

**WISNER TOWNSHIP
TUSCOLA COUNTY MICHIGAN**

Notice of Zoning Public Hearing and Planning Commission Meeting

To: The Residents and Property Owners of the Township of Wisner, Tuscola County Michigan, and all other interested persons.

Please take notice that the Wisner Township Planning Commission will hold a Public Hearing on the following date time and place.

Date: Wednesday, February 20, 2013

Time: 7:00 o'clock p.m.

Place: 4126 West Bay City Forestville, Unionville Michigan (also known as "Gateway Sportsman's Club")

Immediately following the public hearing, the Planning Commission will hold a special meeting to consider the recommendation of adoption of the proposed ordinance. The items to be considered at this public hearing and special meeting include:

1. The proposed amendment to the Wisner Township Zoning Ordinance by the addition of Article 22, entitled "Wind Energy Conversion Facilities." The purpose of the proposed Article 22, consisting of Sections 2201-2209 *et seq.* is to provide a regulatory framework for the siting and operation of Wind Energy Conversion Facilities within the entire geographic boundaries of Wisner Township.

The proposed Wind Energy Conversion Facilities Amendment to the Zoning Ordinance may be inspected at the following locations:

- a. Office of the Wisner Township Clerk, 4441 Bath Rd, Fairgrove, 48733
- b. Office of the Tuscola County Clerk, 440 N. State St., Caro 48723.
- c. Wisner Township website, located at: <http://wisnertownship.webs.com/>
- d. Spicer Group website, located at: <http://spicerplanners.wordpress.com/>.

Written comments concerning the above proposed amendment may be mailed to the Wisner Township Clerk at any time prior to this public hearing/meeting, and may be further submitted to the Planning Commission at the public hearing/meeting. The address for the Wisner Township Clerk is 4441 Bath Road, Fairgrove MI 48733.

The Planning Commission reserves the right to modify or alter any of the proposed amendments to the Wisner Township Zoning Ordinance at or following the public hearing/meeting, and to make its recommendations accordingly to the Wisner Township Board.

Wisner Township will provide necessary reasonable auxiliary aids and services at the meeting/hearing to individuals with disabilities, upon reasonable notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk.

PAMELA SHOOK
Wisner Township Clerk

ARTICLE 22: WIND ENERGY CONVERSION FACILITIES

Section 2201. PURPOSE AND INTENT

The purpose of this Article is to provide a regulatory scheme to promote the safe, effective and efficient siting and operation of Wind Energy Conversion Facilities in Wisner Township, while protecting the health, welfare, safety, and quality of life of the general public to be described and interpreted in the broadest of terms, and to ensure compatible land uses in the vicinity of the areas affected by wind energy conversion facilities constructed and located in Wisner Township.

Section 2202. DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

Ambient shall be defined as the sound pressure level exceeded 90% of the time or L90.

ANSI is the American National Standards Institute

Board of Trustees shall mean the Wisner Township Board of Trustees.

dB(A) is the sound level in decibels. Refers to the “a” weighted scale defined by ANSI. It is a method for weighing the frequency spectrum to mimic the human ear.

FAA shall mean the Federal Aviation Administration.

Habitable Structure shall mean any structure usable for living or business purposes which includes, but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

IEC is the International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO is the International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Local Government shall mean Wisner Township, Tuscola County, Michigan.

MET Tower shall mean a meteorological tower used for the measurement of wind speed.

Michigan Tall Structure Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses in conjunction with FAA guidelines.

On Site Use Wind Energy Systems are primarily intended to serve the needs of the consumer.

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Participating Parcel is property within Wisner Township that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Conditional Use Permit application for the purposes of developing of a wind energy conversion facility.

Planning Commission shall mean the Wisner Township Planning Commission.

Point of Measurement for turbine shall mean distance from the center of the turbine.

Rotor is an element of a wind energy conversion facility that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Shadow Flicker means alternating changes in light intensity caused by the moving blade of a wind energy conversion facility casting shadows on the ground and stationary objects, such as a window in a dwelling.

Sound Pressure is the 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.

Sound Pressure Level is the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy System is a system designed and built to provide electricity to the electric utility grid.

WECS stands for Wind Energy Conversion System

Wind Energy Conversion Facility (WECF) or Wind Energy Facility are systems which convert wind energy into electricity through the use of one or more wind turbines under common ownership or operation control, and includes substations, Met Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Site Assessment is an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Wind Turbine shall mean the structure(s) in a wind energy conversion facility which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any, as well as related electrical equipment, but does not include wiring to connect the wind energy facility to the grid. Such system shall only be considered a wind turbine facility for purposes of this Article if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

Section 2203. REGULATORY FRAMEWORK

1. Zoning: A Wind Energy Conversion Facility for utility grid wind energy systems may be constructed on land that is zoned Agricultural, subject to provisions and standards of Section 2205.

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2. Principal or Accessory Use: A Wind Energy Conversion Facility and related accessory structures may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Conversion Facility or a part of such facility on such parcel. Wind Energy Conversion Facilities shall be reviewed and approved pursuant to Section 2205.

Section 2204. APPLICABILITY

1. Wind Energy Conversion Facilities for utility grid wind energy systems which have a total height of more than 150 feet and a rated capacity of more than 100 kilowatts (kW). Wind energy conversion facilities are allowed in Agricultural Districts upon review and recommendation by the Wisner Township Planning Commission of a Conditional Use Permit to the Board of Trustees. Approval of the Conditional Use Permit shall be by the Wisner Township Board of Trustees. Site plans shall be reviewed and approved by the Planning Commission. The Wind Energy Conversion Facility Site Plan Review standards described below in Section 2205 shall be used when reviewing a Conditional Use Permit application for a proposed Wind Energy Conversion Facility.
2. Prior to construction of a wind energy conversion facility, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Anemometer towers or "Met Towers" more than 100 feet in height used to conduct wind site assessment for possible installation of an On Site Use WECF shall also be a Conditional Use. Prior to the installation of the tower, and application for a Conditional Use Permit shall be filed with Wisner Township that will include:
 - a. Application identification,
 - b. A site plan,
 - c. A letter certifying that 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 and return the land to its original state after completion of the wind site assessment,
 - d. Proof of the applicant's public liability insurance, and
 - e. A requirement that the distance from the center of the 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.
3. On Site Wind Energy Conversion Systems with wind turbine generators 150 feet or less in height or 100 kW or less of rated capacity, and MET towers also less than 150 feet shall be considered a use by right in Districts where parcel size is one (1) acre or larger, and are subject to setback restrictions from all property lines.
4. On Site Wind Energy Conversion Systems with wind turbine generators 150 feet or less in height or 100kW or less of rated capacity, and Met Towers also less than 150 feet shall be considered a use by right in areas zoned Residential and Commercial and are subject to setback restrictions from all property lines.

Section 2205. REVIEW AND APPROVAL PROCESS

1. Overview: A Wind Energy Conversion Facility for utility grid wind energy systems, the purpose of which is for supplying electricity for off-site usage, is considered a Conditional Use and shall not be located, constructed, erected, altered, or used without first obtaining a Conditional Use Permit. Prior to its installation, an application for a Conditional Permit shall be filed with the Wisner Township Planning Commission for review and recommendation pursuant to the standards contained herein. Site plans which address the standards of this Article shall also be submitted to the Wisner Township Planning Commission for review and possible approval.
2. Consideration of Conditional Use Permit:
 - a. The Planning Commission shall be responsible for reviewing applications for Conditional Uses and shall have the authority for recommending disapproving or granting approval or approval with conditions to the Board of Trustees.
 - b. The Wisner Township Board of Trustees shall be responsible for disapproving or granting approval or approval with conditions applications for Conditional Uses.
 - c. The review process used by the Planning Commission for Conditional Use requests shall conform to the special land use requirements described in Sections 502 and 504 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended (MZEA).
 - d. Upon receipt of an application for a Conditional Use, notice of a public hearing shall be provided by Wisner Township according to Section 103 of the MZEA. The notice of the public hearing is to be published in a newspaper of general circulation within Wisner Township not less than 15 days before the date of the hearing. In addition, the notice is required to be mailed or delivered to the residents and owners of structures within 300 feet of the subject property according to Section 103 of the MZEA
 - e. Should the Conditional Use Permit application be approved, or approved with conditions, the next required step prior to the applicant seeking building permit(s) is to conduct the site plan review process as detailed in Section 1015. The site plan review by the Planning Commission may occur at a separate meeting from which the Conditional Use Permit application was considered.
 - f. An application for a Conditional Use Permit that has been denied may not be resubmitted until one (1) year after the date of denial has passed.
 - g. A Conditional Use Permit consists of a permit that specifies the conditional use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Conditional Use Permit is discontinued for a period of one (1) year, the Conditional Use Permit shall expire. An extension may be granted for a maximum of one (1) additional year, when such a request is submitted by the applicant to the Planning Commission within the initial one (1) period.
 - h. The privilege of a Conditional Use Permit is subject to all the conditions that have been attached to it. Except as noted in item g, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.”

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However, the Planning Commission shall revoke any Conditional Use Permit after it has been proven that the permit conditions have been violated.

- i. An appeal to the decision of the Wisner Township Planning Commission regarding a Conditional Use Permit application is to be considered by the Circuit Court and shall not be considered by the Zoning Board of Appeals.
3. Required Information: An applicant proposing a Wind Energy Conversion Facility must submit the following site plan materials, in addition to the application fees and application material noted below:
- a. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number),
 - b. A narrative describing the proposed Wind Energy Facility, including an overview of the project with anticipated construction schedule,
 - c. The address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), project area boundary, including a site plan of the properties showing location, height, and dimensions of all existing and proposed features such as contours, large trees, buildings, structures, roads (rights-of-way), applicable utility easements, county drains and other drainage channels, water ways, wetlands, land use, zoning district, ownership of property, proposed turbine towers (with required setbacks, exclusion zones and non-participating properties), existing topography, and the location, grades and dimensions of all temporary and permanent on-site access roads from the nearest county or state maintained road. A visual simulation of how the completed project will look from four (4) viewable angles will also be submitted,
 - d. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility,
 - e. 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 at least four (4) feet,
 - f. See Section 2208 regarding performance bond or equivalent financial instrument in favor of Wisner Township to be utilized in the event decommissioning and restoring the property to its original condition becomes necessary,
 - g. A copy of the applicant's public liability insurance, including a requirement that the insurance carrier shall be instructed to notify the Wisner Township Board of Trustees if such insurance expires for any reason. Failure of the applicant to maintain this insurance at all times shall result in the revocation of the Conditional Use Permit,

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- h. Description of operations, including anticipated regular and unscheduled maintenance,
 - i. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations, along with copies of all such permits and approvals that have been obtained or applied for at the time of application. Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction, and
 - j. Description of the complaint resolution process.
4. Application Fee: An applicant for a Wind Energy Facility shall remit an application fee to the Township in the amount specified in the fee schedule adopted by resolution of the Wisner Township Board of Trustees. This schedule shall be based on the cost to the township of the review which may be adjusted from time to time. Additionally, applicant shall cover all costs the township incurs to review said application, including, but not limited to, attorney and other professional fees, cost of publication, public hearings and planning commission meeting expenses including per diems.
5. Application Material: The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility which produces electricity for off-site usage.
- a. Environmental, Avian and Wildlife Impact Analysis: The applicant shall submit an environmental, avian and wildlife study to assess the potential impact of proposed Wind Energy Facilities upon the environment, birds, bats, and any other possibly inflicted wildlife species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.
 - b. Visual Appearance, Lighting, Powerlines: The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
 - 1) Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the Wind Energy Facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the Wind Energy Conversion Facility meets or exceeds the manufacturer’s construction and installation standards.
 - 2) The design of the Wind Energy Facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.

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- 3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - 4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
 - 5) The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- c. Setbacks, Separation and Security: The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.
- 1) Habitable structures: Each wind turbine shall be set back from the nearest residence or church, a distance no less than one thousand four hundred (1,400) feet.
 - 2) Property line setbacks: Excepting locations of public roads (see below), drain rights-of-way and parcels with habitable structures, wind turbines shall be subject to the following property line setbacks:
Participating Parcel: A setback for a wind turbine from the property lines of adjacent participating property is not required. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.

Non-Participating Parcel: The distance between a wind turbine and the property lines of adjacent non-participating properties shall be at least 1.1 times its total structure height.
 - 3) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 1.2 times its Turbine Height, measured from the centerline for such public road.
 - 4) Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of 1.1 times its Turbine Height, determined from the existing power line or telephone line.
 - 5) Tower separation: Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. The Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.
 - 6) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Conditional Use Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

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- d. Wind Turbine/Tower Height (Total Height): The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.
- e. Noise:
 - 1) Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence or church existing on the date of approval of any Wind Energy Facility Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.
 - 2) In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the standards for audible noise set forth in subparagraph a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
 - 3) The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences and churches. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - 4) Any noise level falling between two whole decibels shall be the lower of the two.

- f. Shadow Flicker:

The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all habitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Conditional Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated

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by the modeling software used in the report.

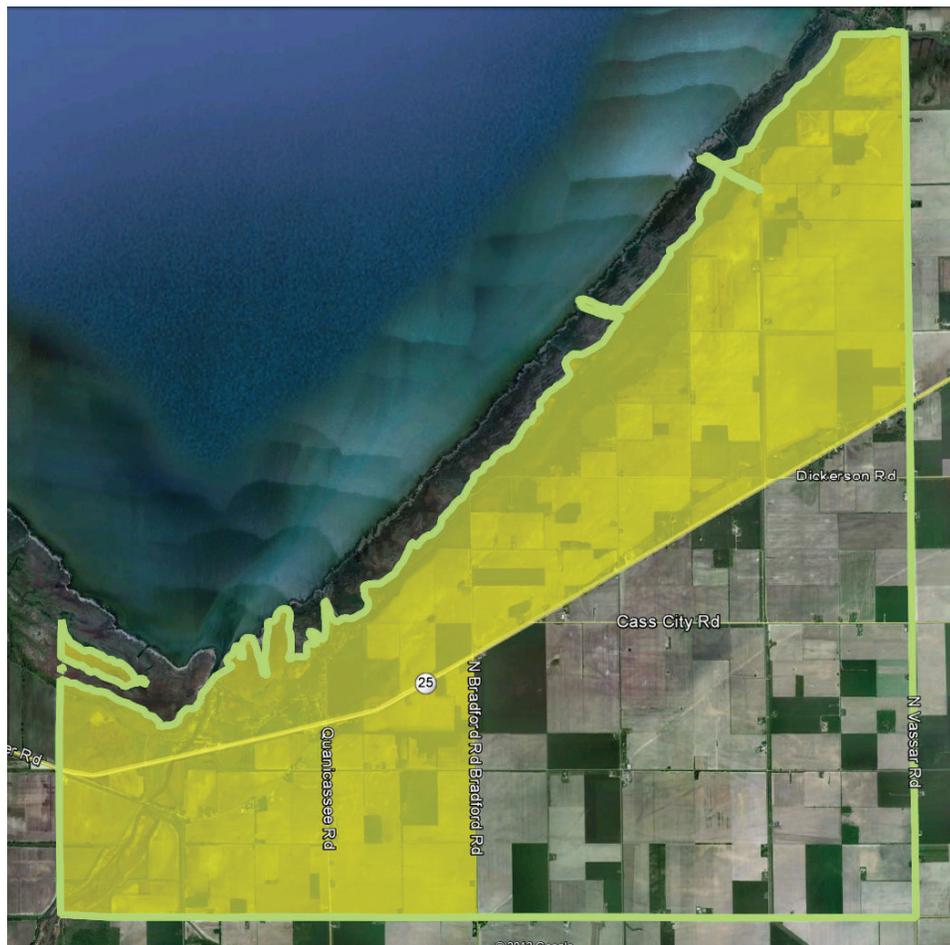
The analysis shall identify all areas where shadow flicker may affect the occupants of the habitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

- g. Minimum Ground Clearance: The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
- h. Signal Interference: No Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- i. Safety:
 - 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - 2) Wind Turbine towers shall not be climbable on the exterior.
 - 3) All access doors to wind turbine towers and electrical equipment shall be lockable.
 - 4) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
- j. Exclusion Zone:
 - 1) Wisner Township has approximately 7.5 miles of Lake Huron shoreline with adjacent wildlife and game areas (Quanicassee Wildlife Area and Fish Point State Game Area). All proposed utility-scale wind energy conversion facilities in Wisner Township are subject to the Exclusion Zone. The Exclusion Zone is not mandated by State or Federal rules, however, it is permissible via Section 201 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and is part of the Wisner Township zoning ordinance.
 - 2) The purpose of the Exclusion Zone is to:
 - a) Minimize potential conflicts of wind turbines from the natural features along Lake Huron. The United States Fish and Wildlife Service (USFWS) has documented that wind farms can adversely impact wildlife and their habitats, particularly birds and bats (see the USFWS *Land-Based Wind Energy Guidelines*, voluntary guidelines released in 2012, which are designed to help wind energy project developers avoid and minimize impacts of land-based wind projects on wildlife and their habitats).

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- b) Provide Wisner Township residents and potential future residential development relief in specified areas from wind turbine development. The exclusion zone is based on the “Twenty Year Plan for Wisner Township” developed in 2009 by the Wisner Township Zoning Board, and the planned locations for water mains which will mostly be situated along M-25 and Quanicassee Road
- 3) Wisner Township permits Wind Energy Conversion Facilities as a Conditional Use requiring a Conditional Use Permit in the Agricultural zoning district. Wind turbines that are part of a Wind Energy Conversion Facility are restricted from all property in the Exclusion Zone as depicted as the yellow area on the map shown below, regardless of the zoning district.
- 4) Where uncertainty exists with respect to the boundaries on the Exclusion Zone map, the following rules shall apply:
 - a) The yellow boundaries indicated as approximately following the streets or highways shall be construed to be such boundaries.
 - b) The yellow boundaries indicated as approximately following Township boundary lines or following lot lines shall be construed as following said lines.
 - c) The yellow boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel to and at such distance as indicated by given distance or scaled dimension.



Section 2206. CERTIFICATION

Any approval for a Wind Energy Conversion Facility shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

Section 2207. INSPECTIONS

Wisner Township reserves the right to request annual inspection reports to the Wisner Township Zoning Board or its designated officer confirming compliance with applicable codes and industry practices.

Section 2208. DECOMMISSIONING

The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation.

Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed no less than four (4) feet below ground level with appropriate drainage and filled with like soil that was removed.

In conjunction with Section 2205(3)(f) a performance bond or equivalent financial instrument in favor of Wisner Township shall be posted in an amount based on the estimated decommissioning costs net of salvage value in current dollars, to be utilized in the event the decommissioning plan becomes necessary with respect to the removal of the Wind Energy Facility in question, and restoring the property to its original condition prior to the construction of the Wind Energy Facility. This figure shall be reviewed by the township planning commission every five years from the date of adoption to be certain the amount of the performance bond or equivalent financial instrument is sufficient to cover the costs of decommissioning.

Section 2209. 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 and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.