

**Notice of Public Hearing
Huron County Planning Commission
Wednesday, February 7, 2018 at 7:00 p.m.
Huron County District Court, Room 105
250 E. Huron Avenue
Bad Axe, Michigan 48413**

**Consideration of Zoning Ordinance Text Amendment to
Article X: Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance
[Amendment to Extend] Section 10. Moratorium**

NOTICE IS HEREBY GIVEN that the Huron County Planning Commission will conduct a public hearing on Wednesday, February 7, 2018, at 7:00 p.m., during a regular meeting, to receive comments on the following proposed zoning ordinance text amendment pursuant to PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act:

ZA 2018-01: Amendment to extend the Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance, Article X, Section 10, [§ 10.1 thru 10.7] Moratorium ordinance.

The purpose of the text amendment of Section 10 is more fully described below:

To extend the moratorium upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the County's Zoning Ordinance for the establishment and use of Wind Energy Systems for one (1) year or until the County has completed revisions to the master plan and has more definitive answers to the many issues related to the long term operation of large scale Wind Energy Systems, whichever occurs first.

More information describing the text amendment is available upon request by contacting the Huron County Building & Zoning Department and also on the web at <http://www.co.huron.mi.us/>.

Persons interested in the above are invited to this hearing. For those unable to attend the meeting, written comments will be accepted by mail at the Huron County Building & Zoning Department, 250 E. Huron Avenue, Room 102, Bad Axe, Michigan 48413, by fax to 989-269-3362, or by email smithj@co.huron.mi.us. The Zoning Ordinance of Huron County/Zoning Maps, as well as the above request, are available for review during office hours, 8:30 a.m. to 12:00 p.m. & 1:00 p.m. to 5:00 p.m., prior to the hearing. Following the public hearing, a recommendation may be transmitted to the Huron County Board of Commissioners for possible action. Questions concerning the above should be directed to Jeff Smith of the Huron County Building & Zoning Department at 989-269-9269.

This notice is disseminated and posted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

**Huron County Planning Commission
Jeffery Krohn, Secretary**

**AMENDMENT TO
ARTICLE X
Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance
[New Section Amendment to Extend] Section 10. Moratorium**

HURON COUNTY ORDAINS:

Section 10. Moratorium

Section 10.1 Definition Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the terms “windmill,” “wind turbine,” or “wind generator”.

Section 10.2 Findings In accordance with 2006 P.A. 110, as amended, Huron County has determined that:

1. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 et seq., authorizes Huron County (the “County”) to adopt reasonable regulations to control the establishment and use of wind energy systems.
2. The County Zoning Ordinance currently regulates wind energy systems.
3. There are currently **approximately 472** wind energy systems operating countywide, ~~or at the end stage of construction, soon to be under commercial operation.~~
4. ~~There are two projects in the application stage (ZA-2016-01 DTE Energy and ZA-2016-03 Nextera Huron Wind LLC) that will result in an additional approximate 100 wind energy systems.~~
5. The Township of Sand Beach recently adopted a wind energy ordinance that is significantly more restrictive than the County of Huron’s wind energy ordinance.
 - 5a. In a special election in May 2017, the voters in Sand Beach Township voted to approve a more restrictive ordinance pertaining to wind energy by a margin of 83.77% for and 16.23% against adoption.
6. The Township of Lincoln has taken action to adopt its own zoning ordinance, due to its apparent concern that the County of Huron’s wind energy ordinance is not restrictive enough.
 - 6a. In a special election in May 2017, the voters in Lincoln Township voted to approve adopting its own zoning ordinance by a margin of 58.39% for and 41.61% against adoption.

7. Some commissioners have discussed the possibility of revising the zoning ordinance to require a special use permit for wind energy systems, rather than the current use of an overlay district.
8. Many residents at the various public hearings related to the development of wind energy projects have voiced their concerns about the long term health effects of being exposed to shadow flicker, infra sound, and other sound emanating from wind energy systems.
9. There are numerous concerns about the saturation point for the aggregate number of wind energy systems countywide and the long term deleterious effects on the health, safety, and welfare of the citizens of Huron County.
10. There are concerns about the saturation point for the aggregate number of wind energy systems countywide with respect to the long-term impact of encouraging diversity within our community, while also preserving the desirability of the overall environment.
11. MCL 125.3201(1) allows a local unit of government to provide by zoning ordinance the regulation of land development to ensure that the use of land is situated in appropriate locations and relationships to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities and promote public health, safety, and welfare.
12. The Board of Commissioners has adopted zoning amendment ZA 2016-01, the proposed overlay district for the DTE project and a Notice of Intent was timely filed, as well as petitions requesting a referendum on that Board action, with an anticipated election to be conducted in May of 2017.
- 12a. In a special election in May 2017, the voters in the County Zoning Ordinance jurisdiction voted to reject the Board of Commissioners' adoption of an overlay district in Bloomfield, Dwight, Lincoln and Sigel Townships by a margin of 63.40% against and 36.60% for adoption.
13. The Board of Commissioners has adopted ZA 2016-03, the proposed overlay district for the NextEra-Huron Wind LLC project, and it is anticipated that that action will also go to a vote of the electors in May of 2017.
- 13a. In a special election in May 2017, the voters in the County Zoning Ordinance jurisdiction voted to reject the Board of Commissioners' adoption of an overlay district in Sigel and Sherman Townships by margin of 63.33% against and 36.67% for adoption.
14. The Apple Blossom Wind Energy project, owned by Sempra Energy, has previously been approved and is in the process of obtaining permits for construction.

14a. Construction of the Apple Blossom Wind Energy project, consisting of 29 Vestas wind turbines is complete with a commercial operation date of November 21, 2017.

~~15. In light of the foregoing facts, the DTE project, the NextEra-Huron Wind LLC project, and the Apple Blossom-Sempra project should be excluded from a moratorium.~~

16. Spicer Group is currently revising the County's master plan, including the wind energy section, and, as such, it is advisable that the County not entertain any new projects until the revised master plan is complete.

16a. The Spicer Group has been working with the Planning Commission at all times pertinent hereto and it is anticipated that they will have a proposed, revised master plan for consideration by late winter 2018.

17. The County finds that it is necessary and reasonable to establish a moratorium upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the County's Zoning Ordinance for the establishment and use of wind energy systems for one (1) year or until the ~~pending and/or anticipated referendums go to a vote of the electors and the~~ respective legislative bodies conducting the referendums have a reasonable opportunity to take appropriate action based on the outcome of the elections, as well taking into consideration the recommendations pertaining to wind energy systems in the Huron County revised master plan.

18. The County finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare and to that end has drafted this proposed "Amendment To Article X. Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance [~~New-Section~~ Amendment to Extend] Section 10.

Section 10.3 Moratorium A moratorium is hereby imposed upon the issuance of any and all permits, licenses or approvals for any property subject to or under the jurisdiction of the County's Zoning Ordinance for the establishment or use of Wind Energy Systems, ~~except for the DTE project, the Nextera project, and the Sempra project,~~ so long as this amendment is in effect.

Section 10.4 Term of Moratorium The moratorium imposed by this amendment shall remain in effect:

- a) For one (1) year from its effective date; or
- b) Until ~~all issues pertaining to the anticipated DTE referendum are resolved, and all issues related to the Lincoln Township referendum are resolved, and all issues related to the anticipated Sherman Township referendum are resolved, and all issues related to the anticipated NextEra referendum are resolved, and~~ all issues related to the revised master plan pertaining to wind energy systems are resolved, and the Board of Commissioners provide direction to the Planning Commission based on the outcome of the elections within 30 days thereafter, whichever occurs first between subsections a) and b).

Section 10.5 Validity and Severability Should any portion of this amendment be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this amendment.

Section 10.6 Repealer Clause Any ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this amendment full force and effect.

Section 10.7 Effective Date Except as otherwise provided under MCL 125.3402, pursuant to MCL 125.3401(6), this amendment shall become effective upon the expiration of 7 days after publication, as required by MCL 125.3401(7).