



Planning Commission
Gratiot County Department of Community Development
214 E Center St., Ithaca, MI 48847
Phone (989) 875-5201

Proposed Minutes of the Wednesday, May 11, 2022 Meeting

The Gratiot County Planning Commission held a meeting Wednesday, May 11th, 2022 beginning at 5:00 pm in the Circuit Court Courtroom at Gratiot County Courthouse, 214 E Center St., Ithaca, MI 48847 and available via Zoom.

1. Call to Order at 5:00pm
2. Pledge of Allegiance
3. Roll Call:
Present: Janell Dunham, Marc Raycraft, Karla Childers, David Justin, Caroline Ross, Dan Manley, L. Quinn Lincoln-Keon (came in at 5:12pm)
4. Approval of the Agenda:
Board Action: Motion by Marc Raycraft, second by Caroline Ross to approve Agenda. Motion Carried 6-0-1.
5. Approval of April 13th, 2022 Minutes:
Board Action: Motion by David Justin, second by Dan Manley to approve minutes. Motion Carried 6-0-1.
6. Public Comment
7. Clinton County Request for Recommendation on 2022 Comprehensive Plan
 - a. Explanation/Review of 2022 Comprehensive Plan
 - b. Discussion/Questions
 - c. Vote for Recommendation of Approval/Approval with Suggestions/DenialBoard Action: Motion by Janell Dunham, second by Caroline Ross to vote for recommendation of approval. Motion Carried 5-1-1.
8. PA116 Applications (Request for Recommendation) – New Haven/Fulton
 - a. Explanation/Review of PA116 Application for Parcel #09-014-006-00
 - b. Discussion/Questions
 - c. Vote for Recommendation of PA116 Application for Parcel #09-014-006-00
Board Action: Motion by Marc Raycraft, second by David Justin to vote for recommendation of approval of PA116 Application for Parcel #09-014-006-00. Motion Carried 6-0-1.
 - d. Explanation/Review of PA116 Application for Parcel #09-011-008-01
 - e. Discussion/Questions

- f. Vote for Recommendation of PA116 Application for Parcel #09-011-008-01
Board Action: Motion by Janell Dunham, second by Dan Manley to recommend approval of PA116 Application for Parcel #09-011-008-01 pending completion of PA116 Application Section 16. Motion Carried 6-0-1.
 - g. Explanation/Review of PA116 Application for Parcel #05-009-004-00
 - h. Discussion/Questions
 - i. Vote for Recommendation of PA116 Application for Parcel #05-009-004-00
Board Action: Motion by David Justin, second by Marc Raycraft to recommend approval of PA116 Application for Parcel #05-009-004-00
Motion Carried 6-0-1.
9. PA116 Application – North Star Township
- a. Explanation/Review of PA116 Application for Parcel #11-025-008-20
 - b. Discussion/Questions
 - c. Vote for Recommendation of PA116 Application for Parcel #11-025-008-20
Board Action: Motion by Janell Dunham, second by Caroline Ross to approve PA116 Application for Parcel #11-025-008-20. Motion Carried 6-0-1.
10. Special Use Application – Heartland Farms Wind Project Spicer Site Plan Review
- a. Explanation/Review

Cynthia Todd from Spicer (contracted by Gratiot County to review and report on the site plans submitted by the applicant – Invenergy) went through each page of the Spicer Review of the Heartland Farms Wind Project. She noted turbines that were; well within compliance, within compliance (a second sound or flicker study would be requested), or not within compliance (would require a curtailment plan) with the Gratiot County Zoning Ordinance.

Marc Raycraft, a member of the Gratiot County Planning Commission, asked a question regarding the sound level of the turbines that were noted in the Spicer Report to be well over the Gratiot County Zoning Ordinance limit of 55dBA.

Cynthia Todd, from Spicer, clarified that all turbines that were noted in Spicer Report to not comply with the Gratiot County Zoning Ordinance Guidelines for Wind Turbines, would require a curtailment plan. A curtailment plan is a plan designed to reduce or restrict something – in this instance, reduce the noise level of the wind turbines.

Kyle O’Meara, from Fahey’s Law Office (contracted by Gratiot County to legally represent Gratiot County), mentions that there is a condition in the resolution that the wind turbines were not to exceed 55dBA.

Dan Manley, a member of the Gratiot County Planning Commission, asked a question to better explain exactly what “shadow flicker” is.

JoAnne Blank from Stantec Consulting (contracted as an expert for applicant, Invenergy), described shadow flicker as the occurrence of light flickering as a direct result of the correlation from the blades rotating, the position of the sun, and the weather (season).

Marc Raycraft raises a concern that participants of the Heartland Farms Wind Project are unaware of the shadow flicker hours for some wind turbines, specifically the wind turbines that Spicer’s report shows the shadow flicker hours are over 30 hours/year (per Gratiot County Zoning Ordinance).

Cynthia Todd clarifies that the purpose of the Spicer Report is to review the application and site plans that are submitted to the Gratiot County Planning Commission and highlight where the site plan complies and does not comply with the Gratiot County Zoning Ordinance. In regards to making participants of the Heartland Farms Wind Project aware – the report from Spicer highlights which turbines do not comply and where they are located.

L. Quinn Lincoln-Keon, a member of the Gratiot County Planning Commission, asked what the drain commission’s decision was regarding approval for their jurisdiction.
(This question was agreed to be later answered by the applicant, as Spicer does not handle the permitting for the applicant.)

L. Quinn Lincoln-Keon asked how shadow flicker is managed to prevent going over the 30 hours/year limit in the Gratiot County Zoning Ordinance.

JoAnne Blank explained that a shadow flicker model takes into account the season, the position of the sun, and the location of all the turbines that are in the site plan (81). The model then takes all of this information for every minute of a year and is able to (with high accuracy) predict when shadow flicker will happen and for how many hours/year. With this information, Invenergy will be able to see which wind turbines have shadow flicker hours/year that exceeds the limit. To manage the turbines and prevent shadow flicker from going over the limit of 30 hours/year, a curtailment plan would be put in place to shut down the turbine for ‘x’ amount of time that the shadow flicker model shows to be the highest amount of shadow flicker occurring.

Cynthia Todd reiterates that a curtailment plan is what Spicer is recommending to the Gratiot County Planning Commission – for all of the issues or non-compliance turbines that are highlighted in the report.

Mike Hankard, from Hankard Environmental (contracted as an expert for applicant, Invenergy) explains that the noise level of a turbine is directly related to the speed of the blades. To ensure less noise, one would have to set the wind turbines to a slower speed.

L. Quinn Lincoln-Keon asked if there were wetlands present on the proposed sites.

Cynthia Todd states that (while there are none on the plans) the permits will show any and will take them into account.

Cynthia Todd directs a question to the applicant regarding a highlighted turbine in the Spicer Report that is located within 560' to a barn.

Fred Short, a project developer of the applicant Invenergy, states that the barn in question is on the same parcel as the turbine in question and that the turbine is within 560' of the turbine. The parcel is participating in the project, the property owner was made aware of this, as this is closer than what is allotted in the Gratiot County Zoning Ordinance. The property owner willingly signed an affidavit agree that the location of the turbine is what worked best for the property owner – taking into account their future plans with the property. A letter signed by the Property Owner indicating support and approval of the Heartland Farms Wind Project.

The applicant, Invenergy, and project developers and experts now took their time to respond to questions that were raised during Cynthia Todd's review of the Spicer Report on the applicant's proposed site plans.

Fred Short responds to why the specific location of the turbines were chosen. Invenergy worked with participants to come to agreements to determine the location of the turbines that worked best in both parties favor. Invenergy did take into account the location of drain tiles and home and clauses were placed in the agreements with participants to protect the residents of Gratiot County (participants). Regarding shadow flicker, all participants where shadow flicker will affect them for over 30 hours/year have been made aware.

The construction timeline will be more established after the permitting process is complete – pre construction meetings will be held so all involved are aware of the construction schedule.

L. Quinn Lincoln-Keon inquires as to the post construction plans for the laydown yard.

Geoff Kerr, Sr. Project Manager from Invenergy, states that the restoration post construction will be the removal of all gravel/plastic/fabric that was put down, the soil broken down and then reseeded. The plan is to restore the sites of the laydown yard to its original state.

Fred Short answers a previous question regard the drain commission approval. An agreement will be made with the drain commission and Invenergy pre construction.

Cynthia Todd brings up the fact that the site plan holds unclear dimensions of the driveway – wants to ensure they comply with the Gratiot County Zoning Ordinance.

Jim Griffen, Legal Counsel from Invenergy, states that the driveways are cited to mee the 200' separation requirement. Also, the equipment for the wind turbines will be stored directly on the assigned parcel. The signage that will be in place will only be to direct construction operations and will be temporary construction signs (warning, danger, etc.).

Regarding the substations, a lot split has been applied for. Invenergy will apply for approval of site plans for both substations. No tree removal will be required and wetland permitting will not be necessary. The substations will be fenced with lighting on masts that are pointed inward and meeting all local and state requirements. There will be temporary fencing for topsoil as well.

Mike Hankard spoke to the Sound Overview of the Wind Turbines. The sound is measured by decibals – dBA. The turbine noise is from the blades going through the air.

Marc Raycraft asked Mr. Hankard if the Gratiot County Zoning Ordinance limits wind energy facilities to 55 dBA at habitable structures. Forthcoming answer from Mr. Hankard was Yes.

Mike Hankard continues with that they (Invenergy) predicts in worst case nights, how loud a turbine will be – to then ensure that the wind turbines are creating a sound that is under the Gratiot County Zoning Ordinance limit. A sound report has been provided to the Planning Commission. Invenergy will also hold a post construction sound study to ensure compliance is still met. Gratiot County is also always welcome to hire their own independent contractor to perform a sound study.

L. Quinn Lincoln-Keon questioned Mr. Hankard on whether or not he has been contracted to perform independent sound studies on previous wind farm projects in Gratiot County that resulted in finding wind turbines in compliance with the Gratiot County Zoning Ordinance.

Mike Hankard notes that he has performed sound studies as an independent contractor for counties and for Wind Companies. The sound study in Gratiot County did show that the decibel level of the wind turbines was below or at the 55dBA level.

JoAnne Blank, professional meteorologist, spoke again on the shadow flicker questions. Reiterating that any turbines that cause a shadow flicker over the Gratiot County Zoning Ordinance limit of 30 hours/year would then have a curtailment plan to essentially turn off the turbines for a set amount of time on a set number of days to ensure compliance with the Zoning Ordinance. A post construction study will be completed to determine accuracy as well.

Fred Short, any future questions or inquiries into this project are welcome. If not today, they can stop by the Invenergy office located in Ithaca, MI 48847.

b. Discussion/Questions

Kyle O'Meara noted to the Planning Commission of a change made on the original copy of the resolution that was provided previously. Mr. O'Meara then walked through and broke down the resolution for the Planning Commission to ensure all language was clear and understood.

Mark Raycraft went through the resolution and pointed out pg. 5 of the resolution, the conditions to approve a site plan. On pg. 6 of the resolution, it discusses a complaint process for future complaints. Mr. Raycraft states the Planning Commission has never heard any complaints. On pg. 6 of the resolution, it references an annual report will be provided and states the Planning Commission has never received an annual report prior. Mr. Raycraft would also like to ensure

all curtailment plans are provided for review by the Planning Commission.

L. Quinn Lincoln-Keon states on behalf of the Planning Commission that they would like to see an annual report, should the resolution be approved, from Invenergy.

Kyle O'Meara clarifies that the resolution is composed of the specific guidelines for Special Use of Wind Turbines directly from the Gratiot County Zoning Ordinance, as well as an outline of the proposed conditions for the site plan (i.e. curtailment plans) from the Spicer Report. Invenergy, if the resolution is adopted, will be required to follow the guidelines set forth in the Gratiot County Zoning Ordinance and provide curtailment plans for the turbines that did not completely comply with the Zoning Ordinance.

c. Vote for Resolution Adoption

Board Action: Motion to vote to deny the Resolution Adoption for the Heartland Farms Wind Project. No second. Motion failed.

Board Action: Motion by Marc Raycraft to table the vote for Resolution Adoption for the Heartland Farms Wind Project. No second. Motion failed.

Board Action: Motion by Janell Dunham, second by David Justin, to approve the Resolution Adoption for the Heartland Farms Wind Project. Roll Call Vote: Janell Dunham – Yes, L. Quinn Lincoln-Keon – Yes, Karla Childers – Yes, Dan Manley – Yes, David Justin – Yes, Marc Raycraft – No, Caroline Ross – Yes. Motion Carried 6-1.

11. Old Business: **Diandra Messer, Deputy Permits Officer and Planning Commission Recording Secretary**, went over the Gratiot County Complaint Process. All complaints must be formally submitted to the Department of Community Development with a completed Complaint Form that can be found in the office or at www.gratiotmi.com. If the complaint refers to a zoning problem and falls within the Gratiot County Zoned Townships (Elba, Hamilton, Lafayette, Newark, North Star, and Sumner) then an investigation will take place. The complainant and the property owner in violation will be contacted. Once the property has been brought into compliance with the Gratiot County Zoning Ordinance, the complaint will be closed and stored in the Department of Community Development Office. (All records are available for public view following a FOIA Request). If a complaint falls on a property that does not fall in a Gratiot County Zoned Township, the County does not have jurisdiction and is unable to respond or investigate these complaints. They are forwarded to the correct Township.

12. New Business:

13. Committee and Special Reports:

14. Adjournment:

Board Action: Motion by L. Quinn Lincoln-Keon, second by Caroline Ross to adjourn at 7:25 p.m. Motion Carried 6-0-1.

Minutes respectfully submitted by Diandra Messer, recording secretary.

_____ Date

Minutes respectfully Accepted by Caroline Ross, Secretary.

_____ Date