

DRAFT

Douglass Township Planning Commission  
Meeting Minutes Special Meeting  
Feb. 22, 2023

**Call to order**

Meeting called to order by Rick Baldwin at 7:16 p.m. immediately following the Public Hearing.

**Pledge Of Allegiance** did not recite pledge as had been recited during Public Hearing.

**Roll Call**

- Mike Swan present
- Eric Tester present
- Kathy Craig present
- Rick Baldwin present
- Tammy Sweeris resigned

**Approve agenda**

Discussion: Kathy Craig asked to add solar discussion to “new business” as it was one of the reasons for the Special Meeting.

- Motion made by Eric Tester to add solar discussion to the agenda.  
Seconded by Kathy Craig.  
Voice vote Ayes: 4 Nays: 0  
Motion passed.

**Resolution on Meeting Dates**

Kathy Craig read the Resolution, as per the bylaws, to set the 2023 PC Regular meeting dates as follows: Jan. 25, April 26, July 26 and Oct 25 at 7 pm at the township hall.

- Motion made by Mike Swan to approve resolution number 23-PCRO1 seconded by Eric Tester.  
Roll Call Vote:  
Kathy Craig yes  
Rick Baldwin yes  
Mike Swan yes  
Eric Tester yes  
Motion passed.

**Approve minutes of Jan. 25, 2023 meeting**

Minutes of the meeting were emailed, printed and reviewed by PC members.

- Motion made by Eric Tester to approve minutes as written, seconded by Kathy Craig.  
Voice vote: Ayes: 4 Nays: 0  
Motion passed.

**Public Comment on Agenda Items**

Rick Baldwin opened public comments at 7:23 pm. and closed them at 7:36 pm.

| Resident                         | Agenda item              | Comment  |
|----------------------------------|--------------------------|--|
| Brandy Bunting Douglass Township | Public hearing procedure | Questioned if the vote taken during the Public Hearing should have |

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|  |  | possibly been done before closing public hearing, recommended taking another vote. |
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Kathy Craig recommended voting on adding the additional vote to the agenda.

- Eric Tester made a motion to amend the agenda seconded by Mike Swan.  
Voice vote: Ayes: 4 Nays: 0  
Motion passed.

Further discussion ensued on whether to reopen the Public Hearing in order to vote on the resolutions again. Decision made to not reopen Public Hearing, but to vote on resolutions.

- Kathy Craig made a motion to accept the moratoriums on the two resolutions in front of us and have Eric take that back to the board. Seconded by Eric Tester.  
Roll Call Vote:  
Rick Baldwin yes  
Mike Swan abstain  
Eric Tester yes  
Kathy Craig yes  
Motion passed.

**Public Comments on Agenda items (cont.)**

| Resident   | Agenda item    | Comment   |
|--|----------------|---|
| Linda Reynolds Douglass Township   | WECS ordinance | In the last election, 72% of the voters turned down both ordinances. In Douglass, 64% voted, the highest in the county. Suggestions: Height 375 ft max, sound taken back to Spicer group's recommendations: 45 dba daytime, 40 dba nighttime LMAX. Setbacks 4x tip height or 1640 feet from nonparticipating properties and roads, 0 shadow flicker on nonparticipating property and roads, 1 mile on lakes, 1 mile on wetlands, 100 foot ground clearance. Has taken into account surrounding townships, citizen's ordinance and what people are saying. |
| Steve and Sheila Crooks Douglass Township via email read by Kathy Craig *see attached letter | WECS ordinance | Support 250 ft. height limit, 35/40 dba LMAX night/day, ground clearance 100 ft, rivers and wetlands 1 mile setback, lakes 2.5 mile setback, 3x tip height on roads, 5 x tip height on nonparticipating properties, leasing landowners responsible for decommissioning, 0 shadow flicker on nonparticipating properties and roadways, and no turbines allowed without RADAR..   |
| Caryl Hackett Douglass Township via mail read by Kathy Craig                                 | WECS ordinance | Has lived in big cities all her life but here for 12 years. Appreciates it. Supports strong solar and wind ordinance language. Recommends no variances, special land uses, no exceptions.   |

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|--|----------------|---|
| Bob Scott<br>Sidney Township via email<br>read by Kathy Craig * see<br>attached letter | WECS ordinance | Sent a letter with suggestions on strengthening ordinance language based on information in Pine Township's ordinance. See attached letter for detailed suggestions. |
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### New Business

#### Planning Commission Annual Report

- Motion made by Eric Tester to accept Annual Report for 2022, seconded by Mike Swan.  
Roll Call Vote:  
Kathy Craig   yes  
Mike Swan    abstain  
Rick Baldwin   yes  
Eric Tester    yes  
Motion passed.

#### Solar Discussion

Will be discussed in more detail later, allowing us to focus on wind first.

- Eric Tester made a motion to table solar discussion, seconded by Rick Baldwin.  
Roll Call Vote:  
Kathy Craig   yes  
Rick Baldwin   yes  
Mike Swan    yes  
Eric Tester    yes  
Motion passed.

#### Committee Reports

- Eric Tester Board Liaison   Nothing from the board to share.
- Dave Kelsey Zoning Administrator
  - 4 permits (3 pole barns and 1 home addition)
  - Blight: issued a second ticket and now will go before the magistrate, another property is cleaning up tires, another property has been referred to the sheriff department.
  - Zoning book: Concern on the lake regarding definition of front yard vs. back yard. Waterfront now has to be the backyard. Storage must be on that side now which is a concern for lake properties.
  - Accessories: storage only for 7 days, causing people to rent storage place. Dave feels it could be changed.

#### WECS ordinance

**Discussion:** Rick Baldwin reported that we have received a template from the attorney which we will work from page by page. Kathy Craig brought up the “Intent and Purpose” language addressing health and safety points. Would like to put that language back into this ordinance draft. It provides a background and rationale for the ordinance. Mike Swan does not feel he is educated enough to make decisions either way. Rick explained the differences between the original draft and the one with suggested changes. “Intent and Purpose” section will be revisited at a later date. Rick would like to come up with consensus on some points and put some figures in to send to the attorney.

**Definitions section additions/changes discussion:** Add definitions for “**Body of water (section 2.03)** A lake, pond, river, stream, wetland or any other area which is naturally and permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding”; add “**horizontal and vertical axis**” to the existing description of wind energy conversion systems (in **sections 2.04 and 2.23**); add definition of “**LMAX** is the highest time weighted sound level measured by the meter during a given period of time” (**section 2.14**); add: “**whether or not**” to the existing definition of nonparticipating parcel which addresses properties in adjacent townships (**section 2.15**); add “Qualified Professional: A third party representative with experience and training in the pertinent discipline who is agreed upon by the Township and the applicant” (**section 2.17**); add “**Tip Height:** The height of the turbine with a blade at the highest vertical point, including horizontal and vertical axis turbines” (**section 2.20**).

- Motion made by Eric Tester to add the changes (above) to the draft, seconded by Kathy Craig.

Roll Call Vote:

Rick Baldwin yes

Eric Tester yes

Kathy Craig yes

Mike Swan abstain

Motion passed.

**Zoning district discussion and Private WECS discussion:** Decision needs to be made in which districts the WECS will be allowed. Rick reported that Pine Township put in agricultural and light industrial. Douglass does not have Light Industrial. We have had several different heights for private WECS, 80 feet, 100 feet. The Spicer group was 80. Ground clearance was 20 feet in the previous ordinance. 30 feet is recommended for safety clearance for obstacles. Setback from private WECS was 3x tip height in Spicer group ordinance which would be 240 feet.

- Motion made by Eric Tester to set 80 feet tip height, 30 feet ground clearance, and 3x tip height setback from roads. Kathy asked if he also wanted to include the property lines. Eric kept it at roads. Motion seconded by Kathy Craig. Further discussion on including properties in the setback. Eric Tester amended motion to include property line in the setback. Kathy Craig agreed. Amended motion reads to set 80 feet tip height, 30 feet ground clearance, and 3x tip height from roads and property lines.

Roll Call Vote:

Kathy Craig yes

Rick Baldwin yes

Mike Swan abstain

Eric Tester yes

Motion passed.

- Motion made by Kathy Craig to allow commercial WECS and testing facilities in Agricultural and Industrial districts, seconded by Eric Tester.

Roll Call Vote:

Mike Swan abstain

Rick Baldwin yes

Kathy Craig yes

Eric Tester yes

Motion passed.

**Applications section discussion:** Rick reported this section is application stages on what an applicant has to do, such as site plan and verbage related to decommissioning. Suggested changes/additions: Add to **section 3.c.8:** “the **Decommissioning Report** required under subsection 6(c)”; This also refers to portions of **section 6.c.2** which would change section 6.c.2 to read:

i.“The amount of the cash deposit or surety bond is to be calculated as follows: At the time of the application for a special land use permit, the applicant must provide a report (“Decommissioning Report”) prepared by a Qualified Professional estimating the cost of decommissioning the Commercial WECS, including all turbines and related structures and equipment, and the cost of restoring the real property, with such costs reduced by the net salvage value of the Commercial WECS (“Estimated Decommissioning Cost”).

ii. The Township’s engineer will review the applicant’s Decommissioning Report and may propose amendments to the applicant. The Planning Commission will not approve a special land use permit for the 15 Commercial WECS unless the Township’s engineer approves the applicant’s Decommissioning Report, either as submitted or as amended.

iii. Within 10 days after approval of the Commercial WECS, the applicant or operator must post financial security in an amount equal to the Estimated Decommissioning Cost, plus an additional amount equal to the CPI (consumer price index) increase for each preceding year.

iv. The financial security must be renewed on or before January 1 of each year thereafter.

v. Every three years, beginning on the first January 1 that is three years after approval of the Commercial WECS, the applicant or operator must update the Decommissioning Report to reflect the current Estimated Decommissioning Cost and provide the updated report to the Township. If the updated Estimated Decommissioning Cost is higher than the amount of existing financial security posted with the Township, then the applicant or operator must post the amount of the updated Estimated Decommissioning Cost as its financial security and continue to pay that amount annually, plus an additional amount equal to the CPI increase for the preceding year. This three-year process will continue for so long as the Commercial WECS is located in the Township.;

Delete from **section 3.c.8:**”iii. **the estimated decommissioning costs** net of salvage value in current dollars”; Add to **section 3.c.9:** “**No such materials shall be stored** or maintained on any property for longer than 30 days”; Change section **3.c.11** to read “**Montcalm County**” instead of county; add to section **3.c.12** “conducted by a Qualified Professional”; Add to section **3.c.16** “The **fire and emergency plan** shall also include information establishing that there is adequate access to local fire and emergency vehicle resources and/or fire suppression equipment on each turbine to suppress any fire or emergency including fires within the frame and housing at the top of the turbine.”; Strengthen language about shadow flicker therefore change **section 3.19** to read: “A written shadow flicker analysis and report describing potential shadow flicker created by each proposed wind turbine on all public roads and at all Non-Participating Parcel property lines with direct line-of-sight to a wind turbine.”; Add a **section (3.c.20):** “Hydrologic and Groundwater Impact Study: A hydrologic and groundwater impact study and report prepared by a Qualified Professional. A soil erosion plan must be submitted

with the application. The soil erosion plan, hydrologic study and groundwater impact study must be approved before the construction can start. The Commercial WECS shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion, particularly during the construction phase of the project. Any soil erosion must be mitigated within five (5) working days.

- Motion made by Eric Tester to add the verbiage (above), seconded by Rick Baldwin.

Roll Call Vote:

Kathy Craig    yes  
Mike Swan     abstain  
Eric Tester    yes  
Rick Baldwin  yes

Motion passed.

**Discussion jumped to section 6 Commercial WECS additional requirements.** Rick would like to add to **section 6.b “environmental damage”** to covered damages by insurance. Further items in this section discussed: previous discussion of **section 6.c.** happened during section 3 discussion; Change **section 6.d.3** to read: **“All underground wiring** for the removed turbine or components must be cut off at a depth of seven (7) feet below grade and the land restored with topsoil upon decommissioning”, which in turn causes the following **section 6.d.6:** to be deleted.”1. The property owner may waive the complete caisson removal and remove the caisson to a depth of eight feet if the property owner signs a waiver that is recorded with the Montcalm County Register of Deeds” ; add to **section 6.d** regarding amounts in escrow for complaint resolution: **\$20,000** and replenished whenever the balance falls below **\$5,000;** change **section 6.f.5** to read: **“A three-member committee** consisting of the Township’s Zoning Administrator and two members of the Planning Commission as appointed by the Township Board will investigate each complaint, with all expenses (including professional fees) drawn from the escrow account.”; delete from **section 6.h** the phrase **“within 24 hours”** and insert the sentence **“as soon as reasonably possible after the occurrence of any such event but not later that 24 hours thereafter”**- this would require more immediate reporting to the township of any type of damages; add a **section 6.d.8** addressing **landowner responsibility:** “In the event the WECS owner, operator, parent company, performance bond defaults on any or all of the previously outlined decommissioning requirements, the Participating Landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the Participating Landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the Participating Landowner. If funding is not available to cover the costs of removal by the Participating Landowner, legal action to pursue the seizure of Participating Landowner property(ies) will take place to cover such costs.”-Rick recommends that this verbiage be moved into the decommissioning section by adding it as number 7 since we are recommending striking out the existing number 7.

- Motion made by Eric Tester to accept the additional changes (above), seconded by

Kathy Craig.

Roll Call Vote:

Eric Tester    yes  
Mike Swan     abstain

Rick Baldwin yes  
Kathy Craig yes  
Motion passed.

**Discussion on section 4 Noise Regulations:** Eric suggested 40 dba LMAX during the day and 35 at night recognizing the language allows for a non participating person to sign a waiver to go higher. Kathy suggested 30 dba at night due to the World Health Organization's recommendation on less than 30 db for a good night's sleep and to keep the daytime level at 40 db (Both LMAX). Also recommends using the 10pm to 7 am and 7 am to 10 pm time frame on the noise levels that was in the previous ordinance. It might help make it more enforceable.

- Motion made by Kathy Craig to set sound levels on **nonparticipating** property lines at 30 Dba LMAX from 10:00 p.m. to 7:00 a.m. and 40 Dba LMAX from 7:00 a.m. to 10:00 p.m., seconded by Rick Baldwin.

Roll Call Vote:

Eric Tester yes  
Mike Swan abstain  
Rick Baldwin yes  
Kathy Craig yes  
Motion passed.

**Further discussion on noise regulations:** There is no protection in this draft regarding sound from participating property owners. Kathy recommended using the Spicer group's sound levels from the previous ordinance 40 Dba LMAX from 10 pm to 7 am and 45 Dba LMAX from 7 am to 10 pm. Waiver up to 5 db increase as an option.

- Motion made by Kathy Craig to have the sound levels for **participating** properties be 40 Dba LMAX from 10 pm to 7 am and 45 Dba LMAX from 7 am to 10 pm. with a waiver option increasing it by 5 db, seconded by Eric Tester.

Roll Call Vote:

Mike Swan abstain  
Rick Baldwin yes  
Kathy Craig yes  
Eric Tester yes  
Motion passed.

Further discussion on noise: The measurement for sound studies may need to be changed by the attorney to match the updated levels.

**Discussion on section 5 which is setbacks:** First discuss property lines. Consensus to separate out the property lines from the various bodies of water. Nonparticipating property and road right of way done together. Most recent ordinance had 1500 ft but was referendumed. Citizens' ordinance had 5 x tip height. Discussion on the need for multiplier. Minimum should be 1640 ft as it is the safety standard from the manufacturer for crews working on turbines, so our citizens should have that too. There are instances of fire. Kathy recommended 5x tip height or 1640 feet whichever is greater to provide protection. Rick referenced spreadsheet from other townships showing 4x tip height.

- Motion made by Kathy Craig to set the setback from **nonparticipating** parcel and road right of way at 5x tip height or 1640 feet whichever is greater. Eric asked about waivers. Motion seconded by Eric Tester.

Roll Call Vote:

Rick Baldwin yes  
Mike Swan abstain  
Kathy Craig yes  
Eric Tester yes

Motion passed.

**Further discussion on property setbacks:** Kathy brought up that there is no protection for setbacks for **participating property** owners. Recommends that we put some protection in there for them. Rick suggested we use occupied dwelling. Previous ordinance was 1.5x tip height from occupied dwelling. Eric is concerned about the dangers with only 1.5 x tip height setback. Kathy suggested using 1640 feet. Eric feels that if that is what they are using for their workers, they should protect the people too.

- Motion made by Kathy Craig to set the setbacks on participating properties to 1640 feet from inhabited structures with the option for the property owner to sign a waiver to have them closer, seconded by Eric Tester.

Roll Call Vote:

Kathy Craig yes  
Eric Tester yes  
Mike Swan abstain  
Rick Baldwin yes

Motion passed

**Discussion on setbacks from bodies of water:** Lakes: Rick reported we share a lake with Sidney Township and they have 2.5 miles. Rivers: We share with Pine Township and they have 1 mile. Wetlands: 5 acres is the size to be on the National Wetlands Inventory and that is what is on the map of the township in the Master Plan. Eric reported Belvidere has 2000 feet from wetlands. Kathy recalled an ordinance that had 2640 feet to protect endangered species and habitats. Eric asked about streams and creeks of that size. Rick thought that the streams and creek beds would be included if they were 5 linear acres. Eric asked about creekbeds being included in the wetlands.

- Motion made by KathyCraig to have setbacks from the lakes be 2.5 miles, setback from the Flat River be 1 mile, setback from the wetlands including creek bottoms measuring up to 5 linear acres be 2640 feet, seconded by Eric Tester.

Roll Call Vote:

Rick Baldwin yes  
Mike Swan abstain  
Eric Tester yes  
Kathy Craig yes

Motion passed

**Discussion on Height:** Rick suggested we keep the height within parameters of neighboring townships which would be between 300 feet and 450 feet. Kathy thought 450 feet was too high due to the voters' referendum of the ordinance containing 500 feet. Eric pointed out they make 330 feet turbines too.

- Motion made by Eric Tester to set tip height at 350 feet, seconded by Rick Baldwin.

Roll call vote:



Rick Baldwin    yes  
Mike Swan        abstain  
Eric Tester        yes  
Kathy Craig        yes  
Motion passed.

**Discussion on ground clearance:** It was 75 feet at one time, lowered to 50 feet. Pine has 100 feet. Surrounding townships have 100 feet.

- Motion made by Eric Tester to set ground clearance at 100 feet, seconded by Kathy Craig.

Roll call vote:

Kathy Craig    yes  
Mike Swan        abstain  
Rick Baldwin    yes  
Eric Tester        yes  
Motion passed.

**Discussion on blade clearance:** This would be above and away from an occupied structure. Rick suggested 100 feet. Eric suggested 200 feet.

- Motion made by Eric Tester for 200 feet clearance over and away from any structure, seconded by Rick Baldwin.

- Roll call vote:

Rick Baldwin    yes  
Kathy Craig        yes  
Eric Tester        yes  
Mike Swan        abstain  
Motion passed.

**Discussion on driveway access and lighting:** In the lighting section, Kathy suggested removing the phrase “if allowed by the FAA” from **section 5n** referencing RADAR lighting. There have been 300, 500 and 1000 foot access drives. Pine Township is 1000 feet. Eric mentioned 200 yards. Kathy recommended going with the 1000 feet like Pine Township since we are addressing adjacent nonparticipating properties in the townships. Rick suggested we also add “Montcalm” to the road repair section.

- Motion made by Eric Tester to have access roads 1000 feet from nonparticipating properties. Further discussion: It is the same as Pine and the same legal team. Motion seconded by Kathy Craig.

Roll call vote:

Rick Baldwin    yes  
Mike Swan        abstain  
Kathy Craig        yes  
Eric Tester        yes  
Motion passed.

- Motion made by Kathy Craig that the phrase “if allowed by the FAA” be stricken from the lighting (section 5n), seconded by Eric Tester.

Roll call vote:

Rick Baldwin    yes

Mike Swan     abstain  
 Eric Tester    yes  
 Kathy Craig    yes  
 Motion passed.

**Other discussion:** Amount of cash deposit or surety bond. Insurance is \$10 million which covers damages for the whole project. Surety bond would cover decommissioning costs. Kathy questioned if \$650,000 was enough. Rick suggested using the verbiage from Pine Township **section 6.c. 2**, use a minimum of \$650,000. We can add a minimum amount to that verbiage. “The amount of the cash deposit or surety bond is to be calculated as follows: At the time of the application for a special land use permit, the applicant must **deposit a minimum of \$650,000 and** provide a report (“Decommissioning Report”) prepared by a Qualified Professional estimating the cost of decommissioning the Commercial WECS, including all turbines and related structures and equipment, and the cost of restoring the real property.....” Questioned if the verbiage was enough without an amount. Kathy and Eric suggested putting a minimum of \$650,000 or \$800,000.

- Motion made by Eric Tester to set a minimum of \$650,000 per turbine plus the verbiage from Pine Township (above) to the decommissioning report , seconded by Kathy Craig.

Roll call Vote:

Mike Swan     abstain  
 Rick Baldwin  yes  
 Eric Tester    yes  
 Kathy craig   yes  
 Motion passed.

**Old Business**

Master Plan

**Discussion:** Rick recommended tabling it. Kathy asked if anyone had received info from Paul LeBlanc. Eric does not think anyone has heard from him. Rick asked Eric to ask the board.

**Public comment**

Rick Baldwin opened public comment at 9:41 p.m and ended it at 9:48 p.m.

| Resident                              | comments   |
|---------------------------------------|--|
| Mike Poulson<br>Maple Valley Township | Reported that the former PC chairman made an intimidating gesture at Sarah Kelly and him during the meeting.   |
| Ken Bunting<br>Douglass Township      | To Eric: on the setbacks for Private WECS, there is room for them for most plots. Question on how sound for private WECS would work. Questioned why there are waivers for points on this ordinance but no others about safety have waiver options. There should be a set standard and not waivers.   |
| Jack Jeppesen<br>Douglass Township    | The new regime running the township had a big thing about health, safety and welfare. The township should set up buoys in lakes where float planes are going to land. Better start measuring the trees around lakes because you might have to start taking tops off trees around Clifford Lake. A lady used to come to meetings a year ago who could not work in Gratiot |

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|  | because of flashing lights but lives next to towers now. Township should have radio frequency lighting on those. Concerned how she sleeps at night. To Eric: Better go to the township board and check liability insurance. All you better check your liability insurance. |
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**Further commission discussion/Other Matters**

Waivers: Could waive sound up to 5 db, could sign waiver to decrease setbacks. We followed the template from the attorney, and should ask the attorney about that. Waivers might be in there to be non exclusionary. Revisit when it is reviewed.

- Motion made by Eric Tester to send ordinance to board to send to the attorney, seconded by Kathy Craig.  
Roll call vote”  
Mike Swan    abstain  
Rick Baldwin    yes  
Kathy Craig    yes  
Eric Tester    yes  
Motion passed.

**Adjournment**

- Motion made by Mike Swan to adjourn, seconded by Rick Baldwin. .  
Voice vote Ayes: 4    Nays: 0  
Motion passed.
- Meeting adjourned at 9:52 p.m.

Respectfully submitted,

Kathy Craig  
Douglass Township Planning Commission Secretary