

**TOWNSHIP OF DOUGLASS  
COUNTY OF MONTCALM**

Minutes of a regular meeting of the Township Board of the Township of Douglass, Montcalm County, Michigan, held in the Douglass Township Hall, located at 3521 W. McBrides Road, Stanton, Michigan, on the 6th day of July, 2022, at 7:00 p.m., Local Time.

PRESENT: Members: Anderson, Laper, Snyder, Althoff, Jeppesen

ABSENT: Members: None

The following ordinance was offered by Member Jeppesen and seconded by Member Althoff.

**ORDINANCE NO. 174**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF DOUGLASS**

**[SPECIAL LAND USE FOR WIND ENERGY CONVERSION SYSTEMS; SAVINGS CLAUSE; SITE PLN APPROVAL; OTHER AMENDMENTS; OUTDOOR LIGHTING]**

THE TOWNSHIP OF DOUGLASS ORDAINS:

Section 1. WIND ENERGY CONVERSION SYSTEM Special Land Use. Table 12.05.A of the Zoning Ordinance of the Township of Douglass is hereby amended by the addition of “WIND ENERGY CONVERSION SYSTEMS” to the list of special uses, which shall be designated as being subject to Approval Standard 21, and which shall be designated as being approvable only in the AG/RE District.

Section 2. Savings Clause. If Approval Standard 21 for WIND ENERGY CONVERSION SYSTEMS, which is being adopted by a separate amending ordinance, should fail to take effect due to a successful referendum or otherwise, then WIND ENERGY CONVERSION SYSTEMS shall instead be subject to the following alternative approval standards, which shall be codified into Section 2.19 of the

Zoning Ordinance of the Township of Douglass, the purpose of which would be to readopt, in a procedurally proper manner, the same Wind Energy System provisions that the Township Board originally adopted into Section 2.19 of the Zoning Ordinance on November 1, 2017 (the “2017 Ordinance”); provided, however, that the alternative approval standards listed below shall not take effect and shall not be included in the Zoning Ordinance of the Township of Douglass, if Approval Standard 21 lawfully takes effect; and provided further, that if this ordinance fails to take effect because of a successful referendum thereon, then the provisions of the 2017 Ordinance shall also be deemed to have been successfully rejected by referendum and otherwise repealed, and shall be of no further effect:

**SECTION 2.19 WIND ENERGY CONVERSION SYSTEMS (WECS)**

A. **Purpose.** The purpose of this section is to establish standards and procedures by which the installation and operation of a WECS shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

B. **Definitions.**

1. Wind Energy Conversion System (WECS) – shall mean any combination of the following:
  - a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
  - b) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
  - c) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
  - d) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
  - e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted;
2. On Site Use WECS– A WECS the purpose and use of which is to provide energy to only the property where the WECS structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the

mutual consent of adjacent property owners.

3. Single WECS for Commercial Purposes – A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS is located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.
4. Wind Farm – Clusters of two or more WECS placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.
5. Utility Grid WECS – A WECS designed and constructed to provide electricity to the electric utility grid.
6. Building Mounted WECS – A WECS mounted or attached to a building.
7. Tower Mounted WECS – A WECS mounted or attached to a tower, pole, or similar structure which is not a building.
8. Interconnected WECS – A WECS which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
9. WECS Height – The distance from the ground at normal grade and the highest point of the WECS which is the tip of a rotor blade when the blade is in full vertical position.
10. WECS Setback – The distance from the base of the tower or structure upon which the WECS is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WECS, the setbacks shall be taken from the outside boundary of the parcels utilized for the WECS project.
11. Nacelle - In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
12. Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects such as dwellings.
13. Applicant- The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s),

and/or transferee(s) to any approved WECS. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WECS. The obligations regarding a zoning approval for any approved WECS shall be with the landowner and the owner(s) of the WECS and jointly and severally with the owner and operator or lessee of the WECS if different than the owner.

**C. Wind Energy Conversion Systems Allowed as a Permitted Use.** A WECS which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

1. The height of the WECS with the blade in vertical position shall not exceed 65 feet.
2. A tower mounted WECS shall be set back from all lot lines a distance which is at least equal to 1.25 times the height of the WECS as measured from the lot line to the base of the tower and no portion of the WECS, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
3. A building mounted WECS shall have a distance from the nearest property line which is at least equal to 1.25 times the height of the WECS as measured from the point of attachment to the building to the top of the WECS with the blade in the vertical position. The blade arcs created by a WECS mounted on an existing structure shall have a minimum clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.
4. Shared WECS Usage – A WECS may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WECS is located.
5. A permit shall be required to be obtained from Douglass Township to construct and operate any WECS 65 feet or less in total height. A permit shall be issued after an inspection of the WECS by Douglass Township or an authorized agent of the Township, and where the inspection finds that the WECS complies with the requirements of this Section, all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.
6. The WECS shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

**D. Wind Energy Conversion Systems Which Require a Special Use Permit.** Any WECS including a structure mounted WECS which is greater than 65 feet in height, may be allowed as a Special Use only in the AG/RE District, subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 12 of this Zoning Ordinance:

1. Site Plan Requirements – For those WECS for which a Special Use is required the following items shall be included with or on the site plan:
  - a) All requirements for a site plan contained Chapter 13 herein.
  - b) Dimensions of the area purchased or leased which is to contain the WECS.
  - c) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WECS.
  - d) Specific distances from the WECS structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WECS is proposed to be located.
  - e) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WECS or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
  - f) Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WECS is proposed to be located.
  - g) Contour elevations of all WECS buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WECS is proposed to be located.
  - h) Land uses within 300 feet of the parcel.
  - i) Access drives to the WECS including dimensions and composition, with a narrative describing proposed maintenance of the drives.

- j) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
  - k) Security measures proposed to prevent unauthorized trespass and access.
  - l) Standard drawings of the structural components of the WECS, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
  - m) Additional information as required by Chapter 12, Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
  - n) The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed for proper review.
2. Height. The height of a WECS for which a Special Use is required shall be determined by compliance with the requirements of this Section 2.19.
  3. Setbacks. The setback for a WECS shall be at least equal to 1.25 times the height of the WECS. No part of a WECS including guy wire anchors shall be located within or above any required front, side, or rear yard setback.
  4. Rotor or Blade Clearance. Blade arcs created by a tower mounted WECS shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.
  5. Lighting. A WECS shall provide lighting as may be required by the FAA.
  6. Maintenance Program Required. The applicant shall provide a written description of the maintenance program to be used to maintain the WECS, including a maintenance schedule of types of maintenance tasks to be performed.
  7. Decommissioning Plan Required. The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that

funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WECS become obsolete or abandoned.

8. Siting Standards and Visual Impact.

- a) A WECS shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
- b) A WECS project with more than one WECS structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.

9. Insurance – The WECS operator shall maintain a current insurance policy which will cover installation and operation of the WECS. The amount of the policy shall be a condition of approval.

10. Performance Guarantee – If a Special Use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.

E. **Standards for All Wind Energy Conversion Systems** All WECS shall comply with the following:

1. Sound Pressure Level.

- a) WECS shall not exceed 55 dB (A) at the property line closest to the WECS. This sound pressure level may be exceeded during short-term events such as severe windstorms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
- b) Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 219. E(1)(a) above but the sound pressure level shall be measured at the property line closest to the WECS at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

2. Shadow Flicker. The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
3. Construction Codes and Interconnection Standards as follows:
  - a) All applicable state construction and electrical codes and local building permit requirements;
  - b) Federal Aviation Administration requirements.
  - c) The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
  - d) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
  - e) Private landing strips in or adjacent to Douglass Township
  - f) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WECS is an interconnected system.
4. Safety.
  - a) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
  - b) To prevent unauthorized access, each WECS must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
    - (i) Tower climbing apparatus shall not be located within 12 feet of the ground.
    - (ii) A locked anti-climb device shall be installed and maintained.
    - (iii) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.



- (iv) All WECS shall have lightning protection.
- (v) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors

5. Signs

- a) Each WECS shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
  - (i) The words “Warning: High Voltage
  - (ii) Emergency phone numbers.
- b) A WECS shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer’s and/or owner’s identification.

6. Electromagnetic Interference. WECS shall be designed, constructed and operated so as not to cause radio and television interference.

7. Maintenance. WECS must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

8. All distribution lines from the WECS shall be located and maintained underground, both on the property where the WECS will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WECS which are located off-site (i.e. are not located on or above the property where the WECS will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

9. A WECS, except for building mounted WECS, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

Section 3. Site Plan Approval Procedures. Section 13.02.C of the Zoning Ordinance

of the Township of Douglass is hereby amended so as to read in its entirety as follows:

**C. Site Plan Approval Procedures.** The applicant shall submit eight (8) copies of the required Site Plan and related documentation to the Planning

Commission for review. The Planning Commission shall review the Site Plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this Ordinance. Within a reasonable time after the date of submittal, the Planning Commission shall either approve, approve with conditions or deny the Site Plan. If denied the Planning Commission shall cite the reasons for denial. If approved, the Chairman of the Planning Commission shall sign and date all copies of the Site Plan and return one signed copy to the applicant.

Section 4.     Effect of Zoning. Section 2.01.D of the Zoning Ordinance of the Township of Douglass is hereby amended so as to read in its entirety as follows:

**D.     Other Amendments.**

Whenever reference is made in this Ordinance to other federal state, county, or township law or act or to any technical manual or standard, that law, act, manual, or standard shall be deemed to refer to its most recent version.

Section 5.     Outdoor Lighting, Section 2.12 of the Zoning Ordinance of the Township of Douglass is hereby amended so as to read in its entirety as follows:

**SECTION 2.12 OUTDOOR LIGHTING**

- A.     Outdoor lighting located on privately owned property shall be so arranged that it will not shine directly on streets or occupied dwellings that are not located on the site.
- B.     Light levels emitted from any fixture on a non-residential use shall not exceed 0 footcandles at the property line of any adjacent property, except where such adjacent property is occupied solely by a non-residential use(s).

Section 6.     Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7.     Effective Date. This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Anderson, Laper, Snyder, Althoff, Jeppesen

NAYS: None

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Ronda L. Snyder, Clerk  
Township of Douglass

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF MONTCALM    )

I, the undersigned, the duly qualified and acting Clerk of the Township of Douglass, Montcalm County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting on July 6, 2022, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Ronda L. Snyder, Clerk  
Township of Douglass