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DRAFT

Michigan Wind Energy System Siting Guidelines Draft #8

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INTRODUCTION

These guidelines have been developed by the Energy Office, Michigan Dept. of Labor and Economic Growth to assist local governments to develop siting requirements for wind energy systems. These guidelines are not intended to apply in urban areas that already have height, noise, setback and other requirements that can be applied to wind energy systems. These guidelines have been developed with the intention of striking an appropriate balance between the need for clean, renewable energy resources and the necessity to protect the public health, safety, and welfare. The guidelines represent recommended zoning language for local governments to use if they amend their zoning ordinance to address wind energy systems. The Energy Office, DLEG has no authority to issue regulations related to siting wind energy systems.

Electricity generation is responsible for 36% of carbon dioxide pollution, 64% of sulfur dioxide pollution, 26% of nitrogen oxide pollution, and 34% of mercury pollution in the U.S. Electricity generation from clean, renewable energy resources will reduce air pollution, increase the fuel diversity of our electric system, save natural resources, and provide a hedge against increases in the price of fossil fuels used for electric generation.

Different requirements are recommended for On Site Use (generally small) and Utility Grid (generally large) wind energy systems. On Site Use wind energy systems are sized to primarily serve the needs of a home, farm, or small business. Usually there is a single turbine – in contrast to a large, utility-scale wind farm that may include dozens or even hundreds of turbines. Utility Grid wind energy systems are sized to provide power to wholesale or retail customers using the electric utility transmission and distribution grid to transport and deliver the wind generated electricity. On Site Use wind energy systems can have towers up to 40 meters and Utility Grid wind energy systems can have towers up to 90 meters. It is suggested that an On Site Use wind energy system with a tower 50 meters or higher should be considered a Utility Grid system for purposes of siting.

The guidelines have been developed with input from members of the Michigan Wind Working Group. The members of the Michigan Wind Working Group have not endorsed these guidelines. Professor Robert Fletcher, Ph.D. and Daniel Alberts, graduate student from Lawrence Technological University helped in the development of these guidelines by providing briefings on technical issues related to siting. Mr. Alberts also helped by conducting a modified Delphi study related to

wind energy siting issues. The final report for the Delphi study process can be found at

http://www.ltu.edu/engineering/mechanical/delphi_wind.asp.

Comments or questions are welcome and should be directed to John Sarver, Energy Office at 517-241-6280 or jhsarve@michigan.gov.

RECOMMENDED LANGUAGE FOR LOCAL ZONING ORDINANCES

A. Definitions

1. Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L_{90} .
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
6. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
7. On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.
8. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
9. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
10. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
11. Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower.

- B. On Site Use Wind Energy Systems: 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 tower 50 meters or higher shall be considered a Utility Grid wind energy system for siting purposes. On Site Use wind energy systems shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers less than 50 meters in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Permitted Use.

Commentary: Another way to differentiate between On Site Use and Utility Grid wind energy systems is size of the generators. Early drafts of the siting guidelines made a distinction between a small wind energy system which has a rated capacity

of not more than 300 kW and a large wind energy system greater than 300 kW. It was decided that use rather than size was a better way to classify wind energy systems for siting purposes.

1. Property Set-back: The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. Exceptions for neighboring property are allowed with the written consent of those property owners. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.

Commentary: The property set-back requirement is designed to protect neighbors in the unlikely event of a tower failure.

2. Sound Pressure Level: On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. Exceptions for neighboring property are allowed with the written consent of those property owners. 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).

Commentary: Normal conversation is in the range of 50-65 dB(A). There is more commentary under the Grid Utility section of this document.

3. Construction Codes, Towers, & Interconnection Standards: On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. 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. 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.
4. Safety: An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. 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. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Commentary: Safety issues are addressed by reference to state construction and electrical codes and federal and state requirements related to towers. Safety issues are also addressed by provisions related to property set-backs, lowest point of blade, wind energy system controls, lightning protection, guy wire visibility, and interconnection standards.

C. Wind Site Assessment for Utility Grid Wind Energy Systems: 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 Land Use. Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government 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, and 4) proof of the applicant’s public liability insurance. 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.

D. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:

Commentary: Utility Grid wind energy systems may be treated as Special Land Uses under local zoning ordinances. Zoning Boards may also decide to enter into a “Development Agreement” with a wind energy company that also incorporates suitable conditions or may draw up a “Wind Overlay Zone” as an addition to or amendment of their existing zoning ordinances.

1. Applicant Identification: Applicant name, address, and contact information.
2. Project Description: A general description of the proposed project including a legal description of the property on which the project would be located.
3. 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.
4. Insurance: Proof of the applicant’s public liability insurance.

5. Consent Documents: Copies of any written waivers from neighboring property owners.
6. Sound Pressure Level: Copy of the modeling and analysis report.
7. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
8. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
9. Environmental Impact: Copy of the Environmental Impact analysis.
10. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
11. Shadow Flicker: Copy of the Shadow Flicker analysis.
12. 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.
13. Decommissioning: Copy of the decommissioning plan.
14. Complaint Resolution: Description of the complaint resolution process.

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

1. Overlay Zone: If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
2. Property Set-Back: The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. 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.

SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. 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. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities. Exceptions for neighboring property or public rights of way are allowed with the written consent of those property owners.

Commentary: The property set-back requirement is designed to protect neighbors in the unlikely event of a tower failure.

3. Sound Pressure Level: 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).

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. Modeling and analysis shall conform to IEC 61400 and ISO 9613. 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. 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.

Commentary: Noise issues are complex and many communities do not have any detailed noise standards. Normal conversation is in the range of 50-65 dB(A). Noise standards may consider the potential for bodily injury, long term health effects, interference with speech and other activities, and sleep disturbance. EPA and World Health Organization documents indicate that 55 dB(A) is too low to produce hearing loss or long-term health effects.^{1&2} Related to speech interference, would 55 dB(A) interfere with speech at the property line? EPA has estimated that the distance between persons would have to be 4 meters before there would be any interference.¹ Related to sleep disturbance, the World Health Organization notes that “80-90% of the reported cases of sleep disturbance in noisy environments are for reasons other than noise originating outdoors” and “habituation to night-time noise events occurs.”² EPA has noted that the typical sound level reduction of buildings in cold climates is 17 dB (windows opened) and 27 dB (windows closed) so 55 dB would be reduced to at least 28-38 dB indoors.¹

References

- 1. EPA, 1974. Protective Noise Levels: Condensed Version of EPA Levels Document.*
- 2. World Health Organization, 1999. Guidelines for Community Noise.*

The guidelines recommend basic standards for sound pressure levels. The standards can be more detailed and sophisticated. Separate standards can be developed for infranoise and low-frequency sound pressure levels. Separate standards can be developed for residential and non-residential areas. Sound pressure levels characterized as tonal can have lower limits. Local governments who desire a more refined standard may want to consider developing a noise

ordinance that would cover all generators of sound pressure levels in a fair and consistent manner.

4. Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. 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. 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. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
5. Safety: 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. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. 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. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Commentary: Safety issues are addressed by reference to state construction and electrical codes and federal and state requirements related to towers. Safety issues are also addressed by provisions related to property set-backs, lowest point of blade, interconnection standards, falling ice, access doors, and handling of materials.

6. Visual Impact: 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. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. 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. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the comprehensive plan.

Commentary: Visual impact issues are difficult to address. Individuals seem to either like or dislike the look of wind energy systems. The guidelines try to

address visual impact issues by providing some design standards and by restricting commercial advertising.

7. Environmental Impact: 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. The applicant shall comply with applicable parts of Act 451 of 1994 including Part 31 Water Resources Protection, Part 91 Soil Erosion and Sedimentation Control, Part 301 Inland Lakes and Streams, Part 303 Wetlands, Part 323 Shoreland Protection and Management and Part 353 Dunes Protection. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

Commentary: Environmental issues are complex. The guidelines identify areas that should be addressed in an environmental impact analysis but do not specify how the analysis should be conducted. Site specific issues should determine which issues are emphasized and studied in depth in the analysis. There are a number of state and federal laws that may apply depending on the site.

8. Avian and Wildlife Impact: 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. 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. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why 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) published standards to prevent avian mortality.

Commentary: The guidelines identify areas that should be addressed in an avian and wildlife impact analysis but do not specify how the analysis should be conducted. Site specific issues should determine which issues are emphasized and studied in depth in the analysis. If the local government desires

more structure to the analysis requirements, the Potential Impact Index developed by the US Fish and Wildlife Service provides a framework for evaluating a project's impact on wildlife. There are a number of state and federal laws that may apply depending on the site.

9. Electromagnetic Interference: 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. 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.
10. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. 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. 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.
11. Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
12. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.