I Call to Order and Attendance
The meeting was called to order at 7:30 PM by Chairman Eby. All members were present except Wonnacott, Desy, and Neal. Neal arrived after the approval of the minutes.

II Minutes of January 2, 2014
Alexander made a motion supported by Plasencia to approve the minutes of the January 2, 2014. The motion passed unanimously by voice vote of the members present.

III Cases

1. Case #1-14  Edward Dankers, SPECIAL USE PERMIT-Exception to Accessory building size standards, 5281 Beckon Rd., Section 10, Readmond Township
Legal notice: A request by Edward Dankers for a Special Use Permit for a Customary Accessory Building without a main use and an Exception to the Accessory Building standards at 5281 Beckon Road, Section 10, Readmond Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-12-08-10-400-001. The request is to allow a 1,536 accessory building as a main use in the front yard per Sections 2102-17 and 2201-6 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, impact statement, zoning permit application, site plan, affidavit of use, topo map, zoning evaluation, township recommendation

Doernenburg showed the location of this property stating that it is a 40 acre parcel zoned FF-2. The site plan was shown. The proposed accessory building will be 77' from the road right-of-way. The 110’ distance shown on the plan is measured from the road center line. The building could be approved administratively if it were setback 100' from the ROW. The topography and proposed location of the house to be built limit the location on this site. The accessory building is proposed to be 1,536sf. The site is mostly screened by large pines. Driveway location has been approved by the Road Commission. The township has recommended approval with the following conditions: No commercial use of the accessory building, no living quarters in the accessory building, and a main dwelling to be constructed within 24 months. Doernenburg explained that if it is to be used as a main use the affidavit of use is required to be recorded. Aerial and photos were shown.

Applicant, Edward Dankers stated that they would like to move the building back farther but due to topography and because this will be a year round residence, they are trying to keep the building close enough to keep the driveway relatively flat.
Plasencia asked about the two-year limit on building the residence that the township asked for. Doernenburg explained that it could be approved that way. If they want to use this accessory building as a main use, the affidavit would need to be filed. It was advertised both ways in case they weren't able to build within the two years.

Bill Sutton, Readmond Township Planning Commission, stated that most of their board are familiar with this site in both seasons. The topography is very challenging. The applicant has said that he wants the larger building for his woodworking hobby. The screening on the site is excellent. The Township Planning Commission voted unanimously to approve and thinks this is an appropriate request.

Gordon Kruskie, Readmond Township Supervisor, stated that at the board meeting the opinion of the Township Planning Commission was echoed. He thinks this is a good request.

Dankers added that building the residence within two years won't be an issue.

Plasencia made a motion to approve Case #1-14, Edward Dankers for a Special Use Permit for a Customary Accessory Building without a main use and an Exception to the size standards of an accessory building on property located at 5281 Beckon Rd, Section 10 of Readmond Township on tax parcel 24-12-08-10-400-001, as shown on the site plan dated 1/13/14 because the standard of Section 2102-17 have been met based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance and because the township has recommended approval; and on condition that the building be used for personal use, and an affidavit of use be filed with the Register of Deeds if construction of the main residence has not begun within twenty-four months. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Plasencia, Alexander. No: None. Absent: Wonnacott, Desy.

2. Case #12C-09

Emmet County Planning Commission, Text Amendment-Wind Energy Systems

Legal Notice: A request by Emmet County Planning Commission to amend Section 2102-16 of the Zoning Ordinance as follows: 1) Add a definition: “Infrasound means very low frequency noise or sound whose frequency spectrum lies mainly in the band from 1 Hz to 20 Hz.” 2) Sub-paragraph B. 5. change the reference to the Section to read: "2102-16-C." 3) Add to Sub-paragraph B. paragraph 7. to read: "Maintenance Schedule. A maintenance schedule shall be included with the application which shall conform to the manufacturer's specifications or Best Management Practices as recommended by the American Wind Energy Association (AWEA).” 4) Sub-paragraph C. 6. a. Change the first sentence to begin: "In the R-1A, R-1B, R-2A, R-2B, R-2C, RR-1 & RR-2 Residential, FF-1 Farm and Forest and the Industrial Zoning Districts:..." 5) Add to Sub-paragraph C, paragraph 15 and Sub-paragraph D, paragraph 17: "Maintenance Schedule. A maintenance schedule shall be included with the application which shall conform to the manufacturer's specifications or Best Management Practices as recommended by the American Wind Energy Association (AWEA). A record of performed maintenance shall be retained for the life of the WES and shall be made available upon request by the Zoning Administrator.” renumber remaining paragraphs accordingly. 6) Add to Sub-paragraph D, paragraph 5. d. "No low frequency noise or infrasound noise from wind energy system operations shall be created which causes the noise level at the nearest property line of the properties adjacent to the subject property or lease unit boundary to exceed the following limits:

<table>
<thead>
<tr>
<th>Hz</th>
<th>10</th>
<th>12.5</th>
<th>16</th>
<th>20</th>
<th>25</th>
<th>31.5</th>
<th>40</th>
<th>50</th>
<th>63</th>
<th>80</th>
<th>100</th>
<th>125</th>
<th>160</th>
</tr>
</thead>
<tbody>
<tr>
<td>dB, L_{eq}</td>
<td>92</td>
<td>87</td>
<td>83</td>
<td>74</td>
<td>64</td>
<td>56</td>
<td>49</td>
<td>43</td>
<td>42</td>
<td>40</td>
<td>38</td>
<td>36</td>
<td>34</td>
</tr>
</tbody>
</table>

Packet Items: Memo explaining proposed changes, proposed draft with changes, draft resolution of adoption, Bliss Township recommendation, letter from Susan Barber, Readmond Township recommendation, Friendship Township recommendation.
This is the first hearing for this round of text amendments. The main changes are adding the maintenance schedule requirements, adding a definition for and standards regulating "infrasound", and some minor corrections. Using a PowerPoint presentation, each of the changes were outlined. A definition for infrasound was added. A correction to the section number noted under on-site WESs was made. In regards to the maintenance schedule requirement Doernenburg explained that there are two levels. For onsite systems under 60' a maintenance schedule would be required to be submitted with the application. For over 60' and utility systems, the schedule has to be provided and also a maintenance record needs to be kept which must be provided to the Zoning Administrator upon request. Typically this would be requested if there was an enforcement issue. Zoning districts were inadvertently left out when discussing maximum noise levels for systems over 60'. Under Utility Grid WESs, proposed is insertion of the low frequency noise grid recommended by consulting firm AECOM. Doernenburg explained that although two such charts were looked at, this is the one that we knew where the data had come from and was scientifically based. Readmond and Friendship townships have recommended approval both with the comment that they would have liked to see more documentation from the staff in the form of memos or a red-line ordinance so that they could understand the proposed changes better. Doernenburg noted that these were good suggestions and can be put into place going forward as it helps get better informed recommendations from the townships. She added as well that the reviews on text amendments at the Planning Commission level comprise at least two months of review and encouraged townships to feel free to table the case if they ever have questions that are unanswered. Any of the documentation that has been reviewed can be provided to the townships as well if they'd like. Bliss, Cross Village, Littlefield, and Springvale townships have also recommended approval.

Laughbaum stated that he feels that FF-1 and FF-2 maximum noise levels should be the same. Alexander asked how federal regulations affect or not affect what we can do. Doernenburg explained that federal regulations supersede local regulations. Alexander stated that he had heard that there has been a bill passed recently that would exempt the deaths of golden and bald eagles killed by turbines for three years. Doernenburg stated that if it was written to say that local regulations don't apply, they don't apply. Michigan is an enabling state. The state can and does reserve uses that can't be regulated locally such as utilities, home daycares, Right to Farm act, etc.

Laughbaum stated that he isn't sure on the low frequency noise. He's not sure that we have had to deal with it. Alexander stated that it is there and will continue to be an issue. Laughbaum asked if we've had any input from any educated people on this issue. Doernenburg stated that we haven't specifically for this round of amendments but the information given out during the process has dealt with it. Laughbaum stated that it is hard to make a decision when you don't have firsthand experience. Do all systems have the low frequency noise issue? Doernenburg stated that they don't, it is the larger systems that do. She stated that she understands that the smaller systems have more issues with maintenance. Traverse City is dismantling one there now due to the high cost of maintenance. Laughbaum asked about the Cross Village turbine in regards to low frequency noise. Doernenburg said that it does not have that issue but they aren't operating as they haven't met the conditions of approval yet. She added that she has been discussing having the County get a sound study done while it’s off. Notestine added that some are more impacted than others with the low frequency noises; this makes regulation harder.

Bill Sutton asked what the thought process was behind having different maximum noise levels in FF-1 and FF-2 districts. Doernenburg stated that because FF-2 property was discussed as having generally lower levels of sound and because it was included in the high-amenity properties, it has a lower maximum than FF-1 zoned properties. Sutton asked Laughbaum why he felt this should be the same. Laughbaum stated that it allows equal opportunity to use the land and doesn't see why it would be
different between the two zones.

Having no further public comments and because this is the first public hearing, the hearing was closed on this text amendment at 7:52 p.m. by Eby. The next Public Hearing will be March 6, 2014.

IV Public Comment: None

V Other Business:

- **Master Plan 2014-Chapters 1-3:** Doernenburg went over the updated information for these first three chapters. Intent to Plan notices had been sent to surrounding townships and governmental entities as required. Notestine asked if the inventory of trails that Charles MacInnis is working on will be added. Yes, if it's done by the end of the update process. It also would be added to the recreation plan which may be updated before the five year cycle. Plasencia asked if water trails are mentioned in the plan. There is a section on the Inland Waterway.

- **Annual Report:** Doernenburg noted that the report had been emailed to everyone but hard copies are available upon request. There have been some slight format changes since it was emailed and also the ZBA meeting numbers were added to the summary. Some of the items from the report were discussed. It was noted that this is the first year that we've issued more than 100 new construction permits since 2008. Neal made a motion supported by Scott to submit the report to the Board of Commissioners. The motion passed by unanimous voice vote of the members present.

- **Enbridge Energy-Mackinaw City Planning Commission meeting:** Doernenburg gave a brief summary of the meeting that she attended. The Planning Commission had invited this board and the Board of Commissioners to their meeting.

- **Enforcement Report:** Distributed with some discussion.

- **Election of Officers:** Current slate of officers is as follows: Chair: Eby, Vice-Chair: Desy, Secretary: Scott. Alexander made a nomination to keep the same slate of officers. Neal supported the nomination which passed by unanimous voice vote of the members present.

VI Adjournment

There being no other business, and no additional public comment, Eby called the meeting adjourned at 8:21 p.m.

________________________________________   __________________________
James Scott, Secretary        Date