



WHEATFIELD TOWNSHIP

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SPECIAL MEETING OF THE WHEATFIELD TOWNSHIP PLANNING COMMISSION

WEDNESDAY October 11, 2023, 6:00PM

Website: wheatfieldtwpmi.gov

Call to Order: The meeting was called to order by Chairman Kapp at 6:00PM.

Roll Call: Mitch Adelman, Denny Kapp, Violet Lentz, James Scherer and Michael Kapp, present. Also attending: Zoning Administrator Wayne Myers, Planning Consultant Mark Eidelson and Recording Secretary Barb Bidigare.

Approval of Agenda: Motion by M. Adelman to approve agenda as written, seconded by J. Scherer. All were in favor – motion carried.

Approval of minutes of August 17, 2023: Motion by V. Lentz to approve minutes of August 17, 2023, seconded by M. Adelman. All were in favor – motion carried.

PUBLIC HEARING on the proposed Wind Energy Systems (WES) amendment

Hearing opened at 6:02PM. Chairman Kapp explained the hearing process, read prepared opening remarks and provided instructions on how public comment will proceed. Public comment opened at 6:12PM. Random selection of those designating they wanted to speak was followed by an open invitation to any others wishing to speak.

1. Bryan D. Nielsen – Residents don't want turbines. Ordinance should be more restrictive. Detrimental to property values.
2. Chandra Owen – Wants to see sunrise/sunsets without turbines. Too close to populated areas.
3. Fran Beers – Height should be more restrictive. Sound limits are unenforceable. Decommissioning should be more restrictive.
4. Tracy O'Brien – Critiqued letter/summary sent out to residents. Residents weren't surveyed. Our ordinances are less restrictive than other townships (also provided copies of written comments).
5. Jeff Lawton – Pilots plane from own property. Turbines unsafe for flying.
6. Jerry Kerrick – Criticized letter/summary – questioned who signed, nothing on property values, inadequate conflict resolution.
7. Leanne Minshell – Described the affect on people with sensory issues, effect on livestock, kids.
8. Vance DeCamp – Agree with previous speakers opposing turbines. Affect radio, aviation, weather prediction, bird migration.
9. Jennifer Linzmeier – Against amendment. Planning Commission disregards resident input, makes us a bad neighbor to other townships, decreases property values, fees collected won't compensate.
10. Wanda Iza – Health impact not addressed. Sound over 38 dba is harmful especially at nighttime. Effect on pets and livestock.
11. Dave Smeak – Property values will go down. Peaceful countryside will be lost. A public vote would fail.
12. Barb Culham – Flicker should not fall on nonparticipating property, not just dwellings. Livestock impact. (Ms. Culham also delivered a written correspondence from another resident to Chairman Kapp.)
13. Tim O'Brien – Criticized letter/summary. Decrease in property values. A referendum will let residents decide.
14. Wendy Witchell – Concern for people with sensory issues, future generations, property values.

15. Judy McManim – Agree with other speakers especially issue of flicker falling beyond property lines. Has attended other townships’ planning commission meetings with their attorneys and planners.
16. Jeff Piazak – Turbines detract from township’s beauty. Planning Commission hasn’t listened to people.
17. Michael Lionhart – Owns solar panels and would be negatively affected by flicker.
18. Kate Bolin – Turbines are ugly. Amendment is poorly thought out, not representing residents. Decrease in home value.
19. Stewart Horton – Planning Commission is doing their best. Action needs to be taken at higher government levels. Expects energy policy changes will result in blackouts.
20. Jennifer Fabrica – Impact on township’s beauty. Home value concern. Need language for decommissioning.
21. Carol Russell – Doubt in the Planning Commission leadership. Has horses, concern with impact on livestock, property value.
22. Rich Estell – Has seen decommissioned turbine blades littering highways in Costa Rica and Nicaragua. Has experienced turbine noise while visiting Fayette in the Upper Peninsula.
23. Brandon Nutt – Has acquaintance near turbines who complains of noise. Doesn’t want to see turbines.
24. Chris Worches – Has seen WESs in Texas in unpopulated areas. Expects WES here will affect property values, schools. Amendment should be more restrictive.
25. Ron Delohey – Decrease in property values. Can see turbines from miles away. Township letter/summary was slanted in not mentioning existing interest in putting up turbines although no applications received.
26. Lori Culham – Commission should consider impact of heavy equipment on roads.
27. Terry Place – Planning Commission should represent community. Would like a survey of residents.
28. Gordon Stoney – Turbines not proper for community. Concern with discarded turbines.
29. Tim Wisely – Diminished quality of life, poor legacy we are leaving kids.

Chairman Kapp summarized one submitted written comment from Elena Primski against turbines.

Public comment closed at 7:24PM. Public hearing was closed at 7:25PM.

Chairman Kapp called for a quick break with the Special Meeting continuing at 7:40PM.

Correspondence: A letter was received from Meridian Township notifying the Planning Commission that they are reviewing their Master Plan.

Zoning Administrator Report: Joint planning is continuing with Williamstown Township and the City of Williamston. An application was submitted for a Rule Readiness Grant to support joint planning.

Zoning Board of Appeals Report: None

Board of Trustees Report: D. Kapp reported that at the October 10, 2023 meeting the only action item was to pay bills.

Public Comment: Public comment opened at 7:42PM. Four people spoke. Topics included the draft WES ordinance amendments, the WES letter/summary, a request to make the Linn Road/Zimmer Road intersection safer, and complaint of disagreeable cannabis odors from a neighbor. Public comment closed at 7:50PM.

New Business: None

Old Business: Chairman Kapp asked Commission members for comments on the WES amendment. D. Kapp proposed that the WES language on shadow flicker be changed to disallow flicker falling on nonparticipating parcels (property lines) instead of only dwellings. After discussion, consensus was to make this change.

M. Adelman brought up for discussion WES issues of 1) compensation models, 2) updating/verifying a township ordinance comparison sheet (not a Wheatfield Township document) and 3) WES noise levels in the amendment. After discussion, no further changes/actions were agreed upon at this time.

Chairman Kapp noted some public comments were unfair and applauded the Commission members for their work. Discussion will continue on the WES amendment.

Other Matters: None

Next Meeting: The next regular meeting on October 19 is cancelled. The November regular meeting is moved to November 30, 2023 at 7PM due to Commission member availability.

Motion to Adjourn: By M. Adelman, seconded by D. Kapp. All in favor, motion carried. The meeting ended at 8:30PM.

Respectfully submitted,

James Scherer, Planning Commission Secretary.

The following pages were not approved with the minutes, but are the script used by the chair to explain the proceedings. Provided here for information only.

WES AMENDMENTS PUBLIC HEARING - October 11, 2023.

It is ____ PM. At this time, the PC will open the public hearing in association with changes to the township zoning ordinance related to wind energy systems.

Process. This is how we will proceed.

1. I will share opening remarks outlining the amendment.
2. I will open the hearing for public comments related to the amendment only. We will not be taking questions. The most helpful statements to the PC will be those that shed light on the extent that this proposal is acceptable and any insights the public may have regarding the proposed changes.
3. Everyone who submitted a request to speak will have one opportunity. If you would like to speak and haven't put your name in the basket at the entrance to the room, please do so now.
4. After everyone has had a chance to speak, we will acknowledge and summarize any written communications the PC has received regarding the amendment.
5. Finally, I will close the public hearing and note the time. Once closed, comments from the floor are prohibited.

Opening Remarks. The Wheatfield Township Planning Commission is nearing the end of an extensive deliberation period on this amendment. Early in the process, which began in the fall of 2020, the township Board of Trustees enacted a Large Wind Energy Systems moratorium, and it has been extended as needed in order to allow the planning commission the time they needed to develop a recommendation to the board. 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. 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. Obviously, we could not agree with every one of the many opinions that were expressed, but we did listen and consider all that we heard.

Also, considered was advice from both our legal counsel and planning consultant that wind turbines are a legal use that cannot be prohibited by the township. We also heard from a University of Michigan Professor that advised us that we are allowed to send a message through zoning that our arms are not wide open to particular types of development. We surely have not satisfied those who desire an outright ban, as that would be unlawful; nor have we satisfied those who want unrestricted development, as it would be contrary to our responsibility. The planning commission has recognized the incompatibility of large-scale wind energy developments with the residential enclaves and higher density particularly in the more northern and western portions of the township. In that regard, we believe that we have crafted

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a lawful amendment with strong protections for rights of non-participating landowners and the general health, safety, and welfare of our citizens. This hearing affords the public with an additional opportunity to comment on the proposed amendments and offer comments for the PC's consideration.

Summary. READ THE ATTACHED SUMMARY OF THE AMENDMENT

Public comment: Please bring me the basket. I will now open the public comment portion of the hearing at _____ PM. When called upon, please state your name, and address and self-limit your comments to 3 minutes. We will adhere strictly to the 3-minute limit. When I thank you for your comments, please be polite to your friends and neighbors and yield the podium for the next speaker. Please remember that you are addressing the commission at this time and not the public. There should be no conversation between members of the public during public comment.

After names are exhausted, ask: If there anyone who has not spoken that would like the opportunity, please raise your hand.

Public comment is closed at _____ PM

Written correspondence. (READ THE ATTACHED SUMMARY OF WRITTEN COMMUNICATIONS.)

The public hearing is closed at _____ PM.

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SUMMARY OF THE AMENDMENT

State and federal laws establish what uses, like wind turbines, are legal. Local zoning is limited to regulating where and how within the jurisdiction those uses can occur short of prohibiting them altogether. This is a summary of our proposed regulations...

Zoning District

The township Master Plan Future Land Use Map predicts the growth of low-density dwellings throughout much of the township. Feedback from township residents suggests that low density residences and large WES are incompatible. For these reasons the draft restricts large WES to something less than a full district where the least growth in dwellings is anticipated, i.e., the southeast corner of the township. **[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.

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SUMMARY OF WRITTEN CORRESPONDENCE

The township received the following written correspondence related to the amendment for this public hearing:

(NAME, ADDRESS, SHORT SUMMARY OF CONCERNS)

1. Elana Paremsky – stated that “wind mills” have many negative impacts and do not belong in residential areas and should be confined to industrial areas.

This information is part of the record and available for public inspection at the township office during regular business hours or by appointment.