

LARGE WIND ENERGY SYSTEM REGULATION, UPDATE – SEPTEMBER 2023

The Wheatfield Township Planning Commission is nearing the end of an extensive deliberation period on the Large Wind Energy Systems zoning ordinance amendment. During this long period of deliberation, which began in the fall of 2020, we have received a great many communications from township residents. We sincerely appreciate the sharing of your perspectives, expertise, and general views on the wind energy topic. Whether you have written a letter, sent an email, attended meetings, spoken during public comment or discussed the subject with township officials, we want you to know that we have heard you and that we appreciate your participation in the process.

During the deliberation period, township officials have undertaken to learn as much about wind energy systems as we could. This education included individual research, group seminars and workshops put on by objective experts in the field, and in-depth study of other regulations in and around the state of Michigan. The Board of Trustees enacted a Large Wind Energy Systems moratorium early in the deliberation process, and it has been extended as needed in order to allow the planning commission the time they needed before making a recommendation to the Board of Trustees. It is worth noting that to date, we have not received any applications for Large Wind Energy Systems within the township, and that any wind turbine in the township would require the permission of the property owner.

The proposed amendment limits Large WES to the southeast corner of the township. Specifically, the area is from ½ mile north of Frost Road to Howell Road, and from ½ mile west of Clark Road to Meech Road. The proposed amendment has extensive design standards, and it establishes operational standards to protect public health, safety, and welfare (see back page for a summary). Given the strong opposition expressed by most residents who participated in the process, these provisions are intended to offer the greatest protections to non-participating properties without illegally interfering with a lawful land use or the protected private property rights of township landowners.

According to the Michigan Townships Association, the lack of Wind Energy regulation may put the township at risk of losing their authority to review and deny/approve any specific large-scale WES development that may surface in the aftermath of a referendum. A referendum is the lawful right of the electors, however, a referendum that strikes down the amendment does not prohibit wind turbines within the township boundaries; it simply puts us in the position of having to draft a new Large WES amendment. In addition, the state of Michigan is currently reviewing options that may remove some or all local zoning authority over the regulation of Large WES. Two options currently under consideration are state-wide zoning regulation of clean energy and the possibility of placing the regulation of clean energy under the authority of the Public Service Commission.

The Township's next steps are for the Planning Commission to hold a formal public hearing, consider the additional feedback on the amendment, and to then make their recommendation to the Board of Trustees. **The public hearing is scheduled for 6PM on WEDNESDAY OCTOBER 11, 2023, at the township hall.** We welcome all members of the public to attend this meeting.

A full copy of the amendment is available from the township hall or online at www.wheatfieldtwpmi.gov. The most recent draft amendment is dated August 17, 2023. Comments may be directed to the planning commission during the public hearing or regular meetings or submitted in writing to the township office at 985 E. Holt Road, Williamston, MI 48895 or during regular office hours on Tuesdays and Thursdays from 9:30AM to 3:30PM, or by calling (517) 655-4161.

Thank you for your interest in this matter.

SUMMARY OF LARGE WIND ENERGY SYSTEM DRAFT AMENDMENT DATED AUGUST 17, 2023

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 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 including up-front funding for complaint resolution investigations.