

PLANNING COMMISSION MEMBER

Mike Kenny

WHY I VOTE NO

MIKE KENNY

WE HAVE NOT CHANGED OUR ORDINANCE TO ACCOMMODATE A WIND ENERGY PARK

- The intent of our WTG ordinance was to allow for a “backyard” type windmill for the homeowners own use to generate electricity. DTE is proposing a Wind Energy Park which is called Meridian Wind Park and encompasses 3 townships in multiple counties. The Planning Commission has not established specific standards applicable to a Wind Energy Park or even a Utility Scale wind energy development or system.
- The new definition of Wind Turbine Generators as interpreted by the ZBA does not allow for a wind turbine generator that can supply power to your own house. You can only install a wind turbine generator that supplies power to off-site customers

WE HAVE NOT CHANGED OUR ORDINANCE TO ACCOMMODATE A WIND ENERGY PARK

- DTE Applied to the Michigan Public Service Commission for a Wind Energy Park called Meridian Wind Park that encompasses Jonesfield, Mt Haley and Porter Townships
- DTE applied to Mt Haley Twp. for a Utility Grid Wind Energy System
 - Mt Haley developed a Wind Park Overlay District to accommodate a Utility Grid Wind Energy System
- DTE applied to Porter Twp for a Wind Energy Facility
 - Porter Township developed a Wind Energy Overlay District to accommodate a Wind Energy Facility
- DTE applied to Jonesfield Twp for a Wind Turbine Generator project by using the Zoning Board of Appeals to alter our existing ordinance to accommodate a Utility Scale Wind Turbine Project after a Utility Scale Wind Turbine Ordinance was rejected in a referendum vote.

THIS PLANNING COMMISSION HAS NOT COMPLETED ITS DUTY TO AMEND THE EXISTING ORDINANCE TO ALLOW FOR A UTILITY SCALE WIND ENERGY PROJECT (WIND PARK)

- This Planning Commission understood and acted on the need to develop and change our existing ordinance to plan for an eventual Utility Scale Wind Energy System.
- An ordinance was developed by this commission but summarily voted down by a referendum vote.
- The Planning Commission then did not make a single change to our existing ordinance during its 2019 review of the Master Plan and accompanying ordinances with regards to wind or wind tower generators knowing DTE was intent on installing a Wind Energy Park that would encompass our township.

THIS PLANNING COMMISSION HAS NOT REVIEWED THE INTERPRETATION OF THE CHANGES BY THE ZONING BOARD OF APPEALS OF OUR EXISTING ORDINANCE TO DETERMINE IF AN AMENDMENT IS NEEDED TO OUR ORDINANCE. THE ZONING BOARD OF APPEALS HAS CIRCUMVENTED THE PLANNING COMMISSIONS ROLE AND RESPONSIBILITY IN DEVELOPING ZONING.

- The ZBA's interpretation of what a WTG and WTG's are defined as has changed the intent of the ordinance to encompass a Utility Scale Wind Energy System (Wind Park) from the original intent of a "backyard" parcel use windmill.
 - *"Once an interpretation is made, it is advisable for the planning commission to review the matter to determine whether or not an amendment to the ordinance is needed to further clarify the language (for a text interpretation), or to review the zoning map to determine a specific location of a zoning boundary (for a map interpretation).*
 - *The ZBA cannot hear two types of zoning decisions. The first is an amendment to the zoning ordinance (rezoning or text change)—this is reserved for the legislative body. The second type of decision is for special land uses and planned unit developments, which can only be heard by the ZBA if the zoning ordinance specifically allows for an appeal." Michigan Zone of Appeals Handbook 2015*

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- DTE asked for 55 property line variances, essentially every placement of a WTG needed a variance to our ordinance. The ZBA granted 50 of these variances and therefore changed the intent of the existing WTG ordinance.
 - *“the characteristics of the property asserted as the basis for relief must not be common among other properties in the same district or vicinity. As with all variances, the principle is that the variance is needed to relieve a practical difficulty caused by the unique conditions present on the land. Common conditions or situations should be addressed by a change in the text of the ordinance, rather than by the granting of individual variance applications.” Zoning Board of Appeals Handbook 2015*

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- The ordinance states that each WTG tower must be set back from all adjacent property line and road right of way lines a minimum distance equal to the height of the tower, including the top of the blade in its vertical position.
- The property line setback is a function of the height of the windmill which is a self-created need for the variance to the ordinance by the design of the windmill chosen by DTE. Due to the fact DTE chose to use a windmill height of approx. 500 feet caused the need for the variance
- **“a) The ZBA may grant a requested variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all the following:**
 - **1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance conformity unnecessarily burdensome.**
 - **2) The variance will do substantial justice to the applicant, as well as to other property owners.**
 - **3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.**
 - **4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.**
 - **5) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.”**

Michigan Zone of Appeals Handbook 2015

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- By granting the large number of variances and including almost all parcels that contain a WTG the ZBA has created a scenario that should be considered common to a siting of a WTG and therefore should be addressed by a change of text of the ordinance which is the Planning Commissions responsibility.

OUR MASTER PLAN STATES THAT CURRENT FARMLANDS AND OTHER LARGE TRACTS OF LAND SHOULD BE CONSERVED AND ENCOURAGE THE PRESERVATION OF NATURAL FEATURES AND OPEN SPACE.

- Density of WTG's in Sections 1-4 are excessive and beyond DTE's Design Parameters given to the township in their letter dated May 15, 2019.
 - There are 3+1 alternate WTG's planned for section 4.
 - Section 3 has 4 planned WTG's.
 - Section 1 and 2 each have 2 but they are within a half mile of the section line putting 4 WTG's in a square mile
- Within the project there is over 10 miles of access roads.
 - 10 access road driveways are placed next to or across the road from a residence
 - Numerous fields are split into smaller tracts by these access roads.

OUR MASTER PLAN STATES THAT WE ARE TO ENSURE RENEWABLE ENERGY FACILITIES REPRESENT A BALANCE BETWEEN PROPERTY OWNERS AND OTHER RESIDENTS WITHIN THE TOWNSHIP.

- The plan treats residence of the village differently than residence outside the village. There is a 1320 setback planned for the village property owners but a 750-foot setback for those properties outside the village limit.
- The non-participating property owners' concerns were summarily dismissed by the township board, planning commission and the zoning board of appeals.
- A majority of the Planning Commission members would not find a middle ground or negotiate on revising an ordinance to better reflect what the voters were looking for in setbacks and sound levels and other windmill energy system parameters
- The planning commission failed to provide leadership and protections when the commission decided to not revise the proposed WTG Ordinance after it was voted down in a referendum vote.
- The existing ordinance is woefully inadequate and does not consider the broad scope of the project and parameters that is proposed by DTE's special use application.