

1 **CASNOVIA TOWNSHIP**

2 **PLANNING COMMISSION**

3 **MINUTES OF MEETING HELD ON AUGUST 21, 2018**

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8 A regular meeting was held by the Casnovia Township Planning Commission on
9 Tuesday, August 21, 2018 beginning at 7:00 p.m. at the Casnovia Old School, 142 N. Main
10 Street, Casnovia.

11
12 Members Present: Jeanette Mansfield, Chairperson
13 Todd Willick, Vice Chairperson
14 Kim Anderson, Secretary
15 Craig Montgomery
16 Dan Winell

17
18 Members Absent: None

19
20 Also present were Township Zoning Administrator Terry Harrison, Township Attorney
21 Catherine Kaufman, Township Engineer Lee VanderMeulen (Progressive Engineering).

22
23 **CALL TO ORDER AND REVIEW OF MINUTES**

24
25 Chairperson Mansfield called the meeting to order at 7 p.m.. Attorney Kaufman made a
26 statement outlining the special use process, noting that the Township received a special use
27 application from Sempra for a utility grid wind energy system, which use is allowed as a special
28 use in the Agricultural zoning district. Attorney Kaufman also said that including the Planning
29 Commission is a recommending body and that the Township Board would make the final
30 decision. She referenced the special use standards for a utility grid wind energy system (WES)
31 as contained in Sections 17.06 and 3.24 of the Township Zoning Ordinance. Attorney Kaufman
32 also noted that the Michigan Zoning Enabling Act requires in MCL 125.3504 that if all standards
33 for grant of a special use approval are met, the special use shall be approved. She also said that
34 the Township can put reasonable conditions on the approval of a special use.

35
36 **APPROVAL OF AGENDA**

37
38 Chairperson Mansfield said the next item was the approval of the meeting agenda.
39 Anderson moved to approve the agenda with a change to allow Sempra to make their
40 presentation first. The motion was seconded by Montgomery and the Planning Commission
41 voted unanimously to approve the agenda as amended.

42
43 **CONTINUATION OF CONSIDERATION OF SPECIAL USE REQUEST OF SGS**
44 **DEVELOPMENT LLC FOR UTILITY GRID WIND ENERGY SYSTEM (KENOWA**
45 **RIDGE WIND PROJECT)**

46
47 Rich Nerzig, Sempra Renewables, addressed the Planning Commission and said that, in the
48 interest of time, he would forgo a presentation at this time. Mr. Nerzig said that he had his team
49 of experts in attendance at the meeting and that he, or any one of his team, were available to
50 take questions from the Planning Commission.

1 The Township's consulting engineer, Lee VanderMeulen from Progressive AE, next presented
2 his staff report dated 8/15/18, which report is incorporated into this record. Mr. Vandermeulen
3 first provided general project information such as the applicant, project name and site
4 description, zoning district, property size (6.440 acres) and the action requested (special land
5 use approval). Mr. VanderMeulen also reviewed the application – namely that SGS
6 Development LLC is requesting special land use approval to permit a Utility Grid Wind Energy
7 System with 31 wind turbines, electrical collection lines, electrical substation, two
8 meteorological towers, and a temporary construction laydown yard in the Township. Mr.
9 VanderMeulen cited Article 3, Section 3.24 of the Township Zoning Ordinance, which allows a
10 Utility Grid Wind Energy System in the A-1 Agricultural zoning district.
11

12 Mr. VanderMeulen then outlined the special land use process, including references to Sections
13 17.03, 17.04, 17.05, 17.06, 17.07 and 17.08 of the Township Zoning Ordinance, noting that the
14 Planning Commission could request additional information to help in its review. Mr.
15 VanderMeulen's report incorporated a copy of an aerial photo depicting all properties included
16 in the special land use application. Mr. VanderMeulen then outlined the provisions of Section
17 3.24 of the Township Zoning Ordinance, which included additional requirements for approval of
18 a special land use for Wind Energy Systems (WES)) and listed pertinent definitions, permitted
19 uses, MET tower provisions and special land use approvals as contained in Section 3.24. Mr.
20 VanderMeulen also said that his firm's recommendations were contained in his report in bold
21 and responses from the applicant (in response to questions from the 7/26/18 PC meeting) were
22 underlined.
23

24 Mr. VanderMeulen continued reviewing his report by noting that height and setback
25 requirements for a utility grid wind energy system, as contained in Sections 3.24(d)(2) and
26 3.24(d)(3) does not specify a maximum height for a utility tower and blade. He also said that no
27 part of a WES tower shall be located within any required front, side or rear setback and the
28 minimum setback for a WES tower shall be equal to the height of the tower. The WES height
29 per definition in the Zoning Ordinance is the distance from the ground to the tip of the rotor
30 blade in full vertical position. Mr. VanderMeulen said tha the proposed WES towers ranged
31 form 443 to 492 feet tall and that the setbacks from the parcel boudnaries and road rights of way
32 shall be equal to the height of the WEST tower. Mr. VanderMeulen said that his review of the
33 plans and application indicate that the application complies with the Township's requirements
34 in these regards.
35

36 In regards to Towers and Visual Appearance, Mr. VanderMeulen said that Zoning Ordinance
37 Sections 3.24(d) 4, 8 and €(5) provide siting and visual impact standards. The Zoning
38 Ordinance requires that a WES be designed and placed so as to minimize adverse visual and
39 noise impacts on neighboring areas and that all WES shall have a similar design, size, color and
40 appearance throughout the project. The towers are proposed to be off white, with no signage on
41 the towers (other than required safety information). The blade clearance will be 40 feet
42 minimum from the ground. Mr. VanderMeulen next said that the applicant also submitted a
43 visual simulation of towers in existing Township locations, a written explanation of the tower
44 design and appearance, a project location map and engineering drawings demonstrating
45 compliance with the ordinance. Mr. VanderMeulen also said the Zoning Ordinance requires
46 that a WES project complies with all state and federal regulations and codes, which this
47 application does. Mr. VanerMeulen determined that the application satisfied the Zoning
48 Ordinance requirements, but recommended the Planning Commission discuss the visual impact
49 of the project.
50

51 Mr. VanderMeulen next cited Section 3.24(d)(5) of the Zoning Ordinance, regarding lighting of
52 WES towers. Mr. VanderMeulen said that the FAA requires lighting of WES towers, but that

1 there is new technology that would allow the applicant's proposed towers to remain unlit unless
2 and until activated by radar. Mr. VanderMeulen noted that the applicant had submitted
3 information to the Planning Commission on this new technology and has agreed to use the
4 technology in this project, up to a proposed dollar amount per turbine. Mr. VanderMeulen felt
5 that this technology may lessen the visual impact of the proposed turbines (especially at night)
6 and recommends that the use of such technology be included as a condition of any approval, if
7 appropriate. Mr. VanderMeulen also said that the application meets the requirements
8 regarding lighting.
9

10 Mr. VanderMeulen next referenced Section 3.24(d)(6) of the Zoning Ordinance regarding
11 maintenance and operations of a WES system, stating that after a period of non-use, towers
12 should be removed. He recommended a period of non-use of 12 months or longer, with the
13 ability to request a waiver to allow a longer period of non-use upon demonstration of reasonable
14 cause. Mr. VanderMeulen said the applicant proposed a period of 15 months of non-use, which
15 he felt was acceptable. Mr. VanderMeulen said that as the purpose of a WES is production of
16 electricity, it should be removed after a reasonable time, but that the Township may want to
17 allow a longer period of time or the option to allow a turbine to return to usable status within a
18 set time period.
19

20 Mr. VanderMeulen also mentioned that the Township Zoning Ordinance provides that the
21 Township has the right to inspect the WES to insure operation and maintenance obligations are
22 being upheld and that costs of such inspections are borne by the applicant/operator of the WES.
23 Mr. VanderMeulen recommended that the applicant be required to present an annual operating
24 report to the Planning Commission and Township Board and that Township representatives
25 (zoning administrator and other appropriate township personnel) perform annual inspections
26 regarding operation and maintenance. Mr. VanderMeulen also recommended that an escrow fee
27 be established so that the applicant will pay for the Township's inspection and other costs, which
28 escrow account may be funded annually. Mr. VanderMeulen also recommended that the
29 Township establish guidelines within the special use permit for processing minor and major
30 changes (and make such provisions a condition of any special use approval, if appropriate). For
31 instance, Mr. VanderMeulen suggested that a routine maintenance action might be termed a
32 minor change, that would not require an amendment to the special use permit, while any change
33 to the site plan, the scope or intensity of operations or a change that the applicant and/or
34 township did not anticipate might be a major change, which would require an amended special
35 use permit.
36

37 Regarding the provision of a decommissioning plan and a performance guarantee, Mr.
38 VanderMeulen cited Sections 3.24(d) 7, 10 and 11 when stating that the applicant shall submit a
39 written description of the anticipate life of the system and an estimated decommissioning cost.
40 Mr. VanderMeulen said the applicant had provided this information, stating that the life of the
41 project is estimated at 15 years and the estimated cost of decommissioning is approximately
42 \$4,139,000. The applicant also included an estimated salvage value of materials to be removed
43 at \$2,024,000. Mr. VanderMeulen opined that \$4 million will cover the decommissioning and
44 removal of everything within four feet of grade. Mr. VanderMeuluen recommended against
45 accepting salvage value as a component of the decommissioning cost (as it would be difficult for
46 the township to remove the structures and obtain payment for salvage) and instead urged the
47 Township to take a assurance or letter of credit in the range of \$4,000,000 based on the
48 applicant's information. Mr. VanderMeulen noted that the applicant has agreed to this condition
49 and has submitted a proposed special use condition to this effect.
50

1 Attorney Kaufman noted that the proposed language allowed the applicant to choose the form of
2 guarantee, which she recommends would be changed to allow the township to establish the
3 required form of financial guarantee.
4

5 Mr. VanderMeulen also said that before final acceptance and operation of the project (if
6 approved) the Township should require certified as built of the project and should inspect to
7 insure that all township and other requirements are satisfied. He also recommended that the
8 applicant retain an insurance policy that will cover the installation and operation of the WES,
9 within limits defined by the Township.
10

11 Mr. VanderMeulen next addressed environmental requirements as contained in Section 3.24(d)
12 and Section 17.04 of the Township Zoning Ordinance. He said that the applicant has submitted
13 additional information related to their commitment to comply with US Fish and Wildlife Land
14 Based Wind Energy Guidelines (USFWS 2012) and also provided a Site Characterization Study
15 for the site. Mr. VanderMeulen recommended that the applicant be required to comply with the
16 USFWS guidelines and recommendations outlined in the Site Characterization Study as a
17 condition of any special use approval. Mr. VanderMeulen specifically said that the Site
18 Characterization Study required a post construction bird and bat study.
19

20 Regarding noise, Mr. VanderMeulen said the zoning ordinance standard for WES projects is to
21 not exceed 55dB(A) at the property line closest to the WES at the outside boundary of the
22 property included in the project. Mr. VanderMeulen said that his initial review of the
23 applicant's plans showed 55dB(A) anticipated at the towers themselves. Therefore, Mr.
24 VanderMeulen then asked for a 50dB(A) sound contour to be added to the sound model, so as to
25 insure that the maximum sound level would not be exceeded at adjoining houses. Mr.
26 VanderMeulen said that the applicant did provide updated plans showing the 50 dB(A) sound
27 contour and parameters for a post construction sound study as a permit condition. Mr.
28 VanderMeulen opined that the application meets the Township requirements for noise, but he
29 did recommend that a post construction sound survey be included as a condition of any special
30 use approval. Mr. VanderMeulen explained that this project is proposing the use of larger
31 generators, which will allow for slower rotation of the blades, so less noise is generated.
32

33 Mr. VanderMeulen next said that Section 3.24(e)(2) of the Zoning Ordinance addresses the
34 Township's shadow flicker requirements, noting that the Planning Commission can request a
35 shadow flicker analysis for WES projects. Mr. VanderMeulen said that when sun shines through
36 the blades of the turbines, it can often cause a strobe effect. He said this will occur more
37 commonly at dawn and dusk, as the sun is lower in the sky at these times and casts longer
38 shadows. Mr. VanderMeulen said there are approximately 600 residences that may be affected
39 by shadow flicker. He also said that there are mitigation techniques that may lessen the impact
40 of shadow flicker, such as siting of the WES, screening, flicker detection systems and
41 programming turbines to shut down at the time when flicker may occur. Mr. VanderMeulen
42 said that the applicant did submit a shadow flicker report and did agree to use shadow flicker
43 mitigation technology as a condition to any approval of a special use permit. Mr.
44 VanderMeulen said that the applicant's shadow flicker report included receptors within 1 mile
45 of a turbine, participating and non-participating receptors and limiting the shadow flicker to less
46 than 30 hours per year. Mr. VanderMeulen said 30 hours per year exposure to shadow flicker is
47 the industry standard. He said that the Planning Commission needs to decide how to deal with
48 this issue, as shadow flicker may impacts residents in the area. Mr. VanderMeulen
49 recommended that any special use permit stating the permitted threshold level of shadow flicker
50 per year and requiring a mitigation technology solution for the proposed project. Mr.
51 VanderMeulen said that the applicant should also be required to work with the township after
52 construction to resolve complaints about shadow flicker in a timely manner.

1 Mr. VanderMeulen then discussed safety requirements, as contained in Section 3.24(e)(4) of the
2 Zoning Ordinance. Mr. VanderMeulen said that the turbines need auto braking and manual
3 devices capable of stopping the WES in high winds. He also said that WES project shall be
4 designed to prevent unauthorized access and shall have lightning protection. Mr.
5 VanderMeulen said that the applicant has presented information that shows compliance with
6 safety requirements, including that the turbines will be shut down when icing is detected and
7 that the turbines will have either an automatic or a manual fire suppression system. Mr.
8 VanderMeulen recommended that the applicant continue discussions with the Township Fire
9 Department regarding how to deal with a fire in a wind turbine. He also said that the applicant
10 should be responsible for all MISS DIG (811) calls – and the applicant has agreed to this
11 condition. Mr. VanderMeulen found that the applicant satisfied the Township’s requirements
12 for safety, but recommended that the Fire Department continue to work with the applicant
13 regarding fire protection, training and any outstanding issues.

14
15 Regarding electromagnetic interference, Mr. VanderMeulen referred the Planning Commission
16 to Section 3.24(e)(6) of the Zoning Ordinance. Mr. VanderMeulen said that while the original
17 application showed some potential interference with microwave bans, the applicant had moved
18 towers to eliminate interference. Mr. VandeMeulen also said that the applicant’s
19 electromagnetic report complies with the ordinance and the applicant has stated that they will
20 resolve any interference with private television or radio service. Mr. VanderMeulen said there
21 are several options for compliance.

22
23 Mr. VanderMeulen next addressed electrical distribution and substation requirements as found
24 in Section 3.24(e)(8) of the Zoning Ordinance. Because electrical transmission lines do not
25 follow property lines or access drives, Mr. VanderMeulen recommended that surface markers be
26 placed at intervals of not less than 200 feet and at all change of directions along buried electrical
27 lines. He also recommended post construction as built of all buried electrical lines be prepared
28 and submitted to the Township for review and approval. Second, the township requirement is
29 that all distribution lines be underground. Mr. VanderMeulen said there are few areas that the
30 applicant proposes to run the lines above ground, because of the environmentally sensitive
31 nature of the area. These include two areas (within Section 8 and Section 11) of about 200 feet
32 in length each. He recommends a waiver from the underground electrical line bury
33 requirement in those two locations. He also said that the applicant should be required to
34 submit a site plan and details for township review and approval as part of the special use
35 application.

36
37 Regarding road improvements, Mr. VanderMeulen referenced Section 3.19 (Private Road and
38 Driveways) and Section 3.24(d)(1) of the Zoning Ordinance (access drives and maintenance for
39 WES projects). Mr. VanderMeulen recommended that access drives used in this project be 12
40 feet in width with 6 inches of gravel and that existing drainage be maintained with ditches and
41 culverts as required. He also recommended that there be adequate turn arounds at the end of
42 the access drives (and at intermediate locations along the access drives as public safety may
43 require) for emergency services vehicles ingress/egress. Mr. VanderMeulen said that the
44 applicant proposed 16 foot wide access drives, with 4 to 8 inches of aggregate that would run to
45 the turbine locations, but with no turnarounds. Mr. VanderMeulen also said that the applicant
46 has proposed designated haul routes, but that such haul routes should be reviewed with the
47 County Road Commission, so that the Road Commission could provide input on the proposed
48 haul routes. For instance, Mr. VanderMeulen said one of the haul routes contained a bridge on
49 Trent Road which may not be able to handle the weight limits. Mr. VanderMeulen also said that
50 the Road Commission will be able to identify necessary improvements that might be needed to
51 the roads before and/or after construction. He also recommended that the township and
52 developer enter into a road agreement with an established escrow amount, so as to insure the

1 roads are able to handle the proposed construction traffic and will still be in condition to be used
2 by the public. Mr. VanderMeulen suggested that any special use approval include a required
3 roadway agreement, permit and posting of performance guarantee. He said that the applicant
4 has agreed to such condition.
5

6 Regarding stormwater management and erosion requirements, as contained in Section 19.02 of
7 the Zoning Ordinance (Site Plan), said that the Drain Commissioner is waiting to make her
8 comments after reviewing construction documents. Mr. VanderMeulen recommends that the
9 applicant submit a detailed grading plan for each turbine location, which should include the
10 limit of disturbance, access drive grades and proposed grading at each tower, to be reviewed for
11 final acceptance. He said that the applicant had agreed to provide such grading plan for each
12 tower and access drive location.
13

14 Regarding the required complaint resolution process, Mr. VanderMeulen said the applicant has
15 submitted a proposed process that will be used during construction and during operation. Mr.
16 VanderMeulen said that in his experience, it is important to have a workable complaint
17 resolution process for township residents. Mr. VanderMeulen recommends that response to
18 written complaint be completed within 5 business days and that the township be notified of
19 complaint through a weekly report. He also recommended that all complaints be resolved
20 within 30 calendar days and if not, the applicant must bring the issue forward to the Township
21 Zoning Administrator so that the Township staff, Planning Commission and/or Township Board
22 can become involved. Mr. VanderMeulen recommended that the Township Zoning
23 Administrator and the applicant reach agreement on the parameters of the complaint resolution
24 process and that compliance by the applicant with such process should be a condition of special
25 use approval.
26

27 Last, regarding the special use standards as contained in Section 17.06 of the Zoning Ordinance,
28 Mr. VanderMeulen said that the applicant has provided a response to each standard in their
29 application. The Planning Commission should be review the applicant's statements.
30

31 Mr. VanderMeulen said he was available for questions from the Planning Commission.
32

33 Chairperson Mansfield then recognized Ken Hulka,, Managing Director of the Muskegon County
34 Road Commission. Mr Hulka said that he has reviewed the proposed haul routes and feels that
35 the applicant and the Road Commission will be able to work thorough any issues. He said that
36 the Trent Road Bridge will be replaced in 2020 and that the condition of the bridge will affect
37 haul routes. He also recommended that any special use approval require that road use
38 agreement and road permit conditions be a condition. Mr. Hulka consulted with the Huron
39 County Road Commission and has obtained an agreement from Huron County that can be used
40 as a sample.
41

42 Chairperson Mansfield then recognized Rich Nerzig, from Sempra Energy. Mr. Nerzig said tha,
43 in the interest of time, he would forgo his powerpoint presentation, but that he did have his
44 panel of subject matter experts available for questions. He also clarified that SEMPRA is
45 requesting 3 year duration for the special use permit, based on construction schedules and
46 timelines.
47

48 Attorney Kaufman then noted for the record that correspondence had been received from the
49 following people:
50

- 51 1. Letter from Doug Weston dated 8/19/18, asking if any planning commissioner or
52 township board member has signed a lease with Sempra and if so, would they recuse

1 themselves from participating in the review of this project? He asked if anyone on the PC
2 or the Township Board had visited a wind farm? He advised of litigation that Sempra
3 Energy had been involved in in California. He noted that Sempra is selling off its
4 renewable energy portfolio. He noted possible impact on property values and possible
5 litigation that may arise from approval of the wind energy project.

- 6 2. Letter from Dave VerSluis dated 8/10/18, stating several problems with the meeting
7 notice for the 7/26/18 meeting; stating that the Master Plan is over 10 years old and
8 does not provide for utility grid wind energy system; stating that the studies submitted
9 by Sempra are incomplete at this time because they only address Phase 1; noting
10 perceived issues regarding the sound pressure study, the microwave transmission study,
11 the shadow flicker study; the decommissioning plan; the lack of minutes posted on the
12 township website; the impact on wildlife and the US Fish and Wildlife Service's Wind
13 Energy Guidelines; no perceived benefits to adjacent (non-leaseholder) property owners.
- 14 3. Letter from Attorney Michael Ter Beek, dated 8/13/18, on behalf of David VerSluis,
15 reciting same points as contained in the letter from David VerSluis.
- 16 4. Letter from M.E. Baker (not dated), asking that the Planning Commission carefully
17 review the application as compared to Sections 3.12 and 17.06 of the Zoning Ordinance.
18 This letter also references Section 1.02 of the Zoning Ordinance. This letter also notes
19 Sempra's plan to sell its renewable energy portfolio. The letter urges the Planning
20 Commission to do independent research as to impacts on residents after the
21 construction of utility grid wind energy system and obtain adequate evidence before
22 making a decision.
- 23 5. Letter from Randy Abend, 1250 Behler Road (undated), noting that he grew up in the
24 Thumb area of Michigan and has seen the change in that area since wind turbines
25 arrived. He references Section 17.06 of the Zoning Ordinance, General Standards, and
26 asks the Planning Commission to review each standard. He feels the proposed project
27 would not be harmonious with the landscape of Casnovia Township. He feels traffic
28 impacts will be created during construction and during operation; he is concerned about
29 the red lights at the top of the turbines; he feels the height and visual appearance will nto
30 be in keeping with the rural nature of the area; he notes that the proposed turbines
31 would be the largest structures in the township; he feels that the noise created by the
32 turbines will disrupt the quiet. He feels from his personal experience in the Thumb area
33 that the wind turbines will be disturbing to the Township residents and will negatively
34 impact property values. He also questioned potential impacts on health from turbines.
35 He urged the Planning Commission to consider this application carefully.
- 36 6. Letter from Rich Nerzig, Sempra Renewables, LLC, dated 8/20/18, providing a written
37 response to citizen comments. The letter provides a response regarding Section 3.12 of
38 the Zoning Ordinance and ice; Section 17.06 (c) as it relates to noise, vibration and light;
39 Section 1.02 of the Zoning Ordinance regarding potential impact on property values;
40 regarding Sempra's plans to sell its renewable energy portfolio; response to Dave
41 VerSluis letter and his attorney's letters.

42
43 The Planning Commission then asked Mr. Nerzig questions regarding the special use
44 application. Chairperson Mansfield asked how the locations for the wind turbines were
45 selected? Mr. Nerzig said that a complex analysis was done that included consideration of wind
46 speeds, constraints on available properties, applying the constraints to the project area and then
47 placing the turbines within those constraints.

48
49 Commissioner Winell asked what effect Sempra's sale of its renewable energy portfolio would
50 have on this proposed project? Mr. Nerzig said that from a development standpoint, things will
51 proceed as business as usual. Vice Chair Willick then asked how Sempra's potential sale would
52 affect the decommissioning guarantee that the Township would hold, should the project be

1 approved. Commissioner Winell also asked if the proposed financial guarantee of \$4 million
2 factors in increased costs over time. Mr. Nerzig said there would be different options on how the
3 project could be transferred to a new entity. He also said that the \$4 million decommissioning
4 calculation has an escalation factor built in. He referred the Planning Commission to Exhibit B
5 to review the proposed cost of installation.
6

7 Vice Chair Willick asked if Sempra would train the Township Fire Department. He also said
8 that the Fire Department would need additional equipment to fight fires in the turbines and
9 associated equipment. He asked how the Fire Department would pay for this new equipment?
10 Mr. Nerzig agreed to work with the Township Fire Chief to facilitate discussions on what the Fire
11 Department needs. Mr. Nerzig said that they would be happy to bring expertise from their
12 Huron County facility to Casnovia Township to train the Township Fire Department in control
13 and containment. He said that Sempra may be able to contribute to the Fire Department's
14 equipment fund.
15

16 Attorney Kaufman asked for an explanation of non-development lease agreements. Mr. Nerzig
17 explained that the company identifies property owners who may be part of the project and who
18 sign leases, but who, after siting of the turbines, will not get infrastructure installed on their
19 properties. Mr. Nerzig said at that point, Sempra is still under lease agreement with those
20 property owners, even if they do not get infrastructure on their property. This happened at the
21 Huron County project (Apple Blossom). Mr. Nerzig said that Kenowa Ridge is a smaller project
22 than Apple Blossom, but there may be properties that remain under lease agreement as non-
23 development lease holders.
24

25 Chairman Mansfield opened the public hearing.
26

27 Sarah McGrath, 15808 Laketon Avenue, said this project is a terrible idea and will cause noise
28 and light pollution. She felt that the project will cause a decrease in property values. She also
29 felt that 50 dBA is too high and that the turbines should be required to be quieter. She also is
30 very concerned about a blade throw, saying that if a braking system fails, a blade could be
31 thrown 1500 feet from the tower, which would put residents in physical danger.
32

33 Dan Kosheba, 755 S. Trent Road, does not know who the PC members are. He also said he does
34 not know if any PC members or Board members have a conflict of interests. He made a motion
35 to have residents make a decision on this project by vote. He feels this project will be a drain on
36 the police and fire departments. He also asked who would make sure that the project remains in
37 compliance with conditions if it is approved. He also asked who will pay for the project?
38

39 Attorney Kaufman said that no Planning Commission members have a conflict of interest. She
40 also noted that the Planning Commission members are residents of the Township and are
41 appointed by the Township Board to serve on the Planning Commission.
42

43 Deb Vanderhoff, 1638 Peters Road, Bailey, said she has a 35 acre parcel in a heavily agricultural
44 area. She said that people move to the Township for serenity. She is proud of America and
45 proud of farmers. She feels that a 40 foot underclearance for the blades (from the ground) is
46 not enough, as this may impact tree growth in the area of a turbine. She asked how the turbines
47 will be monitored and will there be a regular maintenance person assigned to this project (local
48 person). She was also concerned with the proposed radar to be used on the lights installed on
49 the tops of the turbines, noting that the system had not been widely used yet. She also said she
50 is concerned with the potential interference with reception, as there is no cable in the area and
51 satellite reception is difficult. She is worried about the impact on wildlife in the area. She also

1 asked that the applicant provide a website to the Township for complaints, that the applicant
2 would be responsible for monitoring and responding to.

3
4 John Kaerska, Tyrone Township, said that the Tyrone Township fire department is in the
5 process of installing a new communication system. He asked if this proposed project would
6 interfere with that system? He also said that Robinson Township got \$2 million to disperse to
7 local municipalities and asked if anything similar is proposed here.

8
9 Harley Jones, 1290 Canada Road, said he has lived in the Township for 21 years. He noted that
10 the proposed turbines would be taller than the Statute of Liberty. He felt that the fire
11 department could handle the proposed project. He asked who would maintain the access roads
12 to the towers in the winter?

13
14 Dave _____, urged the Planning Commission to carefully review how much the
15 applicant is offering for decommissioning. He felt that the Planning Commission should require
16 \$1 million per turbine. He asked for clarification on the height limit and the required setback.
17 He said that 500 foot setback is not enough. He asked if all properties were staying n PA 116.
18 He also asked what insurance the applicant has and who would be liable if something
19 happened? He said that the Planning Commission needs to thoroughly review the
20 decommissioning guarantee.

21
22 Attorney Kaufman explained that currently MDARD, Right to Farm Act Office, has determined
23 that wind energy projects are compatible with agricultural operations and that any land enrolled
24 in PA 116 would not need to removed from PA 116 based on the construction of a wind energy
25 project.

26
27 Dave Versluis, 2375 Peters Road, said that he had owned his property for 30 years. He said that
28 those property owners who signed leases will make money. He said there has been no talk about
29 non-participating owners benefitting. He asked if the project is proposed in phases? He
30 suggested that any special use permit cover everything proposed in the future (ie. no phased
31 development). He advised the Township to have the US Fish and Wildlife Service review the
32 applicant's proposal – he was concerned that the application will not meet the required
33 standards. He also asked if the project is sold to a foreign company, how would the township
34 insure compliance with special use approval requirements and conditions? He felt it was
35 important for the Road Commission to maintain roads in their current condition.

36
37 Mike Long Jr., 15084 White Road, asked for all those in favor of the project to raise their hands.

38
39 Paul Black, 210 Canada Road, said he is aware of the changes in Sempra's renewables division
40 and the movement in corporate leadership. He feels that Sempra's corporate leadership will sell
41 off the renewable assets and there will be consequences because the Township will not know
42 who it is working with. He said that many people who signed leases had no knowledge of what
43 they were signing and that the leasing agents were very aggressive. He felt that the future of the
44 community mattered. He asked that Sempra clarify their real intentions regarding this project.

45
46 Norman Harrison, 1505 Behler Road, said his family has lived in the area since 1875. He
47 worked for SET Environmental in Grand Rapids, including working on projects that have closed
48 down. He said that the township (and area) will have electricity without wind energy. He said
49 there are many wind energy projects already, such as Paulding Ohio and in Indiana. We do not
50 need this project here. Natural gas is abundant and while we need renewable energy, we don't
51 need this project.

1 Bob Jernberg, 2110 Canada Road, said he has researched wind energy projects. He went to
2 Ludington and McBain. People in those places had mixed reactions to the wind energy projects
3 in their communities. People in Mason County are angry and feel that the sound limit of 50 to
4 55 dBA is too high. He also felt that the setback is too low – in many places it is four times the
5 height of the tower. Mr. Jernberg said that in McBain people are not against them, but he has
6 heard there are many problems in the UP with a wind energy project. He feels that someone is
7 going to get sued on this project, which he would hate to see happen here. He suggests the
8 township consider a moratorium to carefully review the township's regulations. He does not
9 trust the energy company.

10
11 Mary Versluis, 2375 S. Peters Road, has lived for 30 years in the Township. If the application is
12 approved, she will have 5 wind turbines surrounding her property. She encourages the
13 Planning Commission to stand next to a wind turbine. She said that will be her experience if the
14 project is approved. Her peace would be gone.

15
16 Lisa Symko, 14945 White Road, said she went to Ludington to observe the wind turbines there.
17 They can be heard from ¼ mile away. She feels this is too noisy

18
19 Nola Carew, 890 Orchard Hill, is a 12 year resident of the Township. She will be surrounded by
20 wind turbines in the project is approved. She referenced sections of the Township Zoning
21 Ordinance. She also said she sent a letter via email to the Planning Commission the previous
22 day, but it was not included in the record. She has researched wind turbines. She appreciated
23 the engineer's review and comments, but feels that the applicant's information is biased.

24
25 Fred Clingen, 360 Moon Court, said that air belongs to everyone. He asked why this issue
26 cannot go to a vote of the community. He said that bald eagles nest in the area and that if an
27 eagle is killed by a turbine, Sempra would have to report it. He said that while everyone wants
28 clean energy, no one wants to pay the price. He does not want to lose another pair of nesting
29 bald eagles.

30
31 Rick Sible, 920 Orchard Hill, said he learned his neighbors did not get a notice in the mail. He
32 asked why there was such secrecy in this matter and feels he is being held hostage to the process.
33 He does not want this project.

34
35 Dave Versluis said he did not get a notice in the mail.

36
37 Randy Abend, 1250 Behler, said he submitted a letter to the Planning Commission referencing
38 Section 17.06 (General Standards) of the Zoning Ordinance. He felt that subsection (b) – that a
39 project be designed so as to be harmonious and appropriate – has not been achieved here. He
40 is familiar with wind energy projects in Huron County and feels that wind energy projects have
41 changed that community. He said that everyone should go see a wind energy project up closed
42 – stand ½ mile away and experience the impact. He said he family in Huron County did not
43 participate in the wind energy projects there, but has to deal with them daily. He feels that the
44 proposed project does not fit within the standards of Section 17.06 of the Zoning Ordinance. He
45 urged the Planning Commission to closely review the Zoning Ordinance and consider his
46 family's concerns.

47
48 Rick Sible, 920 Orchard Hill, asked how the Township's engineering firm was chosen. He said
49 that the Planning Commission does not have to rush – it should take its time to study this
50 project. He asked if the Township had considered hiring an engineering firm that had done this
51 type of review before.

1 Rebecca Sible, 920 Orchard Hill, said this will be a 50 year decision for the Township. She is
2 concerned that Sempra may be bought out and the Township will not know who it is dealing
3 with.

4
5 Mike Crew, 890 Orchard Hill, asked how this project would affect propeprty values? He said he
6 intended to sell his house.

7
8 There being no further public comment, Chairperson Mansfield closed the public hearing at 9:10
9 p.m.

10
11 Chairperson Mansfield asked the applicant if he had additional comments. Mr. Nerzig said that
12 there are no additional phases planned for this project. If there were to be any changes or
13 additional phases, those applications would need to start the special use process again from the
14 beginning.

15
16 Commissioner Winell said that he has received a lot of information and he needs time to review
17 it. He said that the Township's engineer has made recommendations in their report regarding
18 the applicant's compliance and regarding suggested conditions of approval (should special use
19 approval occur). Commissioner Winell said he also wanted to review all correspondence
20 submitted to the Planning Commission.

21
22 Upon motion of Winnell, seconded by Montgomery, the Planning Commission voted
23 unanimously to table its continued consideration of the special use request of SGS Development,
24 LLC for a utility grid wind energy system (Kenowa Ridge Wind Farm) until the next regular
25 Planning Commission meeting. Roll call vote: Mansfield: Yes. Willick: Yes. Winell: Yes.
26 Anderson: Yes. Montgomery: Yes.

27
28 **PLANNING COMMISSIONER COMMENTS**

29
30 None.

31
32 There being no further matters to come before the Planning Commission the meeting
33 was adjourned at 9:15 p.m.

34
35
36
37 _____
38 Kim Anderson, Secretary

39 Minutes Prepared: August 31, 2018
40 Minutes Approved: September 18, 2018