October 3, 2013
Emmet County Office of Planning, Zoning, and Construction Resources
CASES FROM PREVIOUS MEETING
Applicant’s Representatives & Township requested postponement

- Applicant: Henry Schneider for Petoskey 31 Properties LLC

- Township: Bear Creek

- Address: 1192 & 1194 US 31 N Hwy, Section 33
New Cases
2. Case #157A-98 Special Use Permit-Level III Resource Mining

- Applicant: Ernest Spierling
- Township: Carp Lake
- Address: US 31 & Litzner Rd, Section 35
Site is approximately 20 acres, zoned FF-2 Farm and Forest.

Site is within approximately 1000’ of another property approved for Level III Resource Extraction.

Request is per Section 2102-10 of the Zoning Ordinance for Level III Mining Operation.

This site was originally approved for a Level II mining permit in 1998.

Proposed mining area proposed to be approximately 5 acres.

Operation meets or exceeds the minimum perimeter setback of 50 feet on the east, west, and south sides of the property.

Excavation on the north appears to be at or over property line based on aerial photos.

Visual buffer exists from US 31 Hwy. The pit location will be over 800 ft. from US 31 Hwy and over 250’ from Litzner Rd.

Applicant has not identified hours of operation.

No lighting proposed.

Applicant has not addressed performance guarantee or phasing.

Township comments have not yet been received.

Current Soil Erosion permit in place.
Original Approved Plan
3. Case #82A-03 SITE PLAN REVIEW

- Applicant: Emmet County Road Commission
- Township: Carp Lake
- Address: 6227 E Levering Rd, Section 34
The subject property is 6.62 acres with 22.5 acres of adjacent property owned by the ECRC.

The property is zoned I-2 General Industrial.

The proposed uses are maintenance, office, and storage.

The proposal includes a 50'x100' addition to the existing storage building, demolition of three storage buildings, and construction of a new multi-purpose building to be 75'x100' for offices, maintenance and storage.

Uses on the property are all related to the ECRC uses and are Principal Uses Permitted within the I-2 General Industrial Zoning District.

Estimated cost of drainage system is $60,000.

The elevation of the building is proposed to be 24' which meets the standards of the Zoning Ordinance.

Eighteen exterior parking spaces are provided, 9 per building.

Access to the site will be limited along May street. No new access from E. Levering Road is proposed.

No outdoor lighting or signs have been proposed. (IF desired, approval from Emmet County Sign and Lighting Committee may be required.)

Building meets setback standards.
4. Case #23-13 Special Use Permit-Exception to accessory building size standards

- Applicant: James Shirilla
- Township: Springvale
- Address: 7449 Channel Rd, Section 29
The property is zoned SR-2 Scenic Resource.

The property is approximately 1.5 acres in area with 344 feet of lot width at the road and 120 feet width at Crooked Lake.

The proposed building meets the setback standards of the Zoning District (Front = 41'; Side = 110' (W); 214' (E); Waterfront 300'+/-').

Accessory building permitted size = 1,000 sq. ft. (front yard)

Accessory building size proposed = 1,300 sq. ft. in the front yard.

Location is partially screened from Channel Road.

Township recommended approval.
NOTE:
VERIFY ALL DIMENSIONS AND FIELD
CONDITIONS PRIOR TO CONSTRUCTION
MATCH ALL EXISTING FINISH MATERIALS.
GENERAL NOTES:

1. The Eave soffit space must be accessible for inspection and maintenance.
2. Provide solid blocking and air sealing around foundation for crack detection.
3. Use continuous ridge vents in the roof. Color of ridge may vary.
4. Line of valley over framing is an option. Provide details for equal load distribution over framing on roof below.

Insulation applied for positive venting provides:
6. OSB over 2x4 walls, studs, and joists with full cavity insulation. Metal drip edge over sheathing over 2x6 and 2x8 sheathing with asphalt vent material on 2x4 framing. Verify this detail with owner/builder.
7. 6" concrete block foundation walls. Apply rigid insulation on soffit at interior as required.

Right Side Elevations: All foundations built with standard concrete block, 8" thick. All construction of new garage is in accordance with Michigan Residential Code.

Follow Michigan Residential Code. All dimensions shown in feet and inches. All structural elements are plan view dimensions. All miscellaneous items shown in 3D. All planning and design by ZJEN DESIGN ASSOCIATES, LTD.
2. Case #24-13 Special Use Permit – Contractor’s Use

- Applicant: David Firman
- Township: Bear Creek
- Address: Howard Road (between 3605 & 3569), Section 20
The property is zoned FF-1 Farm and Forest.

The property is 13.24 acres on the east side of Howard Road.

The property is currently vacant.

Proposal includes storage building 2,400 sq. ft. for tree service and irrigation business.

Future orchard shown on the plan.

The dumpster shown on the plan should be screened.

Access to the public road requires Road Commission review.

Planning Commission may modify requirements…need to discuss.
6. Case #2A-09 TEXT AMENDMENT

- Applicant: Emmet County Planning Commission
- Text: Wind Energy System Amendments


Recommendation to revise DLEG decibel level from 55 dB(A) to 40 dB(A) (6/28/2011)
Began to review in 2012 after review by Kurt Schindler (3/7/12)

Reviewed Chief Medical Officer of Health of Ontario, Canada “The Potential Health Impact of Wind Turbines”

After November 2012 General Election – when ballot proposal related to renewable energy failed, Emmet County BOC hired a consultant to review current Ordinance and make recommendations.

AECOM (Thomas Herzog) hired to conduct review of Ordinance...recommendations made.
After review of recommendations and consultation with Civil Counsel...draft Ordinance amendments prepared for Planning Commission review (May 2013).

This is the First Public Hearing for the proposed text amendments.

Documents reviewed...
Littlefield, Springvale, Readmond, Cross Village, and Carp Lake townships have all recommended approval as proposed. (5/12)

Bear Creek and Center townships deferred to Emmet County with no recommendation. (2/12)

Wawatam, Bliss, McKinley, Maple River, and Friendship townships have not offered recommendations. (5/12)
Add the following definitions:

1) "HIGH AMENITY ZONES means those zoning districts primarily intended for rural living and intended to have relatively quiet amenity. These include the FF-2 Farm and Forest Zoning District."

2) "MAXIMUM NOISE LEVEL means “Leq,10min” (Equivalent Continuous Sound Pressure Level over a 10 minute measurement period."

3) "QUALIFIED ACOUSTICS PROFESSIONAL shall meet one of the following minimum requirements: a) Board Certified by the Institute of Noise Control Engineering, or Standard membership in the Institute of Noise Control Engineering combined with documented experience from wind power projects. b) A member of the Institute of Noise Control Engineering (INCE) combined with documented experience from wind power projects."
2) Replace sub-paragraph B., number 6 with the following: "Maximum Noise Levels. Any proposed WES shall produce sound pressure levels that are no more than identified in the table below, as measured on the dB(A) scale at the closest adjacent property line of the subject property or the lease unit boundary.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum dB(A) level</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, RR, FF-1, FR, B-1, B-2, B-3, I-1, I-2</td>
<td>40</td>
</tr>
<tr>
<td>FF-2</td>
<td>35</td>
</tr>
</tbody>
</table>

A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.
3) Add the following sentence to sub-paragraph C., number 15. "Should the complaint involve sound levels, then the methodology for assessment, measurement, and determining ambient noise levels shall follow the "South Australia EPA Wind farms environmental noise guidelines" established in Section D following this Section."
4) Replace the introductory paragraph of Section D with the following: "Utility Grid WESs applications and projects may be considered within the I-1 or I-2 Industrial or FF-1 and FF-2 Farm and Forest Zoning Districts and shall comply with the following standards:"
Replace sub-paragraph C., number 6 and sub-paragraph D., Number 5 with the following: "Maximum Noise Levels. a. In the FF-1 Farm and Forest and the Industrial Zoning Districts: from 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds forty 40 dB(A), the standard shall be the same as the ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer’s specification sheet or similar data shall be provided documenting decibel levels. b. In the High Amenity Zones (FF-2 Farm and Forest Zoning District): from 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds thirty-five (35) dB(A), the standard shall be the same as the ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds thirty-five (35) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer’s specification sheet or similar data shall be provided documenting decibel levels. c. Determination of Ambient Noise Levels; Methodology for Measurement of WES Noise; Methodology for Assessment of WES Noise: The "South Australia EPA Wind farms environmental noise guidelines" adopted herein by reference shall be the document utilized to determine the Ambient Noise Levels. Ambient noise levels shall be captured at the times of the year when background noise levels are lowest at the location where the WES is to be constructed. The Planning Commission may accept more current methodology if a determination is made by the County's consultant that the methodology is as clearly defined and specific to wind energy systems as the "South Australia EPA Wind farms environmental noise guidelines" dated July 2009. These reports must be prepared by a Qualified Acoustics Professional."
6) Add the phrase: "wherever possible as determined by the Planning Commission" at the end of sub-paragraph D., Number 8.
7) Add to Sub-Section D, number 18 the following sentence "Should the complaint involve sound levels, then the methodology for assessment, measurement, and determining ambient noise levels shall follow the "South Australia EPA Wind farms environmental noise guidelines" dated July 2009 as established in this Section.".
Public Input (Previously provided)

- Mason Lampton – Bliss property owner
- Susan Barber – Bliss property owner
- Robin Mallory – Bliss property owner
- Susan Mallory – Bliss property owner
- Mary Fortney – Bliss property owner
- Norm & Shirley Schnieder – Bliss property owners
- Richard James – E-Coustics Solutions
Public Input (Previously provided)

- Pat & Dan Smith – Bliss property owners
- William Marshall – Petoskey property owner
- Chris Stahl – Lake Effect Energy owner
- Tom Seger – Bliss property owner (consider monitoring system for all WESs – at the property line).
- Ed Timm, PhD, PE
- Jerry Burgess
PUBLIC COMMENT

OTHER BUSINESS

• Scenic Resource – 2 Zoning District – Ordinance Review – Committee
• Emmet County Master Plan
• Parliamentary Procedure Workshop
Enforcement Report