



# Antrim County Planning Commission

The Antrim County Planning Commission meeting is scheduled for

**Tuesday, June 4, 2024 @ 5:30 p.m.**

Board of Commissioners Room

203 East Cayuga Street, Bellaire, MI

## MEMBERS

**Richard Friske, Jr.**  
12/31/2024

**Leslie Elrod**  
12/31/2025

**James Gurr**  
12/31/2025

**Ron Tschudy**  
12/31/2026

**Bill Hefferan**  
Term elected

## STAFF

**Jeremy Scott**  
County Administrator

**Janet Koch**  
Deputy Administrator

**Gayle Rider**  
Administrative Asst.

**Margie Boyd**  
Secretary

## OFFICE ADDRESS

P.O. Box 187  
Bellaire, MI 49615

**PHONE:** 231-533-6265

**FAX:** 231-533-8111

## **AGENDA ITEMS INCLUDE:**

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Declaration of Conflict of Interest
- 5) Public Comment
- 6) Approval of [Minutes from May 7, 2024](#)
- 7) Old Business
- 8) New Business
  - Helena Township Zoning Amendment—Renewable Energy
  - [Kearney Township Master Plan Review](#)
- 9) Various Matters
- 10) Public/Member Comment
- 11) Adjourn



## *Memorandum Administration Office*

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June 4, 2024

TO: Planning Commission  
FR: Janet Koch, Deputy Administrator  
RE: Approval of Agenda, Minutes

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You should have received your agenda packets via electronic communication on May 30. If there are no changes or additions to the agenda, please consider the following action:

**Approve the June 4, 2024 agenda as presented.**

You received the minutes from the [May 7, 2024 Planning Commission meeting](#) via electronic communication on Wednesday, May 8, 2024 and again on May 30, 2024. If there are no corrections to those minutes, please consider the following action:

**Approve the minutes of the May 7, 2024 meeting as presented.**



# *Memorandum Administration Office*

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June 4, 2024

TO: Planning Commission

FR: Administration/Planning Office

RE: Review of Helena Twp. Zoning Ordinance Amendment – Section 5.09 Renewable Energy

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Public Act 233 of 2023, which is currently in effect, notes that local units of government can retain their approval status of utility-scale solar, wind, and battery storage facilities if their zoning ordinances are compatible with state standards. The proposed amendments to Section 5.09 of the Helena Township zoning ordinance are intended to comply with those standards.

The following documents are in your packet, and have been provided by Helena Township:

- Amended Section 5.09, now titled “Renewable Energy” (16 pages)
- Current Section 5.09. titled “Wind Energy” (7 pages)
- Draft minutes of the May 9, 2024 Helena Township Planning Commission meeting

If, after discussion, the Planning Commission would like to make a motion regarding the proposed amendments, the following can be used:

**That the Planning Commission finds no inconsistencies between the Antrim County Master Plan and the proposed amendment to the Helena Township Zoning Ordinance, Section 5.09 – Renewable Energy, and recommends that the Helena Township Board approve the proposed amendment.**

## 5.09 – RENEWABLE ENERGY

### 5.09.01 - Purpose

The purpose of this ordinance is to promote clean and renewable energy while providing protection of public health, safety, welfare in the Township. This ordinance is a compatible renewable energy ordinance under Public Act 233 of 2023 (PA 233).

### 5.09.02 - Scope

All renewable energy systems must meet all applicable requirements of this chapter to be permitted for construction and operation in the Township.

Public Acts 233 and 234 of 2023 provide for administration of regulations regarding renewable energy facilities, which the Township refers to under the broader category of Renewable Energy Systems.

### 5.09.03 – Types of Renewable Energy Systems

- A. Wind energy facility. A wind energy facility a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. A wind energy facility under this ordinance has the same definition and includes the same equipment as a wind energy facility under MCL 460.1221(x).
- B. Solar energy facility. A solar energy facility is a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. A solar energy facility under this ordinance has the same definition and includes the same equipment as a solar energy facility under MCL 460.1221(w).
- C. Battery Storage means an energy storage facility as that term is defined in MCL 460.1221(j).

### 5.09.04 – Permitted in all Districts

Renewable energy systems (wind, solar, and battery storage) are permitted in all districts, in Helena Township when conforming to the following conditions:

### 5.09.05 – Types of Renewable Energy Systems

- A. Accessory renewable energy systems are permitted as a use by right in all districts. Accessory energy systems are of a type generally used by individual homeowners at their residences or accessory structures. Such energy systems are permitted after application with the Helena Township Zoning Administrator subject to the provisions of applicable sections of the Zoning Ordinance. Such systems do not fall under the provisions of PA 233.
- B. Site-based renewable energy systems are systems that might be found in subdivisions or between agreeable neighbors who might wish to construct a system of a scale capable of meeting multiple user dimensions, and that are smaller than the minimum thresholds for Utility Scale Renewable Energy Systems set forth below. Approval of such systems require conformity to all applicable provisions of the MCL and compliance with the Helena Township Zoning Ordinance.
- C. Utility Scale Renewable Energy Systems are defined as follows:
  - 1. Any solar energy facility with a nameplate capacity of 50 megawatts or more.
  - 2. Any wind energy facility with a nameplate capacity of 100 megawatts or more.
  - 3. Any energy storage facility with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more.

Utility scale renewable energy systems require conformity to all applicable provisions of PA 233 and compliance with the Helena Township Zoning Ordinance.

### 5.09.06 – Accessory Wind Energy Systems

Accessory wind energy systems are permitted with a zoning permit, and subject to the standards and requirements in the Section:

- A. Height: An accessory wind energy system may not be higher than the maximum height of the structure it is attached to, plus 10 feet.
- B. Number: There shall be not more than one accessory wind energy system located on a structure.
- C. Noise: An accessory wind energy system shall not cause a sound pressure level in excess of 55 dB(A) or in excess of five dBA above the background noise, as measured by the ambient dB(A), whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe windstorms.
- D. Application: In addition to documentation normally required to apply for a zoning permit, an applicant for an accessory wind energy system shall submit any additional documentation that the zoning administrator determines is necessary to determine that the requirements of this Section are met.

### 5.09.07 On-Site Renewable Energy Systems

On-site renewable energy systems are permitted subject to approval of a Site Plan under Chapter 7, and subject to the standards and requirements in this Section:

- A. Height: An on-site renewable energy system may not be higher than 100 feet
- B. Number: In all zoning districts except agricultural, there shall be not more than one on-site wind energy system located on a parcel.
- C. Noise: An on-site wind energy system shall not cause a sound pressure level in excess of 55 dB(A) or in excess of five dBA above the background noise, as measured by the ambient dB(A), whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe windstorms.
- D. Set-back: On-site wind energy systems shall be set back from property lines a distance equal to the wind turbine generator total height. The Planning Commission may reduce this setback if adjacent property is owned or leased by the applicant, or permission is obtained from the adjacent property owner.
- E. Guy Wires: Any guy wires shall be made with or covered with material that is visible to a height of at least six feet above the ground.

- F. Ice Throw: Ice throw or shedding for an on-site wind energy system shall not have the potential to cross any property line nor impinge on any right-of-way or overhead utility line.
- G. Application: In addition to documentation normally required to apply for a Special Use Permit, an applicant for an on-site wind energy system shall submit any additional documentation that the zoning administrator determines is necessary to determine that the requirements of this Section are met.

#### 5.09.08 – Anemometers and other renewable energy testing equipment.

Anemometers and other equipment used to test the suitability of a site for the placement of renewable energy facilities are exempt from this ordinance.

#### 5.09.09 – Utility Scale Renewable Energy Systems:

- A. Utility-scale renewable energy systems are permitted only if they meet the requirements of this ordinance and the requirements for Site Plan approval under Chapter 7 of the zoning ordinance, and subject to the standards and requirements in this Section.
- B. Application requirements:
  - 1. An applicant for approval of a utility-scale renewable energy system shall submit an application and site plan meeting the requirements of this ordinance and Chapter 7 of the zoning ordinance. If any requirement of Chapter 7 is incompatible with any requirement in PA 233 or any rule issued by the Michigan Public Service Commission (MPSC) under PA 233, then the requirement in PA 233 or rule issued under PA 233 shall control.
  - 2. The site plan shall include the following:
    - a. The location and a description of the energy facility.
    - b. A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity,

which may include records of consultation with relevant state, tribal, and federal agencies.

- c. Any additional information required for site plans under PA 233 by MPSC rule or order.

3. The application shall include the following:

- a. The complete name, address, and telephone number of the applicant.
- b. The planned date for the start of construction and the expected duration of construction.
- c. A description of the energy facility.
- d. A description of the expected use of the energy facility.
- e. Expected public benefits of the proposed energy facility.
- f. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- g. Information on the effects of the proposed energy facility on public health and safety.
- h. A description of the portion of the Township where the energy facility will be located.
- i. A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, MCL 324.101 to 324.90106, as amended.
- j. A summary of the community outreach and education efforts undertaken by the electric provider or independent power producer (IPP), including a description of public meetings and meetings with elected officials.
- k. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and

other relevant state and federal agencies before submitting the application, including, but not limited to, the department of Natural Resources and the Department of Agriculture and Rural Development.

- l. The soil and economic survey report under section 60303 of NREPA, MCL 324.60303, for Antrim County.
- m. Interconnection queue information for the applicable regional transmission organization.
- n. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- o. If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the Township or the electric provider or IPP except pursuant to court order.
- p. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP.
- q. The applicant shall make reasonable efforts to consult with the County Drain Commissioner before submitting the application and shall include evidence of those efforts in its application.
- r. A fire response plan and an emergency response plan.
- s. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose.

- i. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash.
- ii. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant.
- iii. However, the financial assurance may be posted in increments as follows:
  - 1. At least 25% by the start of full commercial operation.
  - 2. At least 50% by the start of the fifth year of commercial operation.
  - 3. 100% by the start of the tenth year of commercial operation.
- t. An application fee of \$75,000.00, or an escrow deposit and account under Section 2.01.02(B), as determined by the Township.
- u. Other information that the Township determines is necessary to determine compliance with the compatible renewable energy ordinance.

C. Approval Process for Utility Scale Renewable Energy Systems:

- 1. The Planning Commission shall hold a public hearing on the application and recommend to the Township Board approval, approval with conditions, or denial of the application.
- 2. The Township Board shall review the Planning Commission's recommendation and shall approve, approve with conditions, or deny the application.
- 3. The Township shall approve or deny the application within 120 days after receiving the application. The applicant and Township may jointly agree to extend this deadline by up to 120 days.

D. Approval Standards, Conditions, and Requirements:

- A. In evaluating the application, the Township shall consider the feasible alternative developed locations described under section 5.09.09(B)(3)(n), if applicable, and the impact of the proposed facility on local land use, including the percentage of land within the local unit of government dedicated to energy generation.
- B. The Township may condition its grant of the application on the applicant taking additional reasonable action related to the impacts of the proposed energy facility, including, but not limited to, the following:
  - a. Establishing and maintaining for the life of the facility vegetative ground cover. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.
  - b. Meeting or exceeding pollinator standards throughout the lifetime of the facility, as established by the “Michigan Pollinator Habitat Planning Scorecard for Solar Sites” developed by the Michigan State University Department of Entomology in effect on the effective date of the amendatory act that added this section or any applicable successor standards approved by the MPSC under PA 233. Seed mix used to establish pollinator plantings shall not include invasive species as identified by the Midwest Invasive Species Information Network, led by researchers at the Michigan State University Department of Entomology and supporting regional partners. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.
  - c. Providing for community improvements in the Township.
  - d. Making a good-faith effort to maintain and provide proper care of the property where the energy facility is proposed to be located during construction and operation of the facility.
- C. The Township shall grant the application and issue a certificate if it determines all of the following:
  - a. The public benefits of the proposed energy facility justify its construction. For the purposes of this subdivision, public benefits include, but are not limited to, expected tax revenue paid by the energy facility to local taxing districts, payments to owners of participating property, community benefits agreements, local job creation, and any contributions to meeting identified energy, capacity, reliability, or

resource adequacy needs of this state. In determining any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state, the commission may consider approved integrated resource plans under section 6t of 1939 PA 3, MCL 460.6t, renewable energy plans, annual electric provider capacity demonstrations under section 6w of 1939 PA 3, MCL 460.6w, or other proceedings before the MPSC, at the applicable regional transmission organization, or before the Federal Energy Regulatory Commission, as determined relevant by the Township.

- b. The energy facility complies with the standard in section 1705(2) of NREPA, MCL 324.1705, also known as the Michigan Environmental Protection Act.
- c. The applicant has considered and addressed impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species.
- d. The applicant has entered, or will enter as a condition of approval, a host community agreement with the Township; or a community benefits agreement with 1 or more community-based organizations; and said agreement meets or will meet the conditions established in section 5.09.09.F of this ordinance.
- e. All of the following apply:
  - i. The installation, construction, or construction maintenance of the energy facility will use apprenticeship programs registered and in good standing with the United States Department of Labor under the national apprenticeship act, 29 USC 50 to 50c.
  - ii. The workers employed for the construction or construction maintenance of the energy facility will be paid a minimum wage standard not less than the wage and fringe benefit rates prevailing in the locality in which the work is to be performed as determined under 2023 PA 10, MCL 408.1101 to 408.1126, or 40 USC 3141 to 3148, whichever provides the higher wage and fringe benefit rates.

- iii. To the extent permitted by law, the entities performing the construction or construction maintenance work will enter into a project labor agreement or operate under a collective bargaining agreement for the work to be performed.
  - f. The proposed energy facility will not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops.
  - g. The proposed energy facility does not present an unreasonable threat to public health or safety.
- D. An energy facility meets the requirements of section (3)(g) if it will comply with the following standards, as applicable:
- a. For a solar energy facility, all of the following:
    - i. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- ii. Fencing for the solar energy facility complies with the latest version of the National Electric Code as of the effective date of the amendatory act that added this section or any applicable successor standard approved by the MPSC under PA 233.
- iii. Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- iv. The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent

nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

- v. The solar energy facility will implement dark sky-friendly lighting solutions.
- vi. The solar energy facility will comply with any more stringent requirements adopted by the MPSC under PA 233.

b. For a wind energy facility, all of the following:

- i. The following minimum setback distances, measured from the center of the base of the wind tower:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- ii. Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- iii. Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

- iv. The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
  - v. The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
    - 1. The purpose of the exemption.
    - 2. The proposed length of the exemption.
    - 3. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
    - 4. The technical or economic reason a light-mitigating technology is not feasible.
    - 5. Any other relevant information requested by the Township.
  - vi. The wind energy facility meets any standards concerning radar interference, lighting, subject to subsection (v), or other relevant issues as determined by the Township.
  - vii. The wind energy facility will comply with any more stringent requirements adopted by the MPSC under PA 233.
- c. For an energy storage facility, all of the following:
- i. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- ii. The energy storage facility complies with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of PA 233 or any applicable successor standard adopted by the MPSC as reasonable and consistent with the purposes of this subdivision.
- iii. The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- iv. The energy storage facility will implement dark sky-friendly lighting solutions.
- v. The energy storage facility will comply with any more stringent requirements adopted by the MPSC under PA 233.

E. Project completion. If construction of an energy facility is not commenced within 5 years after the date of Township approval, the approval is invalid, but the electric provider or IPP may file a new application for the proposed energy facility. If the approval is appealed in proceedings before the MPSC or to a court of competent jurisdiction, the running of the 5-year period is tolled from the date of filing the appeal until 60 days after issuance of a final non-appealable decision. The Township may extend the 5-year period at the request of the applicant and upon a showing of good cause without requiring a new application.

F. Host Community Agreement or Community Benefits Agreement.

- a. The applicant shall enter into a host community agreement with the Township.

- i. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the affected local unit \$2,000.00 per megawatt of nameplate capacity located within the affected local unit.
    - ii. The payment shall be used as determined by the affected local unit for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.
  - b. If the Township refuses to enter into a host community agreement after good-faith negotiations with the applicant, the applicant may enter into a community benefits agreement with 1 or more community-based organizations within, or that serve residents of, the Township.
    - i. The amount paid by the applicant under this subsection must be equal to, or greater than, what the applicant would pay to the affected local unit under subsection (a).
    - ii. Community benefits agreements shall prioritize benefits to the community in which the energy facility is to be located.
    - iii. The topics and specific terms of the agreements may vary and may include, but are not limited to, any of the following:
      - 1. Workforce development, job quality, and job access provisions that include, but are not limited to, any of the following:
        - a. Terms of employment, such as wages and benefits, employment status, workplace health and safety, scheduling, and career advancement opportunities.
        - b. Worker recruitment, screening, and hiring strategies and practices, targeted hiring planning and execution, investment in workforce training and education, and worker input and representation in decision making affecting employment and training.
        - c. Funding for or providing specific environmental benefits.

- d. Funding for or providing specific community improvements or amenities, such as park and playground equipment, urban greening, enhanced safety crossings, paving roads, and bike paths.
  - e. Annual contributions to a nonprofit or community-based organization that awards grants.
- c. A host community agreement or community benefits agreement is legally binding and inures to the benefit of the parties and their successors and assigns. Such agreements are enforceable in a court of competent jurisdiction.

#### 5.09.10 – Utility-Scale Wind Energy Systems - Removal

- A. Any utility-scale wind energy system that is not operational for a continuous period of 24 months shall be considered abandoned, and the owner shall remove the system within 180 days of abandonment. Failure to remove the system within 180 days shall be grounds for the Township to remove it at the owner's expense.
- B. In addition to removing the wind energy system, the owner shall restore the site to its original condition, subject to reasonable wear and tear. Any foundations associated with the wind generator or anemometer tower shall be removed to a minimum depth of five feet below the final grade and site vegetation shall be restored.
- C. The Township may access and use the financial assurance provided in connection with the decommissioning plan for removal and restoration costs.

#### 5.09.11 – Repair or Replacement

Major components of a wind energy system may be replaced without a modification of existing zoning approvals all regulations contained in this ordinance and all conditions attached to the approval are adhered to.

#### 5.09.12 – Conflicts

In any case of conflict between the requirements of this Chapter and other Chapters of the Helena Township Zoning Ordinance with respect to a wind energy system, this Chapter will control.

### 5.08.06 – Abandonment and Removal of Tower or Antenna

Any telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such telecommunication tower or antenna shall remove the same within 90 days of receiving notice from the Township Board notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said days shall be grounds to remove the tower or antenna at the owner's expense. Where there are two or more users of a single tower, then this provision shall not become effective as to the tower until all users cease using the tower. The Planning Commission may require the applicant to file and maintain a bond with terms and conditions acceptable to the township attorney equal to the reasonable cost of removing the telecommunication tower, antenna, or other supporting structure(s) as a condition of any Special Use Permit approval given pursuant to this Section.

### 5.09 – WIND ENERGY

#### 5.09.01 - Purpose

The purpose of this ordinance is to promote clean and renewable wind energy while providing protecting public health, safety, welfare in the Township.

#### 5.09.02 - Scope

All wind energy systems must meet all applicable requirements of this chapter to be permitted for construction and operation in the Township.

#### 5.09.03 – Accessory Wind Energy Systems

Accessory wind energy systems are permitted with a zoning permit, and subject to the standards and requirements in this Section:

- A. **Height:** An accessory wind energy system may not be higher than the maximum height of the structure it is attached to, plus 10 feet.
- B. **Number:** There shall be not more than one accessory wind energy system located on a structure.
- C. **Noise:** An accessory wind energy system shall not cause a sound pressure level in excess of 55 dB(A) or in excess of five dBA above the background noise, as measured by the ambient dB(A), whichever is greater, as measured at the nearest

property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

- D. **Application:** In addition to documentation normally required to apply for a zoning permit, an applicant for an accessory wind energy system shall submit any additional documentation that the zoning administrator determines is necessary to determine that the requirements of this Section are met.

#### **5.09.04 – On-Site Energy Systems**

On-site wind energy systems are permitted subject to approval of a Site Plan under Chapter 7, and subject to the standards and requirements in this Section:

- A. **Height:** An on-site accessory wind energy system may not be higher than 100 feet
- B. **Number:** In all zoning districts except agricultural, there shall be not more than one on-site wind energy system located on a parcel.
- C. **Noise:** An on-site wind energy system shall not cause a sound pressure level in excess of 55 dB(A) or in excess of five dBA above the background noise, as measured by the ambient dB(A), whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
- D. **Set-back:** On-site wind energy systems shall be set back from property lines a distance equal to the wind turbine generator total height. The Planning Commission may reduce this setback if adjacent property is owned or leased by the applicant, or permission is obtained from the adjacent property owner.
- E. **Guy Wires:** Any guy wires shall be made with or covered with material that is visible to a height of at least six feet above the ground.
- F. **Ice Throw:** Ice throw or shedding for an on-site wind energy system shall not have the potential to cross any property line nor impinge on any right-of-way or overhead utility line.
- G. **Application:** In addition to documentation normally required to apply for a Special Use Permit, an applicant for an on-site wind energy system shall submit any additional documentation that the zoning administrator determines is necessary to determine that the requirements of this Section are met.

#### **5.09.05 – Anemometers**

An anemometer shall be a permitted use in any zoning district where an on-site wind energy system is permitted. An anemometer shall be subject to the same approval standards, process, and requirements as an on-site wind energy system.

#### **5.09.06 – Utility-Scale Wind Energy Systems – Approval Standards**

- A. Utility-scale wind energy systems are permitted only with a Special Use Permit, granted pursuant to Chapter 6, including approval of a Site Plan pursuant to Chapter 7, and subject to the standards and requirements in this Section.**
- B. Height: There is no maximum height limit for utility-scale wind energy systems. However, all systems must demonstrate compliance with the Michigan Tall Structures Act (PA 259 of 1959, as amended), Federal Aviation Administration (FAA) guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.**
- C. Blade Clearance: There shall be a minimum vertical blade tip clearance from the ground of 20 feet.**
- D. Noise: A utility-scale wind energy system shall not cause a sound pressure level in excess of 55 dB(A) or in excess of five dBA above the background noise, as measured by the ambient dB(A), whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.**
- F. Set-back:**
  - 1. A utility-scale wind energy system shall be set back from property lines and public roads a distance equal to the wind turbine generator total height.**
  - 2. The Planning Commission may reduce this setback from property lines that do not border public roads if adjacent property is owned or leased by the applicant, or if permission is obtained from the adjacent property owner.**
  - 3. If multiple properties are part of a single wind energy lease unit, the setbacks shall be measured from the lease unit boundary rather than the property line between adjacent properties within the lease unit.**
  - 4. Setbacks for buildings accessory to a wind turbine generator shall conform to the general setbacks of the zoning district.**

- G. Guy Wires:** Any guy wires shall be made with or covered with material that is visible to a height of at least six feet above the ground.
- H. Ice Throw:** Ice throw or shedding for an on-site wind energy system shall not have the potential to cross any property line nor impinge on any right-of-way or overhead utility line.
- I. Safety:**
1. All wiring shall comply with all applicable safety and stray voltage standards.
  2. Wind turbine towers shall not be climbable on the exterior.
  3. All access doors to wind turbine towers and electrical equipment shall be locked.
  4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
  5. All generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
  6. All utility-scale wind energy systems shall comply with all applicable State construction and electrical codes, FAA requirements, Michigan Aeronautics commission requirements, Michigan Public Service Commission requirements, and Federal Energy Regulatory Commission standards.
- J. Lighting:** The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- K. Signal Interference:** No utility-scale wind energy system shall be installed in any location where its proximity with existing fixed broadcast retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electro-magnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation likely to produce electromagnetic interference with the link's operation unless the interference is insignificant.

- L. **Vibrations:** No utility-scale wind energy system may produce humanly-perceptible ground vibrations beyond the property on which it is located.
- M. **Visual Impact:**
  - 1. Utility-scale wind energy systems shall be mounted on single vertical towers of tubular pole or monopole design. Towers shall have a galvanized steel finish, or be painted a neutral white, gray, or pale blue color, unless otherwise required by the FAA. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy system consistent with industry standards.
  - 2. Utility-scale wind energy systems shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- N. **Separation:** Utility-scale wind energy system separation distances shall be based on industry standards, manufacturer recommendations, and the characteristics of the particular site location, but at a minimum, there shall be a separation between the towers of not less than three times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications of tower separation.

**5.09.07 – Utility-Scale Wind Energy Systems - Application**

**Application:** In addition to the general requirements for an application for Site Plan review and a Special Use Permit, an application for utility-scale wind energy system shall include the following:

- A. Documentation that the site has annual wind resources sufficient for the viable long term operation of the wind energy system.
- B. All required approvals from other agencies. If approvals have not been obtained but are in process or applications are anticipated, the Township may condition its approval and the issuing of any zoning permit on subsequent receipt of documentation that all other required approvals were received.
- C. A hazard prevention plan. The hazard prevention plan shall contain:
  - 1. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.

2. **Location of landscaping designed to avoid the spread of fire from any source on the turbine.**
  3. **A listing of any hazardous fluids that may be used on site, including Material Safety Data Sheets.**
  4. **Certification that the turbine has been designed to contain any hazardous fluids.**
  5. **A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.**
- D. A decommissioning plan. The decommissioning plan shall include:**
1. **Anticipated life of the project.**
  2. **Estimated decommissioning costs in current dollars, not including salvage value.**
  3. **Method of ensuring funds will be available for decommissioning and restoration.**
  4. **The anticipated manner in which the project will be decommissioned and the site restored.**
- E. An environmental impact statement assessing and providing for mitigation measures to minimize any potential impacts on the natural environment, including wetlands, fragile ecosystems, historical and cultural sites, and avian impacts.**
- F. A noise modeling and analysis report. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.**
- G. A visual impact simulation showing the completed site as proposed on the submitted Site Plan. The visual impact simulation shall be from four viewable angles.**
- H. Proof of the applicant's public liability insurance for the project.**

### 5.09.08 – Utility-Scale Wind Energy Systems - Removal

- A. Any utility-scale wind energy system that is not operational for a continuous period of 24 months shall be considered abandoned, and the owner shall remove the system within 180 days of abandonment. Failure to remove the system within 180 days shall be grounds for the Township to remove it at the owner's expense.
- B. In addition to removing the wind energy system, the owner shall restore the site to its original condition, subject to reasonable wear and tear. Any foundations associated with the wind generator or anemometer tower shall be removed to a minimum depth of five feet below the final grade and site vegetation shall be restored.
- C. The Township may require the owner of utility-scale wind energy system to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the system and restoration of the site. The amount of the performance guarantee may include an escalation clause equal to the Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

### 5.09.09 – Repair or Replacement

Major components of a wind energy system may be replaced without a modification of existing zoning approvals all regulations contained in this ordinance and all conditions attached to the approval are adhered to.

### 5.09.10 – Conflicts

In any case of conflict between the requirements of this Chapter and other Chapters of the Helena Township Zoning Ordinance with respect to a wind energy system, this Chapter will control.

## Section 5.10 - SIGNS

### 5.10.01 - Purpose

The purpose of this Chapter is to allow those signs that will not, by their purpose, size, placement, construction, or manner of display, endanger the public health, safety, and general welfare of the citizens of Helena Township. This Chapter shall regulate signs in such a manner as to support and compliment the land use objectives set forth in this Zoning Ordinance.

### 5.10.02 – Prohibited Signs

The following signs are prohibited in any District:

- A. Signs that are illegal under State laws or regulations and applicable local ordinance

# Draft Minutes: Re-scheduled May 09,2024 Helena Township Planning Commission meeting and Public Hearing for proposed amendment (Renewable Energy Systems) to the Zoning Ordinance

Before meeting started, member Gurr related to those present that some considerations concerning the progress of the meeting required attention and would be explained once meeting proceeded. The usual May meeting had to be re-scheduled because of the decision to offer ZOOM availability. ZOOM services were not available for the 06-02-2024 regularly scheduled meeting. Also, PC Chairperson Maglovkin (Guy) is ill this evening and Vice-chair Mike Robinson will chair meeting.

Call to order: Vice-chair Mike Robinson called meeting to order at 5:02.

Pledge of Allegiance:

Roll Call: Sue Maglovkin (Guy) not in attendance--all others present.

Approval of Agenda:

1. Zoom presenter had notified Commission that although en-route, she was delayed in traffic and would arrive late. Motion to amend Agenda was made by member Robbins, that the agenda be amended to pursue regular meeting until such point that ZOOM services are available. At such point, the regular meeting will be suspended and the Planning Commission will open the Public Hearing of the proposed Renewable Energy amendment. When Public Hearing and related activities are completed the regular meeting will be re-opened and run to conclusion. Motion seconded by member Gurr, question approved unanimously.
2. Member Robbins explained need to add to the agenda a motion to amend Planning Commission by-laws respecting date of annual PC Administrative

meeting and member term expiration dates. Annual administrative meeting will be held in month of May and term expiration dates will always be extended until after the May meeting. Motion to amend made by member Robbins, seconded by member Shaffer. Motion succeeded, recommendation will be made to Township Board for their approval.

Conflict of Interest: None

Approval of April PC Meeting Minutes Minutes approved

Public Comment: None

Communications: Members Gurr and Shaffer reported respecting their attendance at the MSU Extension Summit on “Saving the Farm” held in TC May 08. Emphasis was on “Value Added” agricultural activities. Event covered history of value added activities—Farm Markets, Right to Work provisions, statutorily provided Generally Accepted Agricultural Management Practices (GAAMPs) and the impact on planning and zoning applications.

Zoning Administrator’s report: report submitted. Reference was made to new ownership of the “old mill” and possible future new commercial use.

Old Business: None

Public comment: 1. Member of public asked whether value-added agriculture is likely to impact township. Owners of several ag-zoned properties have expressed interest along those lines. 2. Member of public related personal experience with short term-rentals in Torch Lake Township. 3. Member of public expressed support for short term rentals in Helena Township, stating renters are not the only sources of disturbances in residential zones citing noisy animals.

ZOOM provider arrived with apparatus. Upon completed installation, interim chairman Robinson closed regular meeting at 5:23.

PUBLIC HEARING for PROPOSED AMENDMENT to Helena Township Zoning Ordinance respecting Section 5.09-- RENEWABLE ENERGY began at 5:24.

Attorney Chris Bzdok, representing Helena Township, opened with brief description of intent and purpose of proposed amendment against the backdrop of recent statutory provisions from State of Michigan regarding mandated Energy Goals. Attorney Bzdok offered to guide the Public Hearing through an examination of the entire amendment. Acting Chairman Robinson agreed. Attorney Bzdok guided the PC and members of the public attending through the proposed language. Members expressed agreement with the draft and legal counsel recommendations to it throughout the course of the presentation. Questions remain as to what depth abandoned infrastructure features such as concrete footings would need to be removed after abandonment. Attorney Bzdok will make inquiries and report findings during the public notification process.

Public Input: Resident Paul Saks-- Crystal Springs Road—noted concern over language in the Accessory Use provisions for renewables, noting the Zoning Ordinance had been recently amended removing accessory building size limitations formerly conditional to primary building dimensions. He expressed concern that absent controlling language individual renewable systems on residences and those in site-based applications in all zones might become problematic with respect to size.

Public Hearing ended at 6:27

Member Gurr made motion to send draft Zoning Ordinance to adjacent municipalities and Antrim County Planning Commission for examination and advice—seconded by Member Shaffer. Motion approved unanimously.

Adjourn: Motion made by member Robbins, seconded by Shaffer. May 9, 2024 meeting adjourned at 6:32

Respectfully submitted Jim Gurr  
Helena Township Planning Commission Secretary



## *Memorandum Administration Office*

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June 4, 2024

TO: Planning Commission

FR: Administration/Planning Office

RE: Review of Village of Kearney Township draft Master Plan

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Following is the communication from the Kearney Township Clerk regarding the distribution of the draft Master Plan, and a copy of the Master Plan itself.

If time permits, a staff review of the plan will be provided to the Planning Commission on or before the June 4 meeting. Following is a motion for the Planning Commission's consideration:

**That the Planning Commission finds no inconsistencies between the Antrim County Master Plan and the draft Kearney Township Master Plan.**

**From:** [Michelle Valuet](#)  
**To:** [oi648d@att.com](mailto:oi648d@att.com); [rlicht@chartermi.net](mailto:rlicht@chartermi.net); [Boyd, Margie](#)  
**Cc:** [Leslie Elrod](#)  
**Subject:** Kearney Township Draft Master Plan now available for comment  
**Date:** Wednesday, May 22, 2024 1:24:19 PM  
**Attachments:** [Kearney Township Master Plan Draft 5.17.24 w Maps.pdf](#)

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On Monday, May 6th the Kearney Township Board approved the distribution of the attached draft Master Plan for review and comment, per Michigan's Planning Enabling Act. A copy of the draft Master Plan will also be available through a link on the homepage on the [kearneytownship.org](http://kearneytownship.org) website. If you would prefer a printed version please let me know.

Comments will be accepted until Wednesday, July 24, 2024. Comments can be emailed to [kearneytwpclerk@gmail.com](mailto:kearneytwpclerk@gmail.com). Please include Kearney Twp. Master Plan Comments in the subject line. Comments can also be mailed to:

Kearney Twp. Planning Commission  
P.O. Box 51  
Bellaire, MI 49615

A public hearing has not been set yet. I anticipate the public hearing will be scheduled by the Planning Commission after July 24th.

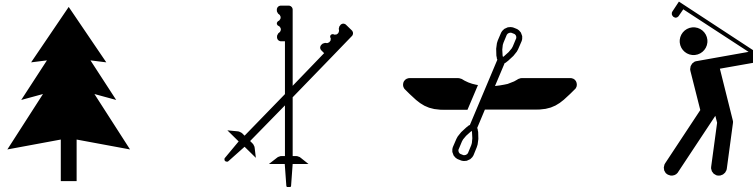
Sincerely,  
Michelle D. Valuet  
Kearney Township Clerk  
[kearneytwpclerk@gmail.com](mailto:kearneytwpclerk@gmail.com)  
(231) 533-5719, Ext. 1

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Kearney Township, Antrim County  
Michigan

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# Master Plan



MAY 17, 2024  
KEARNEY TOWNSHIP  
4820 Aero Park Dr. Bellaire, MI 49615

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# SECTION I – BACKGROUND

## Statutory Basis and Purpose of Plan

This Plan is developed pursuant to the requirements of Act 184 of 1943, Act 168 of 1959 and The Michigan Enabling Act, Act 33 of 2008 as amended, being the Township Rural Zoning Act. This Act requires that a zoning ordinance be based upon a plan designed to promote the public health, safety, and general welfare of the Township residents, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state’s residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships.

The purpose of the Plan is to:

- Be a sound basis for administration of the Township Zoning Ordinance
- Provide a guide for the conservation of natural resources and property values and the general development of land and population for Kearney Township, Antrim County, Michigan
- Avoid the overcrowding of population
- Lessen congestion on public roads and streets
- Reduce hazards to life and property
- Facilitate adequate provisions for systems of transportation, sewage disposal, safe and adequate water supply; education, recreation and other public requirements
- Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land resources and properties.

## Township History

The Township of Kearney was split from Forest Home Township at the January 1875 meeting of the Supervisors of Antrim County. The first annual election was held April 5, 1875. The land was designated as “all that part of Town 30 North, Range 7 and 8 West, lying East of the center of Intermediate Lake and the thread of the Intermediate River,” and the boundaries remain the same today.

While no actual connection can be found to an early settler, the name Kearney likely referred to a place in Ireland. It was habit to name places after that country because this area reportedly reminded our forefathers of the beautiful Irish countryside.



## SECTION II – EXISTING CONDITIONS

### The Regional Setting

Kearney Township is located in central Antrim County. The County lies along the east shore of Grand Traverse Bay and contains several major lakes, the most notable of which are Torch Lake and an “upper and lower” Chain of Lakes which is well known throughout the Midwest for its scenic beauty. Torch Lake is rumored to be the third most beautiful lake in the world by National Geographic Magazine.

Both U.S. 31 and U.S. 131 cross the County in a north-south direction; U.S 31 along the Lake Michigan coast and U.S. 131 further inland. The Township lies between the two highways and has the Chain of Lakes as its western boundary. Ski and golf course complexes are located within the Township and are accessed primarily from U.S. 131 via M-88.

Therefore, the western, central and southern portions of the Township experience residential and resort development pressures, while the balance of the Township is made of rugged hills and wetland valley with low density residential living, farms and forestry uses.

### Existing Land Use

The predominate land use in the Township is forest (60%). Eighty-five percent of the Township is covered in vegetation. Of this, thirteen percent is classified as wetland, primarily narrow lowlands along streams and at the base of hills and ridges. Agriculture uses account for approximately five percent of the land use, and is located in the central and northern portions of the Township.

Residential uses comprise 11 percent of the land use although it is scattered generally throughout the township, with the highest density in the Village of Bellaire and local golf and ski resorts.

The balance of the land use, consisting of utilities such as the Antrim County Airport, Bellaire Wastewater Treatment Facility, and commercial and industrial uses is about one percent of Kearney Township’s existing land use.

Existing Land Use Table:

Land Cover Type	Percent Coverage
Forest	60%
Wetlands	13%
Water	3%
Agriculture	5%
Grass and Shrub	7%
Residential (including resorts)	11%
Other (including utilities and industrial)	1%

Kearney Township Natural Features:

The Township enjoys the unique natural feature of the Chain of Lakes (part of its western boundary), Lake Bellaire, and Intermediate Lake. A large valley runs east and west through the south-central part of the Township with drainage areas branching out from the valley and creating extremely broken terrain. The valley is made up of vast areas of wetlands and contains the Cedar River.

Most of the Township is forested, with the eastern portion containing parts of the Mackinaw State Forest as well as several Christmas tree plantations.

Soils

The Township is made up of four basic soil associations as follows:

Emmet-Montcalm: This soil group consists of well-drained gently sloping to very steeply sloping loamy sands and sands occurring mostly on knolls, ridges and hills. These soils offer few limitations to development where the slopes are gentle except for some problems with frost heave for road and highways.

Where there are slopes involved, moderate to severe problems develop. These involve cave-in of excavations, some wetness in digging basements, and side hill seepage from septic tank tile fields.

Tawas-Ensley-Roscommon: These are very poorly-drained soils consisting of mucks, loamy and sandy soil consisting of shallow depressions in level plains. These soils are largely unsuitable for on-site septic systems due to the humus content of the soil and high-water table.

There are frost heave problems and cave-in problems for excavations, and these soils are quite often subject to seasonal flooding.

[Kalkaska-Montcalm](#): This soil association consists of well-drained sands on level to very steep hills, ridges and knolls.

Due to the sandy content of these soils, cave-ins of excavations are a problem. Septic systems operate successfully in these soils except in steep-slope areas.

[Kalkaska-East Lake-Karlin](#): These soils are well-drained, level to very-steep, sandy soils of plains.

#### Natural Gas Wells

Natural gas lies beneath most of Kearney Township trapped in Antrim Shale about 2,000 feet below the surface.

#### Water Quality Assessment of Lake Bellaire, Intermediate Lake, and the Cedar River

Assessing the water quality of Kearney Township's major waters requires the collaboration between several monitoring agencies. For the latest information on water quality consult the Three Lakes Association, the Tip of the Mitt Watershed Council, the Michigan Department of Environmental Quality, and the Friends of the Cedar River.

#### Cedar River:

The Cedar River remains on the northwest Michigan's listing of Class A trout streams. The water is cold, clear, and richly oxygenated. High quality macro invertebrates found on the bottom of the river serves as the main food source for brook, brown, and rainbow trout populations.

The major concern for the Cedar River water quality is the detection of TCE (trichloroethylene) from the Mancelona plume that is traveling at approximately 350 feet per year. While TCE concentrates entering the river are well below the EPA limits for surface waters, Three Lakes Association, in cooperation with the Bellaire Public Schools, have been monitoring macro invertebrate populations above and below the point of TCE entry since the spring of 2005. Three Lakes Association is also active in the efforts to remove the toxic plume.

#### Intermediate Lake:

Intermediate Lake is an All Sports lake with activities including fishing, boating, and swimming. It is also popular because the lakes of the Upper Chain of Lakes, including Hanley, Ben-Way, Wilson, Ellsworth, St. Clair, and Six Mile, can be travelled to by boat using Intermediate Lake as a starting point. However, the Lower Chain of Lakes (Bellaire, Clam, Torch, Elk, and Skegemog) cannot be accessed by boat from Intermediate Lake because of the dam on the Intermediate River in Bellaire. Fish that have been reported through various Department of Natural Resources surveys include walleye, bluegill, logperch, yellow perch, large- and smallmouth bass,

pumpkinseed, longnose gar, white sucker, rock bass, whitefish, cisco, muskellunge, northern pike, rainbow trout, lake trout, brown trout, and sunfish.

Known Aquatic Invasive Species: Zebra mussels, Purple Loosestrife, Invasive Phragmites.

#### Lake Bellaire:

Formerly known as Grass Lake, Lake Bellaire is located southwest of the Village of Bellaire in Antrim County. Major inlet tributaries include the Intermediate River, which drains the upper Chain of Lakes through Bellaire, and Grass Creek, which flows into the north end of the North Arm. Water leaving Lake Bellaire flows through the Grass River into Clam Lake and eventually into Lake Michigan at the Village of Elk Rapids on East Grand Traverse Bay.

Lake Bellaire is a deep lake (95 feet max, 42 feet mean depths) surrounded by extensive and ecologically important wetlands. These include conifer or mixed hardwood/conifer swamps on the north end, marshy areas west of the mouth of the Intermediate River, and marshy and swampy areas on the south end. Along with their ability to filter pollutants in the water, wetlands provide habitat to amphibians, mammals, birds, trees, flowers, and other forms of life.

There are virtually no natural rocky shorelines on Lake Bellaire, which is unusual for a lake of this size (1793 acres) in the Elk River Watershed. This has been identified as a potential problem for successful spawning of some fish species. Most of the nearshore sediments in Lake Bellaire consist of sand or gravelly-sand. The remainder, largely in the north arm, consists of muck or marl-sand bottom. Muskgrass (*Chara* spp), a common 'plant' found in the nearshore areas of Lake Bellaire, is actually, a multicellular branching green alga. Muskgrass gets its name from its "musky" smell.

Because the deep water of Lake Bellaire remains cold and oxygen-rich during summer months, the lake is able to support a cold-water fishery. Warm water fish inhabit shallower areas. Fish that have been found in Lake Bellaire include whitefish, perch, herring, northern pike, rock bass, smallmouth bass, largemouth bass, bluegill, lake trout, longnose gar, white sucker, brook silverside, blunt nose minnow, walleye, brook trout, black crappie, yellow perch, white sucker, brown trout, splake, pumpkinseed, brown bullhead, cisco, smelt, rainbow trout, and brown trout.

Known Aquatic Invasive Species: Zebra mussels.

#### Transportation:

The transportation system is most complete on the western edge of the Township where M-88 runs along the eastern side of Lake Bellaire and through the Village of Bellaire and on to Central Lake. County Road 620 enters the Township from M-66 and runs through the Village of Bellaire

and then west to Torch Lake. The portion of the Village of Bellaire east of the Intermediate River lies within the Township.

Door-to-door public bus transit is available within Antrim County by Antrim County Transportation.

#### Community Facilities:

Bellaire is the County Seat for Antrim County and houses governmental offices, the Courts and the County Jail. The County operates Meadow Brook Medical Care Facility and Meadow View Apartments for Seniors, just south of the Village along M-88, along with The Animal Control Building, the Ambulance Authority, Antrim County Transportation Authority.

The Bellaire Public Library and the Bellaire Fire Department are located in the Village of Bellaire, while Antrim County Ambulance Authority Emergency Services are located in the township.

The Bellaire Public School District encompasses 75.1 square miles of Antrim County. The district consists of two school buildings: John R. Rodger Elementary and Bellaire Middle/High School. Enrollment in 2022-2023 was 299 students.

Bellaire Public Schools partners with the Kalkaska Memorial Health Center for preschool, Head Start and Great Start Readiness Programs. The high school sends several students to the Northwest Education Services Career Tech Center where they can participate in one of 22 programs. Students may also take online courses, dual enrollment courses and or participate in an Early College Program.

The Bellaire Public School's Performing Arts Center is an auditorium-style setting available to community groups and organizations (in which a majority of the members are residents of the Bellaire Public School District).

There are several golf and ski resorts in the Township. Extensive seasonal and permanent housing has been developed along Lake Bellaire and Intermediate Lake. A year-round hiking trail, including several miles along the Cedar River, has also been established from Craven Park on Stover Rd. to Burrell Road. The trail head leads to a variety of bridges and marked trails on Burrell Road.

The Antrim County Airport is located in the Township just north of the Village of Bellaire with access from County Road 620.

Kearney Township Hall is located on Aero Park Drive and houses the township offices and a large hall that is available for rent.

In Spring 2015, Bellaire Family Health Center relocated to their new building located on M-88. The new facility has the ability to house six providers, along with a full drive-thru pharmacy, laboratory, mammography, and X-ray services.

#### Businesses:

Kearney Township and the Village of Bellaire are home to a variety of local retail businesses and restaurants. The top employment industry in Kearney Township is Arts, Entertainment, Recreation, and Accommodation and Food Service (18.9%), followed by Educational Services, Health Care, and Social Assistance (18.5%), and Manufacturing (15.2%). Public sector, retail, manufacturing, resort, restaurant, construction, agriculture and forestry provide a wide range of employment opportunities for township residents.

*Anchor Lamina America* is the township's largest manufacturing facility. Industrial parks are home to several small service businesses. Captain's Choice Marine expanded to become the township's largest water recreation center.

#### Population Trends:

Township growth stabilized between 2010 to 2020; the 2020 census indicated the Township has 1780 residents, a 0.8% increase since 2010. Kearney Township has a median age of 54.5 years. Per capita income is \$28,321 which is approximately 80% of the amount in Antrim County and the State of Michigan. Household income is \$55,694 which is approximately 90% of the amount in Antrim County and the State of Michigan.

#### Housing

In Kearney Township 75% of the housing stock is owner-occupied. The median value of owner-occupied housing is \$181,800 which is 10% higher than the amount in Antrim County and a little bit higher than the amount in the State of Michigan.

## SECTION III- GOALS AND STRATEGIES

The Kearney Township Planning Commission has established the following goals as the basis of the Master Land Use Plan:

Goal 1: Preserve a natural and peaceful environment.

### Strategies:

- A. Rural traits of quietness, privacy, stable property values, and an identity apart from the city should be a priority and enforced by strong zoning.
- B. Update zoning requirements to include methods for preservation of larger lot sizes in agricultural areas.
- C. Pursue participation in the Antrim County Farmland and Open Space Preservation Program in order to take advantage of available grant opportunities. Complete all requirements and submit the required resolution<sup>1</sup>.
- D. Review and update zoning and site plan review requirements which promote the protection of lake and water quality such as impervious surface limits, building location restrictions, setbacks for buildings, wells and septic systems, and shoreline landscaping.
- E. Include MDOT Stormwater Management Plan (SWMP) research in amending zoning ordinances related to the watershed<sup>2</sup>. Utilize the FEMA floodplain maps
- F. <sup>3</sup>
- G. for flood insurance and MDNR High Risk Erosion Area map as overlay zones to simplify regulation and avoid duplication of state and federal regulation.
- H. Amend Site Plan Review section of the Zoning Ordinance to include both regulated and unregulated natural resources, such as wetlands and floodplains, to be shown on the site plan.
- I. Promote and/or develop recreational facilities such as, but not limited to, walking/biking/equestrian trails, fishing facilities, launch ramps, parks and public access sites for the benefit of residents and visitors to the Township.
- J. Protect surface and ground water quality of the Township by establishing land use restrictions appropriate to soil type, terrain, and other characteristics to ensure absorption, filtration, and runoff control.

Goal 2: Provide for growth of business within the Township, taking into account Goal 1.

### Strategies:

- A. Evaluate zoning ordinances to ensure that commercial requirements are not unreasonably restricting businesses from starting or succeeding in the Township.
- B. Review and adjust zones to accommodate usage demands.

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<sup>1</sup> [https://cms5.revize.com/revize/antrim/Administration\\_Planning/Ordinances/Farmland.pdf](https://cms5.revize.com/revize/antrim/Administration_Planning/Ordinances/Farmland.pdf)

<sup>2</sup> <https://www.michigan.gov/mdot/programs/highway-programs/environmental-efforts/stormwater/stormwater-management-plan>

<sup>3</sup> <https://www.michigan.gov/egle/about/organization/water-resources/floodplain-management/floodplain-mapping>

- C. Identify businesses that are compatible with the Township and develop a plan to attract them.
- D. Concentrate commercial uses in those areas where adequate public infrastructure (transportation, water, and sewer) is available to support such activity. Evaluate and cluster commercial uses to better serve traffic through the Township.
- E. Amend zoning ordinance to identify appropriate commercial areas without negatively impacting the natural landscape.
- F. Investigate the viability of overlay districts for improved business growth.
- G. Encourage development in appropriate areas while minimizing public expenditures needed for public improvements and public services.

### Goal 3: Utilize zoning to drive 21<sup>st</sup> century technology enhancements in the Township.

#### Strategies:

- A. Review zoning ordinances to ensure continued technological advancements throughout the Township.
- B. Provide regulations for Wind Energy Conversion Systems (wind turbines).
- C. Simplify regulations for small-scale, individual, onsite-use alternative energy generation.
- D. Address as needed utility-scale alternative energy generation while providing appropriate protection for adjacent properties.
- E. Encourage the development of clean energy sources for private use and commercial energy generation.
- F. Consider appropriate language and requirements for solar energy in zoning.

### Goal 4: Planned Residential Zones.

#### Strategies:

- A. Utilize zoning for planned development of affordable housing.
- B. Focus on maintaining low residential density.
- C. Ensure through zoning the residential character and rural peacefulness of the Township are maintained.
- D. Ensure that any multiple unit/ parcel developments will preserve open space, natural features, wetlands, and wildlife.
- E. Direct development to areas most suitable and provide guidelines for good development practices by maintaining "Zoning districts" appropriate to the soil type, terrain, and other characteristics of the area.

### Goal 5: Provide for public parks, recreation and open space opportunities within the Township.

#### Strategies:

- A. Seek funding to improve existing Township-owned land.
- B. Identify and promote the availability of public access for Township residents.
- C. Encourage private development which retains natural space, open space, and provides

recreational facilities.



## SECTION IV - KEARNEY TOWNSHIP FUTURE LAND USE

A review of the existing conditions of the Township, together with a study of the unique natural features including the soils and surface water, and in relation to the goals that the Township Planning Commission wishes to achieve, leads to a future land use plan made up of the following planning districts:

### Commercial:

Commercial development in the Township is expected to be limited in the future. Most commercial growth will likely occur within the Village of Bellaire, which is governed by the Village of Bellaire's Master Plan and Zoning Ordinance. It is recommended that an area along M-88, just south of the Village, be designated for future commercial development outside the Village. The Village has limited capacity to add water and sewer customers to its system so development will likely require well and septic systems.

Although the soils are not particularly well-suited to development, the area already has some commercial activities. Special care will be needed to ensure that waste and stormwater run-off from commercial developments is retained on site and allowed to percolate slowly into the ground water to prevent sediments and pollution from entering Lake Bellaire.

### Manufacturing:

An area for manufacturing development is located east of the Airport, south of Eddy School Road. This district includes the existing industrial park. Care in the development of industrial sites will be needed to account for stormwater run-off, sewage, and handling of special wastes.

### Residential:

The primary area designated for residential growth is north of Schuss Mountain and east of the Village. Development will require well and septic systems due to limited capacity of existing water and sewage facilities. Soil conditions are fairly suitable for urban-type development.

It is recommended that subdivision and cluster/open space type development be encouraged in this district as well as duplexes, long-term rentals, and multi-family uses. It is expected that the full range of public services will eventually be available to this district and that these services will be provided by developers on a project basis as the need and desire for development projects take place.

A secondary residential district is recommended east of the manufacturing district along Derenzy Road. The proximity of the manufacturing district was also considered and this area may serve as a housing area for future employees of businesses in the industrial districts.

### Forestry, Agricultural and Low Density Residential:

The vast majority of the Township consists of this district. This is due to the following factors:

- Much of the Township is made up of very fragile soils with steep hills, wetlands, and a lot of surface water.
- Water quality is very important to the quality of life of the Township and is at risk due to the fragile nature of the land and conventional development practices.

This district is designated to encourage forestry and agriculture as the primary uses, with low-density residential allowed. The township does not expect to provide the full range of urban services to this area, and subdivision development should be discouraged.

Residential development will be permitted on an acreage basis, where there is sufficient space to ensure no degradation of groundwater and the need for road improvements, utility extensions and additional funds for emergency services will not be required.

### Resort Residential:

This planning district is intended to provide for recreational facilities requiring large land area (such as golf courses and ski resorts), and associated residential development. This may include both short-term overnight rental accommodations and year-round residential structures ranging from detached single-family dwellings to attached multi-family structures. Retail and service businesses would be allowed to the extent that they are a usual and necessary part of the recreational and residential development. They exist for, and are of a scale appropriate to, the primary purpose of serving the resort.

Much of the Township is made up of steep hills, fragile soils and seeps from the hilly terrain to the valleys, which in many cases contain wetland areas.

Future development near these environmentally sensitive areas is best addressed on a case-by-case basis so that the development can be directed away from the fragile areas. Care needs to be taken to protect the water of the Township from insecticides, pesticides, fertilizers and septic waste pollution. Soil erosion can easily occur from both earth disturbance activities as well as storm water runoff.

The recreational and residential use areas that are expected to experience the highest growth are those having the greatest changes on elevation. These same areas will attract large numbers of visitors. Therefore, transportation both to the resort area from other areas of the state and township, as well as movement of people within the resort itself, are of major concern. Both the pedestrian and vehicular traffic must be accommodated while ensuring that emergency vehicles have the ability to reach and service the development. Due to elevation changes, the number of people attracted, and the distance of this type of development from the Village of Bellaire, the potential exists for very high costs to service this type of development. A relatively small portion of the population of the township would benefit from these infrastructure improvements.

The necessary utilities and infrastructure shall be installed prior to, or in conjunction with, the proposed development with the cost to be borne by those proposing the development



## SECTION V – IMPLEMENTATION RECOMMENDATIONS

The implementation of a future growth plan for the Township can take many forms. The most common form is to use the Zoning Ordinance as a way to regulate and direct growth. In this way, decisions made on rezoning are guided by the Master Plan. The setting of lot sizes, density, and permitted uses all influence the direction that development will take. It is recommended that the Township use the Special Use Permit process and site plan review as a technique to guide development. The soil factor maps available from the Antrim County Soil and Water Conservation District should be used to ensure adequate protection of fragile soil conditions when proposed developments are reviewed.

A subdivision control ordinance will also help achieve goals. It is recommended that a township ordinance be written to include provisions for erosion control that could create “greenbelts.” This will help retain the valuable natural character of the Township.

A wetland ordinance, following the guidelines of the State Wetlands Act, will help the Township protect water quality by recognizing these special areas and prescribing measures to insure their future.

The Township Board, in its capital improvements planning and budgeting, can influence implementation of the plan by budgeting funds to improve roads in portions of the township where growth is planned to occur.

### Renewable Energy

Renewable energy is energy produced from sources like the sun and wind that are naturally replenished and do not run out. Renewable energy can be used for electricity generation, space and water heating and cooling, and transportation (energy.gov). The Planning Commission is currently working on plans to encourage solar and wind energy generation including provisions to protect soil, water, and environmental quality, public safety, and restoration of the site to its original state upon abandonment. There are several state laws that the Township can utilize to help with implementation of the plan.

### Act 166-Farmland and Open Space Preservation Act

This Act requires a minimum of forty (40) acres in size; a farm of five (5) to forty (40) acres with a gross annual income of \$200 per cleared and tillable acre; or a specialty farm of at least fifteen (15) acres designated as a specialty farm by the Michigan Department of Agriculture and with a gross annual income of \$2,000 or more.

Beginning in the 2001 tax year, the state of Michigan began offering an enhanced benefit for landowners enrolled in PA-166 agreements which enables land owners to claim a tax credit for the amount by which their property tax exceeds 3.5% of their household income. (The previous threshold for eligibility was 7% of household income).

Another benefit of enrollment is that land covered by the agreement is exempt from special assessments for sanitary sewer, water, lights and non-farm drainage, unless the assessments were imposed prior to the recording of the Farmland Development Rights Agreement. The purpose of the agreement is to ensure that land remains in agriculture use for a minimum of ten (10) years and is not developed for any non-agricultural use.

Any questions about this Act should be addressed to the Division of Land Resource Program, Department of Natural Resources, Box 30028, Lansing, MI78909.

#### [Commercial Forest Act:](#)

This Act requires a minimum of forty (40) acres of established trees to be open to hunting and fishing. The owner pays thirty (30) cents per acre annual tax plus a 10% stumpage fee on any timber harvested.

#### [Natural Beauty Road:](#)

This Act allows citizens or governmental units to request the County Road Commission to designate a road or portion of road for non-development/improvement. This results in preserving the natural character of rural or forest settings.

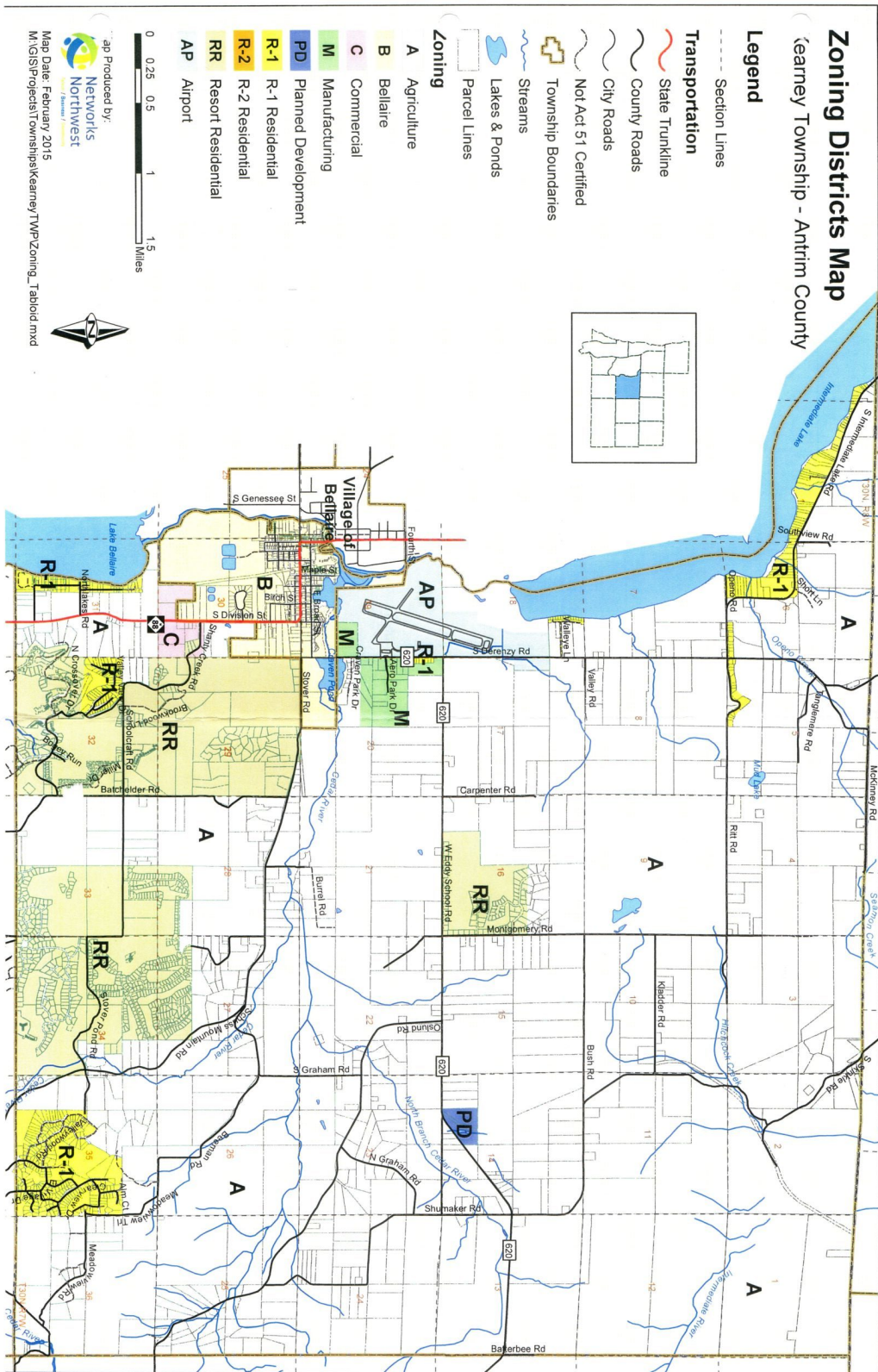
#### [Lot Size and Density](#)

The stated goals of this plan are to guide growth near the Village and to preserve the rural and natural character of the Township so that water quality can be protected. Therefore, the lot size and overall density allowed through the zoning ordinance becomes a critical factor in plan implementation.

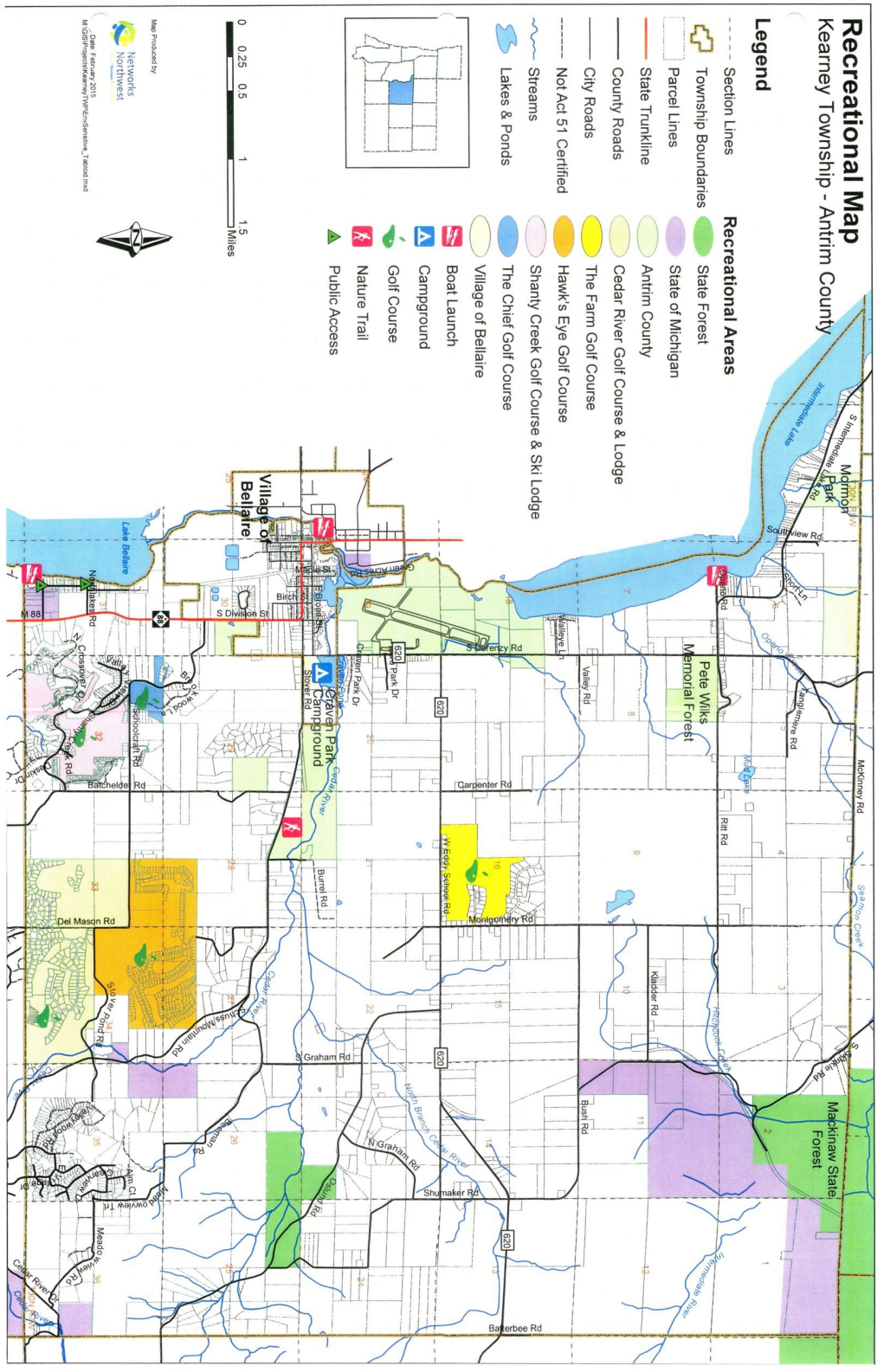
It is recommended that the current zoning map be reviewed and, in the forestry, agriculture and low-density residential areas, as shown in the future land use plan, have a two (2)-acre minimum lot size.

**SECTION VI – APPENDIX**

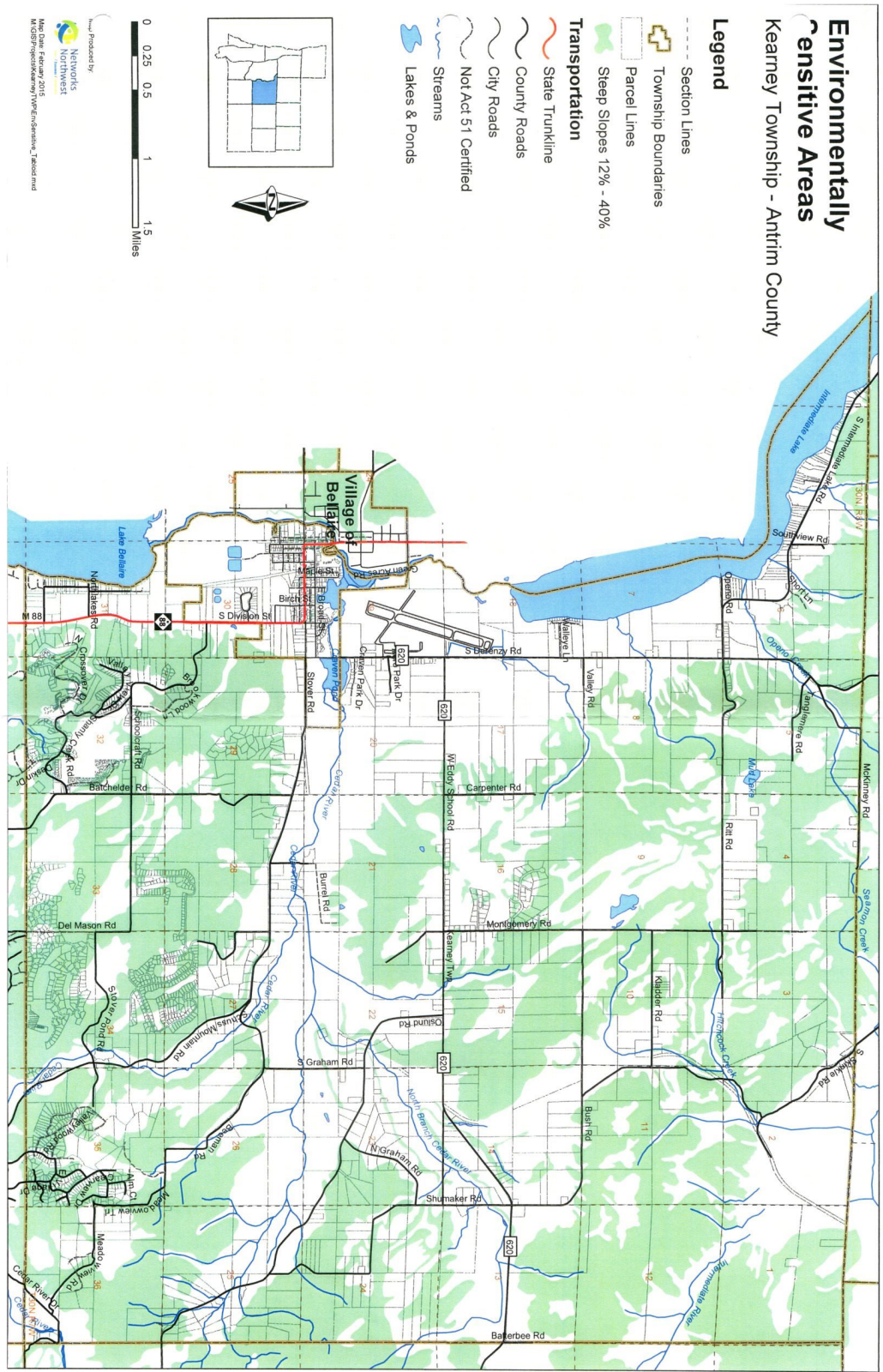
# Appendix A: Current Zoning Map



# Appendix B: Recreational Map



# Appendix C: Environmentally Sensitive Areas Map



# Appendix D: Soils Map

