

ISABELLA COUNTY  
PLANNING COMMISSION

September 9, 2021

An Electronic Meeting of the Isabella County Planning Commission was held on September 9, 2021 via Zoom.

Access to the meeting live on YouTube was provided by the following link:  
<https://www.youtube.com/channel/UCo1ShU1knsf51IgB16Ok-2A>

Access to the meeting via telephone was provided by the following instructions: Please call (312) 626-6799. When prompted for the "Meeting ID" enter "810 0095 0497" and the "#" sign. If prompted for a "Passcode" or "Participant ID" enter "#" sign. You will join the meeting with your audio muted and you will be able to hear the meeting participants live. Please note, the Meeting ID will change each meeting. Please see the meeting notice (posted on the Isabella County website) for current meeting's meeting ID.

MEMBERS PRESENT: Tim O'Neil, Kelly Bean, Steve Swaney (7:21 p.m.), Phillip Vogel, Jerry Neyer, Adam Brookens

MEMBERS ABSENT: Bob Campbell, Ann Silker, Kyle Camp

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director  
Ray Johnson, Planner/Zoning Administrator

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

Mr. Bean announced that this meeting is being held electronically in compliance with the Open Meetings Act as Isabella County is currently operating under a local state of emergency as adopted by Resolution 20-12-03 by the Isabella County Board of Commissioners.

The Pledge of Allegiance was recited by the Commission.

**ROLL CALL**

Mr. Bean requested the roll call.

Commissioner O'Neil – Present, Mt. Pleasant, MI  
Commissioner Bean – Present, Vernon Township, MI  
Commissioner Vogel – Present, Denver Township, MI  
Commissioner Neyer – Present, Lincoln Township, MI  
Commissioner Brookens – Present – Rolland Township, MI

**APPROVAL OF AGENDA**

Mr. Bean requested that the agenda be approved.

A motion was made by Mr. Neyer supported by Mr. O'Neil to approve the amended agenda.

Yes: Tim O'Neil, Kelly Bean, Phillip Vogel, Jerry Neyer, Adam Brookens

No: None

Motion carried

## **PREVIOUS MINUTES**

Minutes of the May 13, 2021 meeting were circulated to the Commission prior to the meeting for their review.

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

Yes: Tim O'Neil, Kelly Bean, Phillip Vogel, Jerry Neyer, Adam Brookens

No: None

Motion carried

## **LIAISON REPORTS**

Zoning Board of Appeals – None.

Parks & Recreation – Mr. O'Neil reported that the Parks Board met on Aug. 4<sup>th</sup> at Deerfield park. The financial report and Director's report were presented, and they anticipate they will a record year for attendance at County parks.

Board of Commissioners – None

## **TOWNSHIP CONCERNS**

Mr. Bean announced that Township Concerns would be moved to the Public Hearing section of the meeting.

**PUBLIC COMMENT** – Mr. Nieporte stated that Jackie Curtis, Denver Township, contacted the office and all is good in Denver Township.

Mr. Johnson stated that no other public was in the meeting.

## **Special Use Permit #21-01 Rural Production and Processing – Levi Miller – Broomfield Township**

Mr. Nieporte reported that an application was received for a Rural Production and Processing Facility in Broomfield Township Section 14. He stated that Mr. Miller is currently constructing

a home and attached garage on the property and that the Rural Production and Processing Facility would take place in the attached garage.

Mr. Nieporte indicated that the application included a site plan, comments on Section 12.03 of the Ordinance with comments on the specific requirements in Section 12.05 KK and detail on the waste disposal plan.

Mr. Nieporte stated that there were a few concerns that staff had with the application. He stated the first was that the home is required to be constructed and occupancy on the home received prior to conducting the Rural Production and Processing Facility.

Mr. Nieporte also stated that staff had safety concerns with the use of the existing driveway for access to the site. He stated that staff reached out to the Michigan Department of Transportation and spoke with Ben Burrows. He indicated that Mr. Burrows agreed this was a safety hazard and recommended that the Planning Commission require access to be taken off of S. Brinton Rd. and that the existing M-20 driveway be completely abandoned.

Mr. Nieporte indicated that discussion took place with the applicant and ensured the applicant understood there is no storefront allowed at this location. He stated that Mr. Miller indicated he understood and has been working with a few stores to establish a contract to carry his products produced on the site.

Mr. Nieporte stated that as per Section 12.05 KK 5 of the ordinance, screening is required in several locations on this property and indicated that staff has provided a stipulation that the applicant work with staff after the building is constructed to install appropriate screening.

Mr. Nieporte reviewed the applicant's waste disposal plan which indicates that scrap wood would be burned in the home for heating and that sawdust would be used as animal bedding.

Lastly, Mr. Nieporte indicated that since the driveway is moving to S. Brinton Rd. the applicant should apply for a new address from the new access.

In order to address the concerns from staff, Mr. Nieporte read the following recommended conditions.

1. The applicant shall provide a copy of the certificate of occupancy for the home prior to operating the Rural Production and Processing Facility.
2. The existing driveway on M-20, as indicated on the site plan, shall be abandoned and access to the site shall only be from S. Brinton Rd. Additionally, a permit for the new driveway shall be provided to staff.
3. Screening shall be installed and maintained within the direct line of sight to neighboring residences as indicated on the approved site plan and the applicant shall work with Staff to finalize the screening in compliance with the ordinance. Screening shall consist of a staggered, double row of evergreen trees planted no greater than 10 ft on center. Trees shall be a minimum of 3 ft in height at planting.
4. The applicant's waste disposal plan, as described in the application, is approved by the Planning Commission.

5. The applicant shall apply for and attain a new address off of S. Brinton Rd access driveway from the Isabella County Community Development Department.

Mr. Bean opened the meeting to public comment at 7:16 p.m.

Mr. Johnson indicated there was no public on the Zoom meeting.

Mr. Bean closed the meeting to public comment at 7:16 p.m.

Mr. Bean called for a motion.

A motion was made by Mr. O'Neil to approve Special Use Permit #21-01 as submitted by Levi Miller to establish a Rural Production and Processing Facility with the five (5) conditions below read by Mr. Nieporte.

1. The applicant shall provide a copy of the certificate of occupancy for the home prior to operating the Rural Production and Processing Facility.
2. The existing driveway on M-20, as indicated on the site plan, shall be abandoned and access to the site shall only be from S. Brinton Rd. Additionally, a permit for the new driveway shall be provided to staff.
3. Screening shall be installed and maintained within the direct line of sight to neighboring residences as indicated on the approved site plan and the applicant shall work with Staff to finalize the screening in compliance with the ordinance. Screening shall consist of a staggered, double row of evergreen trees planted no greater than 10 ft on center. Trees shall be a minimum of 3 ft in height at planning.
4. The applicant's waste disposal plan, as described in the application, is approved by the Planning Commission.
5. The applicant shall apply for and attain a new address off of S. Brinton Rd access driveway from the Isabella County Community Development Department.

Seconded by Mr. Vogel.

Chairman Bean called for a roll call vote on the motion with conditions.

Commissioner Bean – Yes  
Commissioner O'Neil – Yes  
Commissioner Neyer – Yes  
Commissioner Brookens – Yes  
Commissioner Vogel – Yes

No: None

Motion carried

**PA116 – Farmland Agreement – Lawrence Feltman – Coe Township.**

Mr. Nieporte indicated that we received this farmland agreement in May post cancellation of the June

meeting. He indicated that staff spoke with the Township Supervisor informing her of the cancellation and that the Planning Commission would review the application at their next meeting even though Coe Township would already have taken action on the application.

Mr. Nieporte indicated the application was submitted by Lawrence Feltman in Section 23 of Coe Township for a total of 78 acres. He stated that the property is zoned, by Coe Township, as Agricultural and the Future Land Use for the property is also Agricultural. Mr. Nieporte indicated the application is for the maximum of 90 years and appears to be complete.

Mr. Nieporte indicated that staff would go ahead and forward a letter back to the Township Clerk informing them of the Planning Commission Review.

### **PA116 – Farmland Agreement – Side Street Pork Farm 2 LLC – Coldwater Township**

Mr. Nieporte indicated a Farmland Agreement was submitted by Side Street Pork LLC in Section 36 of Coldwater Township. He indicated the application is for 10 years on an 80-acre parcel. He stated that the parcel is currently zoned Buffer Agricultural and is planned by the Count as Rural Agricultural Residential.

Mr. Nieporte indicated the applicant appeared to be complete and that staff would forward a letter to the County Clerk informing them of the Planning Commission review.

Commissioner Swaney joined the meeting at 7:21 p.m. from Mt. Pleasant, MI.

### **Selection of the Sound Study Consultant for the Post Construction Sound Study**

Tim introduced Jeni Stewart and Cindy Todd from Spicer Group, the County's consultant firm for the Isabella Wind project. Mr. Nieporte reviewed the Zoning Ordinance requirements for, and purpose of, the post construction sound study. Mr. Nieporte also discussed the five sound firms that Spicer would reach out to for a proposal to conduct the sound study. He indicated that only three of the five replied with proposals.

Mr. Nieporte indicated that the staff report from Spicer outlined selection criteria used by Spicer to evaluate the received proposals. Mr. Nieporte indicated that staff also reviewed the proposals and came to the same conclusion as Spicer. Mr. Nieporte reviewed the costs presented in all three of the proposals with RSG and Acoustics by Design being similar in cost and Hankard Environmental being the most expensive.

Mr. Nieporte indicated RSG appeared to have the most experience at the best value. He stated that the proposal from Acoustics by Design did not provide sufficient detail or relevant experience. Lastly, Mr. Nieporte indicated that Hankard Environmental indicated in their proposal that they have, and continue to work, with Apex Clean Energy even though they did not work on the Isabella Wind project and therefore their firm could be a conflict of interest as well as being the most expensive.

Mr. Nieporte stated that Spicer and Staff would recommend the Planning Commission select RSG as the sound consultant.

Mr. Vogel asked how the 14 locations will be selected.

Mr. Nieporte reviewed the process and stated they would use the sound model to review and select potential locations.

Mr. O'Neil asked about the model and how it relates to the selection.

Mr. Nieporte stated that the selection may be dependent on several tools to make the decisions of the locations.

Mr. O'Neil asked how often it was found that there were violations when sound studies were performed.

Mr. Nieporte stated he didn't know at this point.

Mr. Bean asked about the logistics of the study and the maximum noise output from the turbines.

Mr. Nieporte stated they are going to do the study when they are operating at the optimum time working with DTE so that turbines can be turned off and on for various measurements.

Mr. Swaney asked if there have been any complaints coming in regarding sound.

Mr. Nieporte indicated that there have been very few complaints that have come into our office for the wind project in general.

Mr. Vogel asked about the testing given the two different sized turbines.

Mr. Nieporte indicated testing is going to be at the maximum output level expected from the turbines.

Mr. Nieporte read the following recommended motion:

Move to select the proposal of RSG to perform the required third-party post construction sound study for the Isabella Wind Project and have attorney Mr. Bill Fahey draft a contract or agreement to present to the County Board of Commissioners for final signature and approval.

A motion was made by Mr. Neyer to accept the motion as read by Mr. Nieporte.

Seconded by Mr. Vogel

Commissioner Swaney - Yes  
Commissioner Vogel - Yes  
Commissioner Brookens - Yes  
Commissioner Neyer - Yes  
Commissioner O'Neil - Yes  
Commissioner Bean - Yes

Motion Carries


**PUBLIC COMMENT** – Mr. Johnson indicated that there are no public in attendance.

**STAFF COMMENTS** – None

**PLANNING COMMISSIONER'S COMMENTS** – Mr. Swaney indicated there will be a public hearing held by the Board of Commissioners for the upcoming fiscal year budget.

**ADJOURNMENT**

Chairman Bean adjourned the meeting at 7:42 p.m.

  
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Ann Silker, Secretary