

1 **BENZIE COUNTY PLANNING COMMISSION**
2 **DECEMBER 29, 2008**
3 **MINUTES**

4 MEMBERS PRESENT: Mike Moorman, Mary Pitcher, George Granlund, Clint
5 Brian, Katherine Ross, Don Tanner, Kathy Ralston arrived 6:15 p.m.

6 MEMBERS EXCUSED: Karen Roberts, John Schluter

7 MEMBERS ABSENT: Tim Schwerin, Peg Minster

8 STAFF PRESENT: Dave Neiger, Director and Chris Flynn, Recording
9 Secretary

10 OTHERS PRESENT: Brigid Butler, Roger Thompson, Dave Lewis, There
11 were several interested persons present.
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15 **I. Call the Meeting to Order and Pledge of Allegiance** Vice Chairman Moorman
16 called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

17 **A. Roll call with call for conflict of interest** Roll Call was taken with no
18 conflict stated.
19

20 **II. Approval of the Agenda** Motion by Pitcher supported by Brian to approve the
21 Agenda as presented. Ayes: All Excused: Roberts, Schluter, Ralston Absent:
22 Schwerin, Minster **Motion Carried**
23

24 **III. Public Hearing – MASLUP 09-02 WBNZ Radio Tower** Vice Chairman Moorman
25 opened the Public Hearing at 6:02 p.m.
26

27 **A. Open the public hearing, welcome to applicants and guests** Moorman
28 ~~reviewed public input procedure~~ reviewed public input procedure.
29

30 **B. Zoning Administrator presents Staff Analysis** Neiger read his staff analysis
31 commenting that the balloon test requirement is not in the ordinance at this time. He
32 commented that a Soil Erosion, Sedimentation and Stormwater Control Permit may not
33 be required because part of the driveway/road is paved going to Mr. Thompsons house
34 and continues unpaved to the gas well site where the tower is proposed to be located.
35

36 **C. Invitation to Applicant to present his request and any further comments**

37 ● Brigid Butler explains the location of the tower. She comments that most of the
38 tower will be shielded by the woods. There will be minimal clearing necessary as the site
39 is reasonably open. She states they hope to provide better coverage for emergency
40 services as there will be room for three (3) wireless communication antennas.

41 ● Neiger asks if there has been any contact with cell phones.

42 ● Pitcher asks if the 500' is for both the radio and cell antennas or if the radio
43 antenna has to be 500'. Brigid Butler responds with the height the radio antenna has to
44 be which will leave room for the wireless communication antennas.

45 ● Pitcher asks why their current tower isn't adequate. Brigid Butler states they want
46 to expand their coverage area.

47 ● Pitcher asks what happens to the Forrester Road tower? Brigid Butler does not
48 know exactly.

- 1 • There is discussion on visibility of the tower. Moorman comments it might be
2 visible from the top of the slopes at Crystal Mountain. Neiger comments that probably
3 only the marker lights will be visible.
- 4 • Tanner asks if WBNZ (99.3) transmitted off any other towers. Brigid Butler states no.
- 5 • Pitcher asks if the Forrester Rd. Tower will be decommissioned. Brigid
6 Butler responds that it will continue to be used.
- 7 • There is a brief discussion on the number of employees at WBNZ. Brigid Butler
8 believes there are 3 in Benzie County and 4 in Traverse City.

9
10 Ralston arrives at 6:16 p.m.

11
12 D. Open Public Input

13 1. Proponents Statements

- 14 • Roger Thompson states he never dreamed he would have a radio tower on his
15 property. He states that Mr. Hendersen asked to put his tower on the property near the
16 "dry hole". He states his neighbors will not be able to see it. He adds that he can see
17 between 8 and 15 towers from his living room. He explained that Dave Lewis (Gourdie
18 Fraser) was involved in siting the tower. He explained why the "dry hole" site would not
19 work but the site near the gas well will. Mr. Thompson states some might be able to see
20 it in the winter, but not in the summer. Mr. Thompson feels that if you can put a lot of
21 antennas on one tower, you won't have to put up so many towers.

22
23 2. Opponents Statements None

24
25 3. General Statements and Questions

- 26 • Mark Skurski, agrees it is a high spot, but he does not understand why they feel
27 they need to put up another tower. He gets good reception of WBNZ. He will be able to
28 see it from his house. He states he would have liked it on his land. He expresses
29 concern that even though the blueprints state the tower would collapse on itself; it might
30 fall over onto his property. He asks what the tower will do to his property values. He asks
31 if they only need 90' for the radio antenna what is the rest of the height for.
- 32 • Brigid Butler explains that the top 90' is the antenna, but they need the rest of the
33 height to project over a greater distance.
- 34 • Mike Michael Skurski feels if the tower is for cell phones it could go somewhere
35 else.
- 36 • There is discussion on concerns with the distance to the Michael Skurski property,
37 with planes taking the tower out and with more towers going up. There was discussion
38 that there might windmills in the future.
- 39 • Mr. Michael Skurski states he would not want to see towers from his property.
- 40 • Sally Somsel, property owner directly to the west, concurs with Mr. Skurski on the
41 airplane issue and is concerned with the oil/gas well corridor. She has concerns
42 because of potential hazards in relation to the existing gas wells and lines, the power
43 line, and the impact on the local wildlife. She states there is a disaster plan for Benzie
44 County and asks if that has been complied with. She read from her copy of the Hazard
45 Plan? She is also concerned with her property values? She states it is the Planning
46 Commission's job to evaluate the risk.
- 47 • **Carol Oliver**, owner of property at Traverse and Somsel Roads does not object to
48 a tower but does object to the lights. She states she purchased their property in the
49 woods and they want to enjoy the woods at night. She also has concerns about the
50 harmfulness of the frequency emissions.

1 Brigid Butler states they have an Engineering Company who has assured them that the
2 tower will not fall like timber, but will fall within the guy wire radius. She states she works
3 next to a tower, and there is considerable wildlife near the tower. She assures the
4 previous speakers that they will not have a tower in their front yard. She does not know
5 what would happen with individual property values. She states that WBNZ will be using
6 the existing tower as well as the new one. She explains that they have no leeway on the
7 lights. FAA requires the lights and they will be notified when the tower is constructed.

8 • Pete Oliver asks about lights in the parking lot, or driveway.

9 • Brigid Butler responds that other than a standard porch light there will be no other
10 lights. She explains that the building will only be used for maintenance.

11 • There was discussion on types of lighting. Neiger explains that the ordinance
12 requires that the light be downshining.

13 • Sally Somsel asks if any other areas were looked at.

14 • Brigid Butler explains that other areas were looked at but this was the site that had
15 the least environmental and wildlife impact. She states the road is already there, so no
16 more clearing would be required. She also states this is the point with the most
17 coverage.

18 Sally Somsel asks if the other sites looked at had the hazardous gas and electric lines.

19 Brigid Butler responds that the tower will be safe. Their engineer states the percentage
20 for the tower falling is almost nothing after it is constructed. She states the tower itself
21 will not affect anyone. She adds that in addition to broadcasting radio they are trying to
22 assist the county with cell phone service.

23 24 4. Rebuttal

25 • Mr. Thompson states that this is step one (1) in the process. FCC approval is step
26 2, and FAA approval is step 3. He states when he met with Mr. Henderson it was stated
27 that the existing tower would stay active but it doesn't have enough radius coverage. He
28 states the FCC gave him a radius and the current site is in that radius to give him the
29 most benefit with the least environmental impact. He comments that he thinks Ms
30 Somsel has hills as high on her property, but to put it there the land would have to be
31 cleared for the road and structure.

32 • Dave Lewis (Gourdie/Fraser) states he surveyed the property and looked at the
33 site. He states if you move to the west of the power line the oil company has rights for
34 use of the surface there as is shown on the site plan. He states the site has existing mud
35 pits and the plan shows that approximate location. He adds that the site is clear of the
36 once active pad areas. He states they have a record of one gas line going down the
37 road, and the tower won't impact that.

38
39 5. Correspondence Pitcher read email she received from Todd
40 Morgan, Platte Twp. objecting to the new tower and stating he thinks they should co-
41 locate.

42
43 E. Close Public Input 6:43

44 45 F. Commission Deliberation

46 • George Granlund asks if approval of this tower sets a precedent for more towers.
47 He believes that according to the Master Plan, we have to protect view sheds from these
48 types of things.

49 • Neiger explains that the tower section of the ordinance allows for tower parks. He
50 referenced a couple parks. He also stated co-location is required where possible. He

1 adds that the height of the hills makes them valuable for towers but we balance between
2 that and preserving view sheds. Neiger doesn't think it's going to be a precedent. He
3 believes that eventually there will be a need for infilling of cell phone service. And Brigid
4 Butler stated there will be opportunities for co-location.

5 • Pitcher asks if they looked at towers to collocate on.

6 • Brigid Butler responds that they did. She states either they were not high enough
7 or wouldn't allow collocation. She explained that the 90' radio antenna at the top would
8 allow for collocations on the tower.

9 • Moorman asks Dave Lewis what the distance to the electric transmission line is
10 and whose line it is. Dave Lewis responds that the distance is not on site plan and he
11 doesn't know who owns the line. He thinks it is probably 300' or so from the tower to the
12 center of the transmission line. The drawing is drawn to scale

13 • There is discussion on distances mentioned at other tower hearings, the Crystal
14 Mountain Tower and airport beacon. There is more discussion on collocation.

15 • Brian asks what is the difference between this tower and the one at Crystal
16 Mountain. Neiger responds that the Crystal Mountain tower is there because of their
17 need for it, and it's on M-115 for coverage. Brian asks if we can force WBNZ to collocate
18 on the Crystal Mountain tower. Neiger explains that cell phone towers have to be closer
19 together, where radio towers are farther apart and higher.

20 • Tanner comments that we send applicants to existing towers first.

21 • There is discussion on collocating on the State Police tower. Brigid Butler states
22 she can provide a letter from them stating they cannot locate on that tower.

23 • There is discussion on difference between a radio antenna and a cell antenna.

24 • Brigid Butler explains they have already applied to the FAA, but they have to have
25 permission to build first.

26 • Ross asks for a timeline from start to the completion of construction. Brigid Butler
27 responds about 4 – 6 months from getting all approvals and complete construction

28 • there is more discussion on the fall zone and how the tower would fall.

29 • Ralston asks if there is a way to address property values. Neiger comments that
30 the tower park on Forrester Road doesn't seem to have affected property values. He
31 states you would have to talk to an assessor to get an idea of that. He states the
32 assumption is there is no significant devaluation of properties.

33 • Tanner comments that we need to acknowledge that if the tower is built we will be
34 sending applicants to that tower to see if they can collocate or build a tower on that
35 property.

36 • there is discussion on the setback of the tower from the property lines. Neiger
37 read Section 26.7.4.B.4 of the zoning ordinance. He states the Planning Commission
38 can reduce the setback providing the reduction is based on facts brought forward. He
39 adds there is a letter from the engineer guaranteeing the tower will collapse within the
40 guy wire radius.

41 • Tanner asks how far Mr. Skurski's house is from the tower. Mr. Skier ski responds
42 that it is 700 or more feet.

43 • There is more discussion that radio towers never or almost never fail.

44 • Tanner has read engineer's letter and is comfortable with it.

45 • Ross asks how would we justify allowing something other than the 500' setback.

46 Tanner responds by relying on the engineer's letter we can reduce to 250.

47 • Neiger comments that the Planning Commission does have some discretion on
48 approving the tower and reducing the setback. He states you need to base it on
49 something like the engineer's letter. He explains that the first thing you need to
50 determine is if it meets the requirements of the ordinance. He cautions that the

1 Commissioners need to remember that if it meets the requirements of the ordinance they
2 have to approve. He reviews the requirements of the RP-10 district and some of the
3 uses allowed. He states there are gas wells and lines in the area.

4 • Tanner reviews the chart in Article 26 and states it looks to him like we can reduce
5 or increase the required setback, if we rely on the engineer's letter and the tower is
6 allowed on the site.

7 Motion by Tanner seconded by Ross to approve the application for a radio tower with
8 the condition that it is acknowledged that the motion is relying on the engineer's letter
9 stating the tower will fall within the 250 feet guy wire radius, allowing a 50% reduction in
10 the setback,

11 • Dave Lewis states they will contact Miss Dig as required.

12
13 H. Decision **Roll Call:** Moorman: Nay Granlund: Nay Pitcher:
14 Nay Schwerin: Absent Roberts: Excused Brian: Aye Tanner: Aye Minster:
15 Absent Schluter: Excused Ross: Aye Ralston: Aye **Motion Carried Ayes 4,**
16 **Nays 3.**

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18 I. Close Public Hearing Chairman Ralston closed the public hearing at
19 7:30 pm

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21 **IV. Approval of the Minutes of the December 10, 2009 Meeting** Motion by Pitcher
22 seconded by Tanner to approve the minutes as presented. Ayes: All Excused:
23 Roberts, Schluter Absent: Schwerin, Minster Nays: None Motion Carried

24
25 **V. Approval of January through March Meeting Schedule** Motion by Pitcher
26 **seconded by Ross to approve the schedule as presented.** Ayes: All Excused:
27 Roberts, Schluter Absent: Schwerin, Minster Nays: None Motion Carried

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29 **VI. Public Input** – Items on or off the Agenda, within the Planning Commission's
30 jurisdiction Mr. Skurski asks because the tower has been approved, if he wants to put a
31 tower up can he go through the process and get approved at this time. There is
32 discussion that we couldn't approve something without a plan, but the ordinance would
33 allow the tower if his plan complied with the ordinance requirements.

34
35 • There is discussion on status of staff for the planning commission. Tanner states
36 an emergency budget has been set through March 31. He states he has met with the
37 Townships who ask what can be done for \$50,000 and what would happen to the permit
38 revenue. He states it depends on the Board of Commissioners keeping County Planning.
39 He thinks we should let the townships hold their January meetings and see who will be
40 willing to come to the table. He has Dick Figura's time line and pricing.

41 • Kathy Ross announces that Benzie Central's windmill is up and running, electricity
42 is being provided to the schools. She thinks they will have more savings than they
43 expected. Pitcher asks if she would give a power point presentation to the Board of
44 Commissioners. Ross will coordinate with Pitcher for agenda time.

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46 **VII. Adjourn** Chairperson Ralston adjourned the meeting at 7:51 p.m.

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48 Respectfully Submitted:

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1 Katherine Ross, Secretary

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6 Christi Flynn, Recording Secretary