



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 (Rezoning) #17-03 Rezone from C-2 to AG-3

BACKGROUND

Zoning Amendment #17-03 amends the Isabella County Zoning Ordinance map in Section 35 of Isabella Township. The purpose of the amendment is to rezone property from Recreational Commercial (C-2) to Agricultural Buffer (AG-3) as recommended by staff. The property is located on Baseline Rd. approximately one-quarter mile east of North Mission Rd. in the SE ¼ of the SW ¼ of Section 35 of Isabella Twp. Also known as Parcel numbers 09-035-30-002-00, 09-035-30-005-00, and 09-035-30-004-00.

The Isabella County Planning Commission held a public hearing on June 8, 2017 to rezone the property from Recreational Commercial (C-2) to Agricultural Buffer (AG-3) as recommended by staff. There was no correspondence received nor any public comments at the hearing.

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

ALTERNATIVES

1. Concur with the Planning Commission's recommendation to approve Zoning Amendment #17-03 and authorize the chairperson to sign the Zoning Amendment rezoning the property from Recreational Commercial (C-2) to Agricultural Buffer (AG-3).
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 #17-03 which amends the Isabella County Zoning Ordinance Map in Section 35 of Isabella Township by rezoning the described property from Recreational Commercial (C-2) to Agricultural Buffer (AG-3) and authorize the County Board chairperson to sign the official rezoning map.

ATTACHMENTS

1. Zoning Amendment #17-03.
2. Draft Planning Commission Minutes from June 8, 2017.

T15N R04W ISABELLA TOWNSHIP, SECTION 35, COM
AT SW COR OF SE 1/4 OF SW 1/4 TH N 342 FT E 165
FT S 342 FT W 165 FT TO POB, AND BEG 1495 FT E FR
SW SEC COR TH E 154 FT N 50 FT E 79 FT N 58 FT E
414.26 FT N 44 FT E 39.92 FT N 39D 50M 39S E 199.27
FT TH CURVE TO THE LEFT 33 FT W OF ROW FOR US
27 HAVING RADIUS OF 7503.40 FT AND A BEARING OF
N 04D 45M 45S W 367.86 FT TH W 339.97 FT S 129.32
FT W 374.33 FT N 86D 44M 15S W 239.46 FT S 216.39 FT
E 181.23 FT S 341.98 FT TO POB, AND COM 1931.5 FT E
& 672 N OF SW COR SEC 35 TH N 330 FT E 264 FT S 330
FT W 264 FT TO POB

C-2

PROPERTY TO BE REZONED
FROM: C-2 TO AG-3

AG-3

US - 127

EAST BASELINE RD

UNION TOWNSHIP ZONED AGRICULTURAL

ZONING AMENDMENT ZA #17-03

SECTION 35
ISABELLA TOWNSHIP
ISABELLA COUNTY MICHIGAN

THIS MAP IS A TRUE AND CORRECT
COPY OF THE ORDINANCE AMENDMENT
ADOPTED BY THE ISABELLA COUNTY
BOARD OF COMMISSIONERS PRESENT
ON _____

GEORGE GREEN, CHAIRPERSON ISABELLA
COUNTY BOARD OF COMMISSIONERS

MINDE B. LUX, ISABELLA COUNTY CLERK

ZONING DISTRICT BOUNDRIES
FOLLOW EXISTING OWNERSHIP
AND SECTION LINES UNLESS
OTHERWISE DIMENSIONED ON
A LARGE SCALE SUB AREA MAP.

THIS MAP SHALL BE KNOWN AS
THE OFFICIAL MAP FOR
AMENDMENT TO THE ISABELLA
COUNTY ZONING ORDINANCE



Created By:
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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 decibels 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