

ISABELLA COUNTY
PLANNING COMMISSION

February 8, 2018

A Regular Meeting of the Isabella County Planning Commission was held on February 8, 2018 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Tim O'Neil, Phillip Vogel, Jim Horton, Nathan Rogers, Ann Silker, Jeremy Murphy, Kelly Bean , Bob Campbell

MEMBERS ABSENT: None

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. Murphy at 7:00 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

Mr. Murphy requested that the agenda be approved as presented.

A motion was made by Mr. Rogers, supported by Mr. Horton to approve the agenda.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Nathan Rogers, Ann Silker, Jeremy Murphy, Kelly Bean , Bob Campbell

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the January 2018 regular meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. Vogel, supported by Mr. Campbell to approve the minutes.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Nathan Rogers, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel reported the board held a meeting in January to elect officers and set the meeting day/time for the year.

Parks & Recreation – Mr. Murphy reported the meeting was held to discuss the budget and their master plan for parks moving forward.

Board of Commissioners – Mr. Horton reported the board scheduled a planning session looking at future goals and the 3-5 year budget. Mr. Horton also let the commission know that the time of transfer ordinance is now in effect.

TOWNSHIP CONCERNS

Denver – Mrs. Curtis stated the petition submitted to the township has been approved and will be on the August primary ballot.

PUBLIC COMMENT

Opened at 7:06 p.m.

Closed at 7:07 p.m.

Zoning Amendment #18-01 Harsh Zoning Amendment – Gilmore Township

Mr. Nieporte stated that Mr. Harsh has submitted an application to rezone a the south 15 acres of a piece of property from General Agricultural to General Commercial at the intersection of Winn Rd. and Coleman Rd. There is existing commercial development at the intersection. Staff has reviewed the master plan which calls for development at this intersection and therefore the request is consistent with the master plan.

Staff has posted the request in the Morning Sun and made all the proper notifications as per state law. Section 15.02 C of the ordinance outlines the guidelines for review of a rezoning request. As a reminder the action of the commission is a recommendation to the board of commissioners for final action.

Mr. Aaron Harsh reiterated to the commission his justification for the rezoning indicating he would like to construct a mini-warehouse business and hopes to bring other businesses to this area.

Public comment opened at 7:10 p.m.

Public comment closed at 7:11 p.m.

The Chair called for discussion.

Mr. Rogers made a motion, supported by Mr. Campbell to recommend approval to the board of commissioners that the property be rezoned from General Agricultural (AG-2) to General Commercial (C-1).

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Nathan Rogers, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell

No: None

Motion carried

Zoning Amendment #18-02 – Wind Energy Conservation Systems

Mr. Murphy made a statement that the occupancy of the room is at 49, seating is available in the hallway and that because this is a public meeting everyone will have a chance to speak at the public comment period. Mr. Murphy stated that because there is a large number of people, comments will be limited to 3 minutes each.

Mr. Nieporte reviewed the staff report and the history of ordinance modifications regarding wind energy conservation systems since 2008.

Mr. Nieporte reminded the commission that staff heard of a potential project in early 2017 and the commission held several meetings in the spring and summer of that year. At a public hearing in June 2017 the commission recommended to the board of commissioners that the ordinance be amended to include additional restrictions providing for increased protection to residents. These changes were to increase the setback to occupied buildings, non-participating property lines, roads, railroads and right of ways and increased ground clearances. Mr. Nieporte also reminded the commission that additional modifications were made to reduce sound levels at the public hearing.

Mr. Nieporte stated a comparison of ordinances were brought to the planning commission by a citizen in December 2017. The commission handed four of the items on the comparison to staff to provide for analysis and future presentation. Staff's analysis was reviewed by the planning commission in January 2018, discussions took place regarding a potential change in the ordinance language, and a public hearing was set for the February meeting.

Mr. Nieporte stated the public hearing at this meeting is in relation to six items, two of which were recommended for review by staff.

1. Setbacks to a non-participating property line. The current language has a requirement of one foot setback to one foot of tower height, the proposed language would modify this setback to be one and one half times the tower height.
2. Setback to an occupied building. The current language provides for a two times or 1000 feet whichever is greater. The proposed language would modify the setback to be two times or 1200 feet from a turbine to an occupied structure on a non-participating

property, leaving the requirement as it is for an occupied structure on a participating property.

3. Decibel level at a non-participating property line. The current language requires the decibel level to be no greater than 50 dba at the non-participating property line, not calculated as an average. The proposed language would require the decibel level to be 45 dba at the property line between the hours of 10:00 p.m. to 7:00 a.m., not calculated as an average, leaving the decibel level requirements the same between 7:00 a.m. and 10:00 p.m.
4. New language would require a post construction sound study be completed.
5. New language would modify the FAA requirement to require the applicant to seek FAA approval of an aircraft detection lighting system to reduce light pollution.
6. New language would require the applicant to provide as-built drawings and a summary of the anemometer tower data, post construction.

Mr. Nieporte stated there are two letters submitted by members of the public, addressed to the commission, and asked that Mr. Johnson read the letters.

Mr. Johnson read a letter submitted by Pamela Sook in opposition to wind turbines.

Mr. Johnson read a letter submitted by Mike Bell in opposition to wind turbines.

Public Comment

Mr. Murphy reminded the public that comments are limited to 3 minutes each.

Opened at 7:20 p.m.

Terry Meier commended the work by staff and the planning commission. Mr. Meier read a prepared statement requesting the commission consider a setback of 1640 ft to the property line citing a safety manual. Mr. Meier stated he felt those that have monetary gain should not be making decisions on ordinances. Mr. Meier read language from an Apex lease.

Scott Hawken with Apex Wind thanked the commission for the opportunity to speak and commended the work that has taken place. Mr. Hawken reviewed the history of the previous year regarding changes to the ordinance. Mr. Hawken stated increased setbacks and lower decibel requirements are not necessary for safety issues and there are no science based studies to support the change. Mr. Hawken supported the requirements for post construction sound study and as-built drawings and said Apex prefers the farm be lit at all times.

Ken Keliski with RSG White River Junction in Vermont, stated he is a noise control engineer and a licensed engineer in the State of Michigan, Board Certified through the Institute of Noise Engineering and is the co-Chair of the Wind turbine Noise Technical Group. Mr. Keliski spoke

about noise standards and issues with subtracting background noise, repeatability and that Lmax is not good for repeatability.

Tom Swindlehurst stated he is in favor of wind turbines and doesn't want any further changes. He stated he supports the work the commission has done so far.

Rus Allen reviewed objections he has heard from other people and doesn't find them bothersome. Mr. Allen thanked the commission for what they have done so far, doesn't want to see any more changes and would like to see the project move forward.

Chris Hennessey from the Michigan Laborers Training Institute spoke about what the laborers union does at time of construction and the opportunities for new apprentices in the area. Mr. Hennessey also spoke about the need for consistency in code/law for construction and that he believes the current language is fair and consistent. Mr. Hennessey thanked the commission for the opportunity to speak.

James McBryde, President of the Middle Michigan Development Corporation stated the current ordinance is an excellent balance protecting the citizens and making the project economically feasible. Mr. McBryde stated he believes the project will help with farmland preservation.

Robert Pasch spoke about sound levels and stated he is not in favor of the decibel levels being more restrictive.

Frank Lynch thanked the commission for reconsidering the language. Mr. Lynch read the mission statement on the agenda and the master plan statement on the agenda.

John Graham stated he supports the previous work and stated the ordinance is as good as, or better than any of the counties around us. He stated he believes no further changes are needed.

Chris Martinelli, Planning Commission Chair from Bridge Hampton Township spoke about their wind project and about Mason and Huron County's ordinances. Mr. Martinelli stated our current setbacks one of the shortest in the state. He asked the commissioners to look at setbacks and distributed a packet with pictures and articles.

Diane Sebenick expressed concerns about leases being signed and not much being said in the community. Mrs. Sebenick stated she has asked Apex about the height, setbacks, shadow flicker, wildlife habitat, and if her property insurance will be required to go up. She stated that Apex has not answered her questions.

Jeff Palarski stated he is the Business Agent from the Local 1098 Union in Saginaw. Mr. Palarski stated our ordinance is more than fair and asked the commission not to change the ordinance.

Bruce Haney spoke in favor of wind turbines.

Colleen Vogel stated she is not against wind energy but has concerns about safety issues. She asked the commission to implement better setbacks and would like to see 1640 ft to a property

line. Mrs. Vogel spoke about shadow flicker, ice throw, fires, and malfunctions. She stated Apex is not a part of our community and she feels we are driving people away.

Paul Prebay from the Local 1098 Union stated there are close to 200 members in the county that hope to work on this wind project. He encouraged the commission to stick with the current ordinance saying it is fair and balanced. Mr. Prebay thanked the commission for their time and all their hard work and dedication.

Tammy Gruss spoke about setback concerns to her house. Mr. Gruss asked for increased setbacks and commented on the number of people who are at the meeting tonight. She request a moratorium until the matter can be put to a vote of the public. She asked they be guaranteed the commission is doing this in the best interest of the community. Mrs. Gruss spoke about decommissioning and stated the commission may be worried about a lawsuit from Apex for over-regulation but they should be concerned about a lawsuit from the people you should be protecting.

Keith denHollander on behalf of the Christian Coalition stated the current ordinance is a great ordinance and distributed a study performed by Berkley Lab which surveyed 1700 people currently living near turbines. He stated the study found that within 5 miles of a turbine, 92% of people responded they had a very satisfied to neutral attitude towards wind turbines. He stated we shouldn't zone things based on the worst case scenario, we should zone for when things are working properly. He asked that science and fact be the guiding factors in the commission's decisions and not fear.

Dave Pung stated he would like setbacks increased to the dwelling, road and property lines. Mr. Pung stated he feels restricted from building a home on his property and turbines could decrease the value of his home. Mr. Pung asked the setbacks be restricted enough for the health, safety, and welfare of the people who live with turbines.

Lou Ann Mogg cited a safety manual that said during an emergency no one should come within 1640 ft. Mrs. Mogg cited a letter from Vestas which states the 1640 ft setback is for abnormal operation, not normal operation. She asked the commission support the changes on the agenda tonight.

Dale Finnerty stated that wind turbines are a great income source to sustain farmers, their farm, and he supports the ordinance as it is.

Mindy Brown read a prepared statement in opposition to wind turbines and asked for stricter regulations. Mrs. Brown asked for a 1640 ft, or farther, setback to the property line and a 30 dba requirement at night. Mrs. Brown also asked for a complaint resolution team and that Apex be responsible for issues with foundations and water tables. Mrs. Brown thanked the commission for listening.

Corey Bourland asked the commission for a 1640 ft setback to property lines and that the current setback to his dwelling is stealing his lands. He stated he would like a 40 dba requirement during the day and 30 dba requirement at night. Mr. Bourland spoke about fire, blade failure,

and ice throw. Mr. Bourland stated these are industrial generators on farmland and would like to see more restrictions.

Timothy Stoker, attorney for Apex, stated Gratiot is a great example of a successful project without any negative repercussions in the County and that Pine River and Coe Townships approved a project with lesser restrictions. Mr. Stoker cited statistics from MTH Consultants an engineering firm in Michigan which studied turbine failure at both normal and abnormal conditions. MTH performed a peer review study of a Wind Turbine Rotor Fragment Impact Probability Setback Evaluation done by the University of Pacific Scholarship Commons in February 2015. The MTH study showed that if there were 10 million failures at normal speed, there could be potentially 70 impacts at a two times setback to an occupied residence. Assuming abnormal speed, the probability of impact could potentially be 170 per 10 million failures. The opportunity to be killed by lightning in this county is 1 in 1 million so the probability of an impact is about zero and that is supported by the study.

David Wazinski stated he supports the regulations the way they are and he is looking forward to the wind turbines. Mr. Wazinski thanked the commission.

Jerry Wilson with Apex stated he loves the area and that the commission said the Pledge of Allegiance. He said he has observed a small vocal minority thinking those words say for liberty and justice for some, but not all. Mr. Wilson stated the commission has done a good job and the minority only wants to stop the project.

David Clark asked the commission to leave the ordinance alone.

Larry Cotter stated he believes the opposition's position is about setbacks. He stated he would like the 1640 ft setback to the property line and a 30 dba level. Mr. Cotter thanked the commission for listening.

Gareth d'Haillecourt read a prepared statement about green energy and future generations. Mrs. d'Haillecourt thanked the commission for their courage and effort.

Michelle Anderson stated she is not opposed to clean energy or economic development. Mrs. Anderson expressed concerns about safety and showed pictures of turbines on fire. Mrs. Anderson read from the Midland daily news about setbacks to homes and asked where Midland is getting their information. Mrs. Anderson spoke about fire concerns and read an article from Australia.

Lauralyn Gross stated that she doesn't want lease holders to have priority and quoted setbacks from Denmark. Mrs. Gross expressed concerns about health issues and would like setbacks to a property line increased. Mrs. Gross stated she knows the commission has done a lot of work and appreciates the work the commission has done.

Rick Ferkle thanked the commission for the meeting and stated he doesn't want turbines but believes in the property rights of leasees. Mr. Ferkle asked for sensible regulations to protect non-participants and would like a setback of 1640 ft to a property line and spoke about noise. Mr. Ferkle asked what happens when Apex leaves and turbines are in violation.

Abe Pasch stated he has a lease and had concerns about visual impact and sound but he did research in Gratiot hearing positive feedback and that noise wasn't an issue. He states he is in opposition of the proposed changes. He stated that he challenges the citing of the safety manual as people work underneath turbines all across the country and doubts people are afraid to be in their front yards because of the fear of a car losing control and striking them down. He stated he wants the ordinance left alone because the changes are designed to shut down the entire project. Mr. Pasch stated the signs say stop the turbines and that is the goal of adding these extra restrictions. He thanked the commission for their time and consideration in not adding these changes.

Mike Weare spoke about failures being statistically insignificant and that Gratiot has had no failures and great economic benefit. Mr. Weare asked the ordinance be left alone and spoke about future benefits to the County.

Collin Gross read a statement about conflict of interest and increased setbacks. Mr. Gross stated he wants a 6-12 month moratorium.

Diana Simlik stated she has concerns about safety for all people and asked the commission to look at a setback of 1640 ft to the property line citing a safety manual. Mrs. Simlik spoke about a decrease in property values and the effect of turbines on animals. Mrs. Simlik spoke about the future effect of turbines.

Ashley McBride stated she would like a 2000 ft setback in the ordinance.

Kim Tillman stated she supports a 2000 ft setback to property lines and a 30 dba requirement.

Bryan McBride stated he supports a 2000 ft setback. Mr. McBride said that his kids don't like the look of the wind turbines and that's the reason he is here. Mr. McBride thanked the commission.

Richard Los spoke about global warming and renewable energy. Mr. Los stated the setbacks are fine and that he has visited Gratiot County, spoken to the Supervisor of North Star Township who told him only 5 out of 1000 residents are not happy with wind turbines. Mr. Los thanked the commission for their consideration and hoped they leave things the way they are. Mr. Los gave staff a handout on wind turbines during the meeting recess.

Ken Brown spoke about finding a medium between the people for and against wind turbines. He spoke about setbacks to a non-participating property line so that non-participating people can use their property and participating people can use their property.

Tracy House stated he feels wind turbines are safe and said there are 340 families and 44000 acres leased, so he thinks the project has been well received. He stated he feels changes will hinder the project and feels that the setbacks are fine as they are. Mr. House thanked the commission and Mr. Nieporte for their work and presentations at previous meetings.

Gary Silker stated he has been impressed with the safety and reliability of wind turbines and asked the commission how we will know if the standards they start with are maintained across the life of the project. Mr. Silker said we should look at turbines that have been up for 30 years and how they are doing.

Katie Bollman expressed concerns about current and proposed setbacks and said she supports the 1640 ft setback to the property line and that the commission should look at other turbines that have had emergency situations. She stated we can learn from other municipalities that have had wind projects and then amended their ordinances.

Jill Borland stated the project will change the landscape and asked for stricter setbacks, lower decibel requirements, and protection for the rights of the participating and non-participating property owners. Mrs. Borland made a comparison of farm sizes in Isabella County and Gratiot County. Mrs. Borland thanked the commission for their time.

Jeff Bean, Supervisor of Vernon Township stated he is here as a private citizen and not representing the township. Mr. Bean gave a hand out to the commission. Mr. Bean reviewed this handout speaking to the history of actions by the planning commission and county board of commissioners, asked if the commission is questioning their prior efforts. Mr. Bean reviewed the number of acres of land under lease. Mr. Bean questioned where this opposition was at the last public hearing.

Marie Koper read a prepared statement in support of wind energy development and clean energy. She stated the opposition is trying to stop or slow clean energy development. Mrs. Koper expressed concerns about the divisions in communities and thanked the commission.

Carol Green stated she has spent time getting opinions from township officials in Gratiot County who cite no reports of illness, injury, or accidents in six years. She stated she is very pro wind and expressed a desire to have the setbacks remain the same.

Alan Prout stated he won't tell a land owner what to do with their land but wants a happy medium for participating and non-participating property owners. Mr. Prout expressed concerns about property value reduction.

Steve Schumacher spoke about leased land and commented on how the 1640 ft setback to a property line could eliminate a 40 or 80 acre parcel from the project. Mr. Schumacher stated he appreciates the work the commission has done and would like the ordinance to stay the same.

Albert Jongewaard from Apex stated he appreciates the time he has spent in the community and that he wants to be as open and transparent as possible. He stated the commission and staff have done a good job and the current ordinance is a strong ordinance. Mr. Jongewaard commented that the opposition got the 1640 ft setback from a safety manual published by Vestas. Mr. Jongewaard read a letter from Vestas which states the safety regulations should not be cited as support for any specific safety zone or setback for wind turbines in normal operation. He stated that we should zone things for normal operation and that's what the commission has done. He presented this letter to the commission. He spoke about the survey from Berkley Lab being

recently released from the Department of Energy under Secretary Perry. Mr. Jongewaard presented over 100 cards to the commission in support of the project.

Helen Meier thanked the commission for their time and efforts and stated she felt the crux of the whole issue is citing of the turbines. Mrs. Meier spoke about the complexities of sound, that she is not an expert in sound, and the fractionalization of the community. She wants people to have more information and perspective. Mrs. Meier stated she wants the project to be put on hold.

John Derby thanked the commission for hearing from the public and stated he would like stricter setbacks and noise limits. Mr. Derby stated he thinks his neighbor should be able to have a turbine on their property. He stated he would like the commission to look out for the interests of all people and supports the proposed changes. Mr. Derby thanked the commission for their consideration.

John Stalicker from Apex stated he has 30 years of experience working with property owners and spoke about lease agreements. He stated Apex will have one, possibly two maintenance buildings in the area with 10-20 full time employees for the duration of the project. Mr. Stalicker thanked the commission for their attention and the opportunity to speak.

Rhonda Graham thanked the commission and spoke about local farmers. She commented on the time the commission has spent on the ordinance and expressed her support for wind turbines.

Shelly McCarty from Bridge Hampton Township spoke about conflict of interest by steering committee members, township officials and board of commissioners. She stated Apex is lying and that Keith denHollander from the Christian Coalition is not a Christian and is a liar. She stated that oil and gas is regulated and wind is not regulated and there is a vast difference in these. Mrs. McCarty stated that officials work for the people and called for a recall of officials.

Jack McConnell stated he feels decisions have already been made and the opposition doesn't want wind turbines no matter what the commission does. He stated wind turbines are good for our area and the current setbacks are ok. He stated there's been a lot of work already and doesn't want a change to the ordinance. Mr. McConnell thanked the commission for their time.

Closed at 9:47 p.m.

A recess was called by the Chair at 9:48 p.m.

The meeting was called back to order at 9:55 p.m.

Mr. Horton made the suggestion that the commission address the language changes one at a time.

Mr. Murphy agreed and indicated the commission would review the language changes one at a time.

Setback to a Non-Participating Property Line

Mr. Nieporte read the current language in the ordinance and the proposed language to strike the

one times setback and add a one and one half times setback from a non-participating property line.

A motion was made by Mr. Horton seconded by Mr. Bean to not recommend a change to the board of commissioners the language regarding the setback to a non-participating property line.

Mr. Horton commented on the need to continually review language and commended Mr. Rogers for the information he provided. Mr. Horton spoke about revenue potential and other benefits of wind turbines. Mr. Horton expressed his desire to find a balance and admires everyone who spoke at the public hearing. Mr. Horton reiterated that a lot of effort has been put forth already and the commission knows the issues. He stated that he doesn't think it's necessary to change anything.

Mr. Rogers commented that he met with Mr. Nieporte after reading the staff report to try to understand staff's position on the potential changes. Mr. Rogers commented that there were also other items in his original report to the planning commission that they are not looking at tonight. Mr. Rogers reviewed the requirements in the Ogemaw ordinance and stated there is no setback to the property line, the setback to the home is the tower height plus 50% and the height limitation is 100 ft. Mr. Rogers stated Tim only looked at the facts he had at the time and this would be more restrictive. Mr. Rogers also felt that Tuscola's ordinance was more restrictive than Isabella County's because there is no height restriction in Isabella County. Mr. Roger's thought this was part of the whole picture and he should have brought this up in the previous meeting. He is concerned that we are comparing the County setbacks to other community's setbacks and not taking into consideration the height. Mr. Rogers stated he doesn't agree with staff's position and finds staff's recommendations troubling. Mr. Rogers stated that he wants a further look at the comparison in regards to height limitations.

Mr. Nieporte stated that when Mr. Rogers gave the planning commission the report and staff analyzed the report, Mr. Nieporte didn't fact check the comparison. Mr. Nieporte commented that when Mr. Rogers brought the report, the height limitation wasn't considered in the analysis because staff wasn't instructed by the planning commission to look at height. Mr. Nieporte pointed out the height limitation in Ogemaw's ordinance is for an on-site wind energy conservation system not a utility grid system and utility grid language in that ordinance has a height limitation of 300 or 400 ft and does have a setback, therefore the information Mr. Rogers presented isn't relevant. Mr. Nieporte stated he looked at the Otsego ordinance to ensure the accuracy of the information because some ordinances have both an on-site regulation and a utility grid regulation. Mr. Nieporte stated that when he searched, spelled out and numerically, for 2600 ft he found it is not stated anywhere in the Otsego ordinance. Mr. Nieporte stands behind his staff report citing the work staff and the planning commission has already done.

Mr. Murphy called for a roll call vote.

Phillip Vogel – Yes
Bob Campbell – Yes
Tim O'Neil – Yes
Jeremy Murphy – Yes
Kelly Bean – Yes

Jim Horton – Yes
Ann Silker – No
Nathan Rogers – No

Motion carried

Setback to an Occupied Building

A motion was made by Mr. Horton, seconded by Mr. Campbell to not recommend a change to the ordinance with regards to the setback from an occupied building.

Mr. Horton stated the motion is for the same reasons stated earlier. He stated input is welcome and feels the commission and the board of commissioners have already looked at this issue.

Mr. Rogers commented that he visited the Apex office and noted a sign on their office wall that stated Apex would not build a turbine within 1200 ft of a residence. He stated that family in Gratiot County must turn the TV up because of the noise from the turbine. He stated he feels Apex is in support of a 1200 ft setback therefore he feels strongly that the extra feet will deter the lawsuits that have occurred in other counties.

Mr. Murphy clarified the motion was to not recommend a change to the ordinance.

Mr. Murphy called for a roll call vote.

Nathan Rogers – No
Ann Silker – No
Jim Horton – Yes
Kelly Bean – Yes
Jeremy Murphy – No
Tim O’Neil – No
Bob Campbell – No
Phillip Vogel – No

Motion failed

Discussion regarding the motion occurred.

Mr. Horton asked a point of order, if the motion needed to be changed because it was voted down or does he need to make the motion different.

Mr. Nieporte clarified that Mr. Horton can either rescind or reconsider the vote.

Mr. Horton made a motion to reconsider the vote, supported by Mr. Bean.

Mr. Murphy called for a roll call vote and clarified the motion for the commission.

Nathan Rogers – No

Ann Silker – No
Jim Horton – Yes
Kelly Bean – Yes
Jeremy Murphy – No
Tim O’Neil – No
Bob Campbell – Yes
Phillip Vogel – Yes

Motion failed.

Discussion regarding the tie vote on the motion to reconsider occurred.

Mr. Nieporte commented that at this time there is no affirmative action to the board of commissioners.

Mr. Rogers made a motion to recommend to the board of commissioners approval of the language to increase the setback to an occupied building, seconded by Mrs. Silker.

Mr. Murphy called for a roll call vote and clarified the motion for the commission.

Phillip Vogel – No
Bob Campbell – No
Tim O’Neil – Yes
Jeremy Murphy – Yes
Kelly Bean – No
Jim Horton – No
Ann Silker – Yes
Nathan Rogers – Yes

Motion failed.

Mr. Nieporte again stated that there is no action to move this item to the board of commissioners.

Mr. Murphy moved on to the next action item.

Decibel Level Reduction at Night

Mr. Nieporte read the current ordinance language and reviewed the proposed language change to further reduce the decibel level from 50 dba to 45 dba between the hours of 10:00 p.m. and 7:00 a.m.

A motion was made Mr. Bean supported by Mr. Vogel to not recommend a change to the board of commissioners regarding the decibel requirement.

Mr. Bean commented about decibels and compared levels to appliances in the home and that 50 dba is not a problem at the property line.

Mr. Rogers commented that adding 5 dba is a doubling of ambient noise and stated that the nighttime level was a good fit.

Mr. O'Neil asked for clarification on staff's position.

Mr. Nieporte stated that most of ordinances given to staff for review do not have a day/night requirement and reminded the commission that in June 2017 the commission lowered the dba requirement and moved the measurement from a home to a property line. Mr. Nieporte noted that Coe Township in Isabella County currently has an approved project at 55 dba and Gratiot County is at 55 dba so staff felt the 50 dba is fair.

Mr. Rogers stated he did see other Counties that had decibel requirements at 40 dba around the clock. Mr. Rogers also spoke about the time a wedding venue must stop operating.

Mr. Bean stated that is likely more than 50 decibels.

Mr. Nieporte clarified that there is a stop time for an approved wedding venue, however they are not restricted by a decibel level.

Mrs. Silker stated she felt it is not as important that we are consistent with other ordinances around us but that we look at the outcomes of older ordinances and it is a good compromise that we are currently at the property line and not the home and this adds validity to our current language.

Mr. Murphy clarified the motion and called for a roll call vote.

Nathan Rogers – No

Ann Silker – Yes

Jim Horton – Yes

Kelly Bean – Yes

Jeremy Murphy – Yes

Tim O'Neil – Yes

Bob Campbell – Yes

Phillip Vogel – Yes

Motion carried

Post Construction Sound Study

Mr. Nieporte reviewed the new language to require a post construction sound study be completed.

A motion was made by Mrs. Silker to recommend this change to the board of commissioners, seconded by Mr. O'Neil.

Mr. Nieporte clarified this is new language to be added to the ordinance.

Mr. Murphy clarified the motion and called for a roll call vote.

Phillip Vogel – Yes
Bob Campbell – Yes
Tim O’Neil – Yes
Jeremy Murphy – Yes
Kelly Bean – Yes
Jim Horton – Yes
Ann Silker – Yes
Nathan Rogers – Yes

Motion carried

Aircraft Detection Lighting System

Mr. Nieporte reviewed the new language which would require an applicant to apply to the FAA to install an aircraft detection lighting system.

A motion was made by Mrs. Silker, supported by Mr. Campbell to recommend the language change to the board of commissioners.

Mr. Horton commented that it makes sense to include this requirement however he has concerns about system failure and expressed concerns about wildlife that wouldn’t see the lights. Mr. Horton stated it is a good idea in theory but feels it would be safest to have lights on all the time.

Mrs. Silker commented that it would mandatory to apply for this system but the FAA would have the ability to deny the use of this type of system and that she is in favor of this.

Mr. Nieporte clarified that the FAA has approved these systems for use elsewhere and the language was drafted so that in the event the FAA determines that our airspace is not good for this system, the FAA may deny the use of this lighting system. The journal entries that Mr. Nieporte read said the system would reduce nighttime light pollution by 99%, and that’s the reason staff is making a recommendation to include this language.

Mr. Rogers noted there is a required setback from airports by the FAA.

Mr. Nieporte commented on airport layout plans and compliance with the FAA and MDOT Tall Structures Act.

Mr. Horton reiterated his concerns about wildlife, though he feels this is a good idea in theory.

Mr. Murphy clarified the motion and called for a roll call vote.

Phillip Vogel – Yes
Bob Campbell – Yes
Tim O’Neil – Yes
Jeremy Murphy – Yes

Kelly Bean – Yes
Jim Horton – No
Ann Silker – Yes
Nathan Rogers – Yes

Motion carried

As Built Drawings/Anemometer Summary of Data

Mr. Nieporte reviewed the new language which would require an applicant to provide as-built drawings and a summary of the anemometer data, post construction.

A motion was made by Mr. Bean supported by Mr. Vogel to recommend to the board of commissioners the language to require a post construction sound study and a summary of anemometer data.

Mr. Horton commented that the language should not be so specific and asked to add the words *or similar* following Adobe PDF and GIS/CAD format.

Mr. Nieporte supported these modifications.

Mr. Bean amended his motion to include the modifications, supported by Mr. Vogel.

Mr. Murphy called for a roll call vote.

Nathan Rogers – Yes
Ann Silker – Yes
Jim Horton – Yes
Kelly Bean – Yes
Jeremy Murphy – Yes
Tim O’Neil – Yes
Bob Campbell – Yes
Phillip Vogel – Yes

Motion carried

Mr. Nieporte made the clarification that the first three items that were discussed are not being moved forward to the board of commissioners and the last three will be moved to the board of commissioners as a recommendation for approval.

Union Township Map Amendment

Mr. Nieporte reviewed a map amendment received by Union Township. The Township Planning Commission voted to recommend approval to their Township Board the rezoning of 0.8 acres from general industrial to rural residential. Mr. Nieporte added this is an addition to a previously rezoned piece of property by Union Township.

Mr. Horton commented that he feels this rezoning is a positive move and it may encourage others to develop in this area.

The consensus of the commission was to send a letter to Union Township that there were no concerns and that the commission sees this as a positive move.

PUBLIC COMMENT

Opened at 10:41 p.m.

Closed at 10:42 p.m.

STAFF COMMENTS

Staff had no additional comments.

PLANNING COMMISSIONER'S COMMENTS

Mr. O'Neil thanked staff for the tremendous amount of work they put into this so the planning commission could make their decisions. He also thanked law enforcement for being present at the meeting.

Mr. Campbell commended staff on their great work.

Mr. Rogers stated he felt the commission has made a decision that takes into account the budget of the county and questioned that they are considering finances as part of the decision. He questioned putting an undue ordinance in place and the effect on the County's budget.

Mr. Murphy stated he doesn't believe that was the consensus of the commission and that money had no bearing on the decisions he made.

Mr. O'Neil stated he stands with the statements of the Chair that money had nothing to do with his decision.

ADJOURNMENT

A motion was made by Mr. Bean to adjourn the meeting seconded by Mr. Horton at 10:48 p.m.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Nathan Rogers, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell

No: None

Motion carried

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A handwritten signature in black ink, appearing to read "Tim O'Neil". The signature is fluid and cursive, with a horizontal line underneath it.

Tim O'Neil, Secretary