

**June 7, 2017**

**Huron County Planning Commission Minutes**

A meeting of the Huron County Planning Commission was held on June 7, 2017, in the Huron County Meeting Room, Room 305, County Building, Bad Axe, MI 48413.

**1. Call Meeting to Order**

The meeting was called to order by Chairman Bernie Cregeur at 7:00 p.m. with the Pledge to the United States of America. Secretary Jeffery Krohn, called the roll of members: Roll call - Members present: Charles Bumhoffer, Bernie Creguer, Carl Duda, Terry Heck, Jeffery Krohn, Robert McLean, Dr. Robert Oakes, and Ken Walker. Members absent/excused: Mary Babcock. Others present: There were approximately thirty (30) people in attendance, including: Jeff Smith, Planning/Building & Zoning Office Director and Mickayla Bischer, Recording Secretary.

Robert McLean suggests amending the agenda to discuss timeliness of receiving meeting material prior to meetings during New Business.

Dr. Robert Oakes made a motion, seconded by Robert McLean to approve the agenda as amended. Motion carried.

**2. Approval of Minutes**

The reading of the May 3, 2017, regular meeting minutes and May 10, 2017 special meeting minutes were waived. Member Carl Duda made a motion to approve the May 3, 2017 and May 10, 2017, as presented. Motion was seconded by Member, Dr. Robert Oakes. Motion carried.

**3. Public Comment (Open Meeting Act.)**

Richard Krohn, Oliver Township, thanks Vestas for attending the meeting. Also, Mr. Krohn comments on the health, safety, and welfare. Mr. Krohn questions the safety zone and distances from turbines to homes.

Tom Plotzke, Lincoln Township, questions who has GPS coordinates of underground collection circuits.

**4. Public Hearing**

**SAP 2017-01 D & W Salvage Inc.** Owner Bryan Deering, 1303 Minnick Road, Bad Axe, Michigan requesting special use permit zoning approval to construct a 50ft. x 100ft. office warehousing building along with a 11 ft. x 80ft. truck scale on a 40 acre parcel, Section 29, Lincoln Township.

Jeff Smith gives an overview of the application and zoning ordinance provisions. Building & Zoning received correspondence from the Huron County Road Commission and Mr. Deering provided an updated site plan showing setbacks to the Filion Drain.

Brian Deering gives an overview of proposed project.

Bumhoffer questions building distance from the drain.

Krohn questions parking at the site.

Tom Plotzke, Lincoln Township, states he has no problem with the business, but the cliental.

Deering comments license plate numbers are placed on tires that are sent back with customers, but yet nobody is being prosecuted for disposing of miscellaneous items in the roadside ditches.

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Dr. Robert Oakes made a motion to approve, seconded by Terry Heck to approve the special use permit application as presented. Motion carried.

**Roll Call Vote: SAP 2017-01 D & W Salvage Inc.**

Mary Babcock	Excused	Charles Bumhoffer	Yea
Bernie Creguer	Yea	Carl Duda	Yea
Terry Heck	Yea	Jeffery Krohn	Yea
Robert McLean	Yea	Robert Oakes	Yea
Ken Walker	Yea	<b>8-Yea 0-Nay 1-Absent/Abstain</b>	

**5. Communications**

- A. Ubyly Planning Commission notice regarding Village of Ubyly Master Plan Update.
- B. Elmwood Township, Tuscola County Notice of Adoption and Summary to amend the zoning ordinance to implement Solar Energy as published in the Tuscola County Advertiser.
- C. Huron Daily Tribune article dated May 22, 2017 titled "Residents speak out at town hall event."
- D. B & J Auto Center LLC, 1925 E. Huron Line Road, Ubyly, Class B and Class C zoning approval letter.
- E. MTA upcoming training Fundamentals of Assessment & Taxation on June 22, 2017 and Lane Use; Defining Your Townships Future on June 23, 2017.  
-Members question if this will ever be hosted in Frankenmuth.
- F. Michigan Department of Agriculture & Rural Development "right to Farm Livestock Facility Siting-FY 16" and "generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (GAAMPS dated January 2017)."  
-Members discuss GAAMPS.

**6. Report of Committees:** Bylaws. A special committee meeting date was set for June 14, 2017 at 5:30pm to continue review of the by-laws.

**7. Unfinished Business**

- A. Huron County Master Plan. -Continue w/ Spicer Group. A special meeting date was set for June 14, 2017 at 7pm to continue review with Spicer Group.
- B. Huron County Hazard Mitigation Plan. -Randy Miller, Huron County Emergency Management Director, submitted and reviewed copy of Department of Army, Corps of Engineers September 8, 2016 Routine Inspection Reports for the Sebewaing North and Sebewaing South Levee Systems.
- C. Apple Blossom Wind LLC c/o Sempra U.S. Gas & Power. Construction update and plan of the day.
  - 1. Email from Linn Smith, MDOT Aeronautics Division regarding approved location of T-29.
  - 2. Christian Anguis, Apple Blossom Wind Project Manager, construction status/update, minor crane walk modification and representative(s) from Vestas-American Wind Technology, Inc. to answer questions regarding Vestas V126-3.45MW Wind Turbines.

Christian Anguis introduced Vestas staff and provides a construction update.

Smith reviews Email from Linn Smith.

Christian Anguis explains Vestas does not determine safety zones and distances from structures, it is all based on the ordinance in place. Also, land owners are given maps of underground cable lines.

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Heck questions receiving a copy of the manual submitted to Building & Zoning. Allen explains persons can FOIA, or go to court, and the court can make the decision if the information may be released.

McLean has requested it to be put in the official minutes that he is very concerned a copy of the manual will not be provided.

Heck made a motion, seconded by Walker, to formally request Vestas to provide access to the safety manual. Motion carried.

**Roll Call Vote:**

Mary Babcock	Excused	Charles Bumhoffer	Yea
Bernie Creguer	Nay	Carl Duda	Yea
Terry Heck	Yea	Jeffery Krohn	Yea
Robert McLean	Yea	Robert Oakes	Nay
Ken Walker	Yea	<b>6-Yea 2-Nay 1-Absent/Abstain</b>	

- D. Deerfield Wind Energy Project/Algonquin Power construction update. Algonquin staff along with acoustician to attend upcoming pc meeting to present sound testing protocol. Protocol to be provided to PC members prior to next regular meeting.

McLean has requested revising the July 5, 2017 meeting date until later in the month due to the 4<sup>th</sup> of July holiday.

- E. Big Turtle Wind Farm LLC Heritage Sustainable/Terrapin Energy-Phase 2. Construction Complete  
Blake Shroll states the sound study is complete, waiting for data.
- F. Robert Gaffke, Section 12 of Bloomfield Township, complaint resolution pertaining to noise from Big Turtle Wind Farm Phase II project.

Mr. Allen reviews the complaint resolution process pursuant BOC resolution 10-117c. Heritage Sustainable has completed an investigation of the complaint. At this point, Mr. Gaffke must notify Building & Zoning in writing that said complaint continues. Building & Zoning would then have to commence an investigation within 30 days and provide report to complainant. If a resolution has not been made, the complainant can appeal to the Zoning Board of Appeals for decision.

- G. Dale Hass, Section 11 of Dwight Township, complaint resolution pertaining to noise from Deerfield Wind Energy Project Turbine A-2.

Smith states complaint resolutions will be put on the agenda as a communication, not under unfinished business. Also, testing has been arranged with Mr. Hass and Smith will notify Mr. Hass as to the requirements of the Board of Commissioners complaint resolution 10-117c.

- H. Randy Elenbaum, agent for Marjorie Elenbaum Trust and Marilyn Elenbaum Trust, complaint resolution pertaining to noise coming from the ITC Stein Substation.

Allen suggests that complaints be communication and the Planning Commission has no authority to review complaints since ITC is exempt, International Transmission Company is an essential service pursuant to section 16.02 of the Huron County Zoning Ordinance.

8. New Business

- A. Appointment of Huron County Planning Commission member to serve on the Huron County Zoning Board of Appeals pursuant to M.C.L. 125.3601(4).

Member Jeffery Krohn made a motion, seconded by Member Robert McLean, to recommend to the BOC the appointment of member Charles Bumhoffer. Motion carried.

**Roll Call Vote: Recommendation to appoint Charles Bumhoffer to ZBA**

Mary Babcock	Excused	Charles Bumhoffer	Yea
Bernie Creguer	Yea	Carl Duda	Yea
Terry Heck	Yea	Jeffery Krohn	Yea
Robert McLean	Yea	Robert Oakes	Yea
Ken Walker	Yea	<b>8-Yea 0-Nay 1-Absent/Abstain</b>	

Member Robert McLean made a motion, seconded by Terry Heck, for the Board of Commissioners to consider revising the ordinance to allow any person living within Huron County to serve on the Zoning Board of Appeals.

Commissioner Khoury states it is fair and just for persons that live under County zoning serve on the Zoning Board of Appeals, to keep the county out of litigation.

**Roll Call Vote: Revise the Ordinance to allow any County resident to serve on ZBA**

Mary Babcock	Excused	Charles Bumhoffer	Nay
Bernie Creguer	Nay	Carl Duda	Nay
Terry Heck	Yea	Jeffery Krohn	Nay
Robert McLean	Yea	Robert Oakes	Nay
Ken Walker	Yea	<b>3-Yea 5-Nay 1-Absent/Abstain</b>	

- B. Rodney McLean, Section 20 of Rubicon Township, complaint resolution pertaining to noise from Big Turtle Wind Farm. Complaint received in B & Z on May 3, 2017 and submitted to Heritage the same day.

Waiting for data to be analyzed and investigation report presented.

Blake Shroll states Mr. McLean contacts him when there is an issue, and it is noted.

- C. PA 116 Terminations:

1. Karen R. Volz, Trustee, POA, and Daughter of Arthur G. Nitz, requesting partial termination of 1.48 acres of land currently enrolled in Farmland Development Rights Agreement No. 32-2911-123123, located in Section 36, T15N R9E, Sebawaing Township, Part of Parcel No. 3223-036-001-00. The application presented indicates the release is for a parcel up to two acres with at least one structure that was present prior to the start date of the agreement. Member Robert McLean made a motion, seconded by Member Charles Bumhoffer, to approve the partial termination. Motion carried.

2. Karen R. Volz, Trustee, POA, and Daughter of Arthur G. Nitz Trust, requesting partial termination of 0.39 acres of land currently enrolled in Farmland Development Rights Agreement No. 32-2911A-123123, located in Section 36, T15N R9E, Sebawaing Township, Part of Parcel No. 3223-036-001-50. The application presented indicates the release is for a parcel up to two acres with at least one structure that was present prior to the start date of the agreement. Member Dr. Robert Oakes made a motion, seconded by Member Carl Duda, to approve the partial termination. Motion carried.

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3. Seth Briolat, requesting partial termination of 2.95 acres of land currently enrolled in Farmland Development Rights Agreement No. 32-36047-123117, located in Section 11, T15N R13E, Bingham Township, Part of Parcel No. 3201-011-007-00. The application presented indicated the release is for a parcel more than two acres with at least one structure that was present prior to the start date of the agreement.

Member Carl Duda made a motion, seconded by Member Dr. Robert Oakes to approve the partial termination. Motion carried.

4. Devin Prich, requesting partial termination of 1.19 acres of land currently enrolled in Farmland Development Rights Agreement No. 32-10906-123128, located in Section 33, T15N R10E, Brookfield Township, Part of Parcel No. 3203-033-008-00. The application presented indicated the release is for a parcel up to two acres with at least one structure that was present prior to the start date of the agreement.

Member Carl Duda made a motion, seconded by Member Charles Bumhoffer, to approve the partial termination. Motion carried.

D. PA 116 Enrollment Applications:

1. Trost, Mark, Sec 13 Winsor Twp., 77.06 acres (77 cultivated) 0 bldgs, 20 yrs.
2. Gentner, Bernard & Marlene Trust, Sec 19 Sherman Twp., 71.62 acres (71.62 cultivated) 0 bldgs. 90 yrs.
3. Goretski, Kevin, Sec 32 Port Austin Twp., 55.42 acres (55.42 acres cultivated) 0 bldgs., 90 yrs.

Member Dr. Robert Oakes made a motion, seconded by Member Robert McLean, to approve the PA 116 Enrollment Applications. Motion carried.

E. Discuss timeliness of Planning Commission information prior to meetings

Members discuss and packets will be mailed earlier to allow members more time to review.

**9. Final Public Comment:**

Richard Krohn, Oliver Township, believes his questions for Vestas were not answered.

Robert Gaffke, Bloomfield Township, discusses tall structure and turbulence from turbines.

**10. Final Planning Commission Comment:**

Robert McLean discusses V126-3.45MW Turbines installed in Texas and request contact information for the project.

**11. Adjournment**

Being there was no further business to come before the Planning Commission, it was moved on a motion by Member Dr. Robert Oakes, to adjourn the meeting and seconded by Member, Carl Duda. Motion carried. Adjournment was at 10:30 p.m.

Due to the July 4, 2017 Holiday, the next regular meeting will be rescheduled to be held on July 12, 2017 at 7:00 p.m., location TBD.

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Bernie Creguer, Chairman

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Jeffery Krohn, Secretary

Date: \_\_\_\_\_

P:\bldzone\Documents\PC Minutes June 7, 2017, unapproved