

LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes
Wednesday, June 24, 2009

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Colletta. Ehrlich, Lalley and Hartsell were present along with approximately 70 guests. Geppert absent.

Motion by Ehrlich to approve the minutes of May 27, 2009, seconded by Hartsell. Motion carried – all ayes.

Motion by Lalley to approve agenda, seconded by Hartsell. Motion carried – all ayes.

Correspondence. Memo from Valerie McCallum with letters sent to Huron County regarding complaints from residents living within Michigan Wind I in Ubyly.

Site Plan Review: Site plan application submitted by Konke Construction on behalf of Charles and Jean Smith, 5164 Port Austin Road, for an addition to an existing structure. Motion by Hartsell approving site plan, seconded by Ehrlich. Motion carried – all ayes. Lalley not included in site plan review.

Colletta opened the Public Hearing portion for comments on the Draft Wind Ordinance. Colletta indicated that comments should relate to the zoning aspects and not economics insofar as tax revenues. Colletta and Lalley read portions of the draft ordinance prior to comments.

Comments regarding the draft ordinance were heard from the following individuals:

Jeanne Henry asked about technology upgrades to wind turbine designs and wanted to make sure the ordinance doesn't lock the Township into an outdated type system.

Mark Krebs presented copies of plat maps and commented that according to the draft ordinance there will be no wind turbines in the Township.

Charles Henry commented that the ordinance is comprehensive, believes in alternative energy sources, but believes an ordinance needs to protect the rights of neighbors with appropriate setbacks, needs to protect the property values of all residents in the Township not just a select few and the quality of life of residents. He stated he can attest to sleep deprivation after being driven out of his former home in Ann Arbor due to noise. He stated he would like to see the

existing quiet and view shed protected, is in favor of the ordinance and would like to see it supported.

Gerry Simmons read letters in opposition of the ordinance from Frank Pytlowany of 6647 Van Road, Donna Kretzschmer, who has wind turbines on her land, and Phyllis Snyder of Elkton and 5350 Port Austin Road, Caseville. She stated she lives near Rush Lake and sees ducks and airplanes flying overhead and the ducks go around the airplanes.

Gloria Zarembski read letters in opposition of the ordinance from herself, James Eddy, Joseph Slotnick and Earl Larremore.

Pat Smith stated the administrative costs within the ordinance are excessive and unreasonable, there is no differentiation between commercial and private residential turbines and the administrative costs should not apply to private residential turbines.

Kurt Damrow wanted to discuss tax revenue. Colletta stated that tax revenues are not pertinent to planning and zoning and would not be discussed at this hearing.

Grady Nance of DTE read prepared written comments that were provided to the planning commission and to anyone interested following the meeting. Nance stated, in part, that the draft wind ordinance is bad for the residents of Lake Township, has unreasonable and unworkable limitations on developments, is confusing, exclusionary, lacks scientific basis and needs to be rewritten to be respectful of Lake Township's shoreline and agricultural heritages while allowing responsible wind development. Nance reviewed the setbacks within the ordinance and how it limits any development. He stated the USFWS three mile setback is outdated; the noise section is vague and confusing and is not based on scientific data. He stated that the planning commission should invite DTE and others to assist in formalizing a new draft.

Mike Serafin commented on using studies with controlled populations to make determinations and provide a scientific basis.

Ron Chris of Corporate Governmental Affairs of DTE commented on what he has felt is a lack of transparency in developing the wind ordinance, that the job of the planning commission is to adopt an ordinance that is the most good for the most people. He stated DTE feels their position has been compromised by strong arm tactics going on with this ordinance and that DTE wants to do things the right way and they are being challenged in Lake Township.

Charles Parcels from Huron Township commented that he has looked at existing wind farms in other states that have been in existence for some time and noticed that there are no houses around them. Wind turbines in Huron County will reduce the population and reduce the value of real estate and Huron County will become more like the older wind farms in California with no homes and no people. He stated he is concerned about the people.

Jeanne Williams commented on the anti-wind statement made, stating that not one person on the planning commission is going to gain one dollar by being anti or pro-wind. She stated that the planning commission is proposing regulations in order to protect our township and the ordinance may be a bit restrictive but it can always be changed. Mrs. Williams also commented on Mr. Chris' statement "the most good for the most people" and whether he was referencing the Fabian society of the 1800's and George Bernard Shaw, who also believed in the most good for the most people.

Mary Nowak of Bingham Township stated she has three wind turbines behind her house and they sound like jets going over whenever they are running. She recommended not allowing these turbines near people's homes stating that if allowed, the environment will never be the same.

Janet Sageman of Ubley stated she has five turbines less than ½ mile from her house. She stated they let the commissioners push through the county's wind ordinance and advised the planning commission not to let DTE's representatives "guilt you" into anything. We didn't create all the gas and emission problems. Don't let them ruin our county. Our life in Ubley will never be the same, our property values – no one wants to live in a house that close to the turbines. I have to sleep with a fan on at night. In the middle of winter it sounded like a jet and a train coming through my house. Contrary to Mr. Lundberg's comments in the Bay City Times, money has absolutely nothing to do with it. Nothing. We had a beautiful county and now they are in our backyard and it's ruined, they are there forever. Governor Granholm made the stipulation that these big companies have to have these wind farms and we in Ubley did not question it enough and now they want more in our county. She commented that the planning commission is doing the right thing by their taking time.

Gene Champagne of Elkton agreed with Ms. Sageman and asked that the record be corrected from the beginning of the meeting when

Colletta was reading, to state that he lives 1,400 feet from wind turbines in the Harvest Wind Farm, not 1,300 feet.

Dave Brady commented on the environmental portion stating he talked to Karen Cleveland, the contact person in the Michigan DNR for wind turbines and that according to his conversation with her wildlife is minimally affected by wind turbines in this area based on studies done and believes the draft ordinance as written is too restrictive and is opposed to it. He also stated that the Rush Lake Wildlife area is a State Game Area, not a refuge or preserve which means it is open to all sorts of activities.

Kim Chapman, Applied Ecological Services, Minneapolis, Minnesota, a wildlife researcher hired by DTE to study birds and bats in the area. Commented that the ordinance is comprehensive but the challenge is scientific evidence to develop specific setbacks. He has been studying the thumb area over the last three years and stated that he can't find any eagles nests in Lake Township, although they have located a number in the area, stated that waterfowl are able to see the wind turbines and go around them so mortality rates are very low, that the 2003 USFWS interim guidelines referenced in the ordinance will be changed this year and also there is no designated federal critical habitat in Lake Township.

Eddie Duncan of Resource Systems Group, an acoustical consultant hired by DTE to review the draft ordinance in terms of noise. He stated it is his job to objectively evaluate wind projects and ordinances. He provided a written review by his company of the draft ordinance but wanted to highlight some questions such as the goal of the ordinance in terms of noise standards, whether it is to protect the health and well being of citizens or severely limit or impact wind development in the township. He commented that the ordinance is not understandable or is lacking in explanations in order to make it more understandable. The ordinance is not consistent with other wind ordinances. Also commented on problems with the definitions, the credentials of experts and instrumentation requirements and that measurements and modeling requirements are not practical and the ordinance is not scientifically based.

Clay Kelterborn stated he is in favor of the ordinance, knows the amount of work that has gone into the preparation of the ordinance, that it is comprehensive and that is important in a community like Lake Township, which is a unique township in Huron County. The threats regarding the state stepping in and taking zoning control area if we are too comprehensive in our planning is nothing new. He

stated he heard that for years as Supervisor relating to other matters, but a community has a right to plan for itself. He stated he met with Terry Brown last year and Brown reassured him that the state has no interest in taking away local control, that a community has a right to self governance. One of the responsibilities of the planning commission is the public health and safety of its residents. DTE wants to talk about economics. He stated he has attended county meetings and they talk about economics, but our planning commission is interested in the public health and safety of its residents. He stated there is an opportunity for us to learn from other communities and be proactive instead of reactive. Our county is now reacting to issues that they didn't have the foresight to see in regards to wind energy. If you spend any time talking to people living within a wind development there is undeniably a certain segment of that population who is impacted and again I think it is a basic function of a planning commission to address those issues. DTE stated that this planning commission was doing a disservice to its citizens. He stated he is not aware of any planning commission member having any financial interest in a wind energy system as does DTE so it would be nice to see a little more constructive criticism coming from DTE representatives rather than slamming the planning commission for an unwillingness to participate in dialogue. It has also been said that our ordinance is confusing. Maybe it's not confusing but it's challenging. Good planning builds a tax base. For a number of years as Supervisor I heard the comment about tax base and building the tax base. We always focused on good comprehensive planning and we were criticized for it. During my years as Supervisor of Lake Township our tax base grew phenomenon because of good planning. Wherever I went in the county I heard people say Lake Township is a nice place to live, they have people on their planning commission who care about its residents, they listen, they're concerned, they have a clean community, they adhere to codes and they are concerned about the future, not short term gain. I think that the ordinance that Lake Township has proposed for its community is not doing it a disservice. I believe it's done a wonderful service to our community.

Rob Currie of Clinton County, Michigan stated that they are experiencing the same situation in their county. Our county wants to adopt the 1000 foot setback and we found no documentation supporting that. He belongs to the Michigan Wind Working Group, knows what the state is forcing upon DTE and other utilities, but he has gone through every ordinance he could find and maybe Lake Township's ordinance is too restrictive for some and not enough for others, but they have been watching Huron County and hear nothing

but complaints with no resolution for those individuals. NREL and Jeff Logan recommend at least .6 miles from homes. Three townships in Clinton County have filed moratoriums with their county to cease and desist from developing an ordinance. He stated he cannot find any evidence that supports installing these developments. He stated you have to make sure you are benefiting the economy and the community. He also stated that the State of Michigan ignored a lot of its own research, specifically one from Lawrence Tech recommending sound regulations was ignored and that developer's noise studies are always underestimated.

Ken Woeber of Clinton County stated he is a dairy farmer who was approached to sign a wind farm lease and declined after doing the research himself and determined he could not accept these wind turbines on his farm nor subject his neighbors to these. He stated that it is well researched and documented that sound pollution coming from these wind turbines has a very debilitating effect. He stated that Lake Township's ordinance is well researched and that the state's recommended guidelines have no scientific research and were put together at the national level for each state by the wind industry for their profits. He stated that around the world and across the country communities are changing their regulations to increased setbacks, up to two miles in some countries. He stated that if turbines do not fit into our area it is the problem of the developer to solve the noise issues first and if new technology or studies come along that show these turbines can be safely placed closer to residences, the ordinance can then be changed, but once these turbines are constructed, they will be here to stay.

Curt Watchowski of Ubly (Bingham Township) read a statement describing the affects the wind turbines in Ubly are having upon him and his family, including sleep deprivation, headaches, dizziness, ringing in the ears and chest palpations, chronic sleep disturbances being the most serious. He stated these issues are not isolated to the Ubly area but are occurring world wide from people living near wind turbines. He stated that Bingham Township was a testing ground and they have been the test subjects. He feels that the process was flawed and recommends a one mile setback from homes to protect the health and rights of neighbors. He asked where the studies are that prove the wind turbines do not cause these problems.

Frank Peplinski of Ubly (Bingham Township) shared his experience living within the Michigan Wind I development. June 13, 2009 11:17

PM woke up with a steady humming in my ears and chest. Could not hear it, but could feel it. Blood pressure 122/62, heart rate 55. Had a headache. Could not sleep. Left bedroom, turned on TV and fan. Finally feel asleep, 3 PM. My wife: June 19, 2009 Cleaning my closet in my bedroom. Felt shaky inside with irregular heartbeat Went downstairs 8 AM to basement. The sound and vibration is unreal. It was like being tortured in my own home. Pressure in my head, very shaky. The wind was from the south. Wind direction changed and my symptoms went away.

Paul Beck asked where transmission lines will be located, no one knows. He stated that global warming is a big issue yet no one has come up with any scientific proof that there is global warming, that Ted Kennedy killed the wind farm on Martha's Vineyard and must have had a good reason and if wind farms are so good in Lake Township, maybe we need to locate them at our politician's places in Lansing, Washington, D.C. and other locations. He also stated that Michigan doesn't need the power because our industrial base is gone and will never come back, the electricity that DTE is going to generate will not be for the State of Michigan but will be sold via carbon credits.

John Tait stated he doesn't want to see the turbines next to people's homes but didn't agree with one mile setbacks from the road.

Neil Rohner wanted to know if the ordinance was drafted in order to not allow any windmills in Lake Township. He objected to the planning commission drafting an ordinance without input from DTE and taxpayers. He stated no one likes the ordinance because it hasn't been given a fair chance. He stated DTE has the experts and it appears that the planning commission's time and efforts have been wasted hours and wasted money.

Bob Siver stated he is generally in favor of the ordinance but suggested that perhaps it is time to pause since DTE's data as far as wildlife isn't in yet and in the news lately are the problems in Ubyly and the efforts of the County Commissioner's in putting together some type of study. He stated it could be premature to write any kind of setbacks until the data is in since it seems like a large part of the regulations have to do with setbacks. He also stated that there is another part of the regulations that has to do with conflict resolution in regard to people impacted and since the board represents the interest of all the people in the Township and as DTE said they want to do the most good for the most people that would include people who are not participating in the development like the people from

other townships who have commented about the problems they are having because of the turbines in their area.

Valerie McCallum commented on the appropriateness of taking the time to wait and see what is happening in the two wind projects in Huron County considering the problems coming to light from those developments with noise and health complaints and the fact that it is not appropriate that DTE, the developer, should assist in the writing of an ordinance.

Bev Herford stated that they own property in Oliver Township and their shop is within the Harvest Wind Farm and they do not have any problems with noise and would like to see some compromise in the zoning ordinance with a 1,500 foot setback.

Walt Kloc commented that the ordinance is very restrictive and is bothered by the subjective nature of much of the ordinance making it unenforceable. He stated he feels farmers have the right to do what they want with their property while considering their neighbors. He stated that everywhere in the state more agricultural land is being taken away and by allowing windmills it is a way to preserve that land. He also felt there was too much time spent on determining a market value for properties affected by windmills.

Yvonne Bushey stated that Lake Township has 5.7% of the people living in the rural area, the view shed. 57.7% of the land mass is agriculture. Recreation is 1.4%. The wildlife and the preserve of Rush Lake take up 23%. 11% is vacant land. She presented a graph showing a circle of the total households in Lake Township based on 860 households although she later found out that there are actually 1,300 households which will change the graph somewhat. She stated she drove around all of the view shed area of Lake Township and that there are 55 homes, some of which are the landowners homes who have signed easements, so take away 20 from 55 leaving 35 households that may be affected by wind turbine placement. She suggested discounting another 5% because of those homes located near the river area and woodlands leaving 30 households that may be affected out of a total of 1,300 households, which is approximately 2.4% of the total population that may be affected by viewing a wind turbine or having one nearby. She stated she feels 1,500 from a nonparticipating resident is appropriate and that the ordinance as written does not allow any turbines to be put in Lake Township. She also addressed the environmental issue by commenting on the health affects and environmental damage from coal fired plants.

David McDonald of Bad Axe stated he is looking for property in the area. He stated ground transmission, low frequency vibration and sound is something that needs to be covered in an ordinance. He stated when he lived in Broken Rocks, every time there was a storm he could feel it in his home which was built on bedrock.

Rick James stated he gave a presentation to Lake Township last year on what would be a good ordinance. He commented on medical studies and health issues and stated that most of his current work is working with people who are having severe health issues who live within wind developments in Uby, Illinois, Wisconsin, New York, Maine and every place where wind turbines are within about a mile of homes. He stated that not everyone is affected but people with predispositions are most likely to be affected. He stated that this is a country where the majority have to protect the minority. Public government has an obligation to make sure that what is done in a community does not harm anybody and that there are many people living with wind turbines who are showing signs of health affects. He stated that Lake Township's ordinance guidelines are based upon protecting the most sensitive people. He commented on statements made regarding science and controlled experiments stating that we have a controlled experiment in this community with people who are common from one township to the next and turbines were put in and we now have people who are having complaints. He stated he has no interest in wind turbines and is only talking about what he sees in this community. He stated that the Huron County ordinance does not protect its residents and is leaving a minority at risk. He stated that the wind developers' experts come up with different results than independent experts so proceed with caution. The facts are already in; we are reading them in the newspaper. There is no reason why the Lake Township community should be subjected to the same types of problems that we know are happening in other townships.

Crystal Yaroch commented that it is unfair to say 30 homes or 35 homes might be harmed or might have to put up with these wind turbines and asked Mike Serafin whether he has a wind turbine in his yard. She stated that she does not think she should suffer, that she pays her taxes and follows the rules. She stated she looks at Elkton's turbines every night and has friends that hear them in their houses. She has people call her due to problems with TV antenna interference. She stated she has enough health problems with the dairy farm across the field and doesn't want more problems like the people in Uby are experiencing. She asked what the benefits will be, what DTE will be doing for us and stated that her electric bill went up.

She stated she lives on West Kinde Road and goes without power at least five times a year and has bought a generator. She stated she does not want a wind farm a mile from her house, that it is unfair to pick on a few people and suggested putting them out in the water where there's a lot more wind.

Mike Serafin stated the current ordinance does not allow any wind turbines in Lake Township and needs to be reworked to allow some middle ground.

Russ Lundberg commented that he recommended locating a wind farm or anchoring part of a wind farm in the southeast quarter of Lake Township where it wouldn't be seen from the shoreline and would protect shoreline residents from its impact and also the Rush Lake Game area and also achieve a very viable agricultural preservation policy. He stated that the one thing that Commissioner Damrow forgot to say and one thing that Colletta didn't say that he said was that he was referring to some standards other than what is in the ordinance. He stated the ordinance is not in a compatible fashion that would be comparable to Huron County's Master Plan and agricultural preservation. He also stated that economics should be part of the planning process.

Commissioner Damrow stated commissioners are busy working on many issues and that the legislative committee began working on studying the wind ordinance prior to receiving complaints from residents in Ubyly. He stated he does believe the issues in Ubyly are health issues and quality of life issues and the committee meets every Thursday at 4 PM. He stated that the State has mandated a 10% renewal portfolio and that he thought the planning commission was going to work with DTE to make an ordinance that would allow wind development while keeping the windmills as far away from any residence as possible.

Dan Depner stated he is one of the 2.5% residents and requested that the planning commission needs to make wise decisions to protect the people that will be most affected. He stated everyone should ask themselves what is more important, the money/revenues or the impacts on the few individuals, however many there may be.

Yvonne Bushey stated that the Ubyly turbines may be different from the Elkton turbines and that may be something that needs to be studied further.

(Public hearing closed.)

Colletta asked for any comments from the planning commission members.

Ehrlich stated that something needs to be done with respect to the setbacks.

Hartsell suggested coming to some medium.

Tim Lalley agreed the ordinance is restrictive, but stated that the planning commission has collected a lot of information and may be there are sections in the ordinance that need to be looked at more thoroughly but although there are only a few households in the area that will be affected, it is a huge responsibility of this planning commission to make an ordinance that is going to affect anyone in a negative way. He stated the planning commission probably does need to address some of the issues and is willing to meet with DTE and have some dialogue. From the beginning he stated he has never been anti-wind, just concerned about the siting. He stated the information from USFWS was a recommendation, but it gave the planning commission a starting point and is a recommendation from a government agency and that the ordinance is actually going contrary to those recommendations. He stated that even with the setbacks in the ordinance, if a property owner wants to sign off and allow them closer to their homes, they can do so. He stated he has concerns inasmuch as the planning commission is only a recommending body and he doesn't feel the Township Board based upon their most recent actions in not approving the MTA Governance Pledge will support the planning commission and do what is best for the community. He stated that once these turbines are built, it will be very difficult to rectify the problems short of turning them off, which DTE isn't going to want to do. He stated the Township needs to take the time now and watch what is happening in other areas of the county. He stated it is obvious that the county's ordinance is a bad ordinance based upon the complaints coming in. He stated that he believes Lake Township's ordinance will be better and will protect the people of the township and that he is confident that the planning commission can come up with an ordinance that will work.

Colletta stated that a motion was made at the last meeting that the planning commission would meet with DTE and the Township Board and if acceptable, he would recommend a meeting during the next Township meeting. Supervisor Smith suggested starting the meeting at 6:30 P.M. Colletta asked Smith to secure the Outdoor Center for the meeting. Colletta also stated he takes umbrage with the fact that the County Commissioner and Planning Director walked out of the

meeting after public comments without listening to the planning commission's comments. He stated that the ordinance may be restrictive, but it will likely be a model for other communities within the state and that he has received calls from people throughout the state.

Ron Chris stated the ordinance is pretty restrictive but is glad the planning commission is willing to meet with DTE. He also apologized for any strong arm tactics.

Old Business:

Building Height: Colletta stated the planning commission had received a petition with 164 signatures which stated:

"We, the undersigned, as property owners and/or residents of Lake Township, Huron County, Michigan, are in support of proposed amendments to the Lake Township Zoning Ordinance that would revert from a 28' structure height to a 35' height for the following reasons

1. To meet floodplain restrictions when owner desires a basement and/or a second floor.
2. To correspond with neighboring townships building heights.
3. To allow greater roof pitch for less snow accumulations in winter.
4. To allow greater roof pitch for aesthetic purposes.
5. To reverse the non-conforming status of some existing buildings."

Colletta stated they reviewed the signatures. 70 signatures were residents from the north side of M-25 and 16 signatures were from residents on the south side of lake view residents, with the remainder of signatures being from non-affected residents or residents not within the general shoreline vicinity. Colletta stated that he had also reviewed the zoning requirements from other townships as submitted by Supervisor Smith and asked for input from other members.

Hartsell made a motion to recommend changing the height to 35'. No second.

Lalley stated that since the ordinance became effective there have only been four variance requests to go higher which were granted to only 29.5 feet and believes there are over 90% of people who support the existing ordinance.

Ehrlich stated he was not in favor of increasing the height, would agree to 32 feet but not 35.

Colletta asked for comments from those in attendance.

Neil Rohner commented that people on the shoreline want to do what they want with their property and be able to build a two story house with an appropriate roof line.

Yvonne Bushey suggested that many people possibly change their building plans after reading the criteria for the granting of a variance.

Motion by Lalley to leave the ordinance as it is, seconded by Ehrlich. Three ayes. Hartsell nay.

Next regular meeting of the planning commission – July 22, 2009 at 7 PM. The planning commission will be meeting with the Township Board at their regular meeting in July at 6:30 PM at the Sleeper State Park Outdoor Center with DTE representatives, also.

Motion by Lalley to adjourn, seconded by Ehrlich. Meeting adjourned at 10:30 PM.

Minutes transcribed off video recording by Valerie McCallum, Clerk