Isabella Township

Mr. Nieporte explained Zoning Amendment #17-03 – Isabella Township. He explained that this is map amendment which included an amendment in Sections 10 and 11 and an amendment in Section 35. Mr. Nieporte stated that the office received 4 letters against and 1 for this amendment. This amendment would eliminate the split zoned parcels in Sections 10 and 11. After further discussion Mr. Nieporte recommended removing sections 10 and 11 while staff contacts the residents to better explain the justification for rezoning these parcels. In Section 35 the amendment would re-zone three properties to the Agricultural District from Recreation Commercial which is consistent with the Future Land Use plan, the use currently on the properties, and surrounding properties.

Public Hearing opened 7:07 pm

Public Hearing closed 7:07 pm

A Motion was made by Mrs. White supported by Mr. Gilchrist to recommend Zoning Amendment #17-03 in part removing the request in sections 10 and 11 of the township approving only the area as described in Isabella Township section 35.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann Silker

No: None

Motion carried

ZA #17-04 in Sherman Township

Mr. Nieporte informed the board that Zoning Amendment #17-04 in Sherman Township would re-zone three locations in Sherman Township, which are currently inconsistent with the current land uses and two of which were previously re-zoned by Sherman Township. Staff has reached out to Sherman Township and discussed the map amendments with the Township. The amendments presented to you today are ones in which the Township had no issues with being re-zoned.

Public Hearing opened 7:12 pm

Mr. Schmidt of Sherman Township stated that the township had no issues with this amendments.

Public Hearing closed 7:13 pm

A Motion was made by Mrs. White supported by Mr. Campbell to recommend Zoning Amendment #17-04 in Sherman Township to rezone the three locations.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann Silker

No: None

Motion carried

ZA #17-05 – Wind Energy Conservation Systems

Mr. Nieporte reviewed the proposed changes to the existing regulations relating to Wind Energy Conservation systems.

Public Hearing opened 7:16 pm

Richard Brooks - Wise Twp. land owner, expressed concerns of 55 dBA requirement, 24 hour operations and non-participating structure and how the 55 decimials measurements were taken.

Mr. Bean stated the measurements are taken at the occupied structure.

Dr. Nicholas Gauthier – Shepherd. Dr. Gauthier, Doctor of audiology, spoke of the 55 dBA. He stated

that he has done extensive research on Wind Turbines and the effects of the levels of the dBA created by turbines including infrasound. He stated he was pro Wind Turbines with effective regulations and offered his expertise and experience to answer questions about infrasound.

Mrs. White asked if he had any information about sound regulations in other areas.

Dr. Gauthier stated it is a balance to find the acceptable output level for a county.

Ed Zebrowski – Isabella Twp., stated he was a proponent for wind energy and asked the board if this was the first reading and where did the information on the 55 dBA come from for the current changes?

Mr. Nieporte explained that the 55dBA is currently in the ordinance from 2008 with information from MSU Extension and other sources as wind turbines were coming to Gratiot County. Mr. Nieporte also stated there have been an increase in inquiries from not only wind turbine companies but also solar and we felt we could make modifications to strengthen the ordinance.

Mary Ellen Ruark – Mt Pleasant, had concerns if 55 dBA is harmful and had questions about the height and setback requirements.

Mr. Nieporte stated the regulation is they are exempted from the height requirement and the height is measured to the tip of the blade.

Jim Moreno – County Commissioner, spoke of the turbines height and that they are now more efficient. Mr. Moreno stated he is in favor of the Wind Turbines and spoke about increased revenue in the county.

Gareth d'Haillecourt – Wise Twp. Spoke about climate change in Michigan, being warmer it creates more wind. She is in favor of the Turbines.

Collin Gross – Rosebush stated he was concerned about increase dBA levels and the distance to occupied buildings.

Larry Gillis – Lincoln Twp. is in favor of Turbines. He spoke about the revenue distribution to the community.

Steven Wilkie – Vernon Twp. questioned if the noise was pulsing or constant.

Scott Haken – Apex representative, informed the board this is a 500 million dollar investment, 200 families have signed leases and more sign each day. Mr. Haken stated that 103 million dollars would be in lease payments and 31 million in tax revenue.

Mr. Hakens answered questions from the board about dBA levels and different requirements from different ordinances.

Mrs. White asked who chose Apex as the company.

Mr. Hakens stated the land owners and a steering committee of landowners in the County.

Kevin Martis – Volunteer Director of the Interstate Informed Citizens Coalition, here on behalf of the residents of Isabella County and read a prepared statement in opposition of wind turbines.

Charles Burke – stated he lives near Mt. Pleasant, and that the noise is not an issue and had visited one.

Bob Walton – Isabella Twp. informed the board he was on the steering group that negotiated the lease contract. He stated that farm operations create noise and believes the land owners should have the right to negotiate these leases. Mr. Walton stated he is in favor of the language change.

Mike Hales – Vernon Twp. Would like the board to be sensitive to those who moved to the county and does not like the looks of wind turbines.

Richard Los – Wise Twp. spoke of climate change and the need for wind turbines. Mr. Los stated that he is in favor of the language change.

Bob Callard – stated he was from Shiawassee County and that their county was working on zoning language and citizens did not support wind turbines and their board enacted a one year moratorium.

Albert Lonjewaard – Apex representative, stated that this is different from Shiawassee County. He also spoke about how there are always projects in a county that people are for and against. He spoke about how Apex was trying to work closely with the local community.

Mr. Horton asked for a comparison of size of the Ithaca project to what may come to Isabella County.

Mr. Lonjewaard was not sure of the exact size in Ithaca and that Apex hasn't picked turbine models for Isabella County as of yet.

Norm Stephens – Elmer Twp. in the thumb, Elmer Twp. is currently being sued by NextEra over dBA limits on the bases of an average dBA level. Mr. Stephens provided the Board with a handout of numbers and read a prepared statement in opposition to wind turbines.

Tracy House – Caro MI was part of the group that put together the lease. And stated noise is already prevalent on farms.

Robert Pash – Nottawa Twp. stated that Ag districts are noisy. He also was part of the steering group for the lease contracts. Mr. Pash further elaborated on how agricultural land is used in an industrial nature.

Mrs. White inquired how many people were on the committee.

Mr. Pash stated there were 6 individuals by the time a final lease was developed.

Jeff Bean – Rosebush MI informed the board he was on the committee to develop the lease. Mr. Bean stated he did not want to see a turbine out his window but would not deprive the community the right. He spoke also of the revenue impact on the communities.

Gretchin Rodammer – Vernon Twp. commented about the future look of the country and our county with an increase in numbers of turbines.

Helen Meir – Isabella Twp. asked what are the borders of a wind farm?

Mr. Nieporte clarified it is the boundary of the lease parcels.

Mrs. Meir had questions about survey requirements.

Mr. Nieporte clarified there are not survey requirements in the ordinance.

Lauralyn Gross – Nottawa Twp., and she stated she does like wind turbines but has concerns with property values, setbacks and sounds.

John Ullom – Denver Twp. expressed concerns with property values and taxes.

John Derby – Isabella Twp., asked the commission to consider height regulations and lower dBA to be put into place.

Mr. Bean called for any further public comment.

Public Hearing closed 8:41pm

Mr. Horton expressed his concerns on decommissioning, height requirements, taxes, and wildlife impact. Mr. Horton also expressed his thanks to those who spoke during the public comment period.

Mr. Bean commented on permitted uses in the agricultural districts.

The board discussed decibel levels and setbacks to participating and non-participating property lines and setbacks regarding the hub height verses the total height.

Mrs. Silker questioned the decommissioning and amounts required to be placed in escrow.

Mr. Nieporte stated that a Wind Turbine would require a Special Use Permit and more detailed requirements can be set at that time in the form of conditions.

Mr. Horton asked for an explanation of shadow flicker.

Mr. Nieporte explained shadow flicker.

Further board discussion took place.

A Motion was made by Mrs. White supported by Mr. Campbell to recommend approval of Zoning Amendment #17-05 to the Board of Commissioners with the following amendments:

- Change Section 12.05 (PP) numbers 5, 6, and 7 to be measured from the tower height and not the hub height; and
- Change Section 12.05 (PP) number 17 of the proposed language to be at 50 dBA from a non-participating property line and the dBA to not be calculated as an average.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O'Neil, Jim Horton, Kelly Bean, Ann Silker

No: None

Motion carried

Mr. Bean called for a 2 minute recess.

The Board reconvened following 2 minutes.

Farmland Agreement – Clarke, Denver Township

Mr. Johnson informed the board that an application from Kevin and Kimberly Clarke have made three applications to the Farmland and Open Space Preservation Program (PA116) in Denver Township. The first application is for 60.23 acres in Section 11, the second application is for 71 acres in Section 16, and the third is for 64 acres in Section 10. All three applications are for 20 years and all three properties are planned and zoned for Agricultural. The applications appear to be complete.

The Board had no comments.

Mr. Johnson stated that staff will forward a letter to the County Clerk indicating the board had reviewed the farmland agreement and had no comments.

Farmland Agreement – Clarke, Wise Township

Mr. Johnson informed the board that an application from Kevin and Kimberly Clarke was received made an application to the Farmland and Open Space Preservation Program (PA116) in Wise Township. The application is for 80 acres in Section 26. The application is for 20 years and the property is planned and zoned for Agricultural. The applications appear to be complete.

The Board had no comments.

Mr. Johnson stated that staff will forward a letter to Wise Township Clerk indicating the board had reviewed the farmland agreement and had no comments.

PUBLIC COMMENT – None

STAFF COMMENTS – None

PLANNING COMMISSIONER’S COMMENTS – Mr. Horton thanked Mr. Nieporte and staff for their work over the last several months regarding wind energy conservation systems.

Mr. Campbell also thanked staff for their work.

ADJOURNMENT

A motion was made by Mr. Horton to adjourn the meeting seconded by Mrs. White at 9:19 p.m.

Yes: Nancy White, Bob Campbell, Gordon Gilchrist, Tim O’Neil, Jim Horton, Kelly Bean, Ann Silker

No: None

Motion carried

Nancy White, Secretary
Kim Kennedy, Recording Secretary