

**DOUGLASS TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 27, 2021**

1. Meeting to order at 7:00 p.m
2. Pledge of Allegiance
3. Roll Call – all in attendance
 - i. Jack Jeppesen - present
 - ii. Rick Baldwin - present
 - iii. Cindy Shick - present
 - iv. Pat Altoff - absent
 - v. Kevin Rush - present
 - vi. Tim Snyder- present
 - vii. Todd Wells - present
4. Motion to approve the agenda by Todd Wells; seconded by Tim Snyder
5. Public Comment:
 - a. Laura Ingall - DT – She and her husband attended forum meeting Monday p.m., Health concerns addressed – no need to be concerned, chief Gratiot county, sound big issue, PC should look at Lake noise, science disproved, NIMBY – not in my back yard is pathetic syndrome to deny county clean, cheap and safe energy
 - b. Roxane Nine- Derby Lake – At the same Monday meeting she states experts did not clarify how close, how loud in the studies, do not have data for 600'-tall turbines. We have ordinances for what can and cannot do on property, they are trying to tell us what we have to endure on our property
 - c. Vinnie Teawilliger – DT - Inaudible sound examples of original vs. current warnings: Originally, cell phone no health problems with any inaudible current warnings sound, cell phone close to head cause brain cancer; nicotine at first was safe. Science takes time, there aren't many studies available for wind turbines.
 - d. Melissa Bannen - DT – Attended same forum Monday. Not one of the speakers live within range of turbines nor have turbines on their property, How can they have any idea about sound and vibration? The speakers at that meeting were employed by APEX. We could bring in experts, too. This is getting old; there are how many people here who want safe ordinances. The PC needs to think about the majority not the few. And, at the meeting, speakers admitted when Apex left the project there was a mess with one farmer said compensation was a joke. Need to look at majority not minority
 - e. Julie Wieper - DT – Several meetings we have heard lake noise being compared to turbine noise, which is apples to oranges. Turbines run 24 hrs. a day, 365 days with no control. When moving near a lake you make that decision. Right now we are talking about people already living here and wanting to be protected. We don't want this to impact our family and our land. We have a right to protect the way that we live.

- f. Becky Soules - DT- She is new to the fight and hates the argument. Thanked the PC for what we are doing. She stated there are many people who don't want to be part of the fight but feel it's okay to have them. As far as the noise, they chose to live in agricultural area where there is already noise.
- g. Sheila Crooks – She distributed a list of standing ordinances in Michigan townships and stated that none have been challenged. Invited us to attend meeting Monday, Nov. 1st with a retired circuit court judge to discuss ordinances and court challenges. She also commented on the doctor at the forum Monday night. Stated signed an affidavit that an individual had fake health problems without a physical examine. The sound specialist said to close doors and windows, but 37% will still hear turbine noise. She also pointed out that the ordinance with star is Mr. Egger's (Spicer Group) township.
- h. Brandy Bunting - DT – Medical representative at Monday's forum discredited Mr. Shindledecker only by reviewing public documents, Once Mr. Shindledecker left his home and moved 1.5 miles away all symptoms left over time. The first to improve was sleep.
- i. Lynda Reynolds – DT – Personal examples of undiagnosed health: Her dad was a Marine during WW2, tough his whole life, no medications, and then developed all kinds of ailments. Doctor said, "What do you expect for your age?" Ended up he had cancer and died. Her work moving weights created back issues, had MRI because she couldn't work, MRI results showed nothing, yet she knew something was wrong. Doctor sent her to back doctor who knew immediately what was wrong. Her point: when so many say it's in their head, it's sad. Research on infrasound says 10-30% don't experience
- j. Kelley Jeppesen – DT – Infrasound statements reference that turbines run 24-hrs for 365 days year, yet complain that they see the turbines aren't running all the time. She doesn't understand that so obviously not all the time. Pro-wind doesn't need to have many people, or picket, or badger. Most people for the wind are for a compromise, and she doesn't hear the other side being willing to comprise. APEX is being sold. DTN and tribunal understand understanding all the statutes for tax tribunal for townships and counties. She wouldn't want to be charged more taxes then necessary either.
- k. Pam Hemmes – MT – She read the article about forum on Monday. In a previous sound packet given to the PC, the doctor who discredited Mr. Shindledecker and the doctor doing the research is specialist medical doctor in neurology and sleep, not researcher in the infrasound research according to pubmed. Also, the fire chief gave a glowing report of money, but then stated the money ended when sold wind energy project was sold to DTE.
- l. Kim Bell – DT – Live on a lake, her dock length is limited by ordinance. She pointed out that wind turbines in Gratiot and Isabella Counties are about half of the height proposed for Montcalm County. She doesn't own lake so limits placed on docks. They do not own the sky, just as she doesn't own lake, so limits need to be in place. The industry standard for turbines is 1000' which is extreme for this area.
- m. Albert Jongewaard – St Paul, Minnesota – There is a lot of discussion around safety. What is proposed in the citizen ordinance is a restrictive ordinance, we should be concerned about a safe operating ordinance. There are plenty of safe ordinances, Gratiot, Isabella, Huron, and many wind farms. Sidney Township is restrictive. We

(Apex) know no one will roll out the red carpet, but there is a lot of support out there. He will be after the meeting to discuss the sale of Apex and how it can result in servicing more. Wind is part of the solution, and it is safe when sited properly.

- n. Robert Scott – ST – “Safe” is debatable. The obligations of government is the health and welfare of citizens and that is the job of the PC. Linda (Reynolds) mentioned health impact of turbines does not affect everyone yet needs to be restricted. He stated that of those who smoke cigarettes, 30% have a chance of cancer, yet we banned cigarettes in public places. He also stated that 30% or less of people have disabilities, yet laws changed building codes, etc. Reminded us that how a government treats the most vulnerable of its population is the true measure of a good government.
 - o. Jamie Snyder - CT - Using a waiver system to offer an out for nonparticipating or non-lease holding neighbors that is then registered with deed of the home would allow for a restrictive with compromise.
 - p. Holly Hubb – Stanton – If we said absolutely no, that is not compromise. Sidney Township’s 300’ is a compromise and is possible. The point is we don’t want or need 600-700’ turbines. When Gratiot County first started, it was to be 100 turbines, now it is 400. We are considering 75 turbines, but once allowed when, what and how many is the next step? I purchased my property, I cannot have pigs(?), barking dogs, etc. I don’t mind 300-400’ tall but no 600’ only 1000’ away from property line.
 - q. Renee Smith - ET – Using restrictive and safe: restrictive when not fit Apex agenda and safe is when it fits. The picture on poster is too tall and close. We need safe setbacks, noise controlled. None of us want a vacuum running outside. She is proud to be a NIMBY.
 - r. Ashley Stickler – Clinton County – She is a seed representative in many counties. She works with many farmers who do not like turbines. The turbines create microclimates and disturb topsoil. She has found that crop yields drop tremendously. When decommissioned, concrete bases are left. She has also lived in other states, Michigan is not windy. Michigan has a multitude of water resources; we should use water sources to produce electricity. She wants to live in Montcalm but will not if turbines are here. In the end, farmers with leases, do not like the turbines.
6. Old Business:
- a. Minutes from prior meeting
 - i. Motion by Todd to approve both, motion died
 - ii. Some discussion on how to move forward
 - iii. Motion by Rick Baldwin to approve both, second by Todd Wells, motion carried.
 - b. Question by Cindy Shick, secretary, concerning corrections to by public. Ron Reddick stated that the public can correct minutes by contacting any member, that information is brought to the PC meeting and the PC can take it or leave it.
 - c. Any other old business - none
7. New Business:
- a. Report from Zoning Administrator, Dave Kelsey.
 - i. September 6 permits total: fence x3, pole barn, garage,
 - ii. A little more this month than usual

- iii. Tim Snyder asked if there have been any complaints. Dave mentioned a recent verbal complaint that he will check into tomorrow or Friday. It concerns large propane tanks and whether the propane is being resold. Todd Wells asked what recourse is there if it is commercial sales without permit. Dave stated that since it is unsafe for residents, the owner will be given reasonable time to have the tanks removed. If not completed by date give, then Dave will file a ticket with the court. The judge will fine. After an additional 30 days, it will be a second offence. Dave will ask Judge to set a new deadline so there would also be contempt of court charge if not removed.
 - iv. Concerning burnt mobile home on Kendaville Road, Dave mailed them a notice to take care clean up. They were waiting on the insurance company to settle. He sent another notice today giving a week to tear down or provide him with a letter from the insurance company stating that it is still working and needs to postpone. If there is no response Dave will ticket.
 - v. The burnt camper is replaced. Dave mailed letter giving 30-days and will follow up on that situation.
- b. Introduce our new planner, Paul LeBlanc
- i. Community planning consultant working independently.
 - ii. 40+ years of experience with master plans and ordinances
 - iii. Expert witness in multiple court cases
 - iv. Works mostly with municipalities, township boards and cities
 - v. Lives in Grand Rapids
 - vi. Works in multiple areas of the state: Eureka, Greenville, Cannon Township, Rockford, East Grand Rapids, Portland, a couple in Detroit area, also Charleston, SC and 10 other different states
 - vii. Familiar with rural areas
 - viii. When Cindy Shick asked if he worked with Apex or other wind energy, his answer was no.
- c. WES Ordinance
- i. Intro by Ron Redick explaining that on Wednesday he emailed us the Spicer Groups final draft (they will no longer work on it), but new for us (as starting point tonight)
 - ii. Two copies one with comments one without, there is highlighting.
 - iii. Principally, substantively the same, but reorganized based on the outline from last meeting so that it is more orderly to review and to apply.
 - iv. Color coding
 1. Green = cross-reference
 2. Yellow = provisions where Spicer thought township land use policy will need to be determined, ex: minimum insurance, setbacks, maximum height,
 - v. Comments in margin to identify subjectively written when there are expressed standards with objective requirements
 - vi. Comments on questions raised ex: on lighting, opinion why proposed 500' is appropriate

- vii. Spicer: Lighting response see answer in Ron's email explaining on/off with radar: 1000' vertical and three nautical miles horizontal
- viii. Spicer: Turbine height maximum to consider is FAA scrutiny, 500' requires more intense requirements, not recommend 330' because it is no longer current, 499'-600' is what is now, 330' might not have noise reduction like newer models
- ix. Comments to crowd
 - 1. Pg 22 addresses sound levels
 - 2. Decommissioning – all foundations, return same conditions
 - 3. Be sure to read a copy to see all details
- x. Ron's hope is that we can refine with Paul
- xi. Paul: best course tonight would be to go through ordinance page by page
- xii. Discussion **[Note: Bold notes represent agreement by PC on that detail.]**
 - 1. Pg. 7 Definition for WECS owner – Cindy Shick
 - 2. Pg. 7 Definition for Substation – Todd Wells
 - 3. Pg. 7 Public Utilities

Todd Wells - Discussion of the massive transfer of power that will be needed in the future; Ron Redick - Power hubs and Substations require additional ordinance to regulate; Eminent Domain will come into play for additional high voltage power lines and their towers once the WECS is sold to a public utility company like DTE or Consumers. Todd Wells - Question raised: Are we setting ourselves up for eminent domain? Tim Snyder - Agreement

- 4. Pg. 7 Exempt Turbines and WECS: Height discussion of total height for any turbine:

Kevin Rush - Maximum for any WECS, exempt or not, should be 120' (80' for tower, 5' for hub, 37½' for airfoil, 40' blade clearance from ground); Ron Redick - That would be exclusionary; Kevin Rush - It is what the township wants and what we hired Ron to do; Rick Baldwin - We could all go off grid; Cindy Shick - Suggestion of 150' like Ron Redick's personal home township; Ron Redick - Grand Haven Charter Township is lake shore, has migratory birds, and no one wants to put a WECS there; Kevin Rush - Douglass Township is all water, lakes, wetlands, flight patterns for many migratory birds everywhere; Todd Wells - Question of what does happen with lawsuit?; Ron Redick - Court order to proceed and then court decides; Rick Baldwin - Other townships have 300', 400', 300', we are not picking 500-600'; Jack Jeppesen - Asked if we are throwing out this ordinance; Rick Baldwin - We are writing one for our citizens, ideally 120'; not for 1/16 of 1% of the population who might make money.; Todd Wells - If they want 600' and neighboring townships are shorter, their (Apex) goal is all of us; Jack Jeppesen - Mentioned our power coming from Wolverine, Vestaburg sent power to New York; Ron Redick - The court expects reasonable; Todd Wells - Question of legal insurance for township; Jack Jeppesen - Township has some, but can they sue individual; Ron Redick - Suing individual will not happen; Jack Jeppesen - What about a

subdivision and flicker; Kevin Rush - No flicker on nonparticipating; Paul LeBlanc - Individual use, 65' height to tip is reasonable otherwise get into issues; Cindy Shick - Tired of the cycle with the discussions about same things; Ron Redick - Recommend restrictive ordinance, send to township board and let them decide; Kevin Rush - Question of coming back to discuss exempt heights; **Agreement that we can come back to Exempt WECS - All**

5. Pg. 8 Commercial Wind Energy Conversion Systems (WECS):
 - a. Pg. 9 Point 3 Permitting Costs:

Ron Redick: Township board needs to create an escrow policy separate from this ordinance; Paul LeBlanc: Later in this ordinance are provisions for escrows specific to wind; All: Point 3, at the end, needs to have 3rd party review added
 - b. Pg. 4 Point 4 Administrative Review:

Todd Wells - Who does this?; Paul LeBlanc - Idea that this is position is for minor adjustments, this is not the planning commission, must still comply; Ron Redick - This point should probably be moved to just point 7 on page 14; Jack Jeppesen - What about having zones?; Paul LeBlanc - Still have to figure out and clean up; Kevin Rush - Concern for Tribal Land; Paul LeBlanc - Simpler to define factors and characteristics with criteria at the beginning and list where cannot put it.
 - c. Pg. 9 Point 6 Special Land Use Application Requirements:

Cindy Shick - Asked if this is the start of the paperwork to be completed to apply; Ron Redick and Paul LeBlanc confirmed it is.
 - i. Pg. 10 Point c Site Plan Requirements:

Paul LeBlanc - Put distance for #5 and #6 based on setback, even if use multiplier example 2000' from property line or height x 1½ from participating
 - ii. Pg. 10 Point d Impact Assessment:
 1. Pg. 10 Point (1)

Jack Jeppesen - Uses township building department, but we don't have one, **Change word department to official. - All**
 2. Pg. 11 Point (2)

Cindy Shick - only references on property line not within property for sound that might bounce; Ron Reddick - Cannot force in nonparticipating and cannot compel in participating for sound measurements inside properties for ambient sound
 3. P. 11 Point (3)

Cindy Shick - property value is a concern, appraisers are just now considering the take-aways when evaluating homes near turbines; Paul LeBlanc -

Property value change is often a concern, but not often an issue, ex. Meijer's; Kevin Rush - Asked about Paul's experience with wind turbines; Rick Baldwin - There are areas where it has dropped so we need to review this again later

4. Pg. 11 Point (4)

Paul LeBlanc - Question about what cultural; Kevin Rush - We need a university to decide, possibly Native American; State would end up involved.

a. Pg. 11-12 Point ii

Cindy Shick - Question about displacement of animals and if the township can require no displacement; Ron Redick - State law pre-empts

5. Pg. 12 Point (5)

a. Pg. 12-13 Point ii.

Paul LeBlanc - change "should" change to "shall" - All

b. Pg. 13 Point iv.

Cindy Shick - Question purpose without consequences; Ron Redick - Requiring the studies allows for adverse impact to be sent to DNR; Ron Redick - Need to improve escrow for follow through with the DNR, go back to Pg. 9 and include in #3

iii. Pg. 13 Point e Insurance

Ron Redick - need to add language for physical harm and amount of insurance. **All - \$3 million**

iv. Pg. 13 Point g and h Safety

Jack Jeppesen - Do not need g and h; Ron Redick - Needed for township fire department

v. Pg. 14 Point i Transportation Plan

Cindy Shick - Concern for tree canopy over country roads; Kevin Rush/Rick Baldwin - Concern over large amount of road corners that will be changed. Need to address cash deposits on p. 19-20

vi. Pg. 14 Point j Engineering Documentation

Cindy Shick - Question if depth of 6 feet is enough; Jack Jeppesen - Can be worse to disturb again compared to degradation of cement. Kevin Rush - Restricts development, not farming; Paul LeBlanc - Register on deed with GPS location.

vii. Pg. 14 Point l Electromagnetic Interference

Todd Wells – Question if this should be Signal Interference; Jack Jeppesen – This is a predictive report and township should hire 3rd party expert and cover in escrow. Penalty covered in Complaint Resolution p.34

d. Pg. 15 Point 7 Commercial WECS Standards and Requirements

i. Pg. 15 Point a Setbacks

1. Point (1) Non-participating parcel

Discussion of set distance or multiplier.

Greater of 4x tip height or min of 1320' resulted in 4 yes and 2 no.

2. Point (2) Inhabited Structure

Discussion of multiplier 1½ x tip height

3. Point (3) Road Right-of-Way/ Railroad

Discussion only if own both sides, Ron Redick – Road property line starts measurement at edge of right-of-way

4. Point (6) Met Towers

Discussion temporary towers, add 4x tip height if permanent

5. Point (7) Operations & Maintenance Building

Paul LeBlanc – pull out sub-station and write a separate ordinance - All

ii. Pg. 15 Point b Height

Discussion of heights, Cindy Shick – On my own I would like 100', but given other townships 350'; Todd Wells – 350'; Tim Snyder – 400'; Jack Jeppesen - need 500-600'; Kevin Rush -120'; Rick Baldwin – 350'; Ron Redick – Plurality of heights can be presented to the township board, 1 for 120', 3 for 350', 1 for 400', 1 for 500-600'

iii. Pg. 16 Point d Safety (5) Protection of Adjoining Property

Ron Redick and Paul LeBlanc - Already covered in Ch 12 of Zoning Ordinance so remove from this ordinance.

iv. Pg. 17 Point f Security (2)

Jack Jeppesen - Change timely manner to 7 days - All

v. Pg. 18 Point g Lighting (3)

Tim Snyder – Better at 120' no need to worry about lighting; in agreement Cindy Shick, Todd Wells, Kevin Rush, Rick Baldwin

vi. Pg. 18 Point h Electromagnetic Interference (3)

Todd Wells – change “90 days” to “30 days” – All; Add “shut down tower until resolved” - All

vii. Pg. 19 Point j Use Agreements

1. Point (1) Road Use Agreement
 - a. Pg. 19 Point i
Ron Redick – All township roads are county roads
 - b. Pg. 20 Point ii
Todd Wells questioned 90 and 365 days for protecting businesses from access.
Ron Redick – Road Commission can step in and handle
2. Pg. 21 Point (2) Drain Use Agreement
 - a. Pg. 21 Point ii
See page 14 I, Jack Jeppesen – Drain tile up to lease and landowner agreement.
- viii. Pg. 21 Point I Shadow Flicker
 1. Pg. 21 Point (1)
Cindy Shick – change “on potential” to “of all” and delete “at inhabited structures” - All
 2. Pg 22. Point (2)
Should say “Shadow flicker shall not exceed thirty (30) hours per year at a participating inhabited structure and there shall be no shadow flicker on non-participating property.” - All
8. Motion to Set Next Meeting: Special Meeting on Wednesday December 8th, 2021 at 7:00 p.m. by Cindy Shick, second by Todd Wells, motion carried
9. Public Comment:
 - a. Mr. Phelps DT – Oct 2nd Detroit the red lights are off in Carson City
 - b. Sheila Crooks – Even though not question and answer, she asked Ron Redick who is paying Spicer Group and how much? She stated that the township board told to ask. Ron Redick’s reply: Township Board is paying, the total bill will be a month’s worth of work at \$150 per hour, but no total bill yet.
 - c. Christy Williams - DT – She will be investigating the Treaty Act 1861 for us concerning historical land.
 - d. Kevin Murphy - WT – Thanked PC for staying even though it is getting long.
 - e. Eric Tester – DT – Even though not question and answer, he asked for an example from Ron Redick where a wind corporation came in and successfully changed a local wind ordinance, he asked township board and they said would find out, so he was left wondering. Please give examples of why our ordinances must meet, what was changed if they ever did. He stated Huron County lost 10% of population since installing wind turbines, we should have Zoom with churches closing for Covid again, He suggested to anyone wanting to make money to go buy land in an area already populated with, why rape all our communities? The ordinance will end up being dictated by residents. And lawyers/Spicer groups do what the township board tells them, also, thanked us for time and for our future answers.

- f. Melissa Bannen – DT – (land in PT) Referenced turbines creating wonderful jobs: 6 in Ithaca, 5 in Breckinridge, 24 hours on 7 days a week, She also thanked PC for the hard work tonight and asked the PC to be open minded and thinking about others rather than own pockets.
 - g. Sarah Kelley – DT – Referenced article in Huron Daily Tribune – The 10 turbines provided \$200,000 per month until DTE took over and then the money stopped.
10. Motion to adjourn at 11:45 p.m. by Kevin Rush, seconded by Todd Wells, motion carried.

Respectfully submitted by Cindy Shick, November 1, 2021