

APPROVED 11/14/12

Regular Meeting of Casco Township Planning Commission
October 10, 2012 7:00 PM

MEMBERS PRESENT: Bruce Barker, John Stroud, Daniel Fleming, David Campbell, Paul Macyauski, and Judy Graff **ABSENT:** Dian Liepe is excused.

ALSO PRESENT: Patrick Hudson, Planner; Alfred Ellingsen, Zoning Administrator; Allan Overhiser, Supervisor, and 5 interested citizens

1. The meeting was called to order at 7:09 PM. There were no changes to the agenda.
2. Motion by Fleming, supported by Stroud to approve minutes of 9/12/12 with the following amendment. All in favor, MSC.
Amendment to 9/12/12 minutes: Page 5, #9 Roundtable Discussion, 1st paragraph, "Dan Fleming reflected on the HDR process, the many months devoted to the topic, and felt the ~~Planning Commission~~ ~~process~~ ~~was dragging its feet~~ **inefficient thus wasting time** and using a lot of Township money."

A motion by Macyauski and supported by Stroud to approve minutes of 9/19/12 as written. All in favor, MSC.
3. Public Comment & Correspondence: none
4. The Final Site Plan for the Haven Shores Development was signed by the Commissioners. The resolution to grant approval of Haven Shores Site Condominium Development (attachment #1) was signed by Chairman Barker. Secretary Liepe, not present, will sign at a later date. Ellingsen will get a signature from Brian Bosgraaf of Cottage Home, also not present, at a later date.

Graff questioned Page 3, Section C, Surface Water Drainage, line 15, regarding the Master Deed statement: **"The Master Deed must contain strict language as to *who* will maintain the Drainage System once constructed."** Graff asked for clarification as to who the "who" is referring to. Ellingsen explained that the buyers of the building sites, along with the Morans in the case of unsold lots, will be responsible. Ellingsen and Bosgraaf will agree on specific wording for the Master Deed concerning this, and then will give to Bultje for review.

Graff also asked for clarification concerning a suggestion made by Attorney Ron Bultje. Bultje's suggestion, made in an email, dated October 3, 2012 (attachment #2), was to include the following: **"The developer must comply with all Township ordinances, including but not limited to the zoning ordinance; all County requirements; all State statutes and regulations; and all Federal statutes and regulations."** Ellingsen explained that this is not necessary, because

if the developer does not comply with a State, County, or SHAES requirement, development would be stopped until they are in compliance.

5. **Report from Township Board Representative:** Graff gave a report of the Township Board meeting. The Board unanimously accepted the Planning Commission's recommendation to deny the proposed High Density Residential District 9A. Coastal Management Grant will be a 50/50 match use toward stairs at the nature preserve. The 2nd half of the park will be open in the summer of 2013. There will be a site plan process to go through before then, scheduled through Ellingsen. With the opening of the preserve, some people assume both sides are open. They are proposing a split rail fence that will match the existing fence. An Electrical Inspector, Gord Bosch, has been hired. There will be classes on dementia, held Mondays from October 22nd until November 26th, from 1:30 until 3:30. There will be a Senior Luncheon Wednesday, October 17th from noon until 2:00 PM.
6. **Report from the ZBA representative:** Macyauski reported there were no meetings to report at this time, but will be a meeting November 1st at 7:00 PM.
7. **Report from Water/Sewer representative:** Allen Overhiser said that besides Miami Park, a special assessment in Lakeview is finished, in the last month there has been an increase in permits for hookup. Chairman Barker added that sewer hookup in Miami Park is in the works.
8. **Wind Energy Ordinances:** Chairman Barker said that only wind farms would be discussed at this meeting. Private wind energy for individual homes or business would be discussed at a separate meeting.

After conversation with farmers following the previous Planning Commission meeting, Hudson made changes to his Draft of Wind Ordinances distributed at the 9-12-12 PC meeting. Suggested changes are highlighted (attachment #3). Most ordinances have setback of 1.1 x, 1.5 x or 2 x the height of a wind tower from the property line. Some farmers are asking for a "0" setback with neighbor's consent. Columbia ordinance does this. Discussion ensued concerning distance from dwellings, height of towers, and rotor clearance.

There was discussion about where noise level should be measured. Supervisor Overhiser suggested that if noise were measured from the property line, it could be considered needlessly over restrictive and impact profit. An example would be a 5,280 sq ft block, or 640 acres, split into 80 acre farms with dwellings around the perimeter. That would put the wind towers miles from the closest occupied dwellings. Having a setback from the farmer's property line could be over restrictive for 2 reasons. One reason is there are generally no homes at the back property lines of most farmland and there would be no one to disturb. The second reason is, if the noise restriction is based on 5 decibels over ambient noise, ambient noise, out in the middle of nowhere away from roads and people, would be almost nonexistent. This would result in more restrictive noise levels in areas where no one would be there to hear it.

Campbell supported noise level to be measured at nearest residence at time of installation.

Macyauski said that if the noise were allowed to be greater at the back property line, it could restrict neighbors from future building toward the back, thus affecting his property value. The ambient noise +5, or 50 decibels, whichever is greater would allow 50 decibels measuring at the property line.

Chairman Barker invited public comment. Ron Brush, 786 66th Street, South Haven, gave an explanation of why they are asking for smaller setbacks. Due to the pivot and rotation of the blades, the wind towers have to be spaced significantly apart.

Pat Brush, 786 66th Street, South Haven said that the noise level when standing underneath a tower is about as loud as a refrigerator. Ron Brush described the substantial service driveways that are used to construct the extremely heavy equipment and maintained for inspections and repair.

Chairman Barker questioned whether the service roads should be part of the ordinance. Ron Brush replied that the road would go in before the tower is constructed. Pat Brush added that the location of the drive must not be restricted by Ordinances because drives must be in a location conducive to construction and service. Ron Brush said it would be considered a service road rather than a drive. They will be built better than some roads for heavy construction. They will be raised up for snow, and be kept clear of snow. They will need a turnaround area during the construction phase, but not for future maintenance. He went on to explain that the towers are so big they are brought in on semi trucks. Towers go up in 4 sections. They are laid out on the ground and a crane must have room to construct them, get the generator up on top and add propellers. After construction, farmers will continue farming up to the service roads and towers.

Brush went to Saginaw Township to learn about their wind towers. When the wind changes, brakes lock and readjust to the wind. He had to be standing very close to hear that change. During that visit, he was told that although animal rights activists had concerns about the wind towers, their concerns were unjustified. He was told a flock of geese flew toward a tower; they divided their "V" and continued around the tower. Brush was also told that they (people in Saginaw Township) did not find dead birds under the towers; in fact the deer prefer to walk on the cleared service roads rather than walk through the deep snow.

Fleming also asked if the service roads and quality of them needs to be covered in the ordinance. Brush said it does not need to be in the ordinance because they will self regulated due to the heavy equipment used to construct, maintain, and inspect monthly.

Ellingsen said there will need to be easements for wires, etc.

Ron Brush said the power will go to a substation before it is used and then another. One will be south of Glen and another located this side of the RR tracks. Who buys the power will determine which way the power is sent.

Pat Brush said she had concern with the 500' maximum height. The company they are talking to has a 530' tower, and in the future they may be bigger. Commissioners discussed if there needs to be a maximum height.

Russ Latchaw, 990 64th Street said there were towers toward Ludington. There is a 40' path of them. They vary from straight lines to scattered in different areas, depending on where the wind is greatest.

Hudson said if only allowed in Agricultural district, we could consider doing away with a noise ordinance for the wind farms. The noise level could be defined differently. If you do away 5 decibels over ambient it could be a specific number of decibels.

Chairman Barker asked that commissioner's take a look at the ordinance and send suggestions by email to Hudson. Hudson will make changes based on the discussion tonight, take changes to Ellingsen and Bultje, and make another draft to be discussed by the PC., Then eventually a Public Hearing will be scheduled, based on revised changes.

Bill Chambers, 7340 Lake Ridge Road, South Haven, suggested that the PC strengthen the definition of "abandoned". Due to economic reason WECS could be tethered for greater than 6 months. He works for a company that has several forms of energy including wind, coal & nuclear. Wind Energy is only cost effective because it is subsidized. Subsidies are political. If removed, and WECS are forced to pay their fair share, they may not be economically viable for long periods of time. Use the Gas Plant in Covert as an example. It was not used for 14 months. It was not abandoned, but was not economically feasible to run during that time.

Chambers also referred to the fact that some areas of the Ordinance refer to "within 300 ft." and other sections refer to "all structures". He pointed out the fact that substations will exist outside of 300', and to be careful that the term "all structures" be used to include the substations when necessary, as substations are very hazardous.

Pat Brush stated that the wind tower owners will own the substations.

Ron Brush added that OSHA covers farmers, but up to farmer to take care of his equipment. Substation will be owned by the utility. A Special Use Permit, includes a site plan drawing of everything within 300 ft.

Ellingsen said that an abandoned tower needed to be removed unless a time extension is granted by the PC. The question will be to determine at what time does that clock start.

Graff stated that we need to specify what elements need to be included in the site plan review. Who applies for the Special Use Permit? Who will be responsible for following requirements set forth in the plan? Will we be talking to farmers about noise problems, or talking to the utility?

Jim Raak, 109th Street, South Haven stated that it took a project of 56 towers about a year or two to be completed.

Overhiser stated that power companies will need to generate green energy and companies will purchase the Wind Energy to meet the requirements. He also added that Casco Township and Allegan County will benefit from the new business. It will be good for schools, road repairs, etc.

Brush passed around photos of Wind Towers. He said Ludington's towers were scattered, Minnesota has straight lines of towers. Towers in Ludington are 300', but BP said they could be up to 530' depending on the wind currents. They have to be above trees.

Chairman Barker stated that GVSU had information on wind turbines.

Campbell questioned Brush about the where the wind towers would be located. Brush said east of the expressway where there is lots of open land. He added that maps show as a good wind supply in that area.

Overhiser stated that setback and noise goes hand in hand. Whatever the ordinance requires should all be in the same area of the ordinance. Smaller setback requirements will allow smaller owners to make some money also.

Motion to adjourn by was made by Stroud and supported by Fleming. All in favor. Meeting adjourned at 9:20 PM.

The next PC meeting will be held on Wednesday, November 14, 2012, at 7:00 PM

Minutes by Janet Chambers, Recording Secretary

- Attachment #1: Resolution granting approval of Haven Shores Site Condominium Development.
- Attachment #2: Email from Attorney Bultje, October 3, 2012, Re: Approval of Haven Shores
- Attachment #3: Hudson, 9-30-12, Changes to Wind Ordinance Draft of 9-12-12