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To: Jonesfield Township Planning Commission
From: Alan Bean, AICP – Spicer Group, Project Planner (alanb@spicergroup.com)
Jennifer Stewart, AICP – Spicer Group, Community Planner (jennifer.stewart@spicergroup.com)
RE: Review of DTE's Meridian Wind Park Special Land Use Permit Application

Overview of Proposal

The Applicant, DTE Electric Company, is proposing a Wind Turbine Generators Project composed of 27 WTG Tower locations (26 sites with one alternate), access roads, underground collection lines, a collection substation, and other ancillary facilities such as electric transformers. All the proposed improvements are planned in portions of Jonesfield Township, specifically Sections 1 – 4, 9 – 14, 16, 21 – 22, and 24.

The proposed Wind Turbine Generators Project is called Meridian Wind Park. The Applicant is proposing two WTG tower models, a GE 2.82-127 turbine, which has a hub height of 290 feet, an overall height of 499 feet, a rotor diameter of 417 feet, and a capacity of 2.82 megawatts (MW). The second model is a Vestas-V136-3.6 turbine, which has a hub height of 269 feet, an overall height of 492 feet, a rotor diameter of 446 feet, and a capacity of 3.6 (MW).

The Jonesfield Township Planning Commission is scheduled to hold a public hearing on Thursday, November 12, 2020, at 6:00 p.m. in the Township Hall, 217 N Eddy Street, Merrill, MI, 48637 to consider the Meridian Wind Park Special Land Use Permit application.

The authority for the Jonesfield Township Planning Commission to review a Special Land Use Permit for Wind Turbines Generators is provided for in Chapter 6, Section 612(l), and Chapter 9 of the Jonesfield Township zoning ordinance.

The Special Land Use Permit application was submitted to Jonesfield Township on August 12, 2020, with a revision submitted on October 19, 2020.

The Applicant is requesting a public hearing and Special Land Use Permit review by the Jonesfield Township Planning Commission. The request is for a Special Land Use Permit to allow the proposed Wind Turbine Generators, inclusive of the components described above. A site plan review for each of the proposed WTG towers will not be considered at this Public Hearing. Those will be reviewed at a future meeting.

A map indicating the overall project boundary and potential siting locations of the proposed WTG towers and associated facilities is included in the application in Appendix C titled Site Plan Drawings. The proposed Wind Turbine Generators is part of a larger wind project that also extends into Mt. Haley Township and Porter Township in Midland County. The requested Special Land Use Permit is specific to the Jonesfield Township and any action by the Jonesfield Township Planning Commission concerning the

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Special Land Use Permit application pertains only to the aspects of the Wind Turbine Generators special land use that is proposed in the Jonesfield Township zoning jurisdiction.

Jonesfield Township Zoning Board of Appeals Decision

To date, the Jonesfield Township ZBA has held two separate meetings to make decisions related to this proposed Special Land Use Permit application. The first meeting occurred Thursday, September 24, 2020, where the ZBA considered three issues. The ZBA interpretation decision is available here:

http://jonesfield.com/Portals/8/ZBA%20Signed%20Decision20200924_21021174_0216.pdf . The following is a summary of the decision, the full decision is attached with this report.

- Interpretation of Section 305 Height Exception Provisions – Section 305(2)(a) of the zoning ordinance limits the height of certain structures in the Township to 175’. The applicant requested an interpretation to determine if wind turbines were included in that restriction or if they could be exempted under Section 305(2)(c). The ZBA interpreted that wind turbines were not restricted to the 175’ height limit outlined in Section 305(2)(a).
- Interpretation of Undefined Terms for Wind Turbine Generators and WTG Tower – The zoning ordinance does not define Wind Turbine Generators or WTG Tower. DTE requested Wind Turbine Generators be defined as:

“An electricity generating system consisting of one or more WTG Towers under common ownership, operation or control, and includes substations, cables/wires and other structures (e.g., junction boxes, related measuring or testing towers and equipment) accessory to such system, whose main purpose is to supply electricity to off-site customers.”

And WTG Tower be defined as:

“Individual towers and related components within a ‘Wind Turbine Generators’ land use that convert wind energy into electricity through the use of a wind turbine generator and includes the necessary components (such as turbine, blades, the tower, foundation, and related electrical equipment.”

The ZBA adopted the interpretations of these two terms.

- Interpretation of term property line as used in Section 612(1) – The term property line is not defined in the zoning ordinance. DTE requested the ZBA define property line as it is used in Section 612(1) as the project boundary line, not property lines between participating parcels. The ZBA rejected this proposal and determined that property lines are defined as:
“The boundaries of individual pieces of real estate without reference to a ‘project area’ or a group of properties subject to a single special use application.”

On Thursday, October 29, 2020, the Zoning Board of Appeals (ZBA) considered fifty-five variance applications for 24 of the proposed WTG Towers associated with this application. Section 612(1) of the zoning ordinance requires that WTG Towers be setback from all adjacent property lines a minimum distance equal to the height of the tower, including the blade in its vertical position. The ZBA's final decision on each variance is available here:

http://jonesfield.com/Portals/8/DTE%20Variance%20Request%20ZBA%20Final%20Decision20201030_04325647_0227.pdf , and attached to this report. The attached ZBA decision worksheet lists all the variances in

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detail and outlines the decision for each variance request. Of the fifty-five requests, one was granted in part and denied in part (WTG Tower 80), and two were denied (WTG Towers 82 and 88):

- WTG Tower 80 (Parcel 17-12-1-02-1002-001) – Grant as to the 91 feet from the east but a denial as to the 17 feet from the southwest.
- WTG Tower 82 (Parcel 17-12-1-14-2001-000) – Denial
- WTG Tower 88 (Parcel 17-12-1-24-3002-000) – Denial

The Special Land Use Permit Process

A Special Land Use is a use that would be harmonious with the overall zoning of an area, but requires additional review and considerations by the Planning Commission. The additional review includes a public hearing to determine if the proposed use is appropriate. Each zoning district in the Jonesfield Township zoning ordinance has a list of principal uses permitted (use by right) and a list of special land uses (uses subject to special review by the Planning Commission). Wind Turbine Generators (otherwise referred to as WTG or WTGs) are allowed as a Special Land Use (Chapter 6, Section 612(l)) in the General Agriculture and Agriculture and Rural Residential Zoning Districts (A-1 and A-2) of the Jonesfield Township zoning ordinance.

Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended (MZEA) establishes the process of approval for Special Land Use permits. The MZEA states Planning Commissions, "may deny, approve, or approve with conditions a request for special land use approval." Further, "the decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed." Therefore, as part of the public hearing, a planning commission has the responsibility to examine all the information pertaining to a Special Land Use Permit request so it can develop a statement of findings and conclusions to support a decision to deny, approve, or approve with conditions.

Special Land Use Permit Requirements in Jonesfield Township

Chapter 6 and Section 612(l) of the Jonesfield Township zoning ordinance require that WTGs receive a Special Land Use Permit prior to construction and operation:

- Chapter 6 describes the Planning Commission's procedures when considering a Special Land Use permit application, provided in A below.
- Section 612(l) describes the requirements the Applicant must follow when submitting a Special Land Use Permit application, as well as describing the standards that must be followed during the operation of the proposed use, provided in B below.
- In addition to Sections A and B provided below, the Applicant has offered to comply with several self-imposed design parameters outlined in a memo titled Wind Park Design Parameters, dated May 15, 2019. These standards are provided in C below.

A. The following is the list of procedures related to Special Land Uses from Chapter 6 that the Planning Commission must follow with associated guiding comments.

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Section 601 Purpose: No action required of the Applicant.

Section 602 Application Procedures: In process.

Section 603 Notice of Public Hearing: Notice of Public Hearing was advertised in the Saginaw News on October 27, 2020.

Section 604 Public Hearing and Review Procedures: No action required of the Applicant.

Section 605 Appeal of Decision: No action required of the Applicant.

Section 606 General Requirements for Approval of Special Uses: This section describes the discretionary criteria the Planning Commission must consider when they make a decision to approve, approve with conditions, or deny a request for Special Land Use Permit. The Planning Commission will need to determine:

- 606 (A) – The property subject to the application is located in a zoning district in which the proposed special use may be established.
- 606 (B) – The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
The Planning Commission should note the ZBA approved fifty-two variance applications related to setbacks from adjacent property lines, as described above. The approved setback distances are now the standard for determining how WTG Towers are setback from property lines and vary the dimensional setback requirements of Section 612(1).
- 606 (C) – The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.
- 606 (D) – The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- 606 (E) – The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- 606 (F) – The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- 606 (G) – The proposed special use 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.

The Applicant has provided responses to these seven discretionary criteria in Section 7, pages 7-1 – 7-4 of the application.

Section 607 Basis for Determination: No action required of the Applicant.

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Section 608 Performance Guarantee: At this time, the Planning Commission has not required a performance guarantee. However, Section 6 of DTE's application describes their commitment to providing Jonesfield Township a corporate performance guarantee and surety bond to address decommissioning. After site plan review and prior to issuing zoning permits, DTE will need to provide Jonesfield Township the appropriate guarantee and related agreement documentation.

Section 609 Compliance with Conditions of the Special Use Permit Required: As a condition of this Special Land Use, the Applicant/Owner will be required to develop, construct, operate, and maintain this project in compliance with the terms of this Special Use Permit. Once the project is built, the Applicant/Owner will need to provide documentation showing compliance.

Section 610 Terms of Permit: If the use is discontinued for one year, the Applicant/Owner will be required to apply for a new Special Permit.

Section 611 Specific Standards, Requirements, and Conditions for Special Land Use Permits: Applicant must comply with standards 611 (a – f). Specific to Section 611(d), as described above, the ZBA approved fifty-two variance applications related to setbacks from adjacent property lines. The approved setback distances are now the standard for determining how WTG Towers are setback from property lines and vary the dimensional setback requirements of Section 612(1).

B. The following is the list of the pertinent requirements from Chapter 6, Section 612(1) related to the regulation of a WTG, with associated commentary indicating the status of the following required application components.

Section 612(1) Minimum Parcel Size: Applicant has provided the necessary information to demonstrate compliance with this requirement.

Section 612(1) Minimum Parcel Width: Applicant has provided the necessary information to demonstrate compliance with this requirement.

Section 612(1) Minimum Building Setback: The road right-of-way setback will be reviewed at site plan review. The ZBA reviewed the setback pertaining to adjacent property lines. Of the 55 variance applications, 52 were granted to the Applicant, one was granted in part and denied in part (WTG Tower 80), and two were denied (WTG Towers 82 and 88). DTE will need to resubmit site plans and studies to reflect siting changes necessitated by the ZBA denials.

Section 612(1) Other Requirements (1): The Applicant has stated that the access doors at the base of the towers will be locked at all times, and access to the towers is restricted to authorized personnel only. DTE has stated they are not proposing fencing at the base of the tower. However, the zoning ordinance gives the Planning Commission the option to request a fence at each tower's base. The Planning Commission

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will need to determine if they would like to require fences at the towers' base. We note that similar projects in the area and throughout Michigan do not have security fencing at the base of each tower.

Section 612(1) Other Requirements (2): This requirement states that, “The maximum noise level generated by any WTG shall not exceed 60 decibels, measured at the property line, including downwind from the installation.” The Planning Commission should look to the ZBA interpretation regarding the definition of WTG (“Wind Turbine Generators”) and WTG Tower to help determine if the application meets this zoning ordinance requirement. At their September meeting, the ZBA determined that the use of the term “WTG” indicates the entire project as a whole, and the term “WTG Tower” indicates a single turbine. This zoning ordinance requirement specifically references WTG which is a group of wind turbines, therefore, in conjunction with the recent ZBA interpretations, the 60 decibel requirement should be applied as a requirement at the adjacent property lines of the entire WTG land use. To clarify, the adjacent property lines are the project boundary. Specific sound levels will be reviewed at the time of site plan review.

Additionally, the zoning ordinance requires certification that noise level is not exceeded both before and after construction. As a condition of approval, the Applicant shall be required to provide a post-construction sound study that shows compliance with the zoning ordinance standards and the self-imposed requirements outlined in the design parameters letter referenced in section C below.

Section 612(1) Other Requirements (3): Applicant has indicated there will not be any detectable vibration emitted from the WTG towers.

Section 612(1) Other Requirements (4): Applicant has provided the necessary information to demonstrate compliance with this requirement.

Section 612(1) Other Requirements (5) (a - d): Applicant has indicated it will comply with the lighting requirements of the zoning ordinance. Prior to construction, the Applicant will need to provide the FAA's Determination of No Hazard form for each proposed WTG Tower and will need to provide a copy of the written FAA report.

Other Considerations for the Township:

- The Applicant is also proposing a project substation in Section 10 of the Township. The Applicant has submitted a site plan for the substation in Appendix C of the application. The substation site plan will be reviewed at site plan review along with the proposed WTG Towers.
- In addition to all the components in this application, DTE will also be installing an overhead transmission line that traverses through Sections 10, 11, 13, and 14 of Jonesfield Township and will tie into the proposed substation. This line is not part of DTE's application, as it is considered an essential public service and not subject to the zoning ordinance requirements.
- We note the revised site plans show a green hatch which is labeled Improved/Zoning Lands. These parcels match the land labeled Wind Easements on the project layout map, Improvement Areas on the public hearing maps, and the participating parcels on the shadow flicker maps. All

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of these parcels also match the list of participating parcels provided in the public hearing notice. To ensure consistency between all documentation of what's considered participating, we are requesting the Applicant to change all map labels and legends to align with the public hearing notice.

C. The following is the list of the design parameters proposed by DTE from the memo titled Wind Park Design Parameters, dated May 15, 2019, with associated commentary indicating the status of the following parameters.

Number (1): An average of two to three wind turbines per standard one-square-mile township section. Where there is more than one turbine in a section, the turbines will be spaced about 1,000 feet apart, so each has unimpeded access to the wind resource.

This standard will be reviewed at the time of site plan review.

Number (2): A maximum wind turbine height of 500 feet, as measured from grade to the tip of the rotor blade in its most vertical position.

The Applicant is proposing two turbine models, a GE 2.82-127 turbine, which an overall height of 499 feet, and a Vestas-V136-3.6 turbine, which has an overall height of 492 feet. The Applicant has provided the necessary information to demonstrate compliance with this standard.

Number (3): Wind turbines placed no closer than 1.5 times tip height to a public road.

This standard will be reviewed at the time of site plan review.

Number (4): Wind turbines and access roads sited along common participating property lines or fence rows so the installation minimizes impact on farming operations. If an adjoining landowner is not participating in the project, the turbine will be sited 1.5 times tip height from the non-participating property line.

This standard will be reviewed at the time of site plan review. Many of the variances approved by the ZBA on October 29 support siting WTG Towers along common participating property lines.

Number (5): Wind turbines placed no closer than 1,320 feet to residential buildings on non-participating parcels and no closer than 1,000 feet to residential buildings on participating parcels. (Residential buildings do not include barns and other storage buildings.)

This standard will be reviewed at the time of site plan review.

Number (6): Wind turbines placed no closer than 1,320 feet to the boundary of a village, such as the Village of Merrill.

This standard will be reviewed at the time of site plan review.

Number (7): Underground electric collection systems installed at a depth that will accommodate a continued agricultural activity, typically 4 feet below grade.

In their application narrative, the Applicant has stated the proposed underground collection lines will be 4 feet below grade. However, they did not provide any detailed drawings of the proposed collection lines that show depth or placement. Prior to site plan review, the Applicant will need to provide a typical cross section of the underground collection lines.

Number (8): Shadow flicker at residential buildings managed through operational controls paired with other mitigation measures as necessary after consultation with the landowner, and limited to no more than 30 hours in a year based on conservative shadow flicker modeling assumptions.

The application material indicates 30 receptors (residences) modeled to receive 30 or more shadow flicker hours per year located in Sections 1 – 4, 9 – 10, 13 – 14, 16, and 21 – 23. Each specific case of shadow flicker exceedance will be considered during site plan review.

At this time, the Planning Commission should consider what additional information they will require from the Applicant to review each case adequately. The applicant should be prepared to show how they will comply with these standards at the time of site plan review. If the applicant cannot meet the 30-hour standard, they have stated they will implement measures such as curtailment of WTG tower operations during defined periods, so all the WTG Towers operate in compliance. Considerations for a complaint resolution process should also be discussed by the Planning Commission, with some ideas provided below under #9 for Sound.

Finally, the Planning Commission needs to determine if they would like to see a table in Appendix A of the shadow flicker report that includes all the receptors in the Township, not just those over 30 hours. After a review of the report, we note there appear to be an additional nine homes that may be over the 30 hour shadow flicker limit, but due to the layout of the map and lack of information regarding receptor numbers and shadow flicker hours on each home it impossible to tell how many hours these residences may receive. The applicant should provide this information prior to site plan review. This information will be helpful during the review of the site plans.

Number (9): Sound pressure levels limited to no more than 55 dBA Leq (1-hour) at non-participating property lines and 45 dBA Leq (1-hour) at residences on non-participating parcels, based on conservative sound modeling assumptions.

DTE has limited their project to 55 dBA Leq (1-hour) at non-participating property lines and 45 dBA Leq (1-hour) at residences on non-participating parcels. The application material predicts 21 receptors to exceed these standards. The receptors are located in Sections 1 – 4, 9 – 10, 15 – 16, and 21 – 22. Each specific case of sound exceedance will be reviewed at the time of site plan review.

At this time, the Planning Commission should consider what additional information they will require from the Applicant to review each case adequately. The applicant should be prepared to show how they will comply with these standards at the time of site plan review. The applicant indicates they will use noise reduced operation (NRO) for turbines that exceed the sound limits outlined in their design parameters. The Applicant has not shared any NRO data with the Township. Each WTG tower model should have various NRO modes depending on the level of noise reduction required. The Applicant could provide the Planning Commission with revised maps that include the NRO mode information. This way the Planning Commission can understand which WTG towers will be expected to operate at reduced capacity. As shown on Figure 9 of Appendix D, 22 of the proposed WTG Towers will be subject to NRO (“Wind Turbine – mitigated”).

Further, we note that there appear to be a significant number of additional receptors that do not meet the standards outlined in the design parameters. Figure 9 indicates approximately 21 receptors with possible sound exceedance. However, our initial review finds significantly more receptors that do not meet the 45 dBA Leq (1-hour) at residences on non-participating parcels standard. The applicant will need to present a map that clearly shows compliance with their standards.

At this time, there is no clear path for Township residents who may have a complaint with the project post-construction, including issues regarding sound/shadow flicker. If the applicant would provide the Township residents with a formal complaint resolution process, it would give residents an avenue to ensure any potential complaints are adequately addressed by the applicant. The complaint process could include a permanent phone number or contact information of the applicant, a timeframe in which the applicant needs to address the complaint, and a requirement of the applicant to provide a report to the Township of a list of complaints.

We also note the following information, Appendix A of the sound study does not include a list of all the receptors in the Township and their expected noise level, it only includes a list of receptors that are expected to exceed their design requirements. Requesting a list of all the receptors would give the Township a clearer picture of the sound levels for the entire project. This is especially important for the receptors that appear to exceed the sound requirements based on Figure 9, but the applicant is indicating they do not. Finally, the sound map (Figure 9), as provided by the applicant is unclear. The current layout of the map makes it difficult to discern the participation of the parcel under each receptor, the icons for the receptors are very large, and the receptor labels cover up key information for reviewing the map. An updated figure that shows compliance to the standards should be submitted.

Decommissioning: The Applicant has committed to decommissioning the wind project that is no longer used for energy generation. They commit to decommissioning and site restoration upon the termination of the easement. They also state they will provide advance notice of decommissioning activities and ask the Township for input on decommissioning plans.

The submitted decommissioning information comprises the dismantling and removal of 27 wind WTG towers, dismantling and removal of the substation, and reinstatement of the land affected by those activities. The estimate assumes a four-foot removal depth of the WTG tower foundations. The report does not indicate if the underground collection cables will be removed or abandoned in place. The report does not include an inflation allowance. Finally, the report appears to be incomplete, as it references decommissioning costs for Chandler Township in Appendix C.

The report estimates a total of \$3.08 million will be required for decommissioning, which equates to \$93,200 per WTG tower and \$566,700 for the substation. However, the report accounts for the scrap value of material, and therefore the proposed net decommissioning cost is \$2.53 million. The Applicant's submittal provides for a financial instrument for net decommissioning costs.

The application is not specific as to what type of financial instrument will be provided, e.g. bond, letter of credit or cash deposit. The type of financial instrument that is provided can be arranged between the Township and the Applicant, as described in a decommissioning agreement document.

With the understanding that the decommissioning agreement is incomplete, no permits will be issued until a mutually agreeable decommissioning agreement is finalized between the Applicant and the Township.

Spicer has reviewed other wind projects in Michigan, see table below, and believe the proposed decommissioning cost of \$93,200 per WTG tower is quite low. Further, we believe it is not appropriate to reduce decommissioning costs by salvage value since this method is speculative and the Township is not in the decommissioning or salvage business and cannot be expected to realize any fair portion of the claimed salvage value.

Comparable	Hub Height (feet)	Rotor Diameter (feet)	Total Height (feet)	MW	Manufacturer	Utility?	Decommissioning Per Turbine
<i>DTE - Proposed</i>	290	417	499	2.82	GE	Yes	\$93,200
<i>DTE - Proposed</i>	269	446	492	3.6	Vestas	Yes	\$93,200
Isabella County A	400	393	597	2.2	Vestas	No	\$154,000
Gratiot County A	296	381	486	2.5	GE	No	\$154,000
Huron County A	315	328	479	1.7	GE	Yes	\$200,000
Tuscola County A	308	381	499	2.3	GE	Yes	\$177,290
Tuscola County B	296	381	486	2.5	GE	No	\$106,011

At a minimum, the agreed upon financial instrument shall be at least equal to the overall decommissioning costs (not net decommissioning, which includes scrap value) and is reasonably comparable to recent values, as indicated in the table above.

Recommendation

The Applicant has submitted a Special Land Use application intended to demonstrate compliance with the Jonesfield Township zoning ordinance, and specifically, compliance with the overall intent of the Special Land Use Permit application process in Jonesfield Township. Of the requirements listed above, there are 18 outstanding items:

1. Section 609: The Applicant will be required to develop, construct, operate, and maintain this project in compliance with the terms of this Special Use Permit. Once the project is constructed, the Applicant/Owner will need to provide documentation showing compliance.
2. Section 610: If the use is discontinued for one year, the Applicant will be required to apply for a new Special Use Permit.
3. Section 612(1) Minimum Building Setback: Setbacks for the road right-of-way will be reviewed at the time of site plan review. DTE will need to resubmit site plans and studies to reflect siting changes necessitated by the ZBA denials.
4. Section 612(1) Other Requirements (2): Within one year of commercial operation, the Applicant will be required to complete a post-construction sound study that shows compliance with this section and the standards outlined in the design parameter letter dated May 15, 2019. If the sound study shows exceedance of the 55 dBA Leq (1-hour) at non-participating property lines or 45 dBA Leq (1-hour), then the Applicant will be required to address non-compliant WTG Tower(s). The Applicant shall provide the Township with a copy of the post-construction study, which indicates if any WTG Towers will exceed the standards and how they plan to reduce the noise from each tower.
5. Section 612(1) Other Requirements (5)(a - d): Prior to construction, the Applicant will need to provide the Township the FAA's Determination of No Hazard form for each proposed WTG tower and will need to provide copies of any applicable local airport authority permits. Additionally, the Applicant will need to provide the Planning Commission with the FAA report.
6. Design Parameters Memo - Number (1): Will be reviewed at the time of site plan review.
7. Design Parameters Memo - Numbers (3 - 6): Will be reviewed at the time of site plan review.
8. Design Parameters Memo - Number (7): Applicant should provide typical cross section of the underground collection lines.
9. Design Parameters Memo - Number (8): Will be reviewed at the time of site plan review. The applicant shall provide an updated shadow flicker study that includes a list of all receptors and the shadow flicker hours for each home in the Township. The applicant will be required to meet the sound requirements outlined in the design parameters memo and produce documentation that shows compliance with the memo.
10. Design Parameters Memo - Number (9): Will be reviewed at the time of site plan review. The applicant shall provide an updated sound study that includes a list of all receptors and the sound level for each home in the Township. The applicant will be required to meet the sound

requirements outlined in the design parameters memo and produce documentation that shows compliance with the memo.

11. Design Parameters Memo – Decommissioning: Prior to construction, the applicant and Township Board shall enter into a mutually agreeable decommissioning agreement that outlines the specific decommissioning requirements.
12. Other: The Applicant shall be required to submit a complaint resolution process that includes a permanent phone number or contact information of the Applicant, a timeframe in which the Applicant needs to address the complaint, and a requirement of the Applicant to provide a report to the Township of a list of complaints.
13. Other: Prior to the issuance of zoning permits, the Applicant will need to provide construction documents signed and certified by a registered engineer in the state of Michigan.
14. Other: Prior to the issuance of zoning permits, the Applicant must seek and obtain all permits and permissions required by the Saginaw County Road Commission, Saginaw County Drain Commissioner, and/or the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”).
15. Other: Post-construction, the Applicant shall submit as-built drawings of the WTG, including the WTG towers, access roads, junction boxes, underground collection system, and substation. The Applicant will need to submit Adobe PDF documents, coordinate data for all site features, and GIS and CAD files for all the information listed above.
16. Other: Prior to construction, the Applicant shall enter into an agreement and financial obligation with County Road Commission that includes a transportation/haul route map.
17. Other: Prior to construction, the Applicant shall enter into an agreement and financial obligation with County Drain Commissioner.
18. Section 907(3)(F): If there are minor siting changes during construction, the Applicant shall consult with the Township Zoning Administrator and Spicer Group on requested changes to ensure continued compliance with the zoning ordinance, approved site plans, and any variances granted by the ZBA. Further, 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.

Based on Spicer's professional review, our recommendation is that the Special Land Use Permit application meets the technical requirements of the Jonesfield zoning ordinance, and if the Planning Commission believes the application meets the discretionary criteria described in Section 606, it is recommended to the Township Planning Commission to approve the application in consideration of also including the additional 18 conditions noted above.