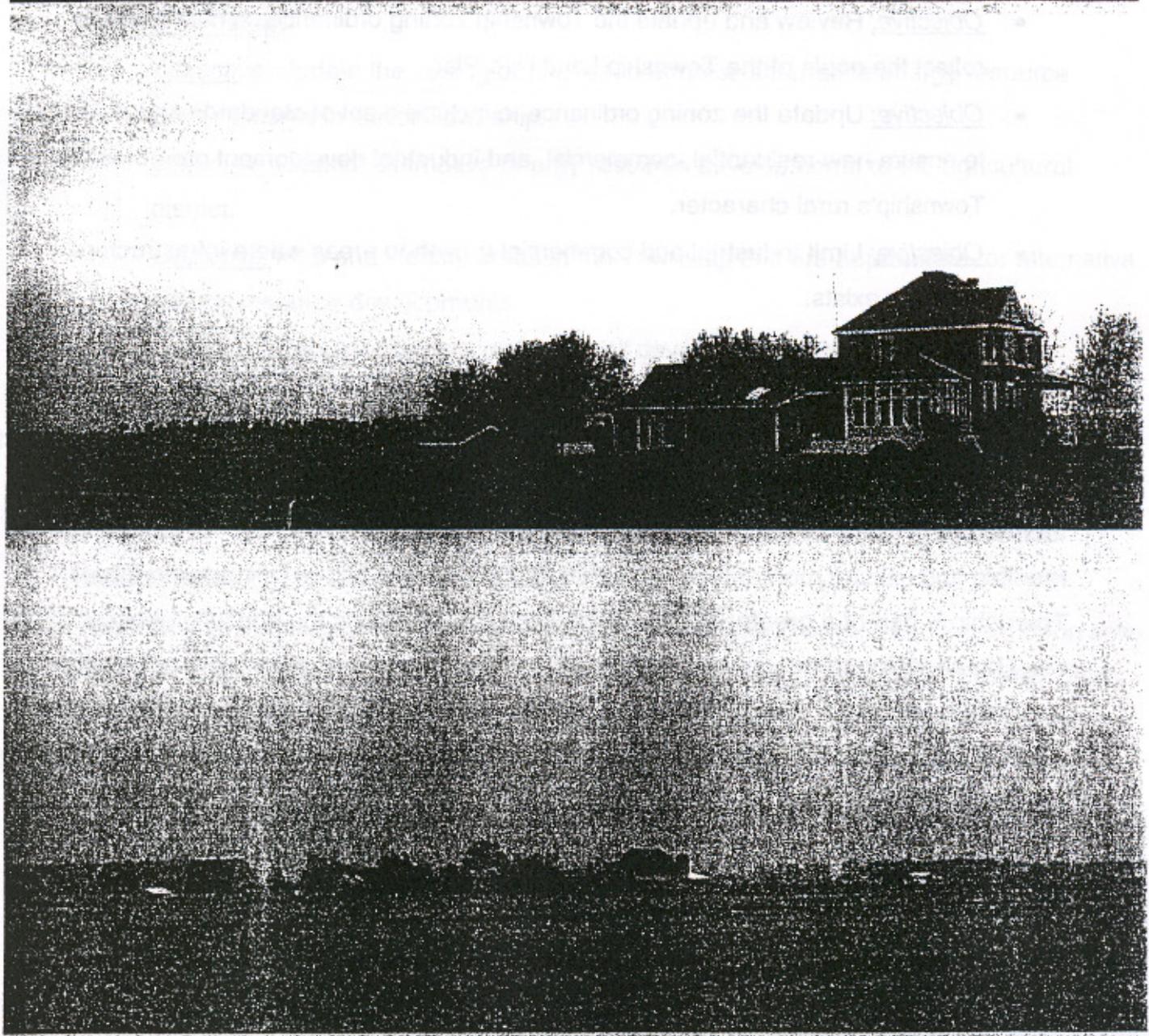


OLIVER TOWNSHIP

Land Use Plan 2005



Spicer Group, Inc.

230 South Washington Avenue - Saginaw - Michigan - 48607

- Objective: Encourage site design that protects the existing terrain, preserves significant vegetation, and maintains the health of the Pinnebog River.

Goal: Preserve the rural atmosphere of the community.

- Objective: Review and update the Township zoning ordinance as necessary to reflect the goals of the Township Land Use Plan.
- Objective: Update the zoning ordinance to include a set of standards and guidelines to ensure new residential, commercial, and industrial development promotes the Township's rural character.
- Objective: Limit industrial and commercial growth to areas where infrastructure currently exists.

Agricultural Land Use

The people of Oliver Township believe that agriculture is important to the local economy. It is a stable and sustainable industry for the Township. With modern advances and new technologies, value-added agriculture and alternative energy resources are becoming feasible and gaining momentum. The food and fiber produced on the farms in Oliver Township is part of a greater regional landscape that connects the agricultural economy of the Thumb region to the consumers of Michigan and the Great Lakes region. To ensure agriculture remains a viable and growing force in the Township, the pursuit of innovative value-added agriculture industries and the development of alternative energy resources are encouraged.

Goal: Encourage the preservation of agricultural land and open space.

- Objective: Revise the zoning ordinance to allow for a diverse range of agricultural-related commercial and industrial operations.
- Objective: Review zoning ordinance to determine if allowed minimum lot sizes are appropriate.
- Objective: Investigate the use of an open space preservation ordinance.

- *Objective:* Develop land division regulations in the Township that discourage the fragmentation of viable agricultural lands.

Goal: Investigate the appropriateness of developing alternative energy resources in Oliver Township.

- *Objective:* Update the zoning ordinance to address alternative energy resource developments in Oliver Township.
- *Objective:* Restrict alternative energy resource developments to the agricultural district.
- *Objective:* Map and identify areas in the Township that are appropriate for alternative energy resource developments.
- *Objective:* Require site plan review for all developments proposing alternative energy resource facilities.
- *Objective:* Work with Huron County officials to understand issues related to the development of the countywide overlay policy for wind energy conversion facilities.

Residential Land Uses

Oliver Township residents and officials recognize that future growth is contingent upon new economic development. To encourage new residential development, the Township wants to promote a number of diverse ways to develop new housing. As such, there are now three different residential land use categories to allow varying densities, broadly following a transition from greater density near Elkton to lower densities throughout the Township.

Goal: Promote and maintain a quality housing stock.

- *Objective:* Enforce building and zoning codes consistently throughout the Township.
- *Objective:* Maintain an inventory of all nonconforming uses and structures throughout the Township.
- *Objective:* Update the zoning ordinance to allow certain permitted home occupations while addressing the impacts generated by such uses.

Section 6.4 – AP Agricultural Preservation District

INTENT & PURPOSE

To contain those areas of the Township where it is necessary and desirable because of the high quality of the soils, availability of water, and/or highly productive agricultural capability, to preserve, promote, maintain and enhance the use of the land for agricultural purposes and to protect such land from encroachment by nonagricultural uses, structures or activities. The Agricultural Preservation District also supports alternative energy activities.

PRINCIPAL USES

- a. Commercial agriculture and horticulture
- b. Greenhouses or nurseries
- c. Farm buildings
- d. On-site use wind energy systems and related wind site assessment devices, subject to the conditions described below in Special Requirements.
- e. Farm drainage and irrigation systems.
- f. Forest Industries
- g. One farm dwelling per farm
- h. Where the principal use of the premises is for farming, one dwelling, in addition to farm dwellings, may be erected on the premises for hired persons employed on the farm, or for the use of persons directly related to the owners of the farm, but said additional dwelling shall comply with minimum setback, side yard and backyard requirements as set forth in this Section.
- i. Single-family dwellings subject to the following:
 1. Each dwelling shall be located on a lot of record containing a minimum of one acre of land with a minimum frontage on an existing public road of 200 feet. On a corner lot, at least one side of the lot must have 200 feet of road frontage, which side shall be deemed the front lot line.
 2. Each dwelling unit shall be set back as follows:
 - a) 100 feet from the center line of the road adjacent to the front of the lot.
 - b) 75 feet from the side lot lines.
 - c) 10 feet from the rear lot line.

- d) Accessory buildings placed in the side yard must be set back 20 feet from the side lot line and 10 feet from the rear lot line.
3. There shall be a minimum of 400 feet between dwellings. That distance shall be measured from the point on the foundation nearest to the side lot line to a point on the foundation of the adjacent dwelling nearest to its side lot line.
 4. The driveway serving the parcel shall be separated from adjacent driveways on the same side of the road by the following distances:
 - a) Local road – 100 feet.
 - b) County primary – 300 feet.
 - c) State trunkline – 500 feet.
 - d) Minimum distance from the intersection of an two roads – 100 feet
- j. Home Occupations – as defined.
 - k. Utility installations such as electric substations, gas regulator stations, water or sewage pumping stations (including storage yards) when operating requirements necessitate the locating of said installations within the district.
 - l. Publicly owned and operated libraries, parks, parkways and recreational facilities.

ACCESSORY USES

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures and includes, private garages, playhouses, and swimming pools and storage buildings appurtenant to single family dwellings and landscaping items. Accessory agricultural buildings or structures shall not be located closer than 50 feet to any property line fronting a public thoroughfare.

SPECIAL NOTES

Non-farm structures and uses, shall be separated at least 500' from all farm buildings.

SPECIAL PERMIT USES

- a. Outdoor recreation areas
- b. Churches, cemeteries, airports & airstrips, schools, local government-owned facilities for the maintenance of roads and highways
- c. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of

horses; commercial hunting and trapping; the operation of game reservations roadside stand or the sale of agricultural produce grown on the site

- d. Horseback riding, hiking, ski (cross country) and snow mobile trails
- e. Extractive Industries – see “special requirements” this section
- f. Feedlots and poultry facilities.
- g. Utility grid wind energy systems and related wind site assessment devices

SPECIAL REQUIREMENTS

Extractive Industry Requirements:

- A. **Height Requirements:** Buildings and appurtenances, such as mechanical equipment, stacks, and towers, are subject to such height requirements as stipulates by the Oliver Township Planning Commission.
- B. **Performance Standards:** All uses shall conform to the Performance Standards for industry contained in Section 6.7.1 of this Ordinance.
- C. **Site Rehabilitation Requirements:** All excavated overburden or other materials and structure extending above the natural surface (the surface of the ground existing prior to commencement of operation) shall be leveled or removed, and the surface of the entire tract restored to a usable condition for development or agriculture. The excavated area shall be graded so that no gradients in disturbed earth, shall be steeper than one (1) foot of rise in three (3) feet of horizontal distance. The area so graded shall be seeded with an appropriate grass type to minimize soil erosion.
- D. **Mining Operations Plan Map:** All activities undertaken must comply with a general Mining Operations Plan which must be submitted at the time of Site Permit Application. This plan must include the proposals and timetables for reclamation of the mining area. Site plan review, pursuant to Section 5.7, is required.

On-site Use Wind Energy System Requirements:

- A. An on-site use wind energy system is intended to primarily serve the needs of the consumer. An on-site use wind energy system with a tip height of 45 meters (150 feet) or higher shall be considered a utility grid wind energy system for siting purposes.
- B. Anemometer towers more than 20 meters (66 feet) in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system must conform to the Oliver Township zoning ordinance.
- C. Prior to the installation of an On Site Use wind energy system, an application for a Site Permit shall be filed with the Zoning Administrator that will include:
 - 1. Applicant identification
 - 2. A site plan
 - 3. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met

4. Proof of the applicant's public liability insurance.

Prior to the installation of an anemometer tower more than 20 meters (66 feet) in height, a Site Permit shall be filed with the Oliver Township Zoning Administrator that will include:

1. Applicant identification
2. A site plan
3. A copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment
4. Proof of the applicant's public liability insurance.

D. On-Site Wind Energy Systems Site Permit Application

1. An on-site wind energy system is designed and intended to primarily serve the needs of the consumer. Prior to the installation of an on-site wind energy system, an application for a Site Permit must be filed and subsequently approved by the Oliver Township Zoning Administrator and shall include the following:
 - b. Applicant Identification: Applicant name, address, and contact information.
 - c. Project Description: A general description of the proposed project including a legal description of the property on which the project would be located.
 - d. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements are described in Section 3.8.
 - e. Insurance: Proof of the applicant's public liability insurance.
 - f. Consent Documents: Copies of any written waivers from neighboring property owners.
 - g. Sound Pressure Level: Copy of the modeling and analysis report.
 - h. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.

E. An On-site wind energy system shall meet the following standards and requirements:

1. Property Setback
 - a. The distance between an on-site use wind energy system and the owner's property lines shall be at least 1.5 times the height of the wind energy

- system tower including the top of the blade in its vertical position (tip height).
- b. The distance between an anemometer (met) tower and the owner's property lines shall be at least 1.5 times the height of the tower.
 - c. Exceptions for neighboring property are allowed with the written consent of those property owners. Written consent letters must be submitted at the time of the Site Permit.
 - d. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
2. Other Required Setbacks
- a. The distance between an on-site use wind energy system and a road or a public right-of-way shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position (tip height).
 - b. The distance between an anemometer (met) tower and a road or a public right-of-way shall be at least 1.5 times the height of the tower.
 - c. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to a road or a public right-of-way.
3. Sound Pressure Level
- a. On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system.
 - b. Exceptions for neighboring property are allowed with the written consent of those property owners.
 - c. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
4. Construction Codes, Towers, & Interconnection Standards
- a. On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements
 - b. On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
 - c. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid systems are exempt from this requirement.
5. Safety
- a. An on-site use wind energy system shall have a governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - b. All wind towers shall have lightning protection.
 - c. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

- d. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

LOT – BUILDING – YARD REQUIREMENTS

		MINIMUM	MAXIMUM
LOT	AREA	-	-
	WIDTH	-	-
	COVERING	-	-
BLDG	WEIGHT	-	-
	STORIES	-	-
	AREA	-	-
YARD	FRONT	50' Rowl	-
	SIDE	-	-
	REAR	-	-

SPECIAL NOTES

All other uses and structures which are not specifically permitted by right or by Special Use shall be permitted by right or by Special Permit Use shall be prohibited in the AP (Agricultural Preservation District).

Lot – Bldg. – Yard Requirements: For Special Permit Uses:

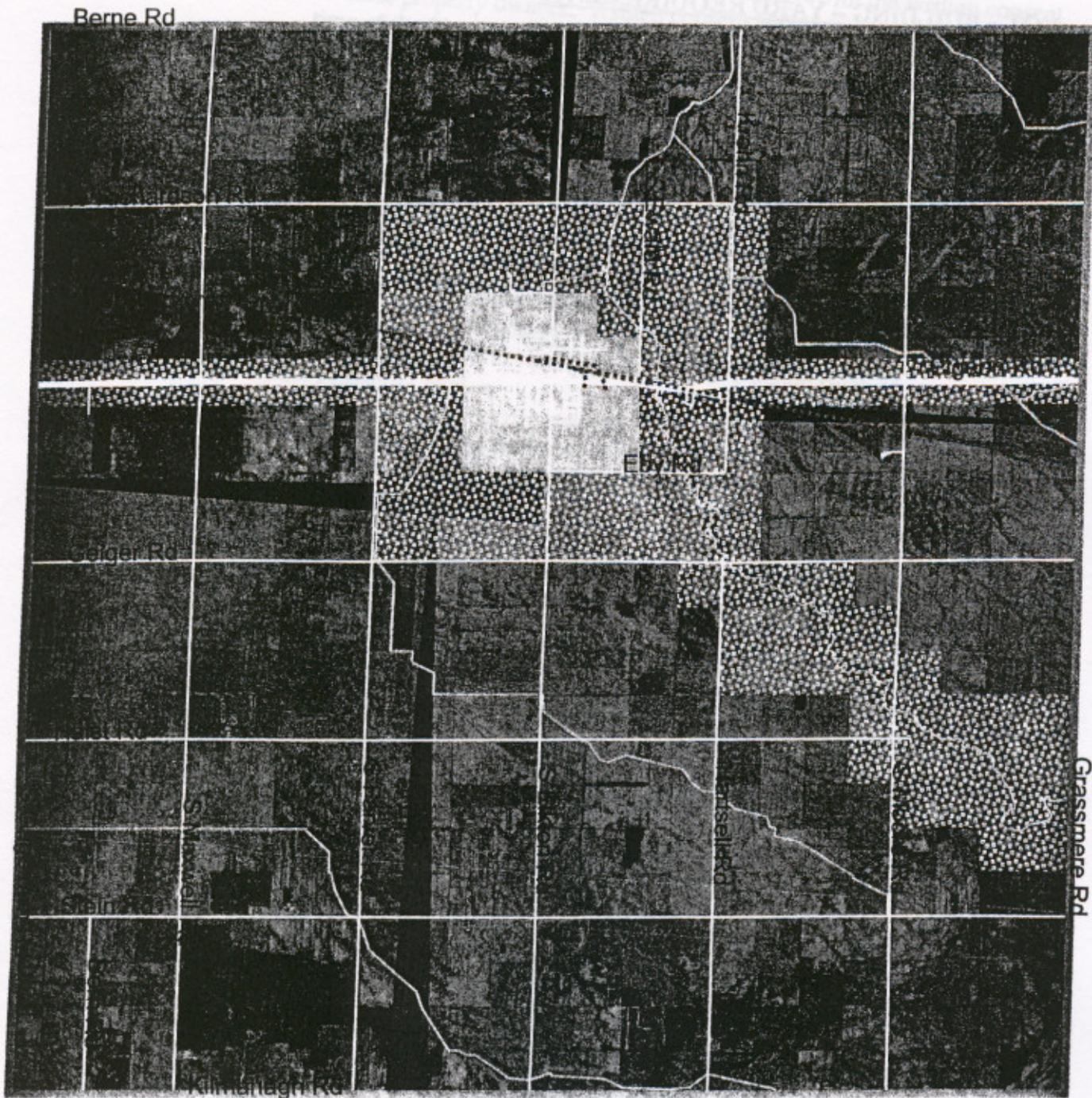
Min. lot 1 acre – Maximum lot – 5 acres

Min lot width – 200'

Yards – Front 90' CLR or 50' Rowl

Side 15' Rear 50'

Oliver Township Utility Grid Wind Energy Exclusion Zone



Utility Grid Wind Energy Exclusion Zone

Article VII - Supplementary Provisions
Amendments approved by Planning Commission 3/23/06

Article V – Special Use Permits

Section 5.1 Intent & Purpose: It is the intent and purpose of these provisions for the granting of special use permits to provide for flexibility in each zoning district for uses which when properly treated will be compatible with the permitted uses in the district. In this regard the following provisions are established which specify the location of the special uses permitted for consideration the body responsible for the special use permit decisions, the standards and supporting documentation for decision and the review and other procedures necessary to review and decisions.

Section 5.2 Approving Body. In the administering of review and the decision required thereon, including the granting of an approval for the issuance of a special use permit, the Planning Commission is hereby designated, authorized and responsible for the provisions of this Article of this Zoning Ordinance.

Section 5.3 Uses & Districts. The uses subject to and permitted in a district are listed in Article VI, Section 6.4 through Section 6.7 inclusive. Only those special uses specifically identified on the District sheet may be considered by the Planning Commission for inclusion in the District in which the lot, plat or parcel is located. From Section 6.4, the Agricultural Preservation District, on-site use wind energy systems and utility grid wind energy systems have additional specific requirements which are detailed below in Section 5.7.

Section 5.4 Notification Process. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 nor more than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than one dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (a) Describe the nature of the special land use request.
- (b) Indicate the property which is subject of the special land use request.
- (c) State when and where the special land use request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

- (e) Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special use.

Section 5.5 Hearing Requirement Conditions.

At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization, or property owner, or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification, as provided in subsection 5.4, shall be held before a decision is made on the special land use request. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request, has been made as required by this section.

Section 5.6 General Requirements and Standards. Before the granting of a Special Use Permit, the Planning Commission shall, at a minimum, consider and provide written findings that the proposed use satisfies the applicable conditions; as follows:

- A. Whether the proposed development is in general agreement with a Land Use Plan which includes the unincorporated portions of Oliver Township.
- B. Whether the proposed development meets all the design standards of the zoning ordinance and other applicable local codes, regulations, or ordinances.
- C. Whether the density or use characteristics of the proposed development are detrimental or could be considered to be significantly detrimental to adjacent properties and land uses.
- D. Whether the proposed development would place an extreme burden on or lead to the need for community services and facilities in the township.
- E. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.
- F. Whether the character of the proposed development is in keeping with the existing or planned uses of the area.
- G. Whether or not the following conditions are met in an AP District:
 - 1. Non farm structures shall be located on separately described parcels, excluding alternative energy sources.

2. The use shall not be one to which the noise, odor, dust, or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass.
 3. All agricultural service establishments shall be located at least 250 feet from any driveway affecting access to a farm dwelling or field and at least 500 feet from any single family dwelling.
 4. All agricultural service establishments shall be screened on the perimeter of the establishment by a solid fence, wall, or natural vegetation not less than 8 feet in height.
 5. An agricultural service establishments shall be incidental and necessary to the conduct of agriculture within the district.
 6. Public utility and service structures shall be located and constructed at such places and in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment including crop-spraying aircraft.
- H. That if a Special Use Permit request does not meet the above criteria, the Planning Commission may require changes or modifications in the proposed special use to achieve conformity with community standards.

Section 5.7 Utility Grid Wind Energy Systems Requirements and Standards.

A. Wind Site Assessment for Utility Grid Wind Energy Systems

1. Prior to construction of a utility grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer ("Met") towers shall be considered a special use.
2. Prior to the installation of the tower, an application for a Site Permit and a Special Land Use permit shall be filed with the Oliver Township Planning Commission that will include:
 - a. Applicant identification
 - b. Site plan
 - c. Copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment
 - d. Proof of the applicant's public liability insurance
3. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of

the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are allowed with the written consent of those property owners.

B. Utility Grid Wind Energy Systems Special Use Permit Application

1. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid. Prior to the installation of a utility grid wind energy system, an application for a Site Permit and a Special Use permit must be filed and subsequently approved by the Oliver Township Planning Commission and shall include the following:
 - a. Applicant Identification: Applicant name, address, and contact information.
 - b. Project Description: A general description of the proposed project including a legal description of the property on which the project would be located.
 - c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements are described in Section 3.8.
 - d. Engineering Data: Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet.
 - e. Maintenance Schedule: Anticipated construction schedule, and description of operations, including anticipated regular and unscheduled maintenance.
 - f. Insurance: Proof of the applicant's public liability insurance.
 - g. Consent Documents: Copies of any written waivers from neighboring property owners.
 - h. Sound Pressure Level: Copy of the modeling and analysis report.
 - i. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
 - j. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 - k. Environmental Impact: Copy of the Environmental Impact analysis.

- l. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- m. Shadow Flicker: Copy of the Shadow Flicker analysis.
- n. Manufacturers' Material Safety Data Sheet: Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- o. Decommissioning: Copy of the decommissioning plan.
- p. Complaint Resolution: Description of the complaint resolution process.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

C. The Utility Grid wind energy system project shall meet the following standards and requirements:

1. Utility Grid Wind Energy Exclusion Zone: All proposed utility grid wind energy systems are subject to the Exclusion Zone, as described in Section 7.9 of Article VII.
2. Property Setback:
 - a. The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties, including public rights-of-ways and roads, shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position, measured from the centerline of the base of the wind energy tower to the property line, right-of-way, or road.
 - b. The distance between a Utility Grid wind energy system and internal property lines shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position.
 - c. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
 - d. SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower.
 - e. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.
 - f. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.
 - g. Exceptions for neighboring property or public rights of way are allowed with the written consent of those property owners. Written consent letters must be submitted at the time of hearing.

3. Other Required Setbacks:

- a. The distance between a Utility Grid wind energy system and a habitable structure on a non-leased property shall be at least 1,320 feet, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure.
- b. The distance between a Utility Grid wind energy system and a habitable structure on a leased property shall be at least 1,000 feet, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure. Exceptions for neighboring property owners are allowed with the written consent of those property owners. In these cases, the distance between a Utility Grid wind energy system and a habitable structure on a leased property shall be one of the following distances, whichever is greater:
 - i. At least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure, or
 - ii. 660 feet from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure.

Written consent letters must be submitted at the time of hearing.

- c. Turbine/tower separation shall be based on: Industry standards, manufacturer recommendation, and the characteristics of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the rotor diameter, and Utility Grid wind energy system shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the applicant confirming specifications for turbine/tower separation.

4. Sound Pressure Level:

- a. The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. Exceptions to this requirement are allowed with the written consent of property owners. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- b. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels.
- c. Modeling and analysis shall conform to IEC 61400 and ISO 9613.
- d. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18.

All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.

- e. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days after construction is completed on the wind energy system project.

5. Construction Codes, Towers, and Interconnection Standards:

- a. Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
- b. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
- c. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- d. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

6. Safety:

- a. All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
- c. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- d. The minimum vertical blade tip clearance from grade shall be 35 feet for a wind energy system employing a horizontal axis rotor.

7. Visual Impact:

- a. Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
- b. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.

- c. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
- d. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the comprehensive plan.

8. Environmental Impact:

- a. The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- c. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system. In addition, the applicant shall submit to the Township and the appropriate Huron County office(s):
 - i. A description of the routes to be used by construction and delivery vehicles
 - ii. Any road improvements that will be necessary in Oliver Township to accommodate construction vehicles, equipment or other deliveries
 - iii. An agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid wind energy system

9. Avian and Wildlife Impact:

- a. The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- b. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

10. Electromagnetic Interference:

- a. No Utility Grid wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to the level present before operation of the wind energy system.
- b. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

11. Shadow Flicker:

- a. The applicant shall conduct an analysis on potential shadow flicker at occupied structures.
- b. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year.
- c. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

12. Decommissioning:

- a. The applicant shall submit a decommissioning plan. The plan shall include:
- b. The anticipated life of the project
- c. The estimated decommissioning costs net of salvage value in current dollars
- d. The method of ensuring that funds will be available for decommissioning and restoration
- e. The anticipated manner in which the project will be decommissioned and the site restored.

13. Storage of Equipment: All materials and equipment associated with construction and maintenance of a Utility Grid wind energy system shall be stored in an enclosed structure designated for the purposes of storing said equipment.

14. Complaint Resolution:

- a. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project.
- b. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint.
- c. The process shall not preclude the local government from acting on a complaint.
- d. During construction the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

Section 5.8 Application Requirements. In order to obtain a better idea of the proposed development, the Planning Commission requires the submission of three (3) copies of a sketch plan which illustrates the general use, character, and impact of a proposed use. Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission in whole or in part:

- A. The date, north arrow, and scale. The scale shall be not less than 1" = 20' for property three (3) acres or less and at least 1" = 100' for those of three (3) acres or more.
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines from the centerline of all streets.
- C. The location and dimensions of all existing and proposed structures on and within 100' of the subject property's boundary.
- D. The location and dimensions of all existing and proposed drives, signs, exterior lighting, parking areas, unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.

- E. The location and road width, or right of way width of all abutting roads, streets, or easements.
- F. If applicable, the name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of his professional seal).
- G. The names and address of the property owner of petitioner.
- H. A locational sketch drawn to scale.
- I. Properties and respective zoning abutting the subject property.
- J. The location of all landscaping and the location, height, and type of fences and walls.
- K. Summary schedules and views should be affixed as applicable in residential developments, relative to its nature and density.
- L. The location and size of all surface water drainage facilities.

Section 5.9 Administrative Procedures and Requirements.

1. Submission and Approval. The Site Plan, including required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent in eight (8) copies. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve subject to conditions, the subject Site Plan in accordance with purpose of this Ordinance.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may, as it deems necessary to promote the purpose of this Ordinance, require landscaping, walls, fences, drives, and other improvements. When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission. One of these two (2) approved copies shall be kept on file by the Township Clerk, and the other approved copy shall be returned to the petitioner or his designated representative.

The site plan review process is further described in Section 3.8 of the Oliver Township Zoning Ordinance.

2. Plat Requirements. In those instances in which Act 288, Public Acts of 1967, as amended, the Subdivision Control Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plat to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts, and ordinances. Such plats shall remain in conformance with the approved Site Plan, unless specifically waived by the Planning Commission.
3. Administrative Fee. Fees for site plan review and the issuance of site permits shall be made to the Oliver Township Treasurer in advance of formal site plan review and the issuance of the site permit. Such fees, including fees to be deposited in an escrow account, are necessary to pay for professional services related to site plan review, engineering reviews, and staffing planning commission meetings. The fee schedule is adopted and adjusted annually by the Township Board and can be updated periodically throughout the year. See Section 3.5 for more information on required fees for site plan review.
4. Performance Guarantee. To insure compliance with the provisions of this section and any conditions imposed, there-under, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The Township may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
5. Revocation. When the construction of a building or creation or use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action, its original Special Use Permit by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time he shall so notify the Planning Commission who may then by official action, defer revocation.