

1 **CASNOVIA TOWNSHIP BOARD**

2
3 **MINUTES OF MEETING HELD ON FEBRUARY 11, 2019**

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5 A regular meeting was held by the Casnovia Township Board on Monday, February 11,
6 2019, beginning at 6:30 p.m. at the Casnovia Old School, 142 N. Main Street, Casnovia.

7
8 Members Present: Keli Ashbaugh
9 Jennie Powell
10 Gayle Brock
11 Jason Jorgensen

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13 Members Absent: Dan Winnel

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15 Also present were Township Attorney Catherine Kaufman and Township Zoning Administrator
16 Terry Harrison.

17
18 **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

19
20 **ROLL CALL**

21
22 **APPROVE AGENDA**

23
24 **MINUTES OF REGULAR BOARD MEETING**

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26 **REPORTS**

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32 **BOARD ACTION ITEMS**

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35 Supervisor Ashbaugh said that the Board would take a ten minute recess before continuing its
36 review of the Kenowa Ridge Special Use Request. The Board went into recess at 6:50 p.m.

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38 Supervisor Ashbaugh reconvened the Board at 7:00 p.m.

39
40 **KENOWA RIDGE WIND SPECIAL USE**

41
42 Supervisor Ashbaugh said the next item on the agenda was public comment regarding the
43 Kenowa Ridge Wind project. Clerk Powell first referenced the following correspondence as
44 being received by the Township Board:

- 45
46 1. Petitions submitted for and against the special use application
47 2. Email with attached letter from Rich Nerzig, 1/31/19
48 3. Email from Rich Nerzig, 2/6/19
49 4. Letter from Rich Nerzig, 2/7/19
50 5. Email from Matt Harris, 2/4/19
51 6. Email from Norm Harris, 2/4/19
52 7. Email from Joan Harris, 2/4/19

- 1 8. Email from Maggie Baker, 2/4/19 with attachments
 - 2 a. Letter from Maggie Baker
 - 3 b. Article "Effects of Industrial Wind Turbine Noise on Sleep and Health"
 - 4 c. Mars Hill Wind Turbine Project Health Effects Pilot Study (Maine)
 - 5 d. "Neighbors in eastern Iowa fight to bring down wind turbines – and win"
 - 6 e. Letters (14) from Wisconsin residents to Brown County Board of Health re wind
 - 7 turbines
- 8 9. Email from Steven Sower, 2/6/19 with attachments
 - 9 a. 2018 Total Property Tax rates for Muskegon County townships
 - 10 b. 2019 Wind Energy System Report (Michigan Dept of Treasury)
 - 11 c. Tax millage rates for Casnovia Township (2/4/19)
- 12 10. Email from Rich Nerzig, 2/6/19, with attachment
 - 13 a. Fire Trace Suppression System information
- 14 11. Email from Treasurer Brock to Steven Sower re tax rates, 2/6/19
- 15 12. Email from Deb and Randy Vanderhoff, 1/16/19, with attachments
 - 16 a. Article "Two Workers Die when Turbine catches fire" (Ontario)
 - 17 b. Article "Cal Fire: Wind Turbine Generator Caused Wildland Fire that Charred
 - 18 367 Acres" (San Diego)
 - 19 c. Article "PG& E Bankruptcy Test Who Will Pay for California Wildfires"
 - 20 d. Article "Lethal Wind Turbine Accident in the Netherlands: Vestas Turbine
 - 21 catches fire: two workers killed"
 - 22 e. Article "Vestas Expects US Demand for Wind Turbines to Peak in 2020"
 - 23 f. Article "Dual Deaths in Wind Turbine Fire Highlight Hazards" (Netherlands)
 - 24 g. Ebay listings for sale of used Vestas turbine blades and equipment
- 25 13. Email from Dave Versluis, 2/11/19
- 26 14. Letter from Jill Zimmerman, 2/11/19
- 27 15. Email from Jerry Miler, 2/10/19
- 28 16. Email from Marjorie Rusco, 2/8/19
- 29 17. Letter from Edward Grigsby, Jodi Grigsby and Julia Grigsby, 2/11/19
- 30 18. Article from Rick Shepard, 2/11/19
 - 31 a. Guest Column: The Beauty of Wind Turbines by Peter Sinclair
- 32 19. Email from Rick Sible, 2/11/19
- 33 20. Email from Pamela Afton with letter, 2/11/19
- 34 21. Email from Paul Black with attachment, 2/11/19
 - 35 a. Article "Perceptions play big role in how residents feel about wind energy" by Dr.
 - 36 Sara Mills
- 37 22. Email from Nicole Schwing with letter, 2/8/19
- 38 23. Letter from Russ and Dawn Thompson, 2/15/19 (received 2/11/19)
- 39 24. Article submitted by Shepard Farms, Rick Shepard 2/11/19
 - 40 a. Isabella and Shiawassee counties seize opportunity
- 41 25. Email from Rick Sible with attachment, 2/10/19
 - 42 a. Casnovia Township Facts prepared by Rick Sible, 12/18
- 43 26. Email from Tim Kruithoff with article, 2/7/19
 - 44 a. Article "Isabella and Shiawassee Counties Seize Opportunity"
- 45 27. Email from Deb and Randy VanderHoff, with article, 2/9/19
 - 46 a. Article "Vestas wind turbine destroyed by fire; burning blade crashed into farm
 - 47 building"
- 48 28. Email from Deb and Randy VanderHoff, with article, 2/9/19
 - 49 a. Article "Falmouth Wind Turbines Too Many So-Called Mistakes"
- 50 29. Email from Deb and Randy VanderHoff, with article, 2/9/19
 - 51 a. Article "Penn Forest Issues written denial of wind turbines"
- 52 30. Email from Mike Weiler, Superintendent Kent City Schools, 2/8/19

- 1 31. Email from Rich Nerzig, 2/7/19 re Fire Department tax revenues
- 2 32. Email from Arnold Maki, 2/7/19
- 3 33. Email from Jesse Sincler, with attached letters, 2/3/19
- 4 a. Letter from J.M. Sincler (undated)
- 5 b. Letter from J.M. Sincler (undated)
- 6 34. Email from Linda Porteen, 2/3/19
- 7 35. Email from Dan Winnel with Article, 2/2/19
- 8 a. Article "Michigan Supports Move from Coal to Solar and Wind"
- 9 36. Email from Deb and Randy VanderHoff, 1/29/19
- 10 37. Email from Deb and Randy VanderHoff with article, 1/30/19
- 11 a. Article "Thruway Authority Sues maker of wind turbines that don't work"
- 12 38. Email from Deb and Randy VanderHoff with articles, 1/28/19
- 13 a. Article "Repairs set to being on turbine at Eastern Kings Wind Farm"
- 14 b. Article "Falmouth Town Turbines Shut Down Forever; Neighbors React"
- 15 c. Article "Board sides with Rural Residents in Approving More Restrictive Setback
- 16 for Wind Turbines"
- 17 39. Email from Deb VanderHoff, 1/28/19
- 18 40. Letter from Rick Shepard, Shepard Farms, 1/24/19
- 19 41. Letter from Jeanie Grice, with article 1/22/19
- 20 a. Article "PG& E Reneging on Renewables Contracts Makes No Sense"
- 21 42. Email from Rob Shelley, 1/23/19
- 22 43. Email from Deb VanderHoff 1/22/19
- 23 44. Email from Deb VanderHoff 1/22/19
- 24 45. Email from Dan Winnel, 1/22/19
- 25 46. Email from Deb VanderHoff, 1/17/19
- 26 47. Email from Jon and Jennifer Armstrong, 1/17/19
- 27 48. Email from Rosemary and Michael Long, 1/15/19
- 28 49. Email from Steven Sower, 1/17/19
- 29 50. Email from Bettina Mortensen, 1/14/19

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31
32 Supervisor Ashbaugh opened the public comment period at 7:05 p.m.

- 33
- 34 1. Mike Holovka, 460 Trent Road, said that the Board had given this matter a lot of
- 35 consideration; he asked that the decision be made that night, as many people had been
- 36 waiting a long time for the decision. He felt the project would provide long term
- 37 benefits to the community. He said that the community needs better sources of energy.
- 38 He feels this project will help maintain the rural character of the area, as it will prevent
- 39 the spread of housing into the Township and preserves open space. He said he has lived
- 40 in the Township for 32 years. He feels it will bring good jobs to the area and that any
- 41 effect on property values would be short term only. He supports the project
- 42 2. Deb VanderHoff, 1638 Peters Road, said she does not support the project. She has lived
- 43 in other parts of the country where wind turbines work well. But those are open areas
- 44 with no homes nearby. She feels that in this Township, the proximity of the wind
- 45 turbines to homes will be dangerous. Ms. VanderHoff presented a graphic depiction of a
- 46 farm comparing heights of farm structures (silo = 80'), telephone poles and high tension
- 47 power lines to the proposed turbines (450'+). She said that the proposed turbines do not
- 48 fit the community and are dangerous.
- 49 3. Dan Kasheba, 755 Trent Road, said that the project would be a good deal for 2% of the
- 50 Township, but a bad deal for 98% of the Township. He said that property values will
- 51 suffer. The only one who will benefit is Sempra. He said that the Planning Commission

- 1 had recommended denial and asked how the Board could go against that
2 recommendation. He urged the Board to act at this meeting.
- 3 4. Deanna Chirco, 1788 Peters Road, said that residents want to see their rural
4 surrounding. They do not want to be obligated to put up blinds or landscaping to block
5 the view of wind turbines. She said that debris from a wind turbine can spread 1 1/4
6 miles and asked who would be responsible for such damage. She said she didn't ask for
7 this. She said if she is injured she will go after Sempra and the Township. She said she
8 doesn't want the project and will not benefit from it.
- 9 5. Randy Abend, 1250 Behler Road, referenced blade failure issues in Delaware Township.
10 A blade hit the tower and fell on a farm. He urged the Board to deny this request. He
11 referenced a blade delamination in Port Hope in November 2018. He noted that Sempra
12 had said at a previous meeting that they were unaware of blade failure in the Thumb.
13 He feels Sempra is not forthcoming. He said that this project is not harmonious with the
14 Township and that the PC had reviewed this issue already.
- 15 6. Dave Behler, 1097 Peters Road, said the Board's only job is to protect the Township. He
16 said that Plainfield and Rockford had approved Wolverine, which resulted in PFAS in the
17 water.
- 18 7. Andy Kent, 18155 Laketon, said he has lived in the Township his whole life. His worked
19 as a journeyman lineman in Unionville for one year. He said in terms of energy, wind
20 energy is no value. There are no positives. People in Unionville said it was the worst
21 thing they ever did (approve wind turbine project in their community).
- 22 8. John Chirco, 1788 Peters, said the Board should listen to communities on the other side
23 of the State which have said don't allow these projects. He asked who would compensate
24 him for the loss of property value. He said that the Canadian government has made
25 payments to property owners for loss of property value. He asked about the impact on
26 homeowners insurance.
- 27 9. Rick Sible, 920 Orchard Hill Road, said that the public has brought forward facts over
28 the last several months and has made it clear that the community does not want this
29 project. If the project is approved, land values will go down. He referred to a lawsuit
30 about maintaining roads. He discussed the amount of SEV that may decrease if the
31 project is approved, based on loss of property value for residential properties, noting that
32 any gain in property value will be on a much smaller scale and involve significantly fewer
33 properties. He cited information from Canada that homes in close proximity to a wind
34 turbine lost 20% to 25% of value. He noted that a township wide 10% loss of value would
35 equal about \$20 million loss.
- 36 10. Paul Black, 210 N. Canada Road, thanked the Board and the PC for the vigorous public
37 debate that has taken place on this application. He said that many opposed to this
38 project have participated in meetings. He asked where were those in support of the
39 project at meetings? He said that Sempra has done mailings. Sempra is a good company
40 but has done a poor job at selling this project. 500 foot industrial wind turbines will
41 cause a long term disruption in the township. He feels that when the Board closely
42 reviews all the facts and circumstances, the Board will make the right decision.
- 43 11. Jennifer Armstrong, 17401 Laketon, said she had written a letter and email to the Board.
44 She asked if Mr. Nerzig was going to apologize to her regarding her disability, regarding
45 comments made by Mr. Nerzig about why let one person with a problem ruin it for all.
46 She said it is not her fault she has seizures and a disability. She asked the Board if they
47 wanted to do business with someone who acted like that.
- 48 12. Jim Mansfield, 1975 Shaw Road, said he has no personal interest in the turbines, noting
49 that as the Township has grown, farmers have moved from horses to modern machinery.
50 He feels like wind turbines are a modern type of providing renewable energy. There will
51 be tax benefits for the schools. Money will be held to insure decommissioning.

- 1 13. Kristin Carew, 890 Orchard Hill, said that the community is great without turbines. She
2 said she will not let her children grow up in a community with turbines. She is a member
3 of a future generation and is opposed to the project.
- 4 14. Dave VerSluis, 2375 S. Peters, said that electricity produced through the turbines will not
5 go to the Township, but will instead be sold on the market. He sent an email today to the
6 Board, urging the Board to do its own research. He said there is a facebook page
7 regarding the project that everyone should review. He said that if you google Sempra,
8 you will find information regarding bribery and corruption. He urged the Board to
9 consider the character of the people that are proposing this project. He referred to a
10 newspaper article from San Diego about the highest electric rates in the country. He said
11 the Board should consider Sempra's past performance.
- 12 15. Rebecca Sible, 920 Orchard Hill, said if residential property values drop 10% any gains
13 from taxable value on the turbines would be a wash. There will be no gain to schools,
14 county or state. She said this project sounds good, but it is too good to be true. She
15 urged the Board to follow its gut, saying it does not make sense to put a 500 foot turbine
16 1,000' from a house. She feels the Township's ordinance is out of date and that the
17 Planning Commission found this project to not be harmonious for the Township. She
18 urged the Board to endorse the PC's recommendation of denial.
- 19 16. Nola Carew, 890 Orchard Hill, said she appreciates that this is a big decision for the
20 Board. She said that many answers have been provided already. She said people do not
21 want wind turbines and that across the country, people are begging for wind turbines to
22 be decommissioned. She said Casnovia Township is small and vulnerable and Sempra
23 thinks it can wave money at the Township. She said very few in the Township want this
24 project; the vast majority of people do not want this project. She urged the Board to
25 deny this application.
- 26 17. Mary VerSluis, 2375 S. Peters, referred to articles in the San Diego newspaper saying
27 Sempra hasn't paid corporate taxes since 2008. She cited the article as saying that
28 Sempra admitted that it used legal means to avoid paying taxes in those years. She noted
29 that Sempra has 1.5 stars on google. She feels this project is not harmonious with
30 Township and any taxes going to the schools would only be pennies on the dollar.
- 31 18. Elisabeth Sible, 920 Orchard Hill, said she represents the younger generation. She has
32 seen wind turbines on trips and thinks they are cool in open areas. She does not want to
33 see them in Casnovia Township in 20 years.
- 34 19. Gunnar Nyblad, 14118 Kenowa, said farmers in the area are not doing bad. There is good
35 land for ag in the Township. He said that wind turbines are not harmonious with the
36 community and will kill birds of prey. He urged the Board to understand that most
37 farmers already said no to this project and are not in support.

38
39 The public comment was closed at 7:50 p.m.
40

41 **BOARD DELIBERATION**
42

43 Supervisor Ashbaugh said there is a site plan and map for each proposed turbine location, but
44 they are small and hard to read. They do not provide clear measurements to adjoining houses.
45 She said from her measurements there are some turbines that are less than 1,000 feet from
46 adjoining homes. She asked about the distance on turbine 11a to the nearest house.
47

48 In regards to the requirements of Section 3.24(d)(1), Supervisor Ashbaugh asked Township
49 Engineer Lee VanderMuelen for his review in terms of site plan compliance. Mr.
50 VanderMuelen said that in his opinion the special use application satisfied all the requirements
51 for site plan approval in Section 3.24(d)(1)(i) through (xiii). He did recommend, per Section
52 3.24(d)(1)(v) that the Board consider asking the applicant to relocate and/or locate electrical

1 transmission lines so that they were not running through farm fields. Attorney Kaufman asked
2 for clarification of the applicant's request to allow transmission lines to remain overhead in 2
3 locations. Mr. VanderMuelen said that the applicant was requesting a variance to allow the
4 transmission lines to be overhead (versus underground as required) in 2 places.
5

6 Supervisor Ashbaugh asked Mr. Nerzig if Sempra had considered moving transmission lines out
7 of farm fields, so as not to disrupt tile lines. Mr. Nerzig said Sempra is agreeable to reviewing
8 the location of transmission lines; such change would be part of installation. Mr. Nerzig said
9 Sempra is agreeable to a special use condition requiring it to prepare and provide as built plans
10 to the Township after construction is completed. Attorney Kaufman commented that if the
11 project is approved, the Township should consider requiring submission of as built after
12 construction as a condition of special use approval. Mr. VanderMuelen referred the Board to
13 sheet CASo8 of the submitted plans, which shows the areas proposed for overhead distribution
14 lines.
15

16 Supervisor Ashbaugh asked about Section 3.24(d)(1)(vi), which requires contour elevations of
17 all proposed wind energy system structures and elevations of all existing and proposed
18 structures within 300 feet of the lot or parcel. Mr. VanderMuelen said the 300 foot was
19 measured from the proposed turbine location. He said his firm reviewed the blade heights and
20 clearance and found this section was not really implicated.
21

22 Supervisor Ashbaugh asked about Section 3.24(d)(1)(x), regarding what lighting fixtures are
23 proposed. Mr. VanderMuelen said that the applicant is proposing to install an FAA detection
24 system on each turbine, which would only turn lights on the turbines when needed. Mr.
25 VanderMuelen said no ground lighting is proposed. Mr. VanderMuelen said that he had asked
26 for additional information regarding lighting where the turbines would connect into the
27 transmission lines.
28

29 Tim Jones, from Atwell, addressed the Board. Mr. Jones represents Sempra (the applicant). He
30 confirmed that no lighting is proposed other than FAA requiring lighting.
31

32 Supervisor Ashbaugh said that, based on the Township Engineer's review and report to the
33 Planning Commission and Board, Sempra's special use application meets the conditions of
34 Section 3.24(d)(1)(i) - (xviii), Site Plan requirements. All Board members present agreed that
35 the special use application met the requirements of this subsection.
36

37 Supervisor Ashbaugh asked Mr. VanderMuelen to comment on Section 3.24(d)(2), Height. Mr.
38 VanderMuelen said that this section of the Zoning Ordinance does not contain a maximum
39 height, but gives guidelines on setbacks. He said that the proposed turbines are 443' to 492' and
40 that the setbacks correspond to the height of the tower. Mr. VanderMuelen said that the
41 proposed turbine heights do meet the required setbacks.
42

43 Supervisor Ashbaugh said that she knows the Township's height and setback regulations do not
44 meet current requirements for turbines. She wishes the required setbacks were larger/.
45 Supervisor Ashbaugh next said that turbine list provided by the applicant list several turbines as
46 being 451' in height; she asked Mr. VanderMuelen which turbines would be 451 feet? Mr.
47 VanderMuelen said there is a table in the application that lists all the proposed turbines and
48 their height. Mr. VanderMuelen said his firm's review showed that each proposed turbines met
49 the required height regulations.
50

51 Tim Jones, Atwell, said that sheet CAS-OA is an overall sheet in the set of plans submitted that
52 contains heights of all proposed turbines. Mr. Jones reviewed sheet CAS-OA with the Board.

1
2 Supervisor Ashbaugh asked how many of the proposed turbines would exceed 110 feet? She
3 also asked for clarification as to why different size turbines wnet in different places. Mr.
4 Nerzig said there are 2 types of turbines available; the combination of the 2 types produces the
5 best power output. Mr. Nerzig also said that there needs to be a certain separation between the
6 turbines.

7
8 Treasurer Brock said that as there is no specific height requirement, that the applicant has met
9 the height requirement. Attorney Kaufman confirmed that there is no specific height
10 requirement in the Zoning Ordinance Section 3.24, but that the height is otherwise controlled by
11 required setbacks. Treasurer Brock then said she believes that the requirements of Section 3.24
12 (d)(2), Height, have been met. All Board members present agreed that the special use
13 application met the requirements of this subsection.
14

15 Regarding Section 3.24(d)(1)(3), Setbacks, Supervisor Ashbaugh read the subsection aloud,
16 stating that "no part of a WES or MET tower, including any guy wire anchors shall be located
17 within or above any required front, side or rear yard setback. The minimum setback for
18 placement of a WES or MET Tower shall be equal to the height of the WES or MET tower. A
19 reasonable setback shall be maintained from overhead electrical transmission lines or as
20 required by the utility responsible for overhead electrical transmission lines." Mr.
21 VanderMuelen said that as just discussed the height is the guideline for the setbacks. He said
22 the setbacks in an A-1 district are 50 feet in the front, 20 feet on the sides and 50 feet in the rear.
23 He said that the proposed turbines meet the setback requirements.
24

25 Supervisor Ashbaugh said she was most disappointed in the Township's regulations regarding
26 setbacks. She thinks this requirement makes non-participating properties vulnerable to danger.
27 She said she has done extensive research on other Townships and county regulations and
28 Casnovia's regulations are not very rigorous. However, the applicant does meet the setbacks.
29

30 Trustee Jorgensen asked if the setbacks were met. Treasurer Brock asked Mr. VanderMuelen if
31 he had an opinion on wether the setbacks were safe. Mr. VanderMuelen said that he only
32 reviewed the application for compliance with the Zoning Ordinance standards and has no
33 opinion on whether the setbacks are safe.
34

35 Supervisor Ashbaugh asked Mr. Nerzig to confirm that all turbines are setback between 1,600
36 feet and 2,000 feet from all existing homes. Mr. Nerzig said that this generally correct. He said
37 that Sempra tried to setback the turlbines more than required by the Zoning Ordinance. He said
38 that in 26 of 27 cases, the turbines are setback from existing homes at least 1,400 feet to 1,600
39 feet. He said there is one case where a turbine is proposed 1,000 feet from a home; turbine #10.
40 Mr. Nerzig said Sempra will try to move this turbine. Mr. Nerzig also stressed that all Zoning
41 Ordinance setback requirements are met.
42

43 Supervisor Ashbaugh disagreed with Mr. Nerzig, saying her review of the plans measured that
44 some turbines are only about 800 - 900 feet from an existing homes (turbines 9 and 12). Mr.
45 Nerzig respectfull suggested that Supervisor Ashbaugh may be measuring wrong. Supervisor
46 Ashbaugh said that that Board needs to be sure that all non-participating households are as
47 protected as possible. She has reviewed all the plans and performed her own measurements in
48 that regard. Mr. Nerzig said that one-quarter mile is equal to 1,320 feet, He said that one
49 turbine is 1,000 feet from a non-participating house and that he commits to trying to move that
50 turbine farther away.
51

1 Treasurer Brock asked Sempra how far Sempra could push turbine #10. Mr. Nerzig said it is
2 difficult to tell at this time. Treasurer Brock asked for confirmation that turbine #10 is at least
3 1,000 feet from a non-participating house. Supervisor Ashbaugh consulted a reference chart she
4 had compiled. Supervisor Ashbaugh also asked why the driveway for the tower access road is
5 directly across from the Sower house and driveway. Supervisor Ashbaugh said this turbine is
6 closer to a non-participating house than to the participating property owner's house. Mr.
7 Nerzig said that Sempra can figure out better locations for the turbines and make changes to the
8 site plan after approval, following Sempra's doing soil borings at each proposed turbine location.
9

10 Supervisor Ashbaugh asked how these changes would be reflected. Attorney Kaufman said that
11 if the special use is approved, the Township could include a condition that as built plans are
12 submitted after construction.
13

14 Supervisor Ashbaugh said that turbine #9 in Section 4 of the Township is located right on a
15 corner of a property line; it is 54 feet from the property line. She also said that turbine #12 is
16 close to a non-participating property line and house. Supervisor Ashbaugh also said that in
17 Section 8 of the Township she feels there are several issues with driveways and access roads
18 being closer to a non-participating house on Behler Road than to the participating property
19 owner's house. Supervisor Ashbaugh said her review of the proposed plans shows that the
20 proposed locations in Section 10 of the Township meet requirements, but the locations proposed
21 in Section 16 of the Township provide little to no buffer for non-participating property owners.
22

23 Supervisor Ashbaugh also said that in Section 12 of the Township, in Bailey – Page Lane – there
24 are 2 turbines she thinks are 451 feet from the non-participating property owners property line.
25 Supervisor Ashbaugh said that in Section 15 of the Township, turbine #15 appears to be 1,000
26 feet from a non-participating house and turbine #21 is right up on the required setback and
27 appears to be 451 feet from the setback. She next said that in Section 16 of the Township, she
28 measured that turbine #10 is 900 feet from some houses and the driveway is directly across
29 from the non-participating property owner's property.
30

31 Mr. Nerzig said he will provide the Board with a list of actual distances and that the application
32 meets setback requirements in each case. Supervisor Ashbaugh asked for clarity on the turbine
33 setbacks, so that the Board has accurate information in order to make its decision, as the Board
34 feels that protecting non-participating property owners is important.
35

36 Supervisor Ashbaugh said turbine #27 is also very close to a non-participating property.
37 Supervisor Ashbaugh then made the following comments: in section 26 of the Township, a
38 turbine is proposed right at the arc created by a setback; in Section 27 of the Township turbine
39 #34 is very close to a non-participating property owner's house and they look right into the
40 driveway; in Section 30 of the Township turbine #2 touches the 451 foot setback line near a non-
41 participating owner's property; in Section 31 the turbine locations appear to be okay; in Section
42 32 of the Township, a setback arc is very close to a non-participating property owner's property
43 line; in Section 33 of the Township turbine #11 appears okay, but turbine #13 setback is
44 touching the property line; in Section 36 of the Township, turbines #28 and 31 meet
45 requirements. Overall Supervisor Ashbaugh found that 14 turbines are very close to non-
46 participating houses and property lines.
47

48 Supervisor Ashbaugh said that she understands that the most of the turbines probably meet the
49 setback requirements of the Zoning Ordinance, but that since Section 3.24 was adopted almost
50 10 years ago, new information has become available. For instance, it is now commonly known
51 that blade throw and ice throw can travel 1,640 feet. She said that non-participating property

1 owners did not agree to have the use of their property affected by signing into leases for the
2 special use permit application.

3
4 Treasurer Brock asked if all proposed access drives and driveways meet setbacks. Zoning
5 Administrator Terry Harrison said that he reviewed the access drives and they meet all required
6 setbacks.

7
8 Clerk Powell was concerned that the required setbacks are not adequate to protect the general
9 public health, safety and welfare. Trustee Jorgensen agreed.

10
11 Treasurer Brock said that while the setbacks do meet the requirements, she wishes the setbacks
12 were more restrictive. The Board unanimously agreed that the requirements of Section
13 3.24.(d)(3) were met.

14
15 Regarding Section 3.24(d)(4), Rotor or Blade Clearance, Mr. VanderMuelen said the application
16 meets these requirements. He said there is a statement in the application that blade clearance
17 should be met after construction. The Board unanimously agreed that the requirements of
18 Section 3.24.(d)(4) were met.

19
20 Regarding Section 3.24(d)(5), Lighting, Supervisor Ashbaugh read this subsection into the
21 record. She noted that the turbines will all have radar detection systems installed on them,
22 which would allow the lights on top of the turbines to be turned off unless a plane enters the
23 area nearby. The Board discussion was that the radar detection system would be condition of
24 any special use approval. The Board unanimously agreed that the requirements of Section
25 3.24.(d)(5) were met.

26
27 Regarding Section 3.24(d)(6), Maintenance Program, Supervisor Ashbaugh read this subsection
28 into the record. Mr. VanderMuelen said that the applicant provided a sample maintenance
29 program that outlined a proposed maintenance schedule as part of the application. Mr.
30 VanderMuelen also said that the turbines will be removed after the project's useful life is over
31 and that the applicant agreed to a decommissioning bond and escrow set up. Andrew Johnson,
32 Sempra employee at Apple Blossom facility in the Thumb, said that the V 110s undergo
33 maintenance two times per year and the the V126s undergo maintenance once per year. Mr.
34 Johnson also said that after construction, break in maintenance will be done to make sure
35 everything working as it should be. The Board unanimously agreed that the requirements of
36 Section 3.24.(d)(6) were met.

37
38 Regarding Section 3.24(d)(7), Decommissioning Plan, Supervisor Ashbaugh read this subsection
39 into the record. Mr. VanderMuelen said that the applicant has agreed to post a \$4 million
40 decommissioning surety. Mr. VanderMuelen noted that there would be some salvage value, but
41 that the Township should instead rely on the \$4 million bond posted to insure
42 decommissioning. Attorney Kaufman noted that Huron County staff said this amount should
43 be adequate for a project of this size.

44
45 Mr. Nerzig said his letter dated January 31 reiterates Sempra's commitment to a
46 decommissioning bond. Based on Sempra's commitment to provide a decommissioning bond
47 (or other financial guarantee) of \$4 million the Board unanimously agreed that the
48 requirements of Section 3.24.(d)(7) were met.

49
50 Regarding Section 3.24(d)(8), Siting Standards and Visual Impact, Supervisor Ashbaugh read
51 this subsection into the record. Mr. VanderMuelen said that the Applicant had submitted
52 requested visual simulations to the Planning Commission, which the Board should have access

1 to. Clerk Powell asked if two sizes of turbines would be used for this project. Mr. Nerzig said
2 the turbines will be similar in appearance, uniform in color, design and shape. There will be 2
3 different rotor sizes.

4
5 Supervisor Ashbaugh said that she feels the very presence of the turbines would be visually
6 disturbing and will be noisy; there is no hiding a turbine. Supervisor Ashbaugh felt that even if
7 the turbines were uniform in color, appearance and design, they would be visually disturbing.
8 Trustee Jorgensen felt that the turbines would change the appearance of the Township.
9 Treasurer Brock felt that the Applicant had met the standard requiring the turbines to be similar
10 in design, size and appearance, as the color and design of the turbines would be the same. There
11 would be no signs on the turbines.

12
13 Mr. Nerzig said that the Township adopted these provisions to allow WES and must have
14 understood that any turbine would be large. After further discussion, the Board agreed that the
15 requirements for siting standards and visual appearance were met.

16
17 Regarding Section 3.24(d)(9), Inspection, Supervisor Ashbaugh read this subsection into the
18 record. The Board discussed the fact that Sempra had agreed to allow inspections of the WES
19 and proposed equipment, etc., by Township representatives. The Board agreed that this
20 standard was met.

21
22 Regarding Section 3.24(d)(10), Insurance, Supervisor Ashbaugh read this subsection into the
23 record. Mr. VanderMuelen said that he has recommended that Sempra have insurance to
24 cover the cost of the installation. Mr. Nerzig said that Sempra has insurance and will accept
25 this condition. Treasurer Brock asked for clarification if any property owner has liability for the
26 WES operation? Mr. Nerzig said that they did not. Mr. VanderMuelen said that the insurance
27 policy should be provided to the Township to review before final action on the special use
28 request. The Board agreed that, with Sempra's production of a copy of the insurance policy, this
29 condition has been met.

30
31 Regarding Section 3.24(d)(11), Performance Guarantee, Supervisor Ashbaugh read this section
32 into the record. Mr. VanderMuelen said it is important that the Township make sure that all
33 work would be completed and that the performance guarantee cover the costs. Mr.
34 VanderMuelen also referenced a separate road agreement, which would be backed by a
35 performance guarantee of \$1.25 million, which amount was determined by the Muskegon
36 County Road Commission.

37
38 Attorney Kaufman outlined the 3 performance bonds that Sempra has agreed to provide if the
39 special use is approved: decommissioning bond of \$4 million, road use agreement bond for
40 \$1.25 million and bond to insure that construction of the project occur as approved, with no
41 bond amount determined. The Board agreed that this standard had been met.

42
43 Regarding Section 3.24(e)(1), Sound Pressure Level, Supervisor Ashbaugh read this section into
44 the record. Mr. VanderMuelen said that the Applicant has provided a sound analysis, plotting
45 out the 55dB(A) and 45 dB(A) range of sound. Mr. VanderMuelen also referenced the sound
46 study map provided by the Applicant to show how noise dissipates away from a turbine. Mr.
47 VanderMuelen reviewed the sound mapping and noted that the Zoning Ordinance allows
48 ambient sound plus 5 dB(A). Mr. VanderMuelen recommended a post construction sound
49 study.

50
51 Mr. Nerzig said that the project will meet sound pressure requirements and that Sempra will do
52 a post construction sound study. Supervisor Ashbaugh asked about vibration and low frequency

1 sound. Mr. Nerzig said that wind shear does not have a sound. Supervisor Ashbaugh said that
2 she understood that wind shear may be calm below, but with high winds above. She believes
3 that these conditions would produce vibrations.
4

5 Mr. Nerzig said that people will not feel vibrations from the project, but will be able to hear a
6 swoosh sound. He said that the application meets and exceeds the Township's sound
7 requirements by a wide margin. He also said that sound will be monitored post construction.
8 He said that the Vestas 136 are the quietest turbines available and have a serrated blade, which
9 further reduces noise.

10
11 Treasurer Brock asked if the Vestas 136 turbines were similar to the turbines in Ithaca? Mr.
12 Nerzig said they were not. He said Ithaca is a much larger project and a different type of
13 turbine.
14

15 Supervisor Ashbaugh said she is concerned about noise and cited a recent settlement of a
16 lawsuit regarding noise in Mason County (Ludington). Supervisor Ashbaugh thinks sound
17 should be measured in an LMax method.
18

19 Treasurer Brock said she went to Ithaca, stood in the road near a turbine and could not hear
20 anything. Supervisor Ashbaugh said she went to Ludington and was able to hear the blades as
21 they turned. She said she talked to people in Ludington and they are also able to hear the whine
22 of the generator.
23

24 Attorney Kaufman reviewed the Township's zoning regulations regarding sound. Supervisor
25 Ashbaugh said if the project is approved she would like to see an annual sound study and
26 possible limitation of hours of operation. She noted that in Huron County, one WES project is
27 being charged \$1,000 per day for sound violations. Supervisor Ashbaugh said she contacted
28 government officials in Huron County to get information on real life experience with a WES.
29 She said that Jeff Smith at Huron County was very helpful. Supervisor Ashbaugh said that she
30 has done her due diligence regarding this application, as she feels it is her obligation to protect
31 the public health, safety and welfare of the Township and its citizens.
32

33 Mr. Nerzig said that Sempra will agree to pay a penalty if the WES violates the sound
34 requirements. He said that Sempra will accept this as a condition of special land use approval.
35

36 Supervisor Ashbaugh asked if there had been any complaints at Apple Blossom. She asked for a
37 copy of the complaints received at Apple Blossom and how they were resolved.
38

39 Supervisor Asbaugh asked the Board if they wanted to continue deliberations, as it was 9:30
40 p.m. The Board decided to table continued deliberations to the next meeting.
41

42 **NEXT MEETING**

43 Clerk Powell made a motion, seconded by Treasurer Brock, the schedule the next meeting for
44 February 22, 2019 at 6 p.m. at the Old School. The motion passed unanimously.
45

46 **ADJOURNMENT**

47 There being no further business, Clerk Powell made a motion to adjourn the meeting. The
48 motion was seconded by Trustee Jorgensen. The motion passed unanimously. The meeting
49 was adjourned at 9:33 p.m.
50
51
52

Jennie Powell, Clerk