

**FLYNN TOWNSHIP
WIND ENERGY CONVERSION SYSTEMS**

ORDINANCE # 2012-1

I. PURPOSE & INTENT

The purpose of this Ordinance is to establish guidelines for siting Wind Energy Conversion Systems (WECS). The goals are as follows:

- A. To promote the safe, effective and efficient use of wind energy conversion systems (WECS).
- B. Preserve and protect the public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a WECS.
- C. To establish standards and procedures by which the siting, design, location, engineering, installation, operations and maintenance of a WECS shall be governed. Regulations in this ordinance have been determined to be the minimum necessary to meet the intent and purposes of the Ordinance. In no case shall the establishment of the ordinance guarantee wind rights or establish access to the wind. WECS in the Township shall be subject to the following:

II. DEFINITIONS

- A. **Decommissioning** is the process of terminating operation and completely removing a WECS(s) and all related buildings, structures, foundations, access roads and equipment unless other arrangements are made with the property owner and the Township.
- B. **MET Tower** shall mean a meteorological tower used for the measurement of wind speed.
- C. **Occupied Structure** is a residence, school, hospital, church, public library, business or any other building used for public gatherings.
- D. **Property Line** used in this ordinance shall be the line between two (2) different owners.
- E. **Total Height** is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS.
- F. **Towers** – See Article VI, Section 6.02, Item K in the Township Zoning Ordinance.
- G. **Township** is the Township of Flynn, Sanilac County.
- H. **WECS** – Wind Energy Conversion System. Excluding private owned turbines <100’.

III. ZONING

A WECS may be constructed on land that is zoned Agricultural-Residential (AR) subject to the provisions and standards of Article VI, Section 6.02, Item K in the Township Zoning Ordinance.

IV. SITE PLAN REVIEW

WECS shall not be located, constructed, erected,, altered or used without first obtaining a permit from the Zoning Administrator of the Township. The site plan must be reviewed and approved by the Township Planning Commission and sent to the Township Board for final approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the Township and the applicant. An applicant proposing a WECS must submit the following site plan materials:

1. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (right-of-way), utility easements, land use,, zoning district, ownership of property and vehicular access.
2. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures.
3. A description of the routes to be used by construction and delivery vehicles and of any road improvements, if any, that will be necessary in the Township to accommodate these vehicles, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of a WECS.
4. Engineering data concerning construction of the tower and its base or foundation, must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet below original grade.
5. Anticipated construction schedule.
6. Description of operations, including anticipated regular and unscheduled maintenance.

V. APPLICATION FEE

An applicant for a WECS shall remit an application fee to the Township in the amount established by the Township Board.

VI. VISUAL APPEARANCE; LIGHTING; POWERLINES

The applicant shall use measures to reduce the visual impact of wind turbines and accessory buildings to the extent possible, utilizing the following:

1. Painted a non-reflective, non-obtrusive color. The appearance shall be maintained throughout the life of the WECS.
2. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.
3. WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

4. WECS shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the WECS.
5. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to Township roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

VII. SETBACKS, SEPARATION AND SECURITY

The following setbacks and separation requirements shall apply to all WECS:

1. **Public Road:** Each wind turbine/tower shall be setback from any public road to a distance subject to the total height plus 50 feet.
2. **Property Line:** Each wind turbine/tower shall be setback from the property line to a distance subject to the total height plus 50 feet. Property Line setbacks may be waived if the two different owners are immediate family, i.e. father, mother, son, daughter, etc. A deed restriction must be filed with the County in regards to any waiver.
3. **Communication & Electrical Lines:** Each wind turbine/tower shall be set back from the nearest above ground public electric power line or telephone line a distance no less than the total height plus 50 feet, determined from the existing power line or telephone line.
4. **Tower Separation:** Turbine/Tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, 3) the characteristics (prevailing wind, topography, etc.) of the particular site location, and 4) designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for the turbine/tower separation.
5. **Occupied Structure:** Each wind turbine/tower shall be setback from any occupied structure to a distance subject to 2.5 times the total height.
6. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the WECS site permit and that the appropriate security will be in place to restrict unauthorized access to the WECS.

VIII. NOISE

1. Audible noise or the sound pressure level from the operation of the WECS shall not exceed fifty (50) dBA for more than ten percent (10%) of any hour measured from any residence or public building, measured at a building's exterior, existing on the date of approval of any WECS site permit.
2. Any noise level falling between two whole decibels shall be the lower of the two.
3. In the event the noise levels resulting from the WECS exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:

- a. Written consent from the affected property owner(s) has been obtained stating that they are aware of the noise limitations imposed above, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
- b. If the applicant wishes the wavier to apply to succeeding owners of the property, a permanent noise impact easement must be recorded at the Sanilac County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

IX. MINIMUM GROND CLEARANCE

The blade tip of any WECS shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.

X. SIGNAL INTERFERENCE

No large-scale WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

XI. SAFETY

1. All collection system 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 lockable.
4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and WECS entrances.

XII. CERTIFICATION

Any approval for WECS shall require the applicant to provide a post-construction certificate that the project complies with applicable codes and industry practices.

XIII. INSPECTIONS

The applicant shall submit a bi-annual inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices.

XIV. DECOMMISSIONING

The applicant shall submit a plan describing the intended disposition of the WECS at the end of their useful life, and shall describe any agreement with the owner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc. The bond shall contain a replenishment obligation.

XV. CERTIFICATION

The undersigned Supervisor and Clerk of the Township of Flynn hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the Flynn Township Board, at a meeting held on the 13 day of March, 2012. We further certify that a notice of adoption of this Ordinance was duly published in the Brown City Banner on the 24 day of April, 2012.

Gene Burgess – Flynn Township Supervisor

Robert Conely – Flynn Township Clerk