

SHIAWASSEE COUNTY
PLANNING COMMISSION MINUTES
WEDNESDAY, MAY 23, 2012

1. CALL TO ORDER: Chairman Fred Junger called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. within the Board of Commissioners' meeting room, 201 N. Shiawassee Street in Corunna.

ROLL CALL: Present: Henry W. Martin III, Glenn Love Jr., William Thelen, Bonnie Ott, John Griffin, and Fred Junger. Absent: Don Dickmann.

Also present: Peter J. Preston/Community Development Director, Linda Gene Cordier/Zoning Administrator, and Board of Commissioner/Ron Elder.

1a. - EXCUSED ABSENCE: Cordier informed the board that she had received a phone message from Don Dickmann. He was unable to attend tonight's hearing due to the fact in was in Marquette giving a speech earlier in the day.

Motion: Love moved to excuse Dickmann. **Support:** Thelen. Motion carried: 6 ayes, 0 nays.

2. PLEDGE OF ALLEGIANCE: Chair Junger led the Pledge of Allegiance to the Flag.

3. PROOF OF PUBLICATION: Cordier stated the notice of the evening's agenda was published within the Shiawassee County Independent on Sunday, May 6, 2012. Chair Junger declared the meeting legally noticed.

4. APPROVAL OF AGENDA: **Motion:** Ott moved to approve the agenda as printed. **Support:** Thelen. Motion carried: 6 ayes, 0 nays.

5. APPROVAL OF BOARD MINUTES: **Motion:** Ott moved to approve the March 28, 2012 board minutes as printed. **Support:** Martin. Motion carried: 6 ayes, 0 nays.

6. BOARD OF COMMISSIONER COMMENTS: Commissioner Ron Elder gave the board an update on the Veteran's Affairs office. The office is located on the third floor of the Surbeck Building. Office hours will now be open five days a week. Geri Lyn Strein was appointed as the Veteran's Affairs Director. She had been the Assistant within the department for the past 13 months. This will be the first time the County has had a full-time Veteran's Affairs Officer.

7. CALL TO THE PUBLIC ON NON-AGENDA ITEMS: None.

8. OLD BUSINESS:

8a. - Application #PSUP11-04; Applicant/Owner – William Spike, 8295 Seymour Road, Owosso
Proposed Site Location – Access from Seymour Road, Owosso (Section 6, New Haven Township)
Tax Identification Numbers – 78-003-06-200-007-00, 78-003-06-200-005-01, 78-003-06-400-004-00, 78-003-06-400-003-00, 78-003-06-400-002-00, 78-003-06-400-001-00, and 78-003-06-400-001-02
Request – Special Land Use and Site Plan Approval for the Construction of a Private Road to Service Six (6) Single-Family Residential Lots within A-1 Zoning District
Correlation to the 1999 Shiawassee County Zoning Ordinance, as amended, Section 6.5. (Private Road Development)
Past Action - Tabled on September 28, 2011

Chair Junger read aloud a thank you card received from Mr. Spike regarding his son's recent death. Junger also read aloud the following letter from Mr. Spike dated, May 23rd, 2012:

"Dear Linda:

I am asking the Planning Commission to further table the public hearing on my request for a private road.

I am in receipt of your letter of February 23 regarding comments from the Road Commission and the subsequent requests. Because of the timing of my son's passing (Feb. 23), I was not able to respond in a timely manner. I have been able to locate the drainage tile and have been in contact with a third party to do the requested borings. Once these are completed we can then come forward with a plan to meet the requirements.

I appreciate your support and concern for my family in this difficult time.

Sincerely, Bill Spike"

Preston noted that this has been on the table since last September. This board directed staff to meet on site with the Road Commission for assistance in reviewing the base of the existing driveways. Staff and the Road Commission met Spike on site this past January. Our findings were addressed within a letter to Spike in February as to what was needed to move the application forward. Earlier today Spike dropped off a letter requesting additional time to gather his information due to the loss of a family member. Preston again mentioned that this has been tabled now for a considerable amount of time. The board has the option tonight of leaving it on the table per Spike's request or deny the application.

Motion: Griffin moved to leave Application PSUP11-04, submitted by William Spike, tabled for one more month to allow the applicant time to come back with the requested information. **Support:** Thelen.

Discussion: Chair Junger wondered what kind of time line they would be looking at. Preston answered Spike would need to provide the information to the office so staff could forward a copy to New Haven Township for review and recommendation. It needs to be brought back before the Planning Commission at the next available meeting. Discussion followed on the length of time the application has been tabled. Ott replied that the memo received today indicated the applicant was still interested in pursuing the private road. Chair Junger said a motion would be needed to have it remain tabled until the next available hearing at which time it will be removed from the table for board action.

Amendment to Motion: Griffin moved to amend his motion to leave Application PSUP11-04, submitted by William Spike, tabled for 60 days. **Support:** Thelen.

Discussion: Martin questioned having the application remain tabled. Preston explained that additional information was requested in order to comply with Zoning Ordinance language. The additional information that was gathered by staff came from the Road Commission. It now must be addressed as to how it will comply. Once staff has received all of the information, a copy will need to be resubmitted to the township for another review based on the new information. Preston explained it will be tight because turn around time was needed so staff could get it out to the township, received a response back from the township, and leave time for staff to schedule it before this board. Griffin asked if staff would be notifying Spike that the information would need to be turned in quickly so it can be forwarded on to the township and make it back to this board within the 60 days. Preston stated he would notify Spike. The township will not be receiving a lot of time for a second review.

Roll Call: Ayes to Remain Tabled for 60 Days: Martin, Love, Thelen, Ott, Griffin, and Junger. **Nays:** None. **Motion carried:** 6 ayes, 0 nays.

9. NEW BUSINESS:

9a. - Application – # PSPR12-02

Request - Amendment to Site Plan to allow for a new restroom facility and campground addition

Applicant/Owner – Ed Bruckman, President of the Shiawassee County Fair Association, Corunna

Applicant’s Representative – Dingens Architects, c/o Jed Dingens, Corunna

Site Location – 2900 East Hibbard Road, Corunna

Tax Identification – 011-04-200-003, Section 4, Shiawassee Twp.

Zoning Ordinance Reference - Article 4, Section 4.3.12. Campgrounds (as amended 2010) and Article 14, Site Plan Review

Preston provided the staff report. In 1981, a special land use permit and site plan was approved allowing the Shiawassee County Fair Association to relocate the County Fair from its location within the City of Corunna to the Hibbard Road site. The site plan at that time allowed for campsites along the western boundary of the property. The request this evening is a continuation of the 1981 permit. Staff began correspondence from the architect last October and November. Over the years a number of structures have been added without obtaining the Planning Commission’s review and approvals. The additional campsites are in existence. Although, the application is for the construction of an additional restroom facility to the southern end of the property, staff felt it was appropriate to have an updated site plan of all the structures and uses that are on the property.

The Site Plan Review Committee met and reviewed the plans on May 16th. The committee had concerns with the topography and location of the restroom facility. In order to accommodate the applicant, staff has had to push this forward in order for the building to be completed before the fair opens this year.

Preston informed the board that Jed Dingens, architect representing the Shiawassee County Fair Association, was present. An enlarged site plan was available for the evening’s hearing for easier viewing by all. Dingens said he was working with the Environmental Health Department regarding the septic system, which will be a “drip” system. The campsites proposed to the rear will be primitive camp sites (no electrical) and are basically located within the field. The primary access drive along the western side of the grounds will be used to access the sites. It may become a little crowded, but appears it will be functional. In the real world, nothing else is out there the rest of the year. The bathroom will meet Barrier-Free code regulations. There is plenty of vegetation around the area regarding landscape requirements. Preston added that he had talked with the supervisor from Shiawassee Township. Although he hadn’t received anything in writing, the township was in favor of the request. The Site Plan Review Committee recommended approval as well.

Chair Junger asked if the board had any questions for staff.

Discussion: Preston informed the board that the D.E.Q. had approved a permit for the campsites. Thelen questioned the septic system permit. Preston replied that it would be a very sophisticated system and plans had been submitted to the Environmental Health Department for review and approval. Junger questioned whether or not the dump station on the grounds would be large enough to handle this. Preston answered that it would be up to the D.E.Q. and the Environmental Health Department.

Chair Junger asked Cordier if the request had been properly noticed. Cordier answered yes it had; the legal notice was placed within the Independent, the applicant, property owner, surrounding property owners, and township had been notified of tonight’s hearing and request. Junger asked if there was any

“ex-parte” contact by board members to be brought forward at this time. Hearing none, he asked for the applicant or property owner to proceed with the request.

Ed Bruckman, President of the Shiawassee County Fair Board, was present. The Fair Board would like approval to construct a restroom facility. Jed Dingen’s was hired by the Fair Board as the engineer. Ric Crawford is the Fair Manager. We have added the primitive campsites because we never have had enough campsites available. This will be for the overflow. The modern sites have electricity and water. Bruckman said he would be glad to answer any questions the board may have.

Chair Junger asked if camping was only available during fair week.

Bruckman answered no. Camping is available every weekend. Horse shows are held regularly. Most people camp along the western side of the fairgrounds.

Thelen wondered if those that camped there on the weekend were gone by Sunday evening.

Bruckman replied not always. Most arrive Thursday or Friday and generally are gone by Sunday night. However, some people leave their camping unit on site for the following weekend.

Griffin asked if a camping fee was charged to those wanting to camp over the weekend.

Bruckman said there was a fee charged for the weekend.

Ric Crawford, Fair Manager, informed the board they have received a Ground Water Permit from the State of Michigan which monitors their water usage on a monthly and annual basis. Reports are taken four times a year (April thru November). The new system will be metered as well. The proposed septic system is known as a “drip” system. There are only a few currently in the State of Michigan. It is basically a glorified irrigation system. We brought people in from out of state to help educate the Health Department regarding this type of system. The Environmental Health Department was still working on their permit application.

Jed Dingen, Dingen Architects, asked if anyone wished to view the enlarged plans. Dingen briefly discussed how the “drip” system would work. A revised site plan was passed out to the board members. Dingen confirmed Crawford’s statement that the septic permit application was still in the hands of Larry Johnson, Director of the Environmental Health Department. Per the State’s requirements, the fair grounds already had enough bathrooms on site; however, for those camping in the back or anyone near the horse barns, the proposed bathroom would be a huge convenience. It would be quite a hike up to nearest restroom facility otherwise. Dingen noted how the request came about. Whitney Gwisdalla had asked her mother before she passed away in 2010 if someday they could pursue having a bathroom built in this area. Whitney’s mom is trying to make that wish come true.

Chair Junger asked the board if they had any questions at this time for Jed, Ed or Ric.

Discussion: Thelen questioned why the restroom was being constructed in the side of a hill. The board was informed it was designed by Gary Bulemore. Bulemore felt it would fit in better than on a flat surface. Thelen noted that typically restrooms were located on level ground with the windows placed higher up. Dingen answered that the windows would still be located higher. The restroom will be available to those in the campsites and to the people that have horses within the horse barns. The steps proposed down the hill to the bathroom will not be added and will be removed from the print. Thelen questioned the elevation of the area with regard to the building and questioned it being handicap accessible because it was being construction within the hill. The board was informed the elevation was

needed for the septic system to drain properly; it wouldn't work on flat ground. Discussion continued on the proposed drainage system, location of the proposed restroom, and how most restrooms constructed within campgrounds were located on flat surfaces.

Martin questioned if the "drip" system had an alarm built in to it so someone would know if it was working or not. Dingens stated yes it did. Martin asked about exterior lighting on the building. Dingens stated the lights would be shielded down. Martin wondered if lighting was planned for those heading down the hill at night to use the restroom to avoid someone stumbling or falling down. Dingens said lighting was already there, but it wouldn't be sufficient for handicap visibility. Martin stated that some type of lighting was needed so people had better visibility at night so they wouldn't fall; the ground won't necessarily be level. Bruckman replied that shouldn't be a problem to add lighting as they need power out there for the rest room facility anyway.

Chair Junger opened the floor for public comment in support of the applicant's request.

Speaker #1 – Harvey Coon, Coon said he appreciated everything they were doing to get this going for the 4-H kids and the fair at large.

Speaker #2 – Joy Welty. Welty informed the board her property adjoined the fairground property directly to the west, had no objections to the request, and felt it had been well thought out.

Chair Junger opened the floor for comments in opposition of the request. Hearing none, he noted the township had verbally recommended approval. Junger closed the public hearing segment and asked for board deliberation.

Discussion: Martin asked how many primitive campsites were proposed. The board was informed there would be 95 sites. The board asked if there were plans for access of emergency service vehicles in this area. The board was informed that the sites will have lot sizes marked out. There hasn't been a problem in the past to drive down thru there. There is gravel underneath the top soil and a tile going through the area that aids in the drainage of this area to the rear property. Bruckman added that the ditch had been cleaned out about two-to-three years ago. Junger questioned how the camp sites would be designated. Crawford stated they use spray paint to mark lines designating the sites. Members of the fair board actually park the units for the people. Bruckman noted that the rest of the year the people camp along the west property line in various sites. The rest of the year people aren't given designated camp sites.

Junger asked if anyone camped in an area that wasn't a designated camp site. Crawford said that during a dog show, some people have camped up by the commercial buildings and didn't leave until the following Tuesday or Wednesday. People with bigger sized camping units like to park up there by the buildings so they have the ability to park and set the unit on asphalt. A typical non-fair week may have 30 to 40 campers set up. We may be adding an additional 70 primitive campsites next year. If so, we will be back to switch our design. Dingens noted that some people take double campsites in the primitive area. The board was informed that there would be 207 campsites total with the capability of hooking up to water and electricity. Junger discussed the site plan showing actual campsites. Preston noted that the site plan has been documented to a certain extent and that camping was allowed under the 1981 permit. The goal is to get everything on one site plan so staff and this board will have one site plan to work off of.

Board members questioned the recently amended campground language within the ordinance and wondered if the new language would apply to the fairgrounds. There are other entities within the county that have had to comply with the campground language. The ordinance language is definitely stricter than what is taking place out on the fairgrounds. Bruckman stated the Fair Board wasn't trying to sneak

by this board. Junger noted that former administration may not have adhered to the rules. Bruckman replied that they were back before them trying to bring everything up to date. Preston agreed they have been working thru the county's process. The board felt the drive access to the primitive camp sites should be graveled. The board asked how existing gravel drives were handled during fair week for dust control. They were informed that the Road Commission works with Fair Personnel during Fair Week. Junger said this board understood, but would hope everyone was on the same page. The board noted they were concerned with issues such as the access drive from the primitive camp sites fading into an existing drive.

Ott questioned the elevation with regard to the top of the hill sloping down to the roof line and the retention wall. Ott said she was concerned that someone on a golf cart could accidentally drive down through there.

Dingens said the building would actually be located about four feet higher than the road. Crawford added a fence was proposed for that area.

Junger asked if kids would be able to get on top of the roof of the restroom. Crawford noted they had discussed the possibility of that.

Thelen asked again who had designated this area for the restroom. Bruckman noted it was Gary Bulemore and that the Fair Board had given their approval. Thelen felt it was counter productive by having to go down a hill to use a bathroom.

Martin wanted confirmation that a golf cart couldn't accidentally drive down the hill. Crawford again noted there would be a fence at the top of the hill requiring one to drive around the fence.

Motion: Griffin moved to approve Site Plan PSPR12-02 in care of Ed Bruckman, President of the Shiawassee County Fair Association, and applicant/Dingens Architects, regarding 2900 East Hibbard Road, Corunna, Tax Identification 78-011-04-200-003, Section 4, Shiawassee Township, to allow for a Restroom Facility and Camp Site Additions, based on the following reasoning and subject to the following conditions (as outlined within the staff report):

Reasoning: 1) Requirements and standards set forth under Article 14 of the Ordinance have been or can be met subject to the conditions set forth below. 2) The proposed improvements appear to be in compliance and logical to the expansion and success of the overall fairground. 3) Any additional reasoning as set forth by members of the Site Plan Review committee.

Conditions: 1) Provide information as outlined in Item 3, above in the staff report, as it concerns informational requirements for site plan approval. 2) Resolve issues as presented in Item 4, above in staff report, as required for site plan approval. 3) No improvements or use of the site shall be implemented for the purposes petitioned until staff has approved a revised site plan, including an approved waste water disposal system. 4) Any additional conditions as set forth by members of the Site Plan Review committee. 5) Recommendations received from all agencies for permits and compliance with Building Construction standards.

Support: Ott.

Roll Call: Ayes to Approve: Glenn Love Jr., William Thelen, Bonnie Ott, John Griffin, Henry W. Martin III, and Fred Junger. **Nays:** None. Motion carried. **6 ayes, 0 nays.**

Discussion: Items of concern: topographical concerns, revised site plan, Soil Erosion/Sedimentation Control Permit, Environmental Health Department Septic System Permit, Building Permit.

9b. – Application PSUP12-03 (Wind Energy Test Facility)

Applicant – Baker Creek Wind LLC, Ann Arbor

Owner – Zachary Loynes, 7351 N. Baldwin Rd., Henderson

Site Location – Access from Baldwin Road

Tax Identification of Parcel – 78-001-12-400-002-00, Section 12, Fairfield Township

Proposed – 60 meter meteorological test tower

Zoning Ordinance Reference – Section 4.3.76

Pete Preston provided a staff report. The applicant is proposing a temporary meteorological tower to test wind and other conditions for the possibility of a future utility wind energy conversion farm. There will be no footings for the test tower. The tower will be supported by guy wires attached to ground anchors. If approved, the temporary tower will cover a period of one to two years. Preston noted one test tower was already in place within close proximity to the intersection of West Juddville Road and North Baldwin Road area.

The proposed tower will be 60 meters in height (197 feet) and located approximately 730 feet south of West Collins Road and over 1,000 feet west of North Baldwin Road. Access will be from a drive off of North Baldwin Road. The Ordinance requires parking availability for one vehicle. The parking space can be located at the road. No landscaping or buffering will be required as it will be a temporary structure. The location of the tower is in a low-density residential area with few homes. The tower would comply with all setbacks.

Chair Junger asked for board comments. Hearing none, Junger asked if there was any “ex-parte” contact by board members to be disclosed. Hearing none, Junger opened the floor and asked the applicant to proceed.

Ryan Dykstra, representative for Baker Creek Wind, explained the test tower would have minimal impact on the surrounding area. The tower was needed to test wind and gather data for future investments within Shiawassee County.

Griffin questioned the location of the company’s nearest wind farm.

Dykstra stated their office was based in Ann Arbor; however, the main company was based in Europe in areas such as Spain and Bulgaria. The blades are designed and manufactured out of Holland. Baker Creek Wind was asking approval to erect a test tower to study wind data in the area. The utility farm would be similar as that currently being developed within Gratiot County. They have found that Shiawassee County has been very supportive of the proposed project.

Ott questioned the status of the property as to whether or not the area was vacant or did the fields have crops growing on them.

Dykstra answered the area had been planted. The tower, including the guy wires, was about three acres. He felt a farmer could still potentially farm around the guy wires.

The board discussed the company location and where the towers and components were manufactured. Chair Junger opened the floor for public comment in support of the request.

Speaker #1: Harvey Coon, Fairfield Township, said he would like to ask the company how it was determined where a tower should be placed to test wind.

Dykstra answered that it was based on the characteristics of the land, open fields, and areas that could meet the setback requirements.

Coon said his concern was with what if someone just wanted one versus a need for one.

Dykstra replied that the areas were selected that were best suited for collecting data. They have leased over 14,000 acres. Selected areas are within Fairfield, Rush, and Middlebury Townships.

Chair Junger opened the floor for comments in opposition of the request. Hearing none, he closed the public hearing.

Preston informed the board that on April 24, 2012, Fairfield Township submitted a letter stating the township recommended approval. Preston informed Junger that Les Loynes, Fairfield Township Supervisor, was present.

Les Loynes confirmed the recommended approval by the Fairfield Township Board.

Findings of Fact:

1. **The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.**

Staff: The petitioned use and structure is proposed in an agricultural area with limited residential dwellings in the immediate area. The proposed use and structure are not anticipated to be outside of the parameters outlined in the Ordinance for such facilities.

Board: Language was adopted within the Zoning Ordinance to allow for wind energy towers. The board concurred with staff's findings.

2. **The special use shall not inappropriately change the essential character of the surrounding area.**

Staff: The petitioned use and structure is proposed in an agricultural area with limited residential dwellings in the immediate area. Although the testing facility itself may not change the essential character of the area, the results of the testing may lead to a substantial change in land use in the immediate area.

Board: Junger added that he had gone on line to Google Earth and confirmed the area had limited residential development where the tower was proposed. The board concurred with staff's findings.

3. **The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also is in keeping with the natural character and environmental quality of the site.**

Staff: The petitioned use and structure is proposed in an agricultural area with limited residential dwellings in the immediate area. Although the testing facility itself may not change the character of the use or character of the property, the results of the testing may lead to a substantial change in land use in the immediate area.

Board: Concur with staff's findings.

4. **The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of ground vibration, water runoff, fumes, light, or glare.**

Staff: The petitioned testing facility is not anticipated to generate off-site impacts as described under this item.

Board: Lighting will have to comply with F.A.A. regulations. The board concurred with staff's findings.

5. **The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able**

to continually provide adequately for the services and facilities deemed essential to the special use under consideration.

Staff: No public facilities or services are anticipated, other than general services such as police, fire and emergency services.

Board: A designated parking area will be required. The board concurred with staff's findings.

6. **The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.**

Staff: No public facilities or services are anticipated other than general services such as police, fire, and emergency services.

Board: Concur with staff's findings.

7. **The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.**

Staff: Subject to providing outstanding information, the petitioned testing facility is consistent with the underlying zoning district, language amendment concerning wind energy conversion systems and the designation for this property under the Shiawassee County Future Land Use Plan.

Board: Concur with staff's findings.

8. **For special uses in the A-1, A-1½, A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.**

Staff: The petitioned use and structure do not appear to impact the use of adjacent farm land. Although the testing facility itself does not appear to substantively impact farming in the immediate area, the results of the testing may lead to a substantial change in land use in the immediate area.

Board: Difficulty in farming around wires, it will impact a greater area of land (over 14,000 acres). Both the township and this board will have another chance for review if an application is received for a special use and site plan for a Utility Wind Farm. The board concurred with staff's findings.

Preston stated that after discussing the request with representatives from Baker Creek Wind Farm, he was informed that one temporary test tower would need to remain as a permanent test tower for the ability to continue gathering data. Also, the Rewrite Committee has been reviewing current language for possible amendments.

Motion: William Thelen moved to approve the Special Land Use Permit/Final Site Plan request for a temporary meteorological and wind testing facility as submitted by Baker Creek Wind LLC (Zachary Loynes/property owner) to be located at 7351 N. Baldwin Road and as legally described in Section 12 of Fairfield Township (Parent Tax I.D. 78-001-12-400-002-00) based on the following reasoning and conditions:

Reasoning: 1) Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility meets the general standards as provided for in Article 12 of the Ordinance. 2) Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility, as provided for under Section 4.3.76, those provisions adopted specifically for the use of property for wind energy conversion. 3) Additional reasoning as presented by the Planning Commission.

Conditions: 1) Provide information as noted by the staff report as having not been provided for on the site plan or in supplemental information. Compliance shall be determined by the Zoning Administrator prior to the issuing of permits or authorization of construction of the petitioned use. 2) Compliance with the provisions of the Zoning Ordinance shall be determined by the Zoning Administrator prior to the issuing of permits or authorization of construction of the petitioned use. 3) Additional conditions as required by the Planning Commission. **Support:** Bonnie Ott.

Roll Call: Ayes to Approve: Bonnie Ott, John Griffin, Henry W. Martin III, Glenn Love Jr., William Thelen, and Fred Junger. **Nays:** None. **Motion carried:** 6 ayes, 0 nays.

9c. – Application #PSUP12-05 (Wind Energy Test Facility)

Applicant – Baker Creek Wind LLC, Ann Arbor

Owner – David Williams, 8288 Henderson Road, Elsie

Site Location – Access from Henderson Road

Tax Identification of Parcel – 78-001-15-400-001-00, Section 15, Fairfield Township

Ordinance Reference – Section 4.3.76

Pete Preston provided the staff report. The application is similar to the application that was just presented. The area is also low-density and agricultural farming. Preston stated he had a discrepancy on the height of this tower.

Ryan Dykstra responded that this proposed tower will be 80 meters in height.

Preston continued based on the height of the tower just confirmed, it will comply with ordinance requirements. Preston noted that everything was almost identical to Baker Creek’s last request.

Dykstra said he wanted to bring it to their attention that the location of the tower on the application was not the property owner’s address. Mr. Williams resides at 8604 West Allan Road.

Chair Junger opened the floor for public comments in support of the request.

Speaker #1: Rick Bouchard stated he was in favor of the request and hoped the County kept moving forward with this.

Township Response: Les Loynes, Fairfield Township Supervisor, informed the board that the Fairfield Township Board recommended approval.

Chair Junger closed the public hearing for board deliberation. Junger asked if different data would be gathered from this tower because of the height.

Dykstra replied that if approved they would be gathering data from two towers at 60 meters in height and two towers at 80 meters in height, which would enable them to test at different levels.

Preston asked if they were to come back before this board and request to leave one of the test towers up permanently, would they know which tower it would be?

Dykstra said they weren’t sure at this time, but it would probably be one of the towers at 80 meters. They do realize they will need to come back and ask for another permit to go beyond the two year time limit.

Motion: John Griffin moved to accept the same reasoning and conditions as approved in application PSUP12-03 (Zachary Loynes property), as approved in 9b. **Support: William Thelen. Motion carried:** 6 ayes, 0 nays.

Motion: Glenn Love Jr. moved to approve the Special land Use Permit/Final Site Plan request for a temporary meteorological and wind testing facility as submitted by Baker Creek Wind LLC (David Williams property) to be located on the north side of West Henderson Road and as legally described in Section 15, of Fairfield Township (Parent Tax I.D. 78-001-15-400-001-00) by accepting the same

reasoning (1-2-3) and conditions (1-2-3) as stated within application PSUP12-03 (Zachary Loynes property) above.

Reasoning: 1) Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility meets the general standards as provided for in Article 12 of the Ordinance. 2) Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility, as provided for under Section 4.3.76, those provisions adopted specifically for the use of property for wind energy conversion. 3) Additional reasoning as presented by the Planning Commission.

Conditions: 1) Provide information as noted by the staff report as having not been provided for on the site plan or in supplemental information. Compliance shall be determined by the Zoning Administrator prior to the issuing of permits or authorization of construction of the petitioned use. 2) Compliance with the provisions of the Zoning Ordinance shall be determined by the Zoning Administrator prior to the issuing of permits or authorization of construction of the petitioned use. 3) Additional conditions as required by the Planning Commission. **Support:** Bonnie Ott.

Roll Call: Ayes to Approve: Henry W. Martin III, William Thelen, Bonnie Ott, John Griffin, Glenn Love Jr., and Fred Junger. **Nays:** None. **Motion carried:** 6 ayes, 0 nays.

9c. – Application PSUP12-04 (Wind Energy Test Facility)

Applicant – Baker Creek Wind LLC, Ann Arbor

Owner – Glen Nethaway, 1500 N. Warren Road, Ovid

Site Location – Access from Warren Road

Tax Identification of Parcel – 78-005-10-100-002-00, Section 10, Middlebury Township

Ordinance Reference – Section 4.3.76

Chair Junger asked if the request had been properly noticed. Cordier stated it had been; a legal notice was placed within the Shiawassee Independent, the applicant, property owner, surrounding property owners, and the township received notice. Junger asked if there was any “ex-parte” contact from board members to disclose. Hearing none, he asked staff to provide a staff report.

Preston proceeded with a staff report noting this application involved property located in Section 10 of Middlebury Township on property owned by Glen and Barbara Nethaway with access from Warren Road. Request is a temporary 60-meter (197’) Met Test Tower on vacant agricultural land and is being proposed as the two previous requests presented by Baker Creek Wind LLC. Although nothing has been received from Middlebury Township, Doug Krebiehl, representing Middlebury Township’s Planning Commission is present. The applicant has provided a statement with the outstanding information that had been missing on the site plan and noted within the staff report when it was first submitted to the office.

Chair Junger opened the floor for public comment in support of the request.

Glen Nethaway stated he would hope the Planning Commission would move forward with this. It will be a good thing for the township and county and again asked the board to consider approval.

Doug Krebiehl, Middlebury Township Planning Commission, said it was reviewed at the township level and it was recommended for approval unanimously. A representative from Baker Creek Wind attended the regular township board meeting. Everyone was in favor of the request. The township felt this was new technology and welcomed the opportunity to have it in our township. The township felt it was a well thought out request.

Chair Junger agreed. This is for a test tower. If a permanent wind turbine is planned, they will be required to apply for a special land use permit and site plan for a permanent tower. The township and board will have another bite at the apple so to speak as it would be reviewed again.

Motion: Glenn Love Jr. moved to accept the same reasoning and conditions as approved in application PSUP12-03 (Zachary Loynes property) as approved in 9b. **Support: William Thelen.** Motion carried: 6 ayes, 0 nays.

Motion: Bonnie Ott moved to approve the Special Land Use Permit/Final Site Plan request for a temporary meteorological and wind testing facility as submitted by Baker Creek Wind LLC, Glen and Barbara Nethaway/property owners, to be located at 1500 N. Warren Road, and as legally described in Section 10 of Middlebury Township, (Parent Tax I.D. 78-005-10-100-002-00) based on the following reasoning and conditions:

Reasoning: 1. Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility meets the general standards as provided for in Article 12 of the Ordinance. 2. Subject to the conditions provided below, it is found that the petitioned special use permit for a Wind Energy Test Facility as provided for under Section 4.3.76, those provisions adopted specifically for the use of property for wind energy conversion. 3) Additional reasoning as presented by the Planning Commission.

Conditions: 1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information. Compliance shall be determined by the Zoning Administrator prior to the issuing of permits or authorized of construction of the petitioned use. 2. Compliance with the provisions of the Zoning Ordinance shall be determined by Zoning Administrator prior to the issuing of permits or authorization of construction of the petitioned use. 3. Additional conditions as required by the Planning Commission.

Support: John Griffin.

Roll Call: Ayes to Approve: William Thelen, Bonnie Ott, John Griffin, Henry W. Martin III, Glenn Love Jr., and Fred Junger. **Nays: Motion carried:** 6 ayes, 0 nays.

Discussion: Thelen asked if any of the parcels proposed for the wind farm were in the P.A. 116 program. The board was informed that the state has changed their guidelines so it would be similar in nature with oil and gas leases to allow for wind energy. Thelen asked that a copy be emailed to him.

10. Reports of Officers and Committees:

Ordinance Revision: Martin reported that the committee met earlier this evening and started reviewing the Zoning Ordinance. A draft copy of Article 1 was reviewed. The ordinance was being rewritten so all amendments are corrected and placed accordingly. Martin said the new format will be easier to read; it won't be in columns. Article 2 will be reviewed at their next meeting. The committee has been working on some amendments/updates to the Wind Energy language. Shiawassee County was one of the state's first county's to adopt language. Since it was first adopted in 2010, a couple amendments have been made to it. During our review of the language, it was felt an amendment was needed to give the language more strength. Martin said he was looking for approval to forward it on to the 14 townships for a fifty day review and recommendation period. Chair Junger noted because the request came out of the committee it is considered a motion. **Support: Junger** moved to support the request asking staff to forward the proposed text language out to the fourteen (14) townships under jurisdiction of the County Zoning Ordinance for a fifty (50) day review and recommendation period. **Motion carried: 6 ayes, 0 nays.**

Martin informed the board that the committee reviewed Outside Storage regulations for businesses located within the M-1 & M-2 (industrial) districts. The ordinance does not allow an accessory use (outdoor storage) on a parcel that does not have a principal use. The committee is looking for approval to

forward it on to the townships to amend Article 5, Section 5.3.2.C. It was also discovered in a recent amendment to this section that 5.3.1.A. (accessory buildings and structures) within the R-T District be amended to allow for accessory structures up to 200 square foot be amended to allow up to 600 square foot per unit or lot to allow for a small garage. **Support:** Junger. **Motion carried: 6 ayes, 0 nays.**

Martin noted the committee was working on other changes to the ordinance and would bring them forward when ready. The committee is tentatively scheduled to meet again on July 25th at 5:00 P.M.

Discussion: Griffin asked if they knew when a revised copy would be available due to the number of text amendments to the ordinance. Preston answered that the ordinance had been reformatted and the committee just began reviewing it earlier this evening. The committee will be reviewing a chapter at a time. When it has been completed, the office will have it reprinted. Digital copies will be available as well as the revised copy placed on the County's website.

Future Planning: Love stated he had nothing to bring forward. He noted that correspondence had been received from Woodhull Township of their intent to update their Township Master Land Use Plan. Preston added the committee will be looking to amend the County Future Land Use Plan as well.

Gravel Committee: Griffin informed the board that the group will be conducting their annual visits to the various gravel mining sites within the county towards the end of the summer (September or October) for compliance. Griffin asked if staff had met with Fitzgerald's to verify their grade. Preston stated he had. Fred Fitzgerald had shot elevations to show they were in compliance.

Land Division: Preston noted that he would be presenting the proposed Model Ordinance for Land Divisions at the Michigan Township Association (MTA) June meeting. The Land Division Ordinance is not a County Ordinance, it's a model ordinance proposed to the townships. If all the townships were to adopt the language, it would provide consistency throughout the county with the Land Division process.

11. Communications Received: Cordier stated the only correspondence received was from Woodhull Township with their Intent to update their Township Master Land Use Plan. Cordier informed the chair that the office had no pending applications or amendments that would be ready for the June meeting. Chair Junger stated unless there were objections he would cancel the June 27, 2012 Planning Commission meeting. Hearing no objections, Junger cancelled the June public hearing.

12. Director's Comments: Preston noted the County's Future Land Use Plan was five-years old and the Future Planning committee would begin working on amendments to the plan. Also, the committee will be finalizing the parcels within Perry Township that were recently voted on to be removed from the City of Perry and placed back in Perry Township. A designated zoning district for the parcels has to be determined and the Perry Township Zoning District Map amended accordingly.

13. Public Comments: None.

14. Adjournment: Thelen commented that with the economy and changes at the state level, he felt this board was still doing a Cracker Jack job. **Motion to adjourn: William Thelen. Support: Fred Junger. Motion carried: 6 ayes, 0 nays.** Meeting adjourned at approximately 9:12 P.M.

Recording Secretary: Linda Gene Cordier

Fred Junger, Chairman
Shiawassee County Planning Commission Chairman

August 22, 2012
Approval Date of Minutes

