

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING

DATE: FEBRUARY 9, 2009

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Richard Buell

Jerome Doyle, Vice Chair

Ronald Flowers

Eric Swanson, Secretary

David Gibbs

Mark Purkey, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Flowers, Gibbs, Fitch, and Morford

ABSENT: Swanson, Buell, Purkey

OTHERS PRESENT: Flint Journal Reporter Jill Blondin, Greg Bois, Clayton Township Trustee Chuck Shinowskis and Lloyd Swan

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair **MARK NEWMAN (NEWMAN)** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Doyle to adopt the Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES:

A. APPROVAL OF MINUTES OF DECEMBER 8, 2008: FLOWERS MOVED, seconded by Gibbs to adopt the Minutes of December 8, 2008 as amended. **MOTION CARRIED.**

B. APPROVAL OF MINUTES OF JANUARY 12, 2009: DOYLE MOVED, seconded by Flowers to adopt the Minutes of January 12, 2009 as amended. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS
1. Wind Turbine Power

NEWMAN stated sample wind turbine ordinances, tower ordinance language, noise regulations, etc. had been discussed at the January Planning Commission Meeting. **NEWMAN** wanted to see uniformity between the ordinances so there wouldn't be one ordinance that was in conflict with another ordinance or there wouldn't be a situation where an individual wasn't sure which ordinance to apply for a particular issue. The *Wind Turbine Ordinance* language had to be clear so that it would not be confused with the *Tower Ordinance*.

At the January 2009 Planning Commission Meeting, **NEWMAN** had requested the Planning Commission review, for the February Planning Commission Meeting, the proposed wind turbine ordinance from Chester Township.

INTRODUCTORY COMMENTS FROM THE COMMISSION REGARDING THE WIND TURBINE:

- **DOYLE** felt the wind turbine ordinance should be a separate ordinance from the tower ordinance; a Special Use Permit should be required for the turbine.
- **NEWMAN** had mentioned at the last Planning Commission Meeting that a Senate Bill was pending in the State Legislative. Ms. Betty Harrison, Trustee from Mundy Township, had delivered a *Wind Turbine Regulations* document to Building Inspector **JERRY FITCH (FITC)** which she had obtained from the 2009 Michigan Townships Association (MTA) Conference in January. (Public Act 295 was written on the top of the document).
- **FLOWERS** stated the State House of Representative had passed the Act and some of the regulations would be returned back to the local Planning Commission.
- **NEWMAN** stated a substitute bill had been introduced in the Senate.
- **DOYLE** felt wind turbines would be a safety issue.

HEIGHT:

- **NEWMAN** stated one of his big concerns had been the appropriate setback. Building Inspector **JERRY FITCH (FITC)** had given him (Newman) and the other Commissioners a copy of the *Tower Ordinance* which showed the setback for towers but the setbacks for turbines would have to be more substantial. Towers didn't move and they (towers) didn't have blades.
- **GIBBS** felt the size and height of the wind turbines would also be an issue. There are issues in the sample ordinances concerning the heights of turbines which farmers could not abide by. A grain elevator in Genesee County couldn't be over one hundred (100) foot high without a permit and a flashing light on the top that would be visible for airplanes.
- **NEWMAN** felt there were some issues that needed to be answered:

- a. Bishop Airport (Flint, MI) and the Federal Aviation Association (FAA) needed to be notified of the turbine issue.
- b. Lights on top of the turbines.
- c. Setbacks for the turbines.
- **FLOWERS** stated he was amazed he could purchase a wind turbine kit for \$200.00 on the Web and build his own turbine. One gentleman on the Web stated he “just picked up things in his own yard” and built a wind turbine from the materials he collected.

FLOWERS stated wind could be a determining factor with the turbines. There needed to be wind gusts of eight (8) miles per hour to function, but would function better at twelve (12) miles per hour. If there wasn't any wind, the resident could still use Consumers Energy; solar panels on the roof could be another solution.

- **DOYLE** stated the wind turbines should be divided into two (2) parts:
 - a. Commercial
 - b. Personal Use
- **FLOWERS** stated he had seen on the Web a turbine not much taller than a television antenna sitting beside a mobile home. The turbine generated five (5) percent of the power for the mobile home.
- **NEWMAN** had stated at the last Planning Commission Meeting that his (Newman) concern had been the “intent”. The “intent” when first starting out could be for personal use only, but if the turbine should really take off, at what point would the transaction turn from personal to commercial? **Personal** would be defined as one using all the energy on one's own property; if there was excess energy, one could sell it back to the energy company:
 - a. There should be some different standards between personal and commercial use.
 - b. There should be a minimum base line that applied to everyone.
 - c. Setbacks wouldn't make any difference if commercial or residential setting. The whole point of setbacks would be to protect everyone involved, both the homeowner and the surrounding neighbors.
 - d. The Planning Commission has a duty to lay out the frame work to help people deal with the scope of the law and to help the individual get to that particular point by following proper procedure.
 - e. There is an obligation to the rest of the residents of the township, especially those adjoining the particular piece of property, to make sure the Planning Commission was looking out for them also. It would be considered a *Balancing Act*.
- **GIBBS** stated if you had a commercial wind turbine, you would have to be on commercial property, and vice versa for residential property (zoning).
- **NEWMAN** stated perhaps that would be the easiest way to differentiate between commercial and residential turbines.
- **FLOWERS** stated the sample Chester Township Ordinance talked about small units which would be one hundred (100) kilowatts or less and would be what a house needed to operate.

- **NEWMAN** stated he liked **GIBBS** idea to go with the zoning of the property. The type of property that the turbine would be placed on would have to meet all the standards for a “commercial” operation whether the individual would be selling or buying the electricity.
- **NEWMAN** felt there needed to be more of a substantial setback for the wind turbine than was specified for the regular tower ordinance. **NEWMAN** read *Special Use Permits, Article XVIII, Section 20-1805, Tower Ordinance, b, Towers, 4, Setbacks, a:*
 - a. Towers must be set back a distance equal to at least seventy-five (75%) percent of the height of the tower from any adjoining lot line. There are large blades that are mounted at the top of the tower. Perhaps the setback could be the height of the tower plus the length of the blade when it is straight up.
- **DOYLE** stated it could be the distance from the bottom of the blade plus thirty (30) feet.
- **GIBBS** stated if there was a one hundred (100) foot tower and a twenty-five (25) foot blade, there would be a one hundred twenty-five (125) foot setback.
- **FLOWERS** wanted to know if the smaller turbines, ten (10) foot overall with five (5) foot blades, would be regulated. Would the setback be the distance of the tower plus one-half the length of the blade or the radius of three (3) blades.
- **DOYLE** stated there should be a minimum of twenty (20) foot from the ground to the bottom of the blade.
- **NEWMAN** stated the tower would be mounted in such a way that the blade would not skim the ground. That would be the reason for taking the height of the tower plus the length of the blade.
- **GIBBS** wanted to know if the blade could be placed high enough off the ground so that it would not hit anyone walking underneath the turbine.
- **DOYLE** felt that twenty (20) foot would be a safe distance from the ground to the bottom of the blade.

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SPECIFICATIONS TO BE IN THE PROPOSED WIND TURBINE ORDINANCE:

1. Fifteen (15) foot from the ground to the bottom of the blade.
2. FAA regulations and guidelines (Bishop Airport and Buckeye Pipeline are registered businesses that receives all notices that Flushing Township sends out to its residents).
3. Anti Noise Regulation
4. Safety Zone (setbacks, fall zone)

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ANTI-NOISE REGULATION:

- **FLOWERS** felt seventy-five (75) decibels was too high. The Chester Township Ordinance created forty-five (45) decibels. Decibels would be determined by the speed of the blades.

- **GIBBS** stated the turbines were not quiet. He (Gibbs) felt turbines didn't belong in residential areas. **GIBBS** couldn't image wind turbines being along Seymour Road (Flushing, Michigan).
- **FLOWERS** didn't want to see a wind turbine on a one-half (1/2) acre lot.
- **DOYLE** stated the Planning Commission could indicate that a wind turbine could not be placed on anything smaller than four (4) acres. He (Doyle) felt the size of the wind turbine would make a difference.
- **GIBBS** stated one of the turbines that he saw out west was pumping water but not producing electricity. One wind turbine had twenty (20) blades.
- **DOYLE** stated if a turbine could work for water it could work for electricity.
- **FLOWERS** stated he recently saw a turbine that was being converted.
- **DOYLE** felt if an individual wanted to stay with "residential", any lot in a subdivision would work that had three (3) or four (4) acres.
- **GIBBS** felt it would have to be indicated in the ordinance there could not be any "commercial grade wind turbines."
- **DOYLE** stated that if the turbine was placed on a certain size lot, it would have to be a certain size for height, one-half the distance the size of the blade; the individual would be indicating the distance the turbine would have to be from the property line. That statement would take care of anything except a very small turbine. It could then be stated that anything smaller than two (2) acres, would have something different.
- **FLOWERS** stated the Chester Township ordinance indicated the distance and property line shall be at least two (2) times the tower and height. Twenty (20) feet was also recommended.
- **NEWMAN** would like to revisit the proposed Chester Township Ordinance and then decide what language had to be placed in the proposed Flushing Township Ordinance.
- **FLOWERS** stated the Chester Township Ordinance called for forty-five (45) decibels.
- **GIBBS** wanted to know if the condition would be higher decibels than stated the second time.
- **NEWMAN** stated that when you apply for a permit, you must follow within the perimeters at all times, not based on speed or day. **NEWMAN** read *Anti-Noise Regulations Based upon dB(A) Criteria, Section 12.39* which states:

<u>Zoning Districts</u>	<u>Limitations</u> 7 a.m. – 10 p.m.	<u>Limitations</u> 10 p.m. – 7 a.m.
Residential (and any area Within 500 feet of any dwelling Under separate ownership)	55 dB(A)	50 dB(A)
Agricultural (where at least 500 Feet from any dwelling under Separate ownership commercial And industrial)	65 dB(A)	55 dB(A)

- **DOYLE** stated the speed of the wind could make a difference with the noise.
- **GIBBS** stated he had read where flattened out blades eliminated the higher pitch. The blades are controlled by the consistency of the propeller.
- **NEWMAN** stated it would be the responsibility of the individual installing the turbine to follow all the requirements to make the turbine work.
- **FLOWERS** recommended a wind study on the property before a wind turbine was installed so the individual would know what they were dealing with. If the wind didn't get over twelve (12) miles an hour, it would be useless to install a turbine. **FLOWERS** felt there should be some type of document, which the property owner produced, that stated the type of wind on the property.
- **NEWMAN** stated the decision about the type of wind would be the responsibility of the land owner. Flushing Township was not in the business of telling people there wasn't enough wind to construct a wind turbine.
- **FLOWERS** felt if there was some type of layout of the property involved, or some study as to the wind, it would save time. If someone constructed a turbine and it didn't work, there would be a big turbine not doing its job.
- **NEWMAN** stated if the turbine fell within the perimeters, everything would work. If the turbine didn't fall within the perimeters, then the turbine would not be constructed.
- **DOYLE** stated the turbine ordinance could always be amended if the Planning Commission found out later that the decibels weren't sufficient.
- **FITCH** stated there was a standard decibel of forty-five (45) for indoor use and fifty-five (55) for outdoor use. Above that level it would be very hard to carry on a conversation. Fifty-five (55) decibels would be equal to a window air conditioner.
- **NEWMAN** felt there should be a fixed number for decibels for the proposed Flushing Township Ordinance.
- **DOYLE** stated fifty-five (55) decibels was already being used because it would be a normal household.
- **FLOWERS** wanted to know if there should be requirements for both small residential turbines and large commercial turbines as to the setbacks being different. Per the Chester Township Ordinance, there had to be a two (2) to three (3) acre separation between turbines. The turbines would draw from each other but would make more noise. He (Flowers) felt there should be language put in the proposed Flushing Township ordinance for both the residential and commercial because there is still enough acreage remaining in Flushing Township that someone could install towers.
- **GIBBS** wanted to know what would happen if someone constructed a turbine that would service two (2) or three (3) households?
- **DOYLE** wanted to know if the square footage for all three (3) households would be considered.
- **NEWMAN** stated a couple of the model ordinances reviewed talked about alienation between personal use verses commercial use was based upon whether all the towers were on the premises or whether they supplied for two (2) or three (3) households. It would not only be for personal use but would be distributed to neighbors.

- **FLOWERS** stated a group of people could get together and put money into building a commercial unit and have their own energy.
- **DOYLE** stated, go one more step, what about a site condominium which everyone owned.
- **NEWMAN** stated a property owner was a property owner it didn't matter if it was a single, married, a condominium association, or even a corporation.
- **NEWMAN** recommended having the site plan of the wind turbine be incorporated into the special use permit provision. A check list could be developed for the wind turbines.
- **FLOWERS** mentioned trees could be considered in the area. Trees continue to grow and they could cause trouble. **FLOWERS** felt there were still some issues being overlooked but at least there was a starting point to talk about each issue.
- **NEWMAN** will draft some proposed language for wind turbines for the next meeting for discussion.
- **DOYLE** recommended that everyone continue to review the sample ordinances.
- **GIBBS** wanted to know if there could be a draft on both residential and commercial turbines?
- **NEWMAN** recommended putting general baseline requirements regardless of the use or siting. If there were special or specific commercial or residential turbines, those could be sit up and if the Planning Commission voted and decided that it would not be residential, it would stay, or maybe state, it would be residential "but" it would be three (3), three and one-half (3 ½), or four (4) acres. Consideration would be put into the issue.
- **GIBBS** stated that in fifty (50) years, the wind turbine could be a whole new way of heating.
- **NEWMAN** stated the issues that would be placed on the Agenda for March would be:
 1. **Unfinished Business**
Wind Turbine
 2. **New Business**
Adopt Amendment to the By-Laws
Update the "Items for Discussion" List

V. **NEW BUSINESS:**
None

VI. **PUBLIC COMMENTS:**

8:04 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

1. **Lloyd Swann of Clayton Township** – "hurry and get the ordinance done so they could borrow the ordinance; have there been residents that have contacted the township regarding the appearance of the wind turbines."
2. **Andy Trogot of Flushing Township** – "wanted to know if the Commission Members who were absent from the meeting would get paid."
3. **FITCH** had contacted **ATTORNEY STEVE MOULTON** regarding the issue of the Public Hearing for the *Adoption Amendment to the By-Laws*; a public hearing was not

necessary. The issue will be placed on the March Planning Commission Meeting Agenda to adopt the amendment to the By-Laws. **FITCH** will contact the FAA to see what information they have concerning the wind turbines.

4. **FITCH** stated **BUELL** had wanted to know if **FITCH** would review the “TO DO LIST” and update as to the remaining items that needed to be discussed. **FITCH** did review the list.

8:17 P.M. - CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **DOYLE** wanted to know if we could discuss and update the October 2006 “Items for Discussion”.
2. **NEWMAN** thanked everyone in the audience for being present including two representatives from Clayton Township.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, MARCH 9, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, APRIL 20, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, MAY 11, 2009 AT 7:00 P.M.

REGULAR SCHEDULED MEETING – MONDAY, JUNE 8, 2009 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:21 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval