

SAUGATUCK TOWNSHIP PLANNING COMMISSION

January 24, 2011

The Saugatuck Township Planning Commission met on January 24, 2011, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Darpel, Edris, Hanson, Rausch and Rowe

Absent: Milauckas

Also present: Planner Sisson, Zach Bossenbroek (Southwest Michigan Wind Energy Development), Daniel Nally (Holland BPW), two reporters and various members of the general public.

At 7:00 P.M. Chair Edris called the meeting to order. Minutes of November 22, 2010, were amended Page 1, 3rd paragraph, by adding “that before adoption” after “He was told...” (Hanson/Rowe). Minutes of the January 10 workshop were approved (Rowe/Conklin).

Public Comment: Vicki Lepior, 2495 62nd St., voiced her disapproval of the decision to put a road through a wetland near her home, saying the Planning Commission and the Planner have not done a good job, that they have cost her a lot of money, that they are only interested in protecting their own neighborhoods, and that the Zoning Administrator ignores the zoning when making decisions. She called for their replacement.

Dayle Harrison, 3108 62nd St., asked when there would be a review of the Tri-Community Plan, and Edris answered he did not know whether there might be changes which would call for a hearing. Edris added that the Township Planning Commission will finish up its review January 31, and on February 8 the Joint Planning Committee will meet on this issue at the Dutcher Lodge.

There being no further public comment, Edris opened the public hearing on the proposed Wind Energy Turbine Ordinance, Article XX. Secretary Rausch read the notice published in the newspaper. Edris said he has received no requests for formal presentations for or against this ordinance.

John Renaldi, 2848 63rd St., asked several questions: Have other township plans have been consulted? Can wind rights be sold like mineral rights? Are these for personal use or are they wind farms? Do they disrupt bird migrations? Will style changes be taken into consideration? Have solar panels and hydro power been considered? He offered to sit on a panel to devise an alternative energy plan for the area. Edris explained that in 2008 the State passed a law requiring utilities to generate 10% of their power via renewable sources, starting in 2012. The Township is responding to that with this ordinance.

Sisson said the ordinance is designed to accommodate small wind energy turbines (WET's), tower or structure-mounted, in all zones with height limit of 65 feet, large WET's for commercial generation of power via SAU in the agricultural or industrial

zones with height limit of 500 feet, and provide noise and shadow flicker control and a complaint process. He said power companies would have to secure leases from the property owners. Edris added that the ordinance requires a monopole, not lattice, and is aimed at current technology. Hanson mentioned that the ordinance requires a study of the impact on the environment and natural species.

Lepior said she didn't hear any of the negatives about WET's, like noise, eyesores, throwing ice, blades breaking up in high winds, towers collapsing through houses, gear boxes burning or exploding, how expensive it is to repair WET's, interference with radar, etc. She provided photos of some of these disasters, and she wondered why we would want this in Saugatuck Township if the township would not benefit from that energy production.. Edris admitted there are negatives, but the Ordinance is designed to protect from them. Decommissioning requirements are included in the ordinance for when WET's are no longer used. The utility company generates power to the grid, and our power comes from other places.

Renaldi offered sevendgenerations website for information on new towers which do not have gears. Edris said the business which installs WET's would have to be up-to-date on the technology. Sisson said maintenance schedules used to be included in ordinances but they were impossible to enforce.

Lepior wanted to know what happens if the owner doesn't live where the turbine fails, who monitors it? Why not put WET's 5 miles out in Lake Michigan? Edris said there is a study going on in Michigan about that now, and he agreed with her, but the Township has no authority over that. Hanson added that if there is no ordinance controlling WET's, the only control the Township would have is a height limit, no other issue would be considered. Sisson read provisions for complaint about noise from the ordinance.

Harrison thought there should be background noise level monitoring in different seasons of the year throughout the township. He said he understood WET's have a negative effect on property values, and he wanted to hear more about long-term planning.

Renaldi said he would not rely on a power company for accurate noise level readings. Sisson pointed out that the ordinance requires the "sound be measured by a third-party, qualified professional." Edris said the township could compile a list of those professionals and require applicants to use them

Daniel Nally, Holland Board of Public Works, said these large WET's cost 3 or 4 million dollars each, so a company is not going to install them if they might fail a sound study or be a source of confrontation. He thanked the Planning Commission for all their work over the past year and said he thought this ordinance was a good compromise, but the sound requirements are "tough." He mentioned that this area is one of the top areas for wind and other neighboring townships are working on this too. Lepior wanted to know when they would be going door-to-door, and Nally said the Holland BPW is working through Southwest Michigan Wind Energy Development, and they can't build WET's without easements from the property owners.

Lepior then asked Rowe what WET's would do to property values, and he responded that he is not an appraiser and towers affect different people differently.

Larry Sybesma, Laketown Township, asked if there is an ordinance in place, said there is "room for all," lamented the anger exhibited at this meeting, suggested wind energy might be a regular thing in the future, and called for wisdom. Rausch said the full text of the proposed ordinance was available in the township office.

In response to another comment by Lepior, Edris said the P. C. looked at several ordinances and Ottawa County's seemed the best for this area, but then modifications were made to come up with what is proposed here. It was pointed out that the turn-out for this meeting was not as big as expected, and Hanson said residents could send a note if they cannot attend the hearing. Sisson mentioned that this is the second hearing on the wind energy ordinance.

Lepior asked who takes the tower down if the company goes out of business, and was told that a bond is required of the applicant at the beginning of the process. Further she wanted to know what controls there were for transporting the towers, and was informed that the MDOT or County Road Commission would have control over that.

Harrison wanted to know how many units might be put up, and Hanson said according to Sisson's map, October 10, 2010, twenty might be possible in the township purely from a zoning standpoint, possibly eight on Helder's property behind Lepior's. Nally said they would have to float bonds to fund such a project. Harrison asked about the distance between units, and Sisson gave the technical answer.

Motion to close the public hearing by Rausch, supported by Rowe, carried.

After discussion of Sisson's memo of January 14, the P.C. considered adding to Sec. 40-1126 (d) (4) (11) of the proposed ordinance the phrase "or 35 dBA whichever is the lowest reading," after the provision for allowable noise from WET's of 5 dBA above the ambient sound level present between the hours of 9:00 p.m. and 9:00 a.m. Previously there was no cap on noise level in the ordinance, and Nally wasn't sure he could achieve that. He said other townships were stopping at 5 dBA over ambient level. Also consensus seemed to be that Sec. 40-1126 (j) dealing with noise complaints should be reexamined because it was discovered that an aggrieved lot owner who wants to complain might have to pay quite a lot for a test by a professional. Edris asked Sisson to work with Nally to find out how much such tests cost and propose a solution that is neither prohibitive to the land owner nor harassing to business. The other issue to be clarified is to list those professionals who would do the testing. The decommissioning bond requirement also might need to be revised. There was some question about where to take the noise level readings from, and Hanson said he thought they should be taken at different seasons of the year.

Hanson made a motion, supported by Conklin, to table the proposed Wind Energy Turbine Ordinance to the February meeting. Motion carried.

After a brief recess, the meeting reconvened at 9:47 P.M. to consider Sisson's proposal for rules for bringing zoning into compliance with the lot lines, without changing the zoning, so the property owner could determine in advance how to develop his property when it lies within two different zones. He was asked to provide a list of most restrictive to least restrictive zoning. In his memo of January 6, are the proposed changes to Sec. 40-106 and a proposed additional Sec. 40-107. Sisson said this is a text change and should not require individual property owners to be noticed for a hearing. The P.C. decided to submit it to the attorney for his review.

Meeting adjourned at 10:30 P.M. The next meeting is a workshop on the Tri-community Plan January 31 from 4:30 to 6:00 P.M. The next regular meeting is February 28 at 7:00 P. M.

Recording Secretary, Betty A. White

Secretary Sandra Rausch

MOTIONS

1. Motion by Hanson/Rowe to approve November 22, 2010, minutes as amended.
2. Motion by Rowe/Conklin to approve January 10, 2011, workshop minutes.
3. Motion by Rausch/Rowe to close public portion of hearing on proposed Wind Energy Turbine Ordinance.
4. Motion by Hanson/Conklin to table proposed Wind Energy Turbine Ordinance to February meeting.