

**ONEKAMA COMMUNITY PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
THURSDAY, MAY 13, 2010**

The meeting was called to order at 6 p.m. by Chairman Dan Behring.

The pledge of Allegiance was said.

Members present: Craig Peterson, Nancy Story, Vice Chairman Susan Barnard, Roger Cody. Doug Mortenson. Absent: Rudy Gross, Secretary Jon Phillips, Tom Koon. Also present: Recording Secretary Mary Lou Millard. Absent; Zoning Administrator Dana Schindler.

**CONSENT AGENDA: Motion** by Mortenson, second by Cody to accept the minutes of the April 15, 2010 meeting as presented. Motion carried.

**PUBLIC HEARING ON PROPOSED  
VILLAGE WIND ENERGY SYSTEM  
ORDINANCE AMENDMENT**

The hearing was called to order at 6:05 p. m. by Chairman Dan Behring. Behring explained the purpose of the hearing is to receive input on the proposed Village Wind Energy System Ordinance Amendment.

**PRESENTATION BY APPLICANT:** Bob Blackmore of the Village Council presented the ordinance

**STATE OF MICHIGAN  
COUNTY OF MANISTEE  
VILLAGE OF ONEKAMA  
ORDINANCE No. 2010-01 \_\_\_\_**

An ordinance to accommodate the installation of Wind Energy to serve the needs of the consumer, while protecting public health, safety, and general welfare. The regulations shall facilitate the installation of Wind Energy System in a manner that shall:

1. Minimize adverse visual and noise effects of structures through careful design and sitting standards.
2. Avoid the potential hazard, to adjacent properties of turbine failure through structural standards and setback requirements.

**THE VILLAGE OF ONEKAMA ORDAINS**

**Sec. 1 Application Requirements**

All shall submit to the Zoning Administrator a land use permit application form which shall require the following as well as information required by Section 8401:

- a) The identity and legal status of the registrant.
- b) Description of lot size, proposed electrical generation potential (wattage) and tower height (including blade dimensions).

- c) Such other information as the Zoning Administrator may reasonably require, including a sketch or survey map showing the Wind Energy System location on the lot and its relation to any nearby buildings and residences with distance dimensions.
- d) The owner or lessee of the Wind Energy System shall post a bond in the dollar amount sufficient to cover the cost of removal in the event the system is abandoned or no longer in use for the life of the system.

## **Sec. 2 Basic Requirements and Standards**

### **a) Setback**

- 1) The total height of the Wind Energy System plus 20 feet from all property lines , registered easements, road, or alley right-of-ways, high water lines as determined by the Zoning Administrator, all residential structures and all over head power or communication lines.

## **Sec. 3 General Requirements**

- a) Lighting: Shall not be artificially lighted.
- b) Sound Level: The maximum level of noise permitted to be generated by any Wind Energy System shall be 50dB (A) at the property line nearest the generator, plus 5dB (A) at peak performance. The applicant shall provide a document from a State of Michigan approved audiologist certifying the level of noise does not exceed 55dB (A) within 30 days after the project is completed.
- c) Vibration: There shall be no humanly perceptible vibration beyond lot boundaries.
- d) Anti-climbing devices: A wind Energy System and any accessories shall be equipped with anti-climbing devices.
- e) Monopole construction shall be the only design allowed.
- f) The Wind Energy System rotor blade, or moving parts shall be located such that the minimum clearance above ground level shall be ten (10) feet.
- g) Signs: There shall be no signs on the property except as required for emergency purposes.
- h) Painting and other finishes: The Wind Energy System shall be a color which, to the extent possible, is compatible with its surroundings.
- i) All utilities required to service a Wind Energy System shall be placed underground.
- j) Abandoned Wind Energy System: The owner or lessee shall notify the Zoning Administrator within sixty (60) days upon abandoning the Wind Energy System. This system shall be disassembled and removed from the property by the property owner or lessee within six (6) months after being abandoned. There shall be no incurred expense to the Village of Onkama for this removal.

**Sec. 4 Penalty:** Any person who violates this Ordinance shall be guilty of a municipal civil infraction under Ordinance No. 30 of the Village of Onkama Municipal Ordinance Violations Bureau Ordinance.

**Sec. 5 Effective Date:** This Ordinance shall be effective on of publication following adoption as required by law.

**Sec. 6 All Ordinances or part of ordinances in conflict herewith are replaced to the extent of the conflict.**

This Ordinance is adopted by action of the Village Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2010.

Trustees voting "Aye":

Trustees voting "Nay"

Trustee absent or abstaining

**ORDINANCE DECLARED PASSED**

\_\_\_\_\_  
Village Clerk

Certification

I, \_\_\_\_\_ Clerk of the Village of Onekama, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Village Board of Trustees on this \_\_\_\_ day of \_\_\_\_\_, 2010.

Peterson: Systems versus turbines versus ordinance. Are we recommending placement?

Blackmore: Placement, whether it is 35 feet or 300 feet. The height limit now is 35 feet, if anyone has room in the village. The ordinance is written to protect your neighbor.

Behring: It will handle what's out there?

Blackmore: It will handle what you see on the market now.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

Hearing closed at 6:09 p.m.

The second public hearing was recessed at 6:09 p.m. The commission moved into its regular meeting.

**PUBLIC COMMENT:** None.

**TOWNSHIP BOARD REPORT:** Placed on file.

**ACTION ON WIND ENERGY SYSTEM ORDINANCE NO. 2010-01:** Barnard read the Community Planning Commission Resolution No. 2010-02:

**ONEKAMA COMMUNITY PLANNING COMMISSION**

**Village 5283 Main Street - P.O. Box 477**

**Township 5435 Main Street – P.O. Box 458  
Onkama, Michigan 49675**

**COMMUNITY PLANNING COMMISSION RESOLUTION 2010-02**

**Resolution of the Community Planning Commission to**

**Recommend adoption of Village Zoning Ordinance Amendment 2010-01**

**Article 10 General Regulations; Section 1017 Village of Onkama Wind Energy**

At the Onkama Community Planning Commission Meeting of May 13, 2010, the Planning Commission adopted the following resolution:

**WHEREAS**, the Village of Onkama has adopted certain policies, plans, ordinances and resolutions pertaining to the development of property within the Village, including the Village Zoning Ordinance; and

**WHEREAS**, the Village of Onkama and Onkama Township are currently engaged in preparation of a Joint Zoning Ordinance unifying their separate ordinances into one unified Ordinance; and

**WHEREAS**, during the March, 2010 meeting of the Village of Onkama Council, the Council approved by vote to recommend the Community Planning Commission take immediate action on a Village Wind Energy Ordinance for the health, safety and wellbeing of village residents; and

**WHEREAS**, the Village of Onkama Wind Energy Zoning Ordinance Amendment

2010-01 does meet the goals and objectives of the Community Master Plan, and

**WHEREAS**, Zoning Ordinance Amendment 2010-01 addresses the concerns of the existing Village Zoning Ordinance and proposes necessary conditions and criteria for wind energy development that had previously not been present, and;

**WHEREAS**, Zoning Ordinance Amendment 2010-01 achieves the goals as stated in the Village Zoning Ordinance, namely to develop criteria and protect the common good and best interests of community welfare; and

Because, the Onkama Community Planning Commission makes the following findings:

a. The Village of Onkama Zoning Ordinance states:

“The Village of Onkama Land Use Plan is designed to promote and protect the public health, safety and general welfare; to protect the character and stability of the recreational, residential commercial and industrial areas within the Village and promote the orderly and beneficial development of the Village; to regulate the intensity of use of land and parcel areas in a manner...to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health; to lessen and avoid congestion on the public highways and roads; to provide for the needs of recreation, residential, commerce, and industry in future growth; to promote healthful surroundings for family life in residential and commercial areas; to set reasonable standards to which buildings and structure shall conform; to prohibit uses, buildings or structures which are incompatible with the character of the development or the uses, buildings or structures...; to prevent such additions to or alteration or remodeling

of existing structures in such a way as to avoid the regulations and limitation imposed hereunder;...to prevent the overcrowding of land and undue concentration of buildings and structures so far as is possible as appropriate...; and to conserve the value of land, buildings, and structure throughout the Village.

b. The Onekama Village Land Use Plan states:

“The goal of Land Use Development in the Village is to preserve the attributes which comprise the high quality of life in Onekama Village, while at the same time accommodating population, commercial and industrial growth with a minimum amount of regulation.

c. The Onekama Community Master Plan states:

“The future land development vision for the Onekama Community is based on sound planning principles, overlaid with the community’s expectations for the future. It builds on the historic development patterns of the community, factoring the unique environmental setting of the Onekama Community and its desire to protect its unique northern Michigan character along with the intrinsic value associated with Portage Lake. The future land use plan and map will promote the harmonious, efficient, and economical use of land, and promote the public health, safety and general welfare of the community.”

d. The Village of Onekama and surrounding areas have recently been presented with, and are expected to be presented with, wind development proposals.

e. The bulk, size and scale of wind turbines present unusual land use concerns for the Village with respect to impacts on the environment, scenic views, landscapes, community character and other issues within the densely populated Village boundaries.

f. Considerable precaution is needed in order to constructively and

fairly balance the need for personal property rights, alternative energy and impacts of wind turbines with the welfare of the whole.

g. The development of wind power turbines in the absence of appropriate zoning regulations could have irreversible negative impact on the Village and therefore the health and safety of the residents and the economic wellbeing of the Village.

h. The Village has not previously studied the impacts of wind generated power or the need for alternative energy units, nor had it established criteria to ensure that if such developments occur, it would be developed in harmony with the Township and Village Joint Master Plan.

i. Residential and commercial development needs in Onekama Village must consider appropriate location for such uses and the design criteria, including but not limited to criteria for size and layout, which should be used to mitigate the impacts of these uses in Onekama Village providing a more stable environment so wind issues could be studied and zoning revision considered in an orderly and thorough manner.

k. Village Zoning Ordinance Amendment 2010-01 does propose necessary conditions and criteria for environmentally sound and orderly wind development that had previously not been present.

l. The Village Ordinance Amendment achieves the goals stated in the Community Master Plan in developing criteria and protecting the common good and best interests of community welfare.

m. Under the Village Ordinance Amendment, wind energy development provides residents and owners of commercial properties with permitted development options.

**THEREFORE IT IS RESOLVED THAT:** The Onekama Community Planning Commission recommends to the Village Council the adoption of the attached Village of Onekama Zoning Ordinance Amendment 2010-01 Article 10 - General Regulations,

Section 1017 - Wind Energy, which is incorporated into this resolution by reference, as an amendment to the Village of Onekama Zoning Ordinance.

**Motion** by Craig Peterson, second by Nancy Story to recommend adoption of the Village Wind Energy system Ordinance Amendment No. 2010-01 to the Village of Onekama.

Yea: Craig Peterson, Nancy Story, Susan Barnard, Roger Cody, Doug Mortenson, Dan Behring

Nay: None

Absent: Jon Phillips, Tom Koon, Rudy Gross

Abstain: None.

Date of Adoption by the Community Planning Commission: May 13, 2010.

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Dan Behring, Chairman

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Jon Phillips, Secretary

Upon review of the Community Planning Commission recommendation; review of the Village Zoning Ordinance Amendment 2010-01; review of the comments and submissions presented during the Public Hearing, the Onekama Village Council adopts and declares the Onekama Village Ordinance Amendment 2010-01, Article 10 - General Regulations, Section 1017 - Wind Energy, effective seven (7) days following publication.

Date of Adoption by the Village of Onekama: \_\_\_\_\_

Yea:

Nay:

Absent:

Abstain: \_\_\_\_\_

David Combs, President

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Ruth Hudson, Clerk

**LAND CONSOLIDATION UPDATE:** Behring reported the township board has approved purchase of the land from the DEQ and is awaiting a reply.

**SEWER PROPOSAL UPDATE:** Behring reported that the USDA said the grant money applied for is gone, but a second round of funding is still a possibility.

**MASTER PLAN SUMMARY:** Behring distributed information on various items in the plan, including a time line and main goals, as a summary reference document for the commissioners' use.

**JULY COMMUNITY MEETING:** The meeting will be Thursday, July 15 in the school. Consultant John Iacoangelli will give a power point presentation, representatives from village and township groups and organizations will be asked to speak. There will be a question and answer period. Story, Peterson, Cody and Behring are working on the project.

The regular meeting was recessed at 6:30 p.m.

### **PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENT PROGRAM**

The public hearing was called to order at 6:30 p.m. by Chairman Behring.

**PRESENTATION BY APPLICANT:** Doug Callaway, a member of the Capital Improvements Committee, said the Capital Improvements Program ((CIP) is an assessment of what the community's capital improvements are going to be. The committee took the responses from all the groups and consolidated them onto one page so the community has an idea of what everyone is doing, hopes to do in the future, and can work together to achieve the goals. He said the CIP is mandated by state law, and that by having one, it affords the township the opportunity to obtain state and federal funding.

**COMMENTS IN FAVOR:** The commission praised the efforts and work of the committee in creating the first CIP for the township.

**COMMENTS OPPOSED:** None.

The hearing closed at 6:42 p.m.

Regular meeting re-opened at 6:42 p.m.

**ACTION ON CAPITAL IMPROVEMENTS PROGRAM:** **Motion** by Cody, second by Barnard, that the Onekama Community Planning Commission recommend to the Village Council and the Township Board that they adopt the Onekama Community Capital Improvements Program with the following corrections: Add names of new members Tom Koon and Craig Peterson to the roster in place of Evie McNeil and Ken Bauer, and add the date of March 2, 2010 to the minutes of the township board meeting (included in the CIP information) where the board authorized the committee to draft the CIP. Motion carried. (NOTE: The complete copy of the CIP is attached to the original document of

these minutes).

**MANTHEY PROPERTY:** The commission discussed the Manthey property issue. **Motion** by Cody, second by Mortenson to create a letter of agreement between John Manthey and the Onekama Community Planning Commission that details the conditions by which the Manthey property can continue as a non-conforming use with restrictions as follows:

Conditions to be placed on use of Manthey non-conforming use of property and to be included in letter of agreement.

1. The non-conforming use as a family and friends camping area will be for a maximum of four years and will terminate on May 13, 2014.
  2. The number of camping vehicles, including trailers, motor homes or pickup trucks with caps shall not exceed 4 units.
  3. All recreational vehicles placed on the premises and used for sleeping accommodations shall be self-contained and shall provide their own fresh water and contain internal storage of all solid and liquid waste. No grey water nor solid waste may be disposed of on the premises
  4. Should a chemical toilet be used on the premises, it must meet all local zoning ordinances and District 10 Health Codes and Manistee Health Department regulations
  5. One existing 8X8 storage structure existing on the site may remain and is to be used solely for the purpose of storing gardening and maintenance equipment needed for the upkeep and maintenance of the premises
  6. Should Mr. John Manthey die before the 4 year period elapses, the use of the property as a family and friends camping area will terminate six months after his death
  7. The rights and privileges to use and occupy this property as a family and friends camping area shall not run with the land nor be assignable by transfer or sale, and shall terminate in four years or within six months after the death of John Manthey, should that occur first
  8. If any violation of these conditions occurs, the use of the property as a family and friends camp shall immediately terminate.

Signed

Daniel W. Behring

Chair, Onekama Community Planning Commission

John Manthey

Property owner Lot # \_\_\_\_\_ etc.



**Motion** by Cody, second by Peterson, that upon sale of the property that the property would revert to RR-2 immediately and all non-conforming uses would be terminated immediately, and this will become a deed restriction to be registered with the Manistee County Register of Deeds. Motion carried.

**Motion** by Story, second by Barnard that the Zoning Administrator's Staff Report on the Manthey Property be received and placed on file. Motion carried.

**EXPLORATION OF IDEAS FOR MAIN ST. WITH MDOT:** Calloway reported that white lines will be painted by MDOT on M-22; volunteers will paint designated parking spaces on Main Street.

**LEADERSHIP WORKSHOP ON SUCCESS FACTORS OF SMALL TOWNS:** Behring reported on a meeting and discussed the possibility of conducting a workshop in the township.

**RICH SHAY:** Shay appeared before the commission to discuss how to get approval or direction to create four rustic parking spaces for fully contained campers. He was directed to the zoning administrator and references in the ordinance and Industrial Code.

**ZONING ADMINISTRATOR'S REPORT:** Monthly report received and placed on file.

**COMMITTEE REPORTS:** Barnard to attend a GAMP workshop, is gathering data on Foodtopia.

**EXPLORE SHORES GRANT:** Barnard read a letter to the Michigan Coastal Management Program indicating the planning commission's support of the Alliance for Economic Success' efforts to obtain a grant for site design and preliminary engineering for all nine township parks. **Motion** by Peterson, second by Story to approve the letter sent by Barnard in support of the Alliance for Economic Success' efforts to obtain the grant. Motion carried.

(**Note:** A copy of this letter is attached to the original document of these minutes.)

**ADJOURN:** 9 p.m.

Submitted by

Mary Lou Millard, Recording Secretary

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Dan Behring, Chairman

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Jon Phillips, Secretary