

**Notice of Public Hearing
Huron County Planning Commission
Wednesday, May 22, 2019 at 7:00 p.m.
Huron County Building, Room 305
250 E. Huron Avenue
Bad Axe, Michigan 48413**

**Consideration of Zoning Ordinance Text Amendment to
Article XV: Huron County Commercial Solar Energy System Zoning Ordinance
[2ND Amendment to Extend] Section 15.02.9 Moratorium**

NOTICE IS HEREBY GIVEN that the Huron County Planning Commission will conduct a public hearing on Wednesday, May 22, 2019, at 7:00 p.m., during a special 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 2019-02: Second Amendment to extend the Huron County Commercial Solar Energy Moratorium, Article XV, Section 15.02.9, [§ 9.1 thru 9.7] Moratorium ordinance.

The purpose of the proposed text amendment of Section 15 is more fully described below:

The County finds that it is necessary and reasonable to extend 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 commercial utility scale solar energy systems for six (6) months or until the commercial solar energy system regulations are adopted in the County's Zoning Ordinance, 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
Robert McLean, Chairman**

**ZONING ORDINANCE AMENDMENT: ZA 2019-02
HURON COUNTY, MICHIGAN**

ARTICLE XV

**Huron County Commercial Solar Energy System Zoning Ordinance
[2nd Amendment to Extend] Section 15.02, Subsection 9. Moratorium**

HURON COUNTY ORDAINS:

Section 15.02.9 Moratorium

Section 15.02.9.1 Definition *Commercial Solar Energy System.* Equipment that converts and then stores or transfers energy from solar into usable forms of energy and includes any form of collector, or other component used in the system, intended for large scale commercial sale and/or distribution through an electrical grid.

Section 15.02.9.2 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 large scale, commercial solar energy systems.
2. The County Zoning Ordinance currently does not have regulations for large scale, commercial solar energy systems.
3. There are currently developers securing leases for large scale, commercial solar energy systems for development on property zoned for agricultural use.
4. Of the 452,185.7 acres of agricultural land in Huron County, 75.4% is enrolled in the Farmland Preservation and Open Space Program (commonly known as "PA 116").
5. According to Mr. Richard Harlow from the Michigan Department of Agriculture and Rural Development, commercial solar energy systems would not be permitted on land enrolled in PA 116.
6. Harlow also reports that for land to be released from PA 116, it would have to be released to property zoned as commercial and/or industrial usage, which would result in the request for re-zoning of property that is currently zoned for agricultural usage.
7. 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.
8. Spicer Group is currently revising the County's master plan, and has recently been requested to include the regulation of large-scale commercial solar energy development as part of the revision of the master plan, and, as such, it is advisable that the County not entertain any new projects until the revised master plan is complete.
9. 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 large-scale commercial solar energy systems for ~~one (1)~~ **year six (6) months** or until the County has adequate zoning provisions in place to regulate the development of large-scale commercial solar energy development, as well as taking into consideration the recommendations pertaining to solar energy systems in the Huron County revised master plan.

ZONING ORDINANCE AMENDMENT: ZA 2019-02
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10. The County finds that extending such a moratorium is in the best interest of the public health, safety, and welfare and to that end has drafted this proposed “2nd Amendment To Article XV. Special Approval Use Permits [Amendment to Extend] Section 15.02, Subsection 9”.
11. The County adopted zoning amendment ZA 2017-02 by Resolution No. 17-72 on May 23, 2017, imposing a moratorium 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 Commercial Solar Energy Systems for 1 year or until the commercial solar energy system regulations are adopted in the Huron County Zoning Ordinance, whichever occurs first, with an effective date of June 9, 2017.
12. The Huron County Planning Commission continues to work diligently with consulting firm Spicer Group to carefully establish appropriate and reasonable revisions to the Huron County Master Plan pursuant to MCL 125.3845.
13. The County intends to develop Commercial Solar Energy System ordinance regulations consistent with the purpose, policy, goals and objectives as stated in the revised Master Plan.

Section 15.02.9.3 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 Commercial Solar Energy Systems, so long as this amendment is in effect.

Section 15.02.9.4 Term of Moratorium The moratorium imposed by this amendment shall remain in effect for ~~one (1) year~~ **six (6) months** from its effective date or until such time the County has adopted zoning provisions to regulate the development of commercial solar energy systems, whichever occurs first.

Section 15.02.9.5 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 15.02.9.6 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 15.02.9.7 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).

***Proposed Revisions are identified by yellow highlight.**