

Wheatfield Township News

Large-scale Wind Energy Systems (WES) Draft Ordinance

UPDATE – November 17, 2022



The Township Board of Trustees (Board) is the governing body of the township made up of the elected supervisor, treasurer, clerk, and two trustees. The Planning Commission (PC) is the body made up of four officials appointed by the Board and one Board representative. The PC drafts the township’s high-level future development plan (i.e., Master Plan) and corresponding regulations (i.e., Zoning Ordinance). State law authorizes township zoning to balance the rights of property owners with the impact their activities have on their neighbors. State and federal law determines what types of development are legal. Your township determines how those developments may occur within its borders—but the law prohibits us from completely banning any legal development.

- Large-scale wind turbine developments are legal under state and federal law. While state law determines what is legal, it also requires officials to consider residents’ wishes in establishing the rules by which developments operate.
- Our current ordinance does not have the necessary regulations. There is currently a moratorium in place on large WES developments while the PC develops the necessary regulations.
- Township officials’ personal feelings about this (or any type of development) are subjugated to their oath to uphold the law and fairly balance competing rights. Any member with a conflict of interest must abstain from participating in related hearings or deliberations. To date there are no such conflicts of interest.
- The PC receives citizen feedback in writing and during the public comment period at meetings. With the best interest of the township in mind, that feedback is incorporated in the subsequent proposed drafts. The first draft of the WES ordinance was issued January 5, 2021, giving the public something to react to. The PC learned more about the topic from experts and site visits, reviewed other ordinances, and listened to and read nearly two years of citizen comments. They reviewed the draft line by line and suggested many changes that strengthened protections for residents and resulted in the current draft dated August 18, 2022.
- When the PC is confident that it has it right, they will send their recommendation to the Board. The Board can accept or reject the recommendation.
- If the Board approves the amendment, the public will have the right to put *the amendment* to a referendum. However, voting down the amendment *will not* prohibit Large WES from occurring within the township. On the contrary, it would leave the township without large WES regulation and needing to start the process all over from the beginning. According to the Michigan Township Association it may also put the township at greater risk of losing its authority to review and deny/approve any specific large-scale WES development that may surface.
- A summary of the draft is on the back of this notice.

The board meets at 7 PM on the second Tuesday of the month. The planning commission’s regularly scheduled meetings are at 7 PM on the third Thursday of the month. The public is *always* welcome. Comments may be directed to the planning commission during regular meetings or submitted in writing to the township office. Additional information is available online at www.WheatfieldTwpMI.gov, at the township hall or by calling (517) 655-4161 during regular office hours Tue and Thurs 9:30 AM to 3:30 PM.

SUMMARY OF LARGE WIND ENERGY SYSTEM REGULATION ON AUGUST 18, 2022, DRAFT

Zoning District

The township Master Plan Future Land Use Map predicts the growth of low-density dwellings throughout much of the township. In addition, feedback from township residents suggests that low density residences and large WES are incompatible. For these reasons the draft restricts large WES to the southeast corner of the township where lower growth is predicted. **[From approximately a half mile north of Frost Road to Howell Rd and from approximately a half mile west of Clark Road to Meech Rd].**

Special Land Use Application Requirements

Large WES developments may not proceed without a PC-recommended, Board-approved, Special Land Use Permit. Applications for a permit require the following: Reports from third party qualified professionals acceptable to the township addressing, 1. Electromagnetic Interference and Signal Degradation, 2. Soil Conditions, 3. Shadow Flicker, 4. Sound, 5. Wind Resource Availability, and 6. Property Value Impacts. In addition, Technical Documentation, a Fire Prevention and Emergency Response Plan, Documentation of the ability to comply with all Environmental Regulations, Verification of Intent to Connect to the Grid, a Decommissioning and Reclamation Plan, and a detailed Site Plan are required.

Design and Operational Standards

Approval of a special land use permit is contingent upon meeting all the following requirements:

1. Limits on **Visual Appearance**, including required application to the FAA for radar-activated lighting.
2. Limits **Ground Clearance** for moving parts to 75 feet.
3. Limits **Sound** at the property line of non-participating parcels to 40 db(A) with additional restrictions related to habitable structures; tonal noise conditions; acoustic, vibratory, or barometric oscillations; and vibration in the low frequency range at the property line of non-participating parcels.
4. Established **Setbacks** that protect structures, non-participating parcels, roadways, and other elements.
5. Limits on the **Height** of wind turbines to 500 feet, which is at least 200 feet less than the tallest wind turbines in recognition of their closer proximity to the Williamston population center and surrounding low density residential enclaves.
6. Prohibition of **Shadow Flicker** from falling on any non-participating dwelling.
7. Requirements to minimize the **Impacts on Bats, Raptors, General Avian, and Other Wildlife, including Protected and Endangered Species**.
8. Other restrictions related to **Guy Wires, Electrical Systems, Electromagnetic Interference and Signal Degradation**, and **other Public Health, Safety and Welfare considerations**.

Addition Requirements

Large WES developments must also adhere to the following requirements:

1. Establishing a **Performance Guarantee** in the amount of inflation adjusted total decommissioning and reclamation costs.
2. Following procedures to **Address Abandonment** of wind turbines at the owner's expense.
3. Following **Requirements for Post Construction Activities** to ensure compliance with the ordinance.
4. Following established **Complaint Resolution** procedures.