

Douglass Township
Planning Commission
Work Session
Minutes
September 29, 2021

- 1) Call to order
- 2) Roll Call – all in attendance
 - a) Jack Jeppesen - present
 - b) Rick Baldwin - present
 - c) Cindy Shick - present
 - d) Pat Altoff - present
 - e) Kevin Rush - present
 - f) Tim Snyder- present
 - g) Todd Wells - present
- 3) Pledge of Allegiance
- 4) Approval of Agenda
 - a) Motion - Address and confirm policies, procedures, and protocol of the planning commission. (See handout.)
 - i) Motion by Cindy Shick
 - ii) Second by Rick Baldwin
 - iii) Voice vote – unanimous
 - iv) Added to agenda as next item.
 - b) Motion to approve agenda as amended
 - i) Motion by Cindy Shick
 - ii) Second by Todd Wells
- 5) New Business
 - a) Policies, Procedures and Protocol
 - i) Meeting Dates
 - (1) Regular Quarterly Meetings
 - (a) Discussion
 - (i) Bylaws state to be on last Wednesday of the month, January, April, July, October
 - (2) Special Meetings
 - (a) Discussion
 - (i) Allowed two additional special meetings and four quarterly meetings (Tim)
 - (ii) Agree confusing (Todd)
 - (iii) No limit to number of special meetings except as budget, scheduling allows. Called by chairperson or two members can request in writing. (Ron Redick)
 - (iv) Township pays for two; other requests paid by those who request. (Jack)
 - (v) Not normal situation, has been confusing

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- (vi) Have been deciding at end of meetings, current situation has been confusing; have conflict of dates. (Tim/Jack)
- (vii) Special situation now, need a plan. (Cindy)
- (viii) Usually on Wednesday to coordinate with day of week for quarterly meetings. Planners understanding as well. (Ron Redick)
- (b) Determination
 - (c) Continue quarterly as stated in bylaws
 - (d) Next meeting is quarterly on October 27th, see progress at that meeting and decide if need to schedule with the idea that it will be the next month.
- (3) Public comments:
 - (a) Discussion
 - (i) Determination
 - (ii) Agenda in the bylaws: roll, approve, comments generally after business.
 - (iii) Public Hearing: public comment at front
 - (iv) Work session: comments at end
 - (v) Depends on type of meeting and purpose
 - (b) Determination:
 - (i)
- (4) Setting the agenda:
 - (a) Direction by Ron Redick
 - (i) Falls to the chair
 - (b) Discussion:
 - (i) Past: chair and secretary discuss and set
 - (ii) How to get on agenda? (Ron Redick)
 1. Prior approval if associated with pending business
 2. If general comment, part of public comment.
 - (c) Determination:
 - (i) Chair prepares agenda
 - (ii) Subject to approval by planning commission at the meeting.
 - (iii) Requests to be on the agenda
 - (iv) Through the chair
 - (v) Bring up at the meeting to decide
- (5) Official communications:
 - (a) Discussion: multiple methods used now, what will be used
 - (i) Suggestion/recommendation by Ron Redick
 1. NO reply all. (Open Meetings Act – could be violation)
 2. Same for communication by text (Open Meetings Act – could be violation)
 - (ii) Discussions at open meeting only (Cindy)
 - (iii) Email how often check? Regularly
 - (iv) Ronda sends email and then follows with text to check email
 - (b) Determination
 - (i) Main form of contact by email, with text to make aware of email.

- (ii) Agenda by email
- (6) Working with other entities
 - (a) Discussion
 - (i) Hiring assistance in writing ordinance
 - (ii) Past: Doug researched, and we agreed (Cindy)
 - (iii) The board has to hire/contract (Jack/Ron)
 - (iv) Specialist (i.e., Sound)
 - (v) Who hires? Planning commission or township board
 - (b) Determination planning commission recommends, and township board contractually retain
 - (c) Information from Ron Redick: Township Board hired new Fresh Coast Planning, Grand Haven, Greg Ransford
- (7) Roles Expectations
 - (a) Discussion on Rolls
 - (i) Described in bylaws (Jack)
 - (ii) Information from Ron Redick
 1. Board appoints members to planning commission to serve
 2. Described in bylaws
 - (b) Posting Meetings, etc.
 - (i) Notice of meeting date, time and place must be published 18 hours ahead, not necessarily agenda unless used as announcement
 - (ii) Special meeting needs to be identified and posted 18 hours in advance
 - (iii) Minutes rough draft posted within 8 days
 - (iv) Approved minutes must be made publicly available
 - (c) Chair vote has full voting rights
 - (d) Conflict of interest
 - (i) tie to financial gain for self or family now or in future (Todd)
 - (ii) by laws have rules to ID and disclose (Ron)
 - (iii) preliminary agreement then recuses for conflict of interest
- (8) Decision Making
 - (a) Open meeting Act explained by Ron Redick
 - (i) Reply all is our enemy
 - (ii) Use email for one way communication send agenda or minutes
 - (iii) Quorum in public, not a meeting and if not discussing planning commission topics
 - (iv) Engaging in two-way discussions in small sub quorums is a violation
- 6) Old business: Wind Energy System
 - a) Change to Citizen's Ordinance copies
 - i) Ronda will post and anyone can request a copy. Tuesday she will be in office.
 - b) Ron Redick will introduce, summarize, possibly deal with high level issues
 - i) Rob Eggers at Spicer Group on amendment worked with two principal goals: maximize safety of health safety and welfare and yet not so unreasonable to exclude and opens township to lawsuit
 - ii) Difficult for wind but not susceptible to challenge

- iii) Substantive and organizational changes:
 - iv) Organizational to match application process – Yet to come; Right now, it follows format of Citizen Ordinance and after this phase will reorganize
 - v) Spicer: Word Doc has a color scheme: Red = delete, Blue = retain but improve, Green = new, Yellow = specific decision needs to be made, with concerns with notes
 - vi) Need format to match Douglass Township Ordinance and Ron tried to correct internal references
- c) Overall Summary Points by Ron Redick
- i) Delete 2019 old 2017 provisions
 - ii) To be an amendment in Special Land Use chapter, will be Included in Special Land Use Table 1 AG/RE land use district, 12.05, 12.06, approval standard 21
 - iii) Spicer’s Outline provided to show what the flow will be when ready for the Township Ordinance and project would unfold with application process
 - iv) Comparison Chart with typical standards primarily for setbacks.
 - (1) Question concerning the table not showing what is in Citizen Ordinance and much red. (Rick)
 - v) Definitions removed because no purpose
 - (1) Example: terminology that is unneeded. No averaging of sound, so the definitions that say otherwise will be removed.
 - (2) Most change in sound, so most change in definitions concerning sound
 - vi) Exempt WEC additions – no sound for individual, would add new regulatory information with more safety regulations
 - vii) Review Procedures: Creating 2-step process: 1st step approval for the concept, 2nd step approving specifics
 - viii) Escrow: thorough but organize with single provision to list all various reasons to have escrow: upfront with subject to replenishment for review
 - ix) Improved site provisions and robust standards
 - x) Site lighting: require application for aircraft activation
 - xi) Decommissioning greatly improved more meat on the bone including financial
 - xii) Setbacks adjusted – almost certain subject legal challenge, ranges provided for later high-level discussion
 - xiii) Height – 330’ is impractical considering scale, 500-600 in industry,
 - xiv) Electromagnetic interference improved
 - xv) Use agreements: road with township and county along with drain, these really do damage when moving in, including video of whole route before they come
 - xvi) Shadow flicker: improved, max protection for those not participating with zero hours on nonparticipating properties and not more than 30 hours per year for participating inhabited structures.
 - xvii) Improved Environment studies
 - xviii) Noise: new provisions – inadequate for conducting sound survey and testing, maximum level measured by Lmax only, participate and non-participate properties, day and nighttime values, testing procedures pre-construction and post-construction study within a year and routine operation studies with complaints.
 - xix) Compliance – penalties, some conflicted with state law or conflict with our zoning

- d) High Level Issues to discuss (Ron Redick)
 - i) Noise
 - ii) Setbacks
 - iii) Overall mechanism to regulate as special use and/or further restrictions for areas by creating a WEC overlay or an anti-wind overlay (where do not want it, ex: lakes, bodies of water...).
 - iv) Tower height (Intertwined with setbacks)
- e) Questions:
 - i) Standard level for noise cannot transfer to other situations in township? (Jack)
 - (1) Ron Redick answer:
 - (a) Noise only WEC
 - (b) Regulatory Noise regulation applies to other.
 - ii) Exempt WEC subject to regulatory noise regulation vs. same as wind.
 - (1) No noise provision currently
 - (2) For now, references rest of ordinance regulatory noise regulation
 - (3) Later may want to apply same as industrial WEC
 - (4) Referenced chart as an example for participating and nonparticipating land.
 - (a) Question: at property line, Ron answer: these are parcel
 - (b) Looked at Citizen Ordinance
 - (i) Leq is an averaging function of a short duration, at noisiest time over 10 minutes and average, not a 24-hour period as opposed to Lmax straight up max
 - (ii) Citizen ordinance did have a lower value for nonparticipating
 - (iii) Dropped “anywhere on property,” not just at parcels edge. Ron will make a note to share with Spicer
 - (iv) Prefer 35 for nonparticipating for nighttime, +5 is double the sound (Cindy)
 - (v) Information: Township board will be considering sound specialist at next meeting.
 - iii) Setbacks and tower height
 - (1) Looked at setbacks page 18 in green
 - (2) Question about challenged in court, what if already determined in court (Cindy)
 - (a) Ron: State Court case would apply
 - (b) Case:
 - (c) Ron: US Court Case
 - (d) Not sure of actual guidelines? (Todd)
 - (e) Ron: Not many state cases, practical if make project impossible then exclusionary, more authentic go for complete exclusion
 - (f) Why is 330’ not good? (Rick)
 - (g) Ron: Coupled with setback exclusionary, practically speaking
 - (h) What about future technology? Getting smaller, while companies are getting bigger and bigger because no wind, letting industry determine out of fear for court battle. What about insurance policy for litigation to protect citizens? (Cindy). Bigger and bigger companies, example no mom-and-pop farms,

efficient? Education bigger better than small schools? (Jack) Technology getting smaller. Smaller better for individuals not large corporations. (Cindy). Corporations are at the cost to the residents (Kevin)

- (i) Operational verses Safety (Ron) Operational is impacting wind not up to zoning, Safety is for residents up to township. Not just safety/physically hurt by turbine, but sound...(Cindy) Control through sound. (Ron) Height won't play a part except for aesthetics. (Ron/Cindy)
- (j) Setbacks for Roads. What is the difference from parcel line? (Rick) All setbacks are additive requirements.

iv) What is MET? (Pat)

v) What is blade length? Individual blade (radius) not diameter of turbine

vi) At first 330' worked, but turbines are taller, what if go taller and no project, in future another project comes with taller standard and can they come in a say too restrictive. (Kevin)

vii) Setbacks for water (Kevin) natural wildlife (Jack)

viii) Writing too restrictive, wrote too liberal and challenged by residents? (Rick) Not good because end up with nothing in place (Ron)

ix) Green act of eminent domain? Will that be likely? (Jack) Not valid to condemn land for private investors must be government project. (Ron)

x) Height of plane to activate lights how low can they be before starting the lights? (Kevin) Required to apply, but not get approval, they can come in with continual flashing lights. But not guaranteed. (Ron) If no approval, we cannot say, not in our community? (Cindy) Correct (Ron)

i) Greg from Fresh Coast Planning will be here at next and work on all planning matters

ii) Ron will follow up with concerns from tonight with Spicer Group works on regulating wind energy from govt perspective and get started and organized

2) Public Comments

a) Laura Engle DT – appreciate service, signed lease, first of two important motives is benefits, second green energy, no ill effects, only those who work themselves up, recommend ordinance to allow wind turbines.

b) Kathy Craig – soon to be resident DT – staunch support of environment, research Harvard Univ and other world universities. They do contribute to global warming, conflict of interest is there a timeline between vote and signing,

c) Wendy Swatala – DT - Reading letter from Cary Shindledecker: Did not want him travel 3 hours for 3 minutes. Background: grew up rural, 5 miles east of Walkerville, farming, 1500+ cattle grandparents, love for open space, N MI Univ, and CMU, also builder in Ludington, own environmental company, Mason County, 200 acres agricultural and forestry, Board of Ludington visitors, boating, walleye association, Mason County PC and Zoning Board of Appeals, and State of MI Natural River Zoning Board

d) Christa Baldwin DT – cont. Cary Shindledecker letter: Zoning and planning training, MSU citizen planning training, federal, state and local regulation, Footprint of Lakewinds energy park, 476' tall towers, our property is 1.5 miles from closest turbine, see 12 turbines, flicker, noise, current home no detectable physical ailments, 1139' former home from turbine, flicker from 12, see 26, every window, lived there with no physical

problems until turbines, astonished at how loud they were, one flip of a switch from tranquil to industrial wind factory, physiological changes started

- e) Kim Bell DT – cont. Cary Shindledecker letter: vision impaired, zigzag pattern, not sleeping well, clenching teeth to loosen teeth, meds and bite splint same as veteran seeing trauma, heart. Monitor anxiety, tachycardia, meds, no matter the direction always downwind of a turbine, basement bedroom, audible sound is remarkable, 3.6 sec per revolution, tip 200 mph, surface area interacting, very loud during precipitation,
- f) Sarah Pelly DT – cont. Cary Shindledecker letter: weather changes snow, ice, roar. Shadow flicker at greater distances than proposed, 1.2 sec off and on, 10 hours per year, but no tracking or testing method, began video and exceeded regulation, flicker mitigation is costly, radio and TV reception too poor or nonexistent, ordinance said no, but turbine not moved, legal battle, Animals are impacted, shaking head as if water in ears, property value, 2010 listed home
- g) Chris Morris DT – cont. Cary Shindledecker letter: for sale by owner as we had sold other property on our own in the past – then listed, with realtor lowering price, \$10,000 per month until it sold, carved out all buildings on 3 acres until it sold \$139,000, it took 4 years to sell at a dramatic loss, Now we live 1.5 miles from turbines, it took 4 months for ocular migraines to go away, wife was in braces and now wears a retainer, we miss the innocence of our community relationships, fight for a well written ordinance
- h) Melissa Bannen DT- infrasound – 2019 study – turbines in wrong place for those people, poor judgement and poor ordinances allowed that to happen to Carl Shindledecker., Missouri, may not hear it, underground, electricity, oil, not green just a greedy way for corporation to take over community (Distributed binders of information to the members of the planning committee.)
- i) Shiela Crooks DT – Find it disturbing that we hired Gregg R and Spicer group, who authorized these contracts, there was a different group named at township board meeting. Ron from Spicer Group lives in Ingersoll – his own township has lesser max for sound levels - turbines are around his township but not in his township. Why is that? conflict of interest he does a lot of work for wind farms, a lot of work in Gratiot County. Also, MTA zoning ordinance states – exclusionary zoning only if in the presence of a demonstrated NEED – we don't have a demonstrated need for that land use.
- j) Becky Soules – DT – rights of landowner to research how to use their assets and land. Good stewards of land, and if they feel it is good, community, themselves, for their land, it is the right to do with their land, our federal government is saying this will happen, small towers: who will fund? disgusted and sad at how nasty this issue has gotten in our community, strengthens government overreach
- k) Pamela Hemmes - Subsidies for big wind turbines, we are paying, restrictive/too restrictive how if protecting health safety welfare, not all areas are the same cannot follow other places, we are to protect our people, we do not have to facilitate a company coming home, cannot be too restrictive when protecting people, when safe for our community, an ordinance is restrictive, restrictive to protect people. simple common sense
- l) Harvey Shick DT – It has been set before tonight “what kind of board will you be?” Are you going to be a board that caves to Apex afraid to support citizens? Or a board that

supports your citizens? Or a board that has lawsuits from citizens because you don't support them? The masses say restrictive. It's pretty simple. Don't run scared. Follow your other townships.

- m) Christy Williams - DT – Davie Nelson from Gratiot County, was on the board, has stated that Apex lied to them money paying back. Ten years down the road, you as a board will be paying.
- n) Linda Reynolds – DT – Papers from today, for us to get a copy wait for Tuesday to get a copy from Ronda, Ronda should be able to forward color copies (per Ron Redick)
- o) Larry Engle - DT live, own in ST – only thing that separates our farm from lake owners can't with for
- p) Eric Tester - DT – The plan is 75 turbines over ten township, that means less than 1/10 have but 9/10 nothing, listening to what is being said tonight then most ordinances in Michigan are illegal now, most do not have pro-wind, don't like companies threatening to sue while signing up people behind our backs, PC have a choice, put in good ordinance to keep out, let them get signatures if they don't want it, let them sue us, Schoolcraft 250' and 35 dB A, and it has stood for twelve years now and it still stands, areas keeping out by ordinance saying we can't isn't true, I know people in the business, put in an ordinance that keep them out, if you're not going to support people then shouldn't be here, 98% lose property value for a few to make money
- q) Kelley Jeppesen – DT – listening, people upset about compromise, this company with the citizen ordinance to make sense, Ron trying to protect township from anti and company, lot of reading, a few more meetings to make decisions, thank you, this will not be easy, glad Ron is here and this company is coming to explain, and should have acoustical company, use multiple for hearing studies.
- r) Matt Foreman DT – Conflict of interest with Spicer, the company has worked with many wind companies and Apex in the past, they will not bite the hand that feed them, consider zones, Apex is stirring things up by not putting out details, Concerning rights of property owner, I also have a right on my property. Also, take into consideration what everyone has to look at or hear
- s) Kay Scott - ST – piggyback on Cary Shindledecker. Comments to PC and those wearing blue wind shirts, nonparticipating are protected better than participating health-wise, at a previous Douglass meeting I brought a list of opposition groups all over the word, Facebook page victims of industrial wind, ex: rural life destroyed, monsters the whole house seems to vibrate, people do not have a choice moved, sound pure torture should be illegal, moved in Mass. The beautiful home I built and sold at a loss, lost flower-based business and husband depresses, flicker think road setbacks home closed up like a cave because it gives motion sickness,
- t) Jeremy Kwakel – Since lawyer needs an example of state case where township won, does lawyer have knowledge of state case example where the wind company won? It should apply both ways.
- u) Leslie Rydahl – Pine township – handed out printed information on infrasound – making people sick all over the world, hearts, infrasound is in its infancy – health effects, growing liability for wind turbines is growing – Tuscola lawsuit, the wind company lost, 131 townships that have won against wind: moratoriums, banning, restrictive

ordinances, absurd to say can't protect citizens' health, Infrasound hurts more than audible, it's in your home and hurting people and animals

- v) Vicki Douglass Maple Valley Township – How can you consider setbacks, discuss without safety manual from the turbines that will be set here? they have safety regulations for their workers, need manual.
 - w) Close public comment
- 3) Next meeting: Wednesday, Oct 27th at 7:00 p.m. here at the township hall
 - 4) Adjourn
 - a) Motion by Cindy
 - b) Second by Todd