



AgD Policy Document

Wind Turbines on Land Subject to a Farmland Development Rights Agreement (P.A. 116)

UPDATED BY: Chip Kraus
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Scope

Wind turbines may be placed on land currently enrolled in the P.A. 116 Program, provided specific conditions are met. Options are available for personal wind turbine ownership, secondary-party wind turbine ownership, and withdrawal of the land from P.A. 116 for public utilities.

1) Personal Wind Turbine Ownership

A wind turbine for personal use by the farmer or by an “individual essential to the operation of the farm”, as defined in MCL 324.36110(5), may be placed on farmland already enrolled in P.A. 116. The wind turbine would be considered part of the farming operation and permitted as such. A wind turbine is for personal use if the installation and operation meets any of the following three conditions:

- a. The wind turbine is not connected to the public utility system and produces energy solely for use on the farm; or
- b. The landowner maintains a valid interconnection agreement with a participating public utility, but the primary use of the turbine is for self-service power, as defined in MCL 460.10a(13); or
- c. The landowner maintains a valid interconnection agreement with a participating utility, and the landowner is participating in a net metering program that is approved by the Michigan Public Service Commission.

2) Secondary-Party Wind Turbine Ownership

Wind turbines may be placed on enrolled land by persons other than the landowner via an easement or lease, if all of the following four conditions are met (MCL 324.36104(7)(c):

- a. The wind turbine must be placed by a public utility or the turbine owner must maintain a valid interconnect agreement with a public utility to connect to the public utility system; and
- b. The Michigan Department of Agriculture and Rural Development determines the location of the facility and ground changing features associated with the wind generator do not substantially hinder the farming operation; and
- c. The facility and placement of the wind turbine does not substantially hinder farm operations and must be approved by the unit of government having zoning authority; and
- d. The landowner/P.A. 116 agreement holder must agree with the placement of the facility.

3) **Withdrawal**

The land being used for a substation or other structure related to wind energy generation may be removed due to public interest if all of the conditions in MCL 324.36111a(1)(b) are met.

For purposes of processing requests for partial or full terminations under MCL

324.36111a(1)(b), “public body” means:

- a. An agency, board, commission, or council in the legislative branch of the state government.
- b. A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.
- c. Any other body which is created by state or local authority, or which is primarily funded by or through state or local authority.
- d. Private retail energy producers that are regulated by the Michigan Public Service Commission for the generation, movement, and maintenance of the electrical grid for the public’s use.

The landowner will be required to submit a request for removal of the land from the P.A. 116 Program to the local unit of government having zoning authority. The request will need to be approved by both the local government and the Michigan Department of Agriculture and Rural Development. If approved, the portion of the last seven years of P.A. 116 tax credits attributable to the parcel being released have been repaid to the State of Michigan.