

**JONESFIELD TOWNSHIP PLANNING COMMISSION  
RESOLUTION APPROVING SPECIAL LAND USE PERMIT  
MERIDIAN WIND PARK**

**RESOLUTION NO. 2020-006**

At a meeting of the Jonesfield Township Planning Commission, Saginaw County, Michigan, held at an electronic remote meeting on November 18, 2020 at 7:00 p.m.

PRESENT: Richard Bluemer, Mike Kenny, Mark Gath and Kathy Nock

ABSENT: Mike Keenan

The following resolution was offered by Bluemer and supported by Gath;

**WHEREAS**, DTE Electric Company (“Applicant”) submitted an application for special land use permit (“SLUP”) and site plans on August 12, 2020 for the Planning Commission’s approval in relation to the construction, operation, and maintenance of Wind Turbine Generators special land use to be located at Sections 1-4, 9-11, 13-14, 16, 21-22, and 24 of Jonesfield Township. Applicant also submitted a revision on October 19, 2020; and

**WHEREAS**, prior to submission of the SLUP application and site plans, Applicant issued a May 15, 2019 letter to the Planning Commission outlining self-imposed design parameters the Applicant would use in seeking approval for any Wind Turbine Generators special land use, including WTG Towers and related infrastructure, within the Township; and

**WHEREAS**, after submission of the SLUP application and site plans, Applicant requested an interpretation of the Jonesfield Township Zoning Ordinance’s (“Ordinance”) required WTG Tower height maximum, and for the terms “Wind Turbine Generators,” “WTG Tower,” and “property lines;” and

**WHEREAS**, the Township Zoning Board of Appeals (“ZBA”) is the body under the Ordinance authorized to review interpretation requests under the Ordinance, and did so consider Applicant’s interpretation requests and made final determinations on September 24, 2020, and finding, in pertinent part, that the Wind Turbine Generators special land use describes a land use comprised of one or more WTG Towers and may include an accessory collection substation and that the maximum height of a WTG Tower is not limited to 175 feet; and

**WHEREAS**, Applicant further sought fifty-five (55) nonuse variances involving twenty-four (24) of the proposed WTG Towers; which would modify the setback distances required of WTG Towers from property lines as set forth in Ordinance Section 612(l), and the ZBA granted fifty-two (52) variances and denied three (3) variances on October 29, 2020; and

**WHEREAS**, Spicer Group, Inc. (“Township Planner”) has reviewed Applicant’s SLUP application and site plans, along with the ZBA’s September 24, 2020 and October 29, 2020 decisions; and

**WHEREAS**, the Township Planner prepared an initial report reviewing the Applicant’s SLUP application for compliance with the Ordinance and provided a planning report with recommendations for the SLUP application to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing on November 12, 2020 where it heard comments and input from the community, the Applicant, Township Planner, and the Township’s legal counsel on Applicant’s SLUP application. The Planning Commission opened the public hearing on November 12<sup>th</sup> at 6:48 p.m. and closed the public hearing at 7:48 p.m.; and

**WHEREAS**, the Planning Commission, Township Planner, and the Township’s legal counsel have reviewed additional information from the Applicant, which the Township Planner has incorporated into its recommendations; and

**WHEREAS**, in reliance upon the Applicant’s representations and application materials, the reports and recommendations of the Township Planner, public comment, and recommendations from the Township’s legal counsel, the Planning Commission has reviewed Applicant’s proposed SLUP application and has found it to be satisfactory, subject to certain conditions stated in this Resolution, and designed to ensure compliance with the Ordinance and adequately protect the interests of the Township and its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Jonesfield Township Planning Commission, Saginaw County, Michigan, as follows:

1. Findings: After receipt of the public comment during the public hearing, deliberation of the Commissioners, review of the Township Planner’s report and recommendation, and recommendations of the Township’s legal counsel, the Planning Commission hereby finds that approving the SLUP application is consistent with the SLUP approval standards in the Ordinance, subject to certain specific reasonable conditions outlined in this Resolution. Specifically, the Planning Commission finds the proposed Wind Turbine Generators special land use, including the proposed collection substation, with the imposed reasonable conditions set forth herein, meets the following:
  - a. The proposed Wind Turbine Generators special land use will be located in Zoning Districts in which Wind Turbine Generators may be established in accordance with Sections 606(a) and 611(d); and
  - b. The proposed Wind Turbine Generators will comply with the specific standards applicable to Wind Turbine Generators in Chapter 6 of the Ordinance in accordance with Section 606(b); and

- c. The proposed Wind Turbine Generators will be consistent with the intent and purpose of the Jonesfield Township Master Plan, as well as the intent and purpose of the Zoning Districts in which the proposed use will be located in accordance with Section 606(c); and
  - d. The proposed Wind Turbine Generators will not result in a material burden on police and fire services or other public services or facilities in accordance with Section 606(d); and
  - e. The proposed Wind Turbine Generators will not diminish the opportunity for adjacent property owners not part of the project to use and develop their properties as zoned in accordance with Section 606(e); and
  - f. The proposed Wind Turbine Generators will be constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area in accordance with Section 606(f); and
  - g. The proposed Wind Turbine Generators will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials that are not otherwise addressed through reasonable conditions or standards within the Ordinance in accordance with Section 606(g).
2. Conditions: The Planning Commission hereby approves Applicant's SLUP application subject to the following reasonable conditions as authorized under Michigan law and expressly authorized in Ordinance Sections 604, 609, and 611(f):
- a. Site Plan Approval: Following Applicant's SLUP approval, the Applicant shall seek and receive site plan approval that complies with the Zoning Ordinance and the following requirements:
    - i. Wind Turbine Generators: The Applicant must receive site plan approval for the components of the Wind Turbine Generators and any accessory structures or improvements used in connection with the operation of the Wind Turbine Generators land use, (Sections 611(a)-(b)) and comply with the following specifics:
      - 1. Prior to excavation of any WTG Tower foundation, the Applicant shall field stake the approved center of each WTG Tower and the exterior of each related turbine foundation location in order to verify compliance with setbacks requirements and locations shown on the approved site plans provided by the Applicant in accordance with

Ordinance Section 305(2) and Section 612(l). Applicant shall coordinate the zoning compliance inspection with the Township Zoning Administrator, or the Township's designated representative.

2. Applicant's site plan shall comply with all of its design parameters indicated in its May 15, 2019 letter.
  - ii. Proposed Collection Substation: The Applicant must receive site plan approval for the collection substation indicated in Appendix C of its SLUP application.
- b. Prior to site plan review with the Planning Commission, Applicant must submit revised site plans to reflect changes necessitated by variance requests granted or denied by the ZBA.
- c. Prior to site plan review with the Planning Commission, Applicant shall provide an updated sound study that includes a list of all receptors and the sound level that will occur at each receptor in the Township. Applicant must meet the sound requirements outlined in the May 15, 2019 DTE letter to the Planning Commission and Section 612(l). See Section 611(e).
- d. Prior to site plan review with the Planning Commission, Applicant shall provide a shadow flicker study that includes a list of all receptors and the predicted shadow flicker hours for each receptor in the Township.
- e. Prior to site plan review with the Planning Commission, Applicant shall provide a narrative describing a complaint resolution process to address any complaints raised regarding compliance with the Ordinance, SLUP, and site plans.
- f. Prior to construction of WTG Towers, Applicant must provide the Township written proof of the Federal Aviation Administration's ("FAA") written determination of "No Hazard" for each proposed WTG Tower and provide copies of any applicable local airport authority permits. A written report detailing that all lighting complies with Section 612(l) shall be submitted to the Township.
- g. Prior to construction of any component of the Wind Turbine Generators use, Applicant shall enter into a mutually agreeable decommissioning agreement with the Township, through consultation of its legal counsel, that outlines the specific decommissioning obligations.
- h. Prior to construction of the Wind Turbine Generators, Applicant must seek and obtain all applicable governmental permits and approvals required for the special land use, including, but not limited to, the Saginaw County Road Commission,

Saginaw County Drain Commissioner, and/or the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”).

- i. Prior to construction of the Wind Turbine Generators, Applicant must provide sealed plans signed and certified by a registered engineer in the State of Michigan. Such plans shall include the detailed components that are part of the SLUP, including, but not limited to, WTG Towers, foundations, the collection substation, collection lines and access roads.
- j. Prior to construction, if required by the Saginaw County Road Commission, Applicant shall enter into an agreement regarding use of the roads, including wear and tear of the roads caused by construction activities, and any required financial obligation with the Saginaw County Road Commission that includes a transportation/haul route map. The written agreement and any related attachments shall be provided to the Township.
- k. Prior to construction, if required by the Saginaw County Public Works Commissioner, Applicant shall enter into an agreement regarding any obligations or conditions required by the Saginaw County Drain Commissioner and any related financial obligation requested by the Saginaw County Drain Commissioner.
- l. If there are minor siting changes during construction, the Applicant shall seek approval from the Township Zoning Administrator and Township Planner on requested changes to ensure continued compliance with the Ordinance, approved site plans, and any variances granted by the ZBA. Section 907(3)(G) provides a method for the Township to suspend construction activity should the Applicant deviate from approved site plans without first notifying the Township of such changes.
- m. In order to achieve the minimum FAA lighting requirements in accordance with Section 612(l), Applicant must employ use of aircraft detection lighting systems to light the WTG Towers if approval is granted by all applicable agencies.
- n. After construction, the Applicant shall submit as-built drawings of the entire Wind Turbine Generators land use, including the WTG Towers, access roads, junction boxes, underground collection system, and collection substation. Applicant must submit hard-copies no smaller than 11”x17”, Adobe PDF documents, coordinate data for all site features, and GIS and CAD files for all the information listed above. Additionally, Applicant must provide documentation showing construction was completed consistent with the SLUP and site plan approval pursuant to Section 609.
- o. Within one year of commercial operation, Applicant must complete a post-construction sound study that shows compliance with the Ordinance’s sound

requirements and the standards outlined in the May 15, 2019 DTE letter to the Planning Commission. If the sound study shows exceedance of the Ordinance's sound requirement, 55 dBA Leq (1-hour) at non-participating property lines, or 45 dBA Leq (1-hour) at residences on non-participating parcels, then the Applicant must address the non-compliant WTG Tower(s). Applicant shall provide the Township with a copy of the post-construction study, which indicates if any WTG Towers will exceed these standards and how they plan to reduce the noise from each tower. Section 612(l). Based on the May 15, 2019 DTE Letter, participating parcel is understood to be any parcel included within the Wind Turbine Generators special land use project boundaries. Non-participating parcels are all properties outside of the project boundaries of the special land use.

- p. If the Wind Turbine Generators land use is discontinued for one year, Applicant will be required to apply for a new SLUP. Section 610.
  - q. Applicant must develop, construct, operate, and maintain the Wind Turbine Generators in compliance with the terms of its SLUP approval and the Ordinance.
  - r. Applicant shall provide a fire and emergency response plan and related information to the Township's applicable fire and emergency services department(s) to manage any emergencies that can come up related to the Wind Turbine Generators and its components, and for the Applicant to provide training to the Township's applicable fire and emergency services department(s) for fire and emergency response.
3. Applicant's SLUP application is approved with the above conditions. Applicant's compliance may be demonstrated through the Zoning Administrator's or Township designated representative's written verification that these conditions have been fully satisfied unless another individual is designated to verify compliance above. A determination that the Applicant has failed to satisfy any condition shall result in the revocation of the SLUP in accordance with the procedures of Sections 611(c) and 907(3)(g).
  4. Should construction of an individual improvement (e.g., an access road) not require compliance with all the conditions above, the Township Zoning Administrator or the Township's designated representative (in their discretion) may authorize construction and zoning compliance. All approvals provided under this provision must be reported to the Planning Commission and may be revoked in the event of non-compliance with any applicable conditions imposed by the Planning Commission.
  5. All prior resolutions inconsistent herewith are hereby rescinded.

Yeas: Bluemer, Nock, Gath

Nays: Kenny

RESOLUTION DECLARED ADOPTED

*Richard C. Bluemer*

Planning Commission Chair

**DTE CERTIFICATION**

Matthew J Wagner, as representative for DTE Electric Company (“DTE”), represents and warrants that DTE (“Applicant”) will comply or has complied with all applicable local, state, and federal laws and regulations during its construction, maintenance, and operations of its Wind Turbine Generators, a wind energy development commonly referred to as the Meridian Wind Park. DTE has provided me the authority to make such a certification.

Matthew J Wagner

Date: November 30, 2020

Print Name: Matthew J Wagner, Manager of Renewable Energy Development

**DTE COUNSEL REPRESENTATION**

\_\_\_\_\_, as counsel for DTE Electric Company (“DTE”), represents that \_\_\_\_\_, holding position \_\_\_\_\_, of DTE has the authority to act upon and bind DTE to the above certification.

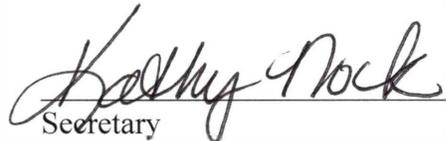
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Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**CERTIFICATION**

I, the undersigned, the duly qualified and acting Secretary for the Jonesfield Township Planning Commission, Saginaw County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Jonesfield Township Planning Commission at a meeting held on the 18<sup>th</sup> day of November 2020 and further certify that the above Resolution was adopted at said meeting.

  
Secretary  
Jonesfield Township Planning Commission