

LAKE TOWNSHIP

Huron County, Michigan

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NOTICE OF PUBLIC HEARING

Lake Township Zoning Ordinance for Wind Energy Systems

Notice is hereby given that the Lake Township Planning Commission will hold a public hearing on **Wednesday, June 24, 2009 at 7:00 P.M.** at the Sleeper State Park Outdoor Center, 6435 State Park Road, Caseville, Michigan. The purpose of this public hearing will be to receive input on the **proposed Lake Township Zoning Ordinance for Wind Energy Systems** which states, in part, as follows:

Authority

Michigan state law preserves local authority regarding zoning ...

Findings of Fact

1. It is necessary and appropriate to protect and preserve...
2. It is necessary to protect the health, safety and welfare ...
3. The US Fish & Wildlife Service of the U.S. Department of Interior recommends...

Purpose

The purpose of this Ordinance is to define standards...

Definitions

For purposes of this section of the Ordinance, the following terms ...

GENERAL PROVISIONS

Applicability

Commercial wind energy systems shall not be regulated or permitted as essential services...

Application for Special Land Use Permit

A commercial wind energy system shall not be located, constructed, erected or operated without first obtaining...

Approval Standards

The Lake Township Planning Commission shall not approve a Special Land Use Permit unless...

Issuance of Special Land Use Permit for Construction and Operation

If the Lake Township Planning Commission finds that the applicant/owner has met the standards...

Enforcement and Penalties

The enforcement of the Ordinance shall be the responsibility of the Lake Township Zoning Administrator...

Certification of Insurance

Applicant/owner/operator shall indemnify and hold harmless Lake Township...

Removal Cost Guarantee

The cost of removal and site restoration is the full responsibility of the applicant...

Separation and Management of Each Removal Cost Account

If more than one wind energy system is owned by the same applicant/owner/operator...

Administration Costs – Initial Application and Ongoing

For each wind energy system, the applicant/owner/operator shall deposit into an escrow account...

Road Repair Costs

Any damage to a public road within Lake Township resulting from the construction...

PERFORMANCE AND REGULATORY STANDARDS

All commercial wind energy systems and testing structures shall comply with...

Height Limit

The maximum permitted height of an anemometer tower or a horizontal axis wind energy system...

Setbacks

The setbacks set forth herein are minimum setbacks for Commercial Wind Turbines....

Property line and road setback...

Inhabited structure setback and water wells...

Wetland Setbacks...

Setbacks to Other Sensitive Areas...

Rush Lake Wildlife Refuge and Preserve Setback...

Pigeon & Pinnebog Rivers...

Eagles Nest...

Great Lake Shoreline...

Spacing

Adjacent wind energy systems must be spaced at least one-half mile apart.

Tower and Turbine Design

The wind energy system tower shall be a monopole or...

Color and Finish

Wind energy systems shall have a non-reflective finish and shall be...

Lighting

The Lake Township Planning Commission shall not permit any wind energy system that requires FAA mandated lighting....

Construction Codes, towers and Interconnection Standards

Wind energy systems together with all related components, including but not limited to...

Interconnection and Electrical Distribution Facilities

All electrical transmission lines including those from the wind energy system to ...

Safety

All utility grid wind energy systems shall be designed to prevent...

Impacts on Wildlife Species and Habitat

Site Selection...

Endangered or Threatened Species...

Migratory Birds...

Eagles...

Imposed Conditions for Monitoring and Operation...

Monitoring

Avian and bat impact reporting...

Notification and mitigation...

Noise Regulatory Standards

Establishing Long-Term Background Noise Level...

Wind Turbine Sound Immission Limits...

Wind Farm Noise Compliance Testing...

Operations

The WES/WT is non-compliant and must be shut down immediately if it...

Shadow Flicker and Blade Glint

A wind energy system shall be designed and operated so that shadow flicker from ...

Groundwater Protection

A wind energy system shall be designed and operated so as not to cause groundwater contamination...

Blasting

Applicant/owner/operator of a WES shall not undertake any blasting in connection...

Electromagnetic interference

A wind energy system shall be located so that it is not within the line of sight of an existing...

Ice Throw

The potential ice throw or ice shedding zone for the proposed wind energy system shall not cross...

Maintenance and Compliance

In order to ensure safety and compliance with the Ordinance...

Abandoned, Inoperable and Unsafe Wind Energy Systems and Adverse Impacts

Abandoned...

Inoperable...

Unsafe...

Removal and Site Restoration

Within ninety (90) days of receipt of written notification from the Township...

Construction Activities

Construction activities shall be organized and timed to minimize impacts on township residents...

Complaint Resolution

1. Any complaints related to noise, flicker or blade glint...
2. For noise complaints, the tests shall be performed...
3. Any testing for complaint resolution shall commence...
4. A copy of the test results shall be sent to the property owner...
5. If a Complaint is made, the presumption shall be...
6. After the investigation, if Lake Township reasonably...

Reimbursement of Fees and Costs

Licensee/operator/owner agrees to reimburse Lake Township's reasonable fees and costs...

Real Property Value Protection Plan

To assure that real property owners near by the Wind Energy System, or nonparticipating owners...

APPLICATION REQUIREMENTS

An application for a special use permit for a wind energy system or an...

Registered in Michigan...

Wind Resources...

Wind Energy System Information...

Manufacturers' Material Safety Data Sheet(s)...

List of Experts and Evidence of Qualifications...

Certification of Compliance...

Copies of Leases, Agreements and Recorded Easements...

Site Plan...

Electrical Interconnection Plan...

Visual Simulations and Drawings and Viewshed Analysis...

Hazard Plan...

Environmental Impact Analysis and Plan...

Avian, Bat and Wildlife Impact Analysis and Plan...

Erosion Control, Site Restoration and Road Maintenance Plan...

Noise Report...

Preconstruction Background Noise Survey...

Post Construction Noise Measurement Requirements

1. Sound Regulations Compliance...
2. Post-Construction Sound Measurements...

Shadow Flicker and Blade Glint

The applicant shall submit...

Ice Throw and Blade Throw

The applicant shall submit...

Decommissioning Removal and Restoration Plan

The applicant shall submit a decommissioning...

APPENDIX

Noise Measurement Protocols

Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Wind Energy System

1. Introduction...
2. Reporting...
3. Sites with Existing Wind Energy Systems...
4. Post Construction Measurements...
5. Reference Standards...

Wind Turbine Siting Acoustical measurements...

End of Measurement Procedure

Interested persons are invited to attend this hearing and/or comment on this proposed ordinance. Written comments will be accepted at the Lake Township Hall, by mail to Lake Township, P O Box 429, Caseville, MI 48725 or by email to info@laketownship.net. The complete text of the Lake Township Zoning Ordinance for Wind Energy Systems is available for review on the Lake Township website www.laketownship.net or at the Lake Township Hall, 4988 W. Kinde Road, Caseville, Michigan Monday through Friday from 10 AM to 2 PM. Should there be any questions concerning this request, please contact the Lake Township Offices at 989-856-4867.

This notice is published and disseminated pursuant to requirements in the 2006 Michigan Zoning Enabling Act, Public Act 110 of 2006.

Valerie McCallum, Clerk