

**KEENE TOWNSHIP
IONIA COUNTY
PLANNING COMMISSION**

**RESOLUTION TO RECOMMEND TO TOWNSHIP BOARD ADOPTION OF
AN AMENDMENT TO THE ZONING ORDINANCE TO REGULATE WIND ENERGY
SYSTEMS PROJECTS**

At a meeting of the Planning Commission for the Township of Keene, Ionia County, Michigan, held on the ____ day of _____, 2025, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____ and seconded by _____.

WHEREAS, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended, authorizes a township board to adopt and amend zoning ordinances that regulate the use of land and structures within its zoning jurisdiction to meet the needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare; and

WHEREAS, the integration of Wind Energy Systems within the Township's existing land uses requires suitable regulations and controls to ensure compliance with the Township's Master Plan and for the protection of the health, safety, and welfare of all of the Township's residents; and

WHEREAS, Public Act 246 of 1945, MCL 41.181 *et seq.*, as amended, authorizes a township board to adopt and amend ordinances that regulate the public health, safety and general welfare of persons and property and to codify such ordinances; and

WHEREAS, the State of Michigan has adopted 2023 PA 233, which went into effect November 29, 2024, and makes substantial changes regarding how local governments may need to plan and/or zone for Wind Energy Systems, and

WHEREAS, the Township does not correctly have a “Compatible Renewable Energy Ordinance,” as defined by PA 233, regarding Wind Energy Systems, so would-be developers may proceed under PA 233 and eventually to the Michigan Public Service Commission for a siting certificate; and

WHEREAS, the Township desires to adopt a Compatible Renewable Energy Ordinance for Wind Energy Systems and maintain local control over siting to the fullest extent possible under the law; and

NOW, THEREFORE, the Planning Commission of the Township of Keene resolves as follows:

1. The Planning Commission has held a noticed public hearing and recommends that the Township Board adopt an ordinance to amend the Zoning Ordinance to amend the existing Wind Energy Systems ordinance and add a new section to regulate Wind Energy Systems in Accordance With PA 233 (the “Ordinance,” attached as **Exhibit A**).
2. The Ionia County Planning Commission has waived its rights to review rezoning or text amendments.
3. A copy of the Ordinance shall be available for examination posted at the Township Hall Notice Box and on the Township website at www.keenetownship.org.

4. Resolutions that conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I, the undersigned, the duly qualified and acting Planning Commission Secretary of the Township of Keene, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Planning Commission of said Township at a meeting held on the _____ day of _____, 2025.

Nancy Solomon, Planning Commission Secretary

EXHIBIT A

KEENE TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE COMMERCIAL WIND ENERGY SYSTEMS AND TO ADD A NEW SECTION IN ACCORDANCE WITH PA 233

The Township of Keene ordains:

Section 1. Repeal of Section 15.48 of Article XV of the Zoning Ordinance.

Section 15.48 of Article XV of the Zoning Ordinance is repealed in its entirety. (*prior wind/solar moratorium expired*)

Section 2. Amend Article XV, section 15.46 of the zoning ordinance as shown in red and strike-thru.

(CURRENT WIND ENERGY SYSTEM ORDINANCE)

Section 15.46 – Wind Energy Systems (WES)

Section 15.46.01 - Purpose

The purpose of this section is to establish standards and procedures by which the installation and operation of a Wind Energy System (WES) shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

Section 15.46.02 – Definitions

- A. Wind Energy System (WES) – shall mean any combination of the following:
1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 2. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 3. 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;
 4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 6. A windmill traditionally used to pump water shall not be considered a Wind Energy System.
- B. On Site Use Wind Energy System – A WES the purpose of which is to provide energy to the property where the 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.

- C. Single WES for Commercial Purposes – A single WES 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 WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- D. Wind Farm – Clusters of two or more WES 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 WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- E. Utility Grid Wind Energy Systems – A WES designed and constructed to provide electricity to the electric utility grid.
- F. Structure Mounted WES – A WES mounted or attached to an existing structure or building.
- G. Interconnected WES – A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
- H. WES Height – The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.
- I. WES Setback – The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
- J. Nacelle - In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
- K. Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
- L. 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 WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.
- M. Abandonment – The following standards are used to determine if a WES system is no longer in service.
 1. Utilities, such as water, gas and electricity to the property, have been disconnected.
 2. The property, structures, and grounds have fallen into disrepair.
 3. Signs or other indications of the existence of the use have been removed.
 4. Equipment or fixtures necessary for the operation of the use have been removed.
 5. The blades have not turned and have not been operational for over one year's time.
 6. The equipment has not generated any power for over ones year's time.

Section 15.46.03 - Personal, Farm, Business or Residential Wind Energy Systems Allowed as a Permitted Use.

- A. Any On Site Use Wind Energy System including structure mounted WES which are 75 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:
1. The height of the WES with the blade in vertical position shall not exceed 75 feet.
 2. A WES shall be set back from all lot lines a distance equal to 1.5 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front or side yard setbacks. A crank down type WES pole shall be set back from all lot lines equal to the height of the pole.
 3. A structure mounted WES shall have a distance from the nearest property line equal to the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position and blade arcs created by a WES 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. A zoning permit shall be required to be obtained from Keene Township to construct and operate an On Site Use WES 75 feet or less in total height. The WES shall comply with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions. The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and construction drawings shall be provided to the Township.
 5. An On Site Use WES 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 WES is located.

Section 15.46.04 — Commercial Utility Scale Wind Energy Systems Which Require a Special Use Permit

Any WES, including a structure mounted WES, which is greater than 75 feet in height, may be allowed as a Special Use within the AG, AR, ~~RR~~, CC, I ~~and PUD~~ Districts, subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Article XII (12) and site plan review of Article XIX (15) of this Zoning Ordinance. Commercial Wind Energy Systems, including poles, blades and related equipment are only permitted within the land area as shown on the map attached as Exhibit B, the Commercial Wind Energy Systems overlay area.

- A. Site Plan Requirements – For those WES for which a Special Use is required the following items shall be included with or on the site plan:
1. All requirements for a site plan contained in Article XIX herein including the area and dimensions of the area to be purchased or leased for the WES.
 2. Location, height and type 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 WES.
 3. Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.

4. Location of all existing and proposed overhead and underground electrical transmission or distribution lines located on the parcel(s) upon which the WES is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
 5. Rotor or blade clearance over and from any structure, adjoining property or tree on the parcel or parcels proposed for the WES and adjacent parcels.
 6. Land uses within 300 feet of the parcel.
 7. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the ~~drives~~ drives subject to Township review and approval.
 8. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
 9. Security measures proposed to prevent unauthorized trespass and access.
 10. Standard drawings of the structural components of the WES 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.
 11. Additional information as required by Article XII Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
 12. The Planning Commission may waive or modify the above requirements to properly review the project
 13. The Planning Commission may request various types of relevant impact studies.
- B. Height. - The height of a WES for which a Special Use is required shall be at the request of the applicant and subject to Township review and approval. ~~if it is determined that those items would not be needed determined by compliance with the requirements of this Section.~~
 - C. Setbacks. - A WES shall be set back from all lot lines a distance equal to 4.52.0 times the highest blade tip height of the WES to the property lot line ~~as measured from the lot line to the base of the tower~~ and no portion of the WES, including the guy wire anchors, shall be located within or above the required front or side yard setbacks. A reasonable setback shall be maintained from overhead electrical transmission and distribution lines.
 - D. Rotor or Blade Clearance. Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or existing tree heights or expected tree growth height.
 - E. Lighting - A WES shall provide lighting as may be required by the FAA.
 - F. Maintenance Program Required – The applicant shall provide a written description of the maintenance program to be used to maintain the WES including a maintenance schedule of types of maintenance tasks to be performed.
 - G. 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 WES becomes obsolete or abandoned.
 - H. Siting Standards and Visual Impact.
 1. A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.

2. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project. New types of WES may also be erected as systems change with future technology.

- ~~I.~~ I. Inspection – The Township shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times with permission of the property owner. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
- J. Insurance – The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval. A copy of the policy and its term length shall be provided to the Township.
- K. 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.
- L. Road damage – Any construction road damage shall be restored pursuant to the Ionia County Road Department regulations.

Section 15.46.05 - Standards for All WES: All WES shall comply with the following:

- A. Sound Pressure Level.
 1. Wind energy systems shall not exceed ~~55-40 dB (A)~~ DbA Lmax as measured at the property line closest to the WES. ~~This sound pressure level may be exceeded during short term events such as high or severe winds. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB(A) plus 5 dB(A).~~
 2. Utility Grid Systems and Wind Farms shall be subject to the requirements of Section A 1 above but the sound pressure level shall be measured at the property line closest to the WES 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.
- B. Shadow Flicker – The Planning Commission 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.
- C. Construction Codes, Interconnection Standards, Federal, State and Township Codes.
 1. All applicable state construction and electrical codes and local building permit requirements;
 2. Federal Aviation Administration requirements.
 3. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
 4. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
 5. Any State or Federal regulations regarding private landing strips in or adjacent to Keene Township
 6. The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.

D. Safety.

1. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
2. To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
 - a. Tower climbing apparatus shall not be located within ~~12~~18 feet of the ground.
 - b. A locked anti-climb device shall be installed and maintained.
 - c. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire on the top.
 - d. All WES shall have lightning protection.
 - e. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least 10 feet above the guy wire anchors
 - f. The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.

E. Signs.

1. Each WES 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:
 - a. The words "Warning: high voltage"
 - b. Emergency phone numbers.

2. Each WES shall have "no trespassing" signs on all fence sides.

~~23.~~ A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.

F. Electromagnetic Interference – WES shall be designed, constructed and operated so as not to cause radio, ~~and television, or other interference~~ electronic interference.

G. Maintenance - WES must be kept and maintained in good repair and operating condition at all times and shall not pose a potential safety hazard. Property access driveways shall be kept clear and maintained for emergency vehicles.

- H. All distribution lines from the WES to the electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES 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.
- I. A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road as long as there is an access easement.
- J. Evidence of acceptable range of any stray voltage must be provided.
- K. To reduce potential for negative impacts on wildlife resources, a written environmental assessment and impact study, conducted by a qualified professional, which must evaluate the impact of the proposed commercial WES on rare or endangered species, eagles, birds, wildlife, rare or endangered plant species and waterways. The study must be based on data from within a three mile radius of the Township's boundaries. Wind development sites that would fragment sensitive habitat areas like rivers, streams and wetlands should be avoided.
- L. A plan shall be submitted for resolving complaints from the public or other property owners concerning the construction and operation of the commercial wind energy system, which is subject to the Township's review and approval.
- M. Decommissioning - If a Commercial Wind Energy System is abandoned or otherwise non-operational for a period of 6 months, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Commercial Wind Energy System that is never fully completed or operational if construction has been halted for a period of 6 months.
- N. Extraordinary Events. If the Commercial Wind Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- O. Transferability. A special use permit for a Commercial Wind Energy System is transferable to a new owner. The new owner must register its name and business address with the Township within 30 days and must comply with this Ordinance and all approvals and conditions issued by the Township.
- P. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.
- Q. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
- a. Current proof of insurance;

b. Verification of financial security

c. A summary of all complaints, complaint resolutions, and extraordinary events.

Section 3 New Section. Section 15.46.06 is added to Article XV of the Zoning Ordinance to create a CREO section that meets PA 233 and reads in its entirety as follows:

Section 15.46.06 - Wind Energy Systems under PA 233

A On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to WES with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in Sections 15.46.01–15.46.05, these provisions control as to such WES. All provisions in Sections 15.46.01–15.46.05 that do not conflict with this Section remain in full force and effect. This Section does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to WES with a nameplate capacity of less than 100 megawatts.

1. Setbacks. WES must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied community buildings and dwellings on nonparticipating properties</u>	<u>2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure</u>
<u>Residences and other structures on participating properties</u>	<u>1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure</u>
<u>Nonparticipating property lines</u>	<u>1.1 times the maximum blade tip height</u>
<u>Public road right-of-way</u>	<u>1.1 times the maximum blade tip height to the center line of the public road right-of-way</u>
<u>Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings</u>	<u>1.1 times the maximum blade tip height to the center line of the easement containing the overhead line</u>

2. Shadow Flicker. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry-standard computer modeling.

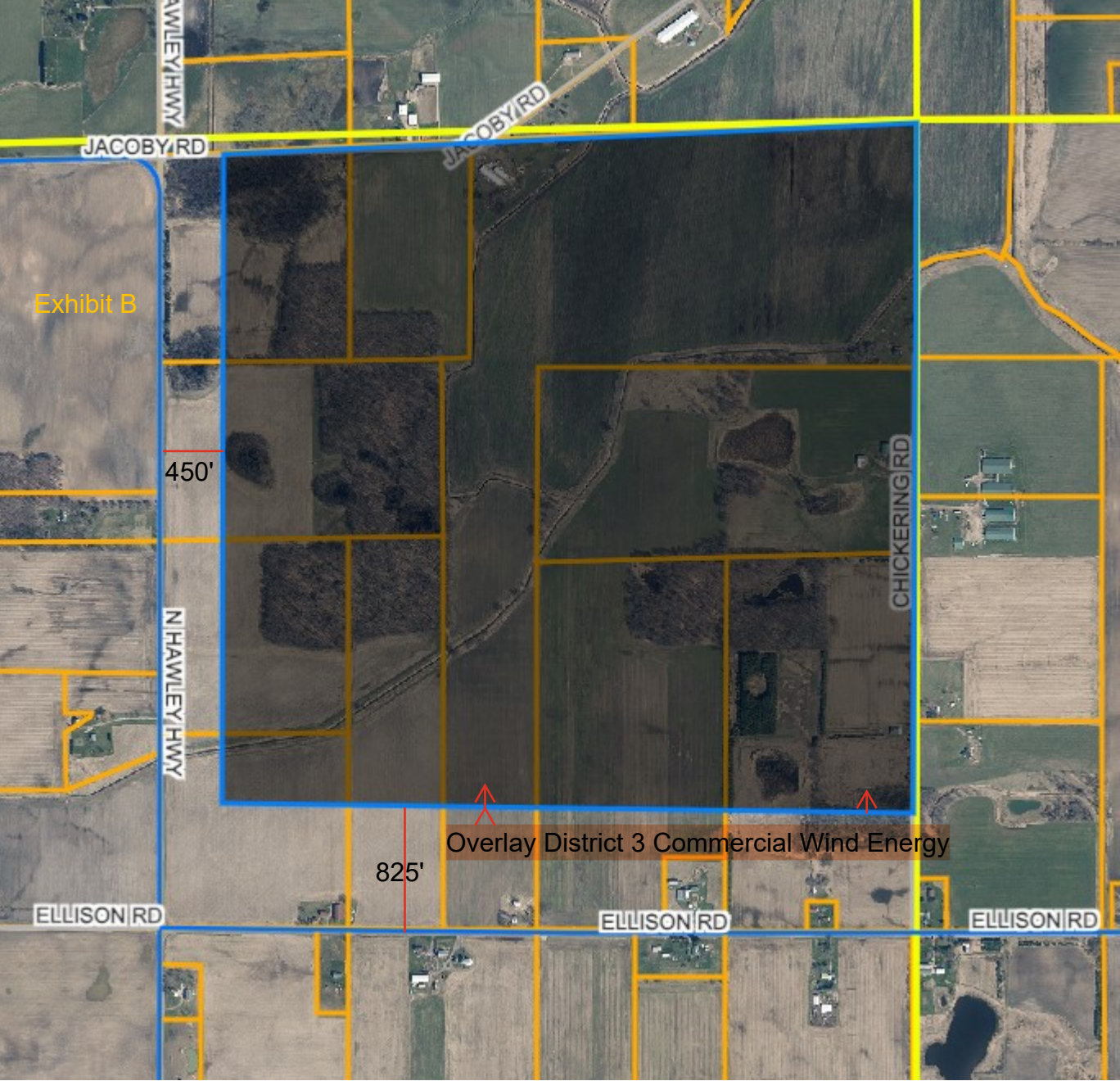
3. Height. Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

4. Noise. WES must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

5. Lighting. WES must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine

may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- a. The purpose of the exemption.
 - b. The proposed length of the exemption.
 - c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - d. The technical or economic reason a light-mitigating technology is not feasible.
 - e. Any other relevant information requested by the Township.
6. Radar Interference. WES must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.
 7. Environmental Regulations. WES must comply with applicable state or federal environmental regulations.
 - ~~4.8.~~ Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the WES owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.



N HAWLEY HWY

JACOBY RD

JACOBY RD

Exhibit B

450'

N HAWLEY HWY

CHICKERING RD

Overlay District 3 Commercial Wind Energy

825'

ELLISON RD

ELLISON RD

ELLISON RD

Section 4: Validity and Severability. If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer: All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date: This Ordinance takes effect seven (7) days after notice of its adoption is published.

ADOPTED:

Yeas: _____

Nays: _____

Abstain _____

Absent _____

STATE OF MICHIGAN)

) ss

COUNTY OF IONIA)

I, Holli Melton, the undersigned, the duly elected Clerk of Keene Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this _____ day of _____, 2025. Further, I certify I caused the same to be published in the Sentinel Standard, Ionia, Michigan, within fifteen (15) days after adoption by the Township Board of the Township of Keene.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2025.

Holli Melton

Keene Township Clerk