

IDA TOWNSHIP

ORDINANCE NO. 127-24

AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING WIND ENERGY CONVERSION SYSTEMS IN ACCORDANCE WITH PA 233 OF 2023

The Township of Ida ordains:

Section 1. Purpose.

The purpose of this Ordinance is to render certain wind energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”) while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety, and welfare of Township residents.

Section 2. Amendment to Section 6.51 of the Zoning Ordinance.

A new subsection G is added Section 6.51 of the Ida Township Zoning Ordinance and reads in its entirety as follows:

- G. WECS Under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to WECS with a nameplate capacity of 100 megawatts or more. WECS with a nameplate capacity of 100 megawatts or more shall only be permitted as a special land use in the REO District.

To the extent the following provisions conflict with the provisions in Sections 6.51(A)-(F), these provisions control as to WECS with a nameplate capacity of 100 megawatts or more. All provisions in Sections 6.51(A)-(F) that do not conflict with this subsection G remain in full force and effect and shall be applicable to all WECS regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to WECS with a nameplate capacity of less than 100 megawatts.

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

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height

Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

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. The WECS 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. The WECS 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. The WECS must meet any standards concerning radar interference, lighting (subject to subparagraph 5), or other relevant issues as determined by the Township.
7. Environmental Regulations. The WECS must comply with applicable state or federal environmental regulations.

8. Host Community Agreement. The applicant for a special land use permit for a WECS shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the WECS 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.

Section 3. 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 4. 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 5. Effective Date.

This Ordinance takes effect 7 days after a notice of its adoption is published.