

**SHIAWASSEE COUNTY PLANNING COMMISSION
PUBLIC HEARING/BOARD MINUTES
OCTOBER 28, 2015**

Call to Order: Chair William Thelen called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. on October 28, 2015. The hearing was held within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.

Roll Call: Present: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. Absent: none.

Also present: Peter Preston, Community Development Director and Matthew Lafferty, Land Use Planner.

Excused Absences: None.

Pledge of Allegiance: Chair Thelen led the Pledge of Allegiance to the Flag.

Proof of Publication: The board was informed that a legal notice of the scheduled hearing was placed within the Shiawassee County Independent Newspaper on October 11th, 2015. Chair Thelen declared the hearing as legally noticed.

Approval of the Agenda: Motion: Ott moved to approve the agenda as printed.
Support: Reno. **Motion carried:** 7 ayes, 0 nays.

Approval of Board Minutes: Motion: Horvath moved to approve the September 23, 2015 board minutes as printed. **Support:** Ott. **Motion carried:** 7 ayes, 0 nays.

Board of Commissioner Comments: None.

Call to the Public on Non-Agenda Items: None.

Old Business: None.

New Business:

Application Request #PSUP14-02

Applicant/Owner – Jessica Ocenasek

Site Location – 8400 Colby Lake Rd., Laingsburg, MI 48848; **Tax Id.#** 78-009-34-200-005-07;
Section 34, Sciota Township.

Request – Special Land Use & Site Plan approval to establish a Community Residential Care Facility.

Ordinance Reference – Section 4.3.17

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Lafferty states notice was October 11th, 2015.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Lafferty presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Jessica Ocenasek explains her proposal for the day care and gave a brief history about it.

Thelen called for other comments in support of the applicant. Hearing none, Thelen called for comments in opposition to the request of the applicant. Hearing none, Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Hearing none, Thelen asks the applicant for any rebuttal comments. The applicant had no rebuttal comments.

Thelen closed the public hearing.

The Planning Commission deliberated.

Lafferty presented the Finding of Fact.

Motion: Ott moves to approve PSUP14-02, Special Land Use Permit/Final Site Plan request for a community residential care facility as submitted by Jessica Ocenasek to be located on property as legally described in Section 34 of Sciota Township (Tax I.D. #78-009-34-200-005-07) based on the following reasoning:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use 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 site plan for an agricultural service establishment meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.17.

Support: Ebmeyer.

Roll Call Vote: Ayes to approve: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.

Application Request #PSUP15-05

Applicant – Apex Clean Energy, Inc. c/o Maple Rapids Wind LLC

Property Owner – Irish Family Farms, 1285 E. Birch Rd., Burt, MI 48417

Site Location – W. Juddville Rd., Elsie, MI 48831; Tax Id.# 78-002-30-400-001; Section 30, Rush Township.

Request – Special Land Use & Site Plan approval for a 262' (80 meter) meteorological evaluation tower (MET).

Ordinance Reference – Section 4.3.76, Wind Energy Conservation Systems

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Preston stated notice was October 11th, 2015.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Preston presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Brenna Gunderson and Holly McCoy-Nelson with Apex Clean Energy stated that they had acquired the project in 2014 and that this is part of a 28,000-acre project that they are considering.

Thelen called for other comments in support of the applicant. Justin Horvath stated that the wind towers have a helpful tax base and are economy boosters.

Thelen called for comments in opposition to the request of the applicant. Preston read a letter received by a surrounding property owner that was in opposition to the towers. (This applicant is a neighbor near the proposed site in Fairfield Township).

Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Hearing none, Thelen asks the applicant for any rebuttal comments. The applicant addressed the comments made in the opposition letter that was received. They stated that deer won't be affected and they are in the process of doing environmental studies with the Michigan DNR. The wind towers will add additional wear and tear to the roads and they will do a road study in the County prior to placing the towers and would work with the Road Commission. Applicant talked about the Renewable portfolio standards that states have to meet a percentage of renewable energy sources, which Michigan has already met.

Thelen closed the Public hearing.

The Planning Commission deliberated.

Preston presented the Finding of Fact.

Motion: Ott moves to approve Special Land Use Permit/Final Site Plan, PSUP15-05, MAPLE RAPIDS WIND LLC, request for a 80-meter (262') meteorological evaluation tower to be located on the north side of W. Juddville Rd., and as legally described in Section 30 of Rush Township (Parcel I.D. #078-002-30-300-001-01 & #078-002-30-400-001-01) based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use permit for a meteorological evaluation tower 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 site plan for a meteorological evaluation tower meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.76.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information.
2. Compliance with the provisions of the Zoning Ordinance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.

Support: Andrews.

Roll Call Vote: Ayes to approve: John Horvath, Robert Ebmeyer, Walt Saxton, Bonnie Reno, Steve Andrews, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.

Application Request #PSUP15-06

Applicant – Apex Clean Energy, Inc. c/o Maple Rapids Wind LLC

Property Owner – Zachary Loynes

Site Location – 7351 N. Baldwin Rd, Henderson, MI 48841; **Tax Id.#** 78-001-12-400-002, Section 12, Fairfield Township.

Request – Special Land Use & Site Plan approval for a 196' (60 meter) meteorological evaluation tower (MET). A MET had previously been approved under Permit #PSUP12-03 on May 23, 2012 which has since expired.

Ordinance Reference – Section 4.3.76, Wind Energy Conservation Systems

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Preston stated notice was October 11th, 2015.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Preston presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Brenna Gunderson and Holly McCoy-Nelson with Apex Clean Energy stated that this project was approved in 2012 and was never installed. Also, there will be no light on this tower.

Thelen called for other comments in support of the applicant. Hearing none, Thelen called for comments in opposition to the request of the applicant. Preston reminded the Board of the letter previously read from a neighbor near the proposed site in Fairfield Township.

Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Les Loynes, Fairfield Township Supervisor, stated that they were in support of the proposed MET towers. He also noted that Zachary Loynes no longer owns the property and that Scott Miller is the new owner.

Thelen asks the applicant for any rebuttal comments. The applicant had no rebuttal comments.

Thelen closed the Public hearing.

The Planning Commission deliberated.

Preston presented the Finding of Fact.

Motion: Ebmeyer moves to approve Special Land Use Permit/Final Site Plan, PSUP15-06, MAPLE RAPIDS WIND LLC, request for a 60-meter (196') meteorological evaluation tower to be located on the northwest side of the intersection of N. Baldwin Rd. and W. Allen Rd., and as legally described in Section 12 of Fairfield Township (Parcel I.D. #078-001-12-400-002-01) based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use permit for a meteorological evaluation tower 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 site plan for a meteorological evaluation tower meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.76.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information.
2. Compliance with the provisions of the Zoning Ordinance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.

Support: Horvath.

Roll Call Vote: Ayes to approve: Walt Saxton, Bonnie Reno, Steve Andrews, John Horvath, Robert Ebmeyer, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.

Application Request #PSUP15-07

Applicant – Apex Clean Energy, Inc. c/o Maple Rapids Wind LLC

Property Owner – Glen Nethaway

Site Location – 1500 N. Warren Rd., Ovid, MI 48866; **Tax Id.#** 78-005-10-100-002, Section 10, Middlebury Township.

Request – Special Land Use & Site Plan approval for a 196’ (60 meter) meteorological evaluation tower (MET). A MET had previously been approved under Permit #PSUP12-04 on May 23, 2012 which has since expired.

Ordinance Reference – Section 4.3.76, Wind Energy Conservation Systems

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Preston stated notice was October 11th, 2015.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Preston presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Brenna Gunderson and Holly McCoy-Nelson with Apex Clean Energy stated that the land owner has a signed lease with them and that no light will be placed on the tower.

Thelen called for other comments in support of the applicant. Hearing none, Thelen called for comments in opposition to the request of the applicant. Hearing none, Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township.

Hearing none, Thelen asks the applicant for any rebuttal comments. The applicant had no rebuttal comments.

Thelen closed the Public hearing.

The Planning Commission deliberated.

Preston presented the Finding of Fact.

Motion: Reno moves to approve Special Land Use Permit/Final Site Plan, PSUP15-07, MAPLE RAPIDS WIND LLC, request for a 60-meter (196') meteorological evaluation tower to be located on the property as legally described in Section 10 of Middlebury Township (Parcel I.D. #078-005-10-100-002) based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use permit for a meteorological evaluation tower 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 site plan for a meteorological evaluation tower meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.76.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information.
2. Compliance with the provisions of the Zoning Ordinance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.

Support: Horvath.

Roll Call Vote: Ayes to approve: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.

Application Request #PSUP15-08

Applicant – TowerCo. c/o Ben Varney, Pyramid Network Services, LLC.

Property Owner – Van Agen Enterprises, LLC

Site Location – V/L Bancroft Rd., Bancroft, MI 48414; Tax Id.# 78-015-12-300-001, Section 12, Antrim Township.

Request – Special Land Use & Site Plan approval for a 195' monopole Communication Tower and associated equipment within a 10,000-sf leased area.

Ordinance Reference – Section 4.3.16, Communication Towers

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Lafferty stated notice was October 11th, 2015.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Lafferty presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Ben Varney representing TowerCo. said that the tower is designed for co-location and that Verizon will be the first to be on the tower. He had received an email earlier in the day from Verizon saying that they are changing the equipment shelter to cabinets. No lighting is proposed on the tower and he does not anticipate it will need lights. The tower is a ways off from the road and there is some brush and trees to screen it. He presented the current and future propagation maps.

Thelen called for other comments in support of the applicant. Hearing none, Thelen called for comments in opposition to the request of the applicant. Hearing none, Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Lafferty had stated that Antrim Township had waived the 50 day review period and approves the request.

Thelen asks the applicant for any rebuttal comments. The applicant had no rebuttal comments.

Thelen closed the public hearing.

The Planning Commission deliberated.

Lafferty presented the Finding of Fact.

Motion: Walt moves to approve Special Land Use Permit/Final Site Plan, PSUP15-08, TowerCo, request for a 195' monopole communication tower, a 10' by 11' (110-sf) equipment shelter, a 1,000 gallon propane tank and a propane-powered emergency generator within a 100' by 100' (10,000-sf) leased area, as submitted Pyramid Network Services on behalf of TowerCo, to be located on the east side of Bancroft Rd., and as legally described in Section 12 of Antrim Township (Parent Tax I.D. 78-015-12-300-001) 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 wireless communication tower and associated facilities 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 site plan for a communication tower meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.16.

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 Community Development Director 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 Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.
3. That an exterior turn-around space outside of the fenced site compound be provided.

Support: Ott.

Roll Call Vote: Ayes to approve: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.

Committee Reports:

Ordinance Revision: Ott said that they did not meet this month and that the next portion of the Ordinance to be reviewed is Article 4.

Future Planning: Preston said that he is working on converting the 2007 document and that the updated demographics and mapping had been done.

Parks and Recreation: Reno said that they met on October 27, 2015, and had a guest speaker present to share information. He presented a plan to encourage the Townships to be included. They had voted to approve a Parks and Recreation Mission Statement which is posted on the website. They had also approved the 2017 schedule.

Gravel Committee: Lafferty said that they visited the Fitzgerald site in New Haven Township and the Searle's in Woodhull Township. Fitzgerald plans to create an approximate 3-acre pond after excavation ends. Searle's is still excavating under the first phase of the proposed special use permit. Their permit is to expire soon and they plan on seeking the renewal of the current site plan.

Communications Received: None.

Directors Comments: None.

Public Comments:

Adjournment: **Motion:** Ebmeyer moved to adjourn. **Support:** Reno. **Motion carried:** 7 ayes, 0 nays. The public hearing adjourned at approximately 9:05 P.M.

Recording Secretary – Matthew Lafferty

Approval Signature,
Shiawassee County Planning Commission

Approval Date

DRAFT