

**Notice of Public Hearing**  
**Huron County Planning Commission**  
**Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance**  
**Wednesday, April 7, 2010 at 7:00 p.m.**  
**Expo Center, 170 E. Soper Rd., Bad Axe, Michigan**

**Notice is hereby given** that the Huron County Planning Commission will conduct a public hearing on **Wednesday, April 7, 2010** at 7:00 p.m., or as soon thereafter as may be possible during the regular monthly meeting, at the **Huron County Expo Center, 170 W. Soper Rd., Bad Axe, Michigan**, to receive comments on the following proposed zoning ordinance amendment:

**ZA 2010 - 01**, amend Zoning Ordinance of Huron County, Article X [Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance], by revising specific sections of Article X as noted or summarized herein:

**Sec. 2 Definitions.** Add (new) definitions: ‘Non-participating parcel’, ‘Participating parcel’ to terms under Definitions. Modify definition of ‘Wind Energy Conversion Facility (WECF)’. Modify definition of ‘Wind Turbine’ by changing height to ‘150 ft.’.

**Sec. 4.Applicability.** Revise by removing subsections A. Large-Scale Wind Energy Conversion Facilities & B. Small-Scale Wind Energy Conversion Facilities description and replacing with a statement “A Wind Energy Conversion Facility (WECF) or Wind Energy Facility (WEF) shall be permitted in Agricultural Districts with a Wind Energy Facility Overlay District classification. Wind Energy Facility Site Plan Review standards (in this article) shall be used when reviewing an applicant for a wind energy facility permit.”

**Sec. 5. Wind Energy Facility Site Plan Review Procedure** (introductory statement): Remove “Large-Scale Wind Energy Conversion Facility” wording and replace with “an application for a Wind Energy Facility Permit.” The remainder of this subsection is to remain in effect.

**Sec. 5.3 Application Material. Subsection C. Setbacks, Separation and Security. 1) Inhabited structures.** Revise to read: “On a participating parcel, each wind turbine shall be setback from the nearest inhabited structure a distance on no less than 1000 feet. Where a wind energy facility is proposed in the vicinity of a non-participating parcel, each wind turbine shall be set back from the nearest residence, school, hospital, church or public library on a non-participating parcel a distance no less than 1320 feet. A lesser setback may be approved pursuant to Section 5.1 of this Article if the intent of this Article would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. Where a turbine within a Wind Energy Facility is located in the vicinity of a city or village, a setback of 1320 feet from the city/village limits shall be required.”

**Sec. 5.3 Application Material. (D)** Revise limits of hub height to “330 feet”. The remainder of this subsection is to remain in effect.

**Sec. 5.3 Noise.** Revise Subsection **1)** to read as “On participating parcel, audible noise or the sound pressure level from the operation of a WEF shall not exceed 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 a residence.. On any non-participating parcel, audible noise or the sound pressure level from the operation of the WEF shall not exceed 45 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, school, hospital, church or public library existing on the date of approval of any WEF site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled located at the perimeter and in the interior of the WEF to demonstrate compliance with this standard.”

**Sec. 5.3 Noise.** Revise subsection 3) by adding the reference that ambient noise is that which is “absent any and all turbine noise”. In the last sentence of this subsection, the term 'may' would change to “shall”. The remainder of this subsection is to remain in effect.

**Sec. 5.3 H. Signal Interference.** Revise by removing reference “Large-Scale”. The remainder of this subsection to remain in effect.

**Sec. 6.0 Certification.** Revise to read: “Operation of a wind energy facility shall require certification of compliance; a certification report from the wind facility’s owner/operator is required within twelve (12) months of the facility’s initial operation (start-up) date. The post-construction certification report shall confirm the project’s compliance with provisions of this code as well as all other applicable laws and conformity with wind industry practices.”

**Section 7.0 Inspections.** Revise to read: “The applicant (owner/operator) shall submit annual reports to the Planning Commission or its designated officer confirming continued compliance with applicable county codes or ordinances. This requirement shall not preclude the county from undertaking a separate compliance report, where confirmation of data provided by the county by the facility’s owner/operator through an escrow fund established pursuant to the ‘schedule of fees for wind energy facilities’, adopted from time-to-time by the Board of Commissioners.”

**Section 7.01 Complaint Resolution.** Revise to read: “The Michigan Zoning Enabling Act allows a local unit of government to enact through ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). The Thumb area has been designated as a primary wind zone area and as a result it is anticipated that Huron County will experience substantial growth in wind energy facilities. In light of the foregoing, the County has developed a process for the resolution of complaints unique to wind energy systems. A description of a complaint resolution process shall be established by an applicant of a wind energy facility permit as part of its initial application for zoning approval. The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall be prepared utilizing, at a minimum, guidelines which are established by resolution of the Board of Commissioners after recommendation by the Planning Commission; and, said process shall not preclude the county from pursuing and all appropriate legal action on a complaint.”

Persons interested in commenting on this matter are invited to this hearing. Written comments will be accepted by mail or in persons at the Huron County Building & Zoning Department, 250 E. Huron Avenue, Room 102, County Courthouse, Bad Axe, Michigan 48413 or by fax at 989-269-6024. The Zoning Ordinance of Huron County and this proposed amendment are available for inspection at the Building & Zoning office during regular office hours prior to the hearing. The full text of Article X Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance, as proposed through this amendment, can be found on the Huron County website: [co.huron.mi.us](http://co.huron.mi.us). (Departments/Building & Zoning/Ordinance). Following the public hearing, a recommendation may be transmitted to the Board of Commissioners. Questions concerning the above should be directed to Russell R. Lundberg of the Huron County Planning, Building & Zoning Department at 989-269-9269. This notice is disseminated and posted pursuant to PA 110 of 2006, as amended, also known as the Michigan Zoning Enabling Act.

**Huron County Planning Commission**  
Arthur Priebe, Secretary