

RESOLUTION

To: The Honorable Board of Commissioners
Huron County
Michigan

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, on Wednesday, January 2, 2019, the Huron County Planning Commission discussed the process required to extend Article X. Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance, Section 10 Moratorium, set to expire on March 1, 2019; and

WHEREAS, the Huron County Planning Commission conducted a public hearing, pursuant to notice, at a regular meeting held on February 6, 2019, regarding proposed “Amendment to Article X. Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance [Second amendment to Extend] Section 10. Moratorium” and thereafter discussed and considered the merits of the proposed amendment to the zoning ordinance; and

WHEREAS, a motion was made by Planning Commission member Robert Tenbusch to recommend adoption of the second amendment to the zoning ordinance for extension of the moratorium for one year, seconded by Planning Commission member Carl Duda, which was approved by a vote of seven to one; and

WHEREAS, a copy of the proposed Zoning Ordinance Amendment, ZA 2019-01, is attached hereto; and

WHEREAS, pursuant to MCL 125.3308(1), the Planning Commission transmitted a summary of comments received at the hearing, along with the result of the motion to adopt the amendment, which was approved, to the Board of Commissioners on February 7, 2019; and

WHEREAS, this matter is before the Board of Commissioners pursuant to MCL 125.3401(5), which requires this body to consider and vote upon the adoption of the proposed zoning ordinance amendment, with or without amendments, requiring a majority vote of the members for approval; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners, Huron County, Michigan, adopts zoning amendment ZA 2019-01 in Ordinance form, which revises the Huron County Zoning Ordinance, Article X, Section 10, “Second Amendment To Impose A Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems”; by extending the moratorium with the aforementioned ordinance amendment having an effective date of March 1, 2019, a date pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners and the County Clerk are authorized to attest to this amendment by signing the attached Ordinance amendment ZA 2019-01.

Respectfully submitted,

LEGISLATIVE COMMITTEE

Mary E. Babcock, Chairman

Ron Wruble, Vice Chairman

Todd Talaski, Member

VOICE / ROLL CALL VOTE:

COMMISSIONER	YES	NO	ABSENT	COMMISSIONER	YES	NO	ABSENT
SAMI KHOURY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN L. BODIS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MICHAEL H. MEISSNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RON WRUBLE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD TALASKI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MARY E. BABCOCK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STEVE VAUGHAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

RESOLUTION: ADOPTED DEFEATED TABLED

A sufficient majority having voted therefor, the resolution appearing above was adopted.

STATE OF MICHIGAN

COUNTY OF HURON

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Huron County Board of Commissioners at a meeting held on the 12th day of February, 2019, the original of which is on file in the office of the County Clerk. I further certify that notice of the meeting was given in accordance with the open meetings act.

Lori Neal-Wonsowicz
Huron County Clerk

**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

AN ORDINANCE to amend the Zoning Ordinance of Huron County, adopted on July 9, 1974 [eff. July 16, 1974], amended on November 9, 2010 [eff. December 1, 2010], and amended on November 10, 2015 [eff. November 27, 2015], pursuant to provisions of Public Act 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

The Huron County Board of Commissioners, State of Michigan, hereby ordains the adoption of the following amendment ZA 2019-01 revising the Huron County Zoning Ordinance, Article X, Section 10 [§10.1 thru 10.7] Moratorium, "Second Amendment To Extend Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems", included herein:

AMENDMENT TO

ARTICLE X.

HURON COUNTY WIND ENERGY CONVERSION FACILITY OVERLAY ZONING ORDINANCE

SECTION 10. MORATORIUM

**SECOND AMENDMENT TO EXTEND A MORATORIUM ON THE ISSUANCE OF PERMITS,
LICENSES OR APPROVALS FOR WIND ENERGY SYSTEMS**

(BOC Adopted December 29, 2016; Effective January 18, 2017; Amended March 1, 2018)

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 472 wind energy systems operating countywide.*
4. *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.*
 - a. *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.*
5. *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.*
 - a. *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.*

**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 2

6. *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.*
7. *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.*
8. *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.*
9. *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.*
10. *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.*
11. *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 election being conducted in May of 2017.*
 - a. *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.*
12. *The Board of Commissioners has adopted zoning amendment ZA 2016-03, the proposed overlay district for the NextEra-Huron Wind LLC project, and that action also went to a vote of the electors in May of 2017.*
 - a. *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.*
13. *The Planning Commission with its planning consultant Spicer Group Inc., 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.*
 - a. *The Planning Commission has been working with its planning consultant, Spicer Group Inc., at all times pertinent hereto and it is anticipated that they will have a proposed, revised master plan for consideration by Summer 2019.*

**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 3

- b. *The County, on September 25, 2018, retained Clark Hill PLC to review the draft 2018 Huron County Master Plan prepared by Spicer Group and advise the County regarding potential liability in connection with the current non-conforming use provisions of the Huron County Zoning Ordinance as they pertain to (1) Wind Energy Conversion Facilities, (2) existing wind developers' likely plans to repower their existing turbines, and (3) those findings and recommendations pertaining to turbines in the County's draft 2018 Master Plan*
14. *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 respective legislative bodies conducting the referendums have a reasonable opportunity to take appropriate action based on the outcome of the elections, as well as taking into consideration the recommendations pertaining to wind energy systems in the Huron County revised master plan.*
15. *The Huron County Board of Commissioners, on June 26, 2018, instructed the Huron County Planning Commission to focus on the creation of an amendment to the Zoning Ordinance for solar energy prior to any revisions to the wind energy ordinance, pursuant to MCL 125.3402(3).*
16. *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 [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 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 related to the revised master plan and zoning ordinance pertaining to wind energy systems are resolved, 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).*

Chairman Sami Khoury of the Huron County Board of Commissioners and County Clerk Lori Neal-Wonsowicz are hereby authorized to sign this amendment ZA 2019-01 in Ordinance form, which was adopted by the Board of Commissioners on Tuesday, February 12, 2019. This amendment is effective

**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 4

pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, having an effective date of March 1, 2019.

Sami Khoury, Chairman

Lori Neal-Wonsowicz, Huron County Clerk

NOTICE OF ADOPTION AND EFFECTIVE DATE

NOTICE IS HEREBY GIVEN that the Zoning Ordinance of Huron County was recently amended by revising Article X, Section 10 [§10.1 thru 10.7] Moratorium, "Second Amendment To Extend Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems." This Amendment, ZA 2019-01, was approved by action of the Huron County Board of Commissioners on February 12, 2019. The Amendment to extend Section 10. Moratorium was adopted and is more fully described herein:

AMENDMENT TO

ARTICLE X.

HURON COUNTY WIND ENERGY CONVERSION FACILITY OVERLAY ZONING ORDINANCE

SECTION 10. MORATORIUM

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**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 5

2. *The County Zoning Ordinance currently regulates wind energy systems.*
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6. *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.*
7. *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.*
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**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 6

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13. *The Planning Commission with its planning consultant Spicer Group Inc., 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.*
 - a. *The Planning Commission has been working with its planning consultant Spicer Group Inc., at all times pertinent hereto and it is anticipated that they will have a proposed, revised master plan for consideration by Summer 2019.*
 - b. *The County, on September 25, 2018, retained Clark Hill PLC to review the draft 2018 Huron County Master Plan prepared by Spicer Group and advise the County regarding potential liability in connection with the current non-conforming use provisions of the Huron County Zoning Ordinance as they pertain to (1) Wind Energy Conversion Facilities, (2) existing wind developers' likely plans to repower their existing turbines, and (3) those findings and recommendations pertaining to turbines in the County's draft 2018 Master Plan.*
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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 related to the revised master plan and zoning ordinance pertaining to wind energy systems are resolved, whichever occurs first between subsections a) and b).*

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**ZONING ORDINANCE AMENDMENT: ZA 2019-01
HURON COUNTY, MICHIGAN**

Page 7

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).*

Date of Adoption by the Board of Commissioners: February 12, 2019

Date of Publication: February 22, 2019

Date Ordinance Amendment shall take effect: March 1, 2019

The Zoning Ordinance of Huron County and documents relating to this amendment are available for public inspection and/or purchase at the Huron County Planning, Building, and Zoning Department, County Building, 250 East Huron Ave, Room 102, Bad Axe, Michigan, 48413, during regular business hours.

CERTIFICATION

I, Lori Neal-Wonsowicz, Clerk of the Huron County Board of Commissioners, do hereby certify that the foregoing is a true and complete copy of a resolution in Ordinance form adopted by the Huron County Board of Commissioners, Bad Axe, Michigan, at the meeting held on February 12, 2019, the original of which is part of the Board minutes.

Lori Neal-Wonsowicz, Huron County Clerk

SEAL HERE

February 6, 2019
Huron County Planning Commission Minutes

A meeting of the Huron County Planning Commission was held on February 6, 2019, in the Huron County Meeting Room, Room 305, County Building, Bad Axe, MI 48413.

1. Call Meeting to Order

The meeting was called to order by Chairman Robert McLean at 7:00 p.m. with the Pledge to the United States of America. Secretary Julie Epperson, called the roll of members: Roll call - Members present: Bernie Creguer, Carl Duda, Julie Epperson, George Lauinger, Robert McLean, Bob Tenbusch, Dan Tighe and Ken Walker. Members absent: Terry Heck. Others present: There were approximately twenty (20) people in attendance, including: Jeff Smith, Zoning Administrator and Mickayla Bischer, Recording Secretary.

Member Bernie Creguer made a motion to approve the agenda as amended by moving 8. New Business items to before 7. Unfinished Business items, seconded by Bob Tenbusch. Motion carried.

2. Approval of Minutes

Tenbusch made a motion, seconded by Duda, to approve the January 2, 2019 regular meeting minutes as presented. Motion carried.

3. Public Comment (Open Meeting Act.)

Robert Gaffke, Bloomfield Township, addresses commission regarding deficiencies in the wind ordinance.

Rita Parsch, Meade Township, addresses the commission regarding the wind ordinance and infra sound.

4. Public Hearing ZA 2019-01 Wind Moratorium Extension

A. Overview

B. Public Comment:

Robert Gaffke, Bloomfield Township, addresses the board regarding turbine setbacks and supports extending the moratorium.

Sally Kain, Meade Township, speaks in support of the moratorium extension.

Dan Volmering, Sherman Township, speaks in support of the moratorium extension.

Richard Stein, Sherman Township, speaks in support of the moratorium extension.

Rita Parsch, Meade Township, addresses the board with concerns regarding bats and wind energy zoning ordinance. In support of the moratorium extension.

Dennis Lasceski, Lincoln Township, recommends a five or ten year moratorium extension.

One written correspondence was received from Carolyn and Duane Guza, Sigel Township, in support of the moratorium extension.

Member Robert Tenbusch made a motion, seconded by Carl Duda, to recommend the Wind Moratorium Extension to the Board of Commissioners. Motion carried.

February 6, 2019

Roll Call Vote: ZA 2019-01 Wind Moratorium Extension

Bernie Creguer	Nay	Carl Duda	Yea
Julie Epperson	Yea	Terry Heck	Absent
George Lauinger	Yea	Robert McLean	Yea
Bob Tenbusch	Yea	Ken Walker	Yea
Dan Tighe	Yea	7-Yea 1-Nay 1-Absent/Abstain	

5. Communications

- A. Village of Sebewaing 2019-2023 Parks and Recreation Master Plan.
- B. Huron County Hazard Mitigation Plan press release offering online survey.
- C. Colfax Township Planning Commission adopted updated Master Plan on October 1, 2018.

6. Report of Committees: None.

8. New Business

- A. SPR 2019-01 Ubyl BTS Retail LLC/Dollar General Store #19909, 1990 McTaggart Road, Bingham Twp., Ubyl, Michigan, requesting site plan review for an amendment to the proposed Dollar General Store and associated parking lot previously approved under Site Plan Review SPR 2018-03 on May 2, 2018.

Tenbusch questions parking, it will remain the same.

McLean questions the signage, it will stay the same distance from M-19.

Members discuss SE Corner of building shall be minimum of 30 ft. measured from the M-19 r.o.w. to meet minimum front yard setback.

Member Duda made a motion, seconded by Creguer to approve SPR 2019-01. Motion carried.

Roll Call Vote: SPR 2019-01 Ubyl BTS Retail Dollar General Store

Bernie Creguer	Yea	Carl Duda	Yea
Julie Epperson	Yea	Terry Heck	Absent
George Lauinger	Yea	Robert McLean	Yea
Bob Tenbusch	Yea	Ken Walker	Yea
Dan Tighe	Yea	8-Yea 0-Nay 1-Absent/Abstain	

B. PA 116 Enrollment Applications:

- 1. Wayne F. Lubeski Land LLC, Sec 26 Lincoln Twp., 9.49 acres (9.49cultivated), 0 bldgs., 49 yrs.

Creguer made a motion, seconded by Duda to approve the PA 116 Enrollment Applications. Motion carried.

7. Unfinished Business

- A. Huron County Master Plan. Waiting for information from Clark Hill pertaining to renewable energy.
Members finish reviewing text in Aug 22, 2018 draft Master Plan, it will be forwarded to Spicer Group for revisions.

February 6, 2019

- B. Huron County Hazard Mitigation Plan.
Randy Miller, 911 Director, gives an overview.
- C. Apple Blossom Wind LLC c/o Sempra U.S. Gas & Power. Apple Blossom Wind LLC to provide additional compliance report information Spring 2019.
Andrew Johnson, Sempra U.S. Gas & Power, states additional noise testing is tentatively scheduled for the first two weeks in May 2019. Johnson is waiting for a formal request from the Planning Commission stating what additional information is needed in compliance report.
- D. Commercial Solar Energy Facilities Ordinance. Continue...
Members begin the review of definitions that will be part of the Solar Ordinance.

8:59 p.m.

Recess.

9:05 p.m. Meeting reconvened.

Lauinger calls a point of order. Members discuss finishing agenda items and finish reviewing the solar definitions at the next regular meeting.

Lauinger made a motion, seconded by Creguer, to finish agenda items. Motion carried.

9. Final Public Comment:

Bill Andrich, Lincoln Township, addresses the board with concerns regarding the PC not spending time to review the solar ordinance.

Robert Gaffke, Bloomfield Township, provides the PC with documents to be presented at the next meeting.

Bill McPhee, Hume Township, has concerns not being able to hear. Recommends getting some sort of sound system for the meeting room.

10. Final Planning Commission Comment:

Walker asks the PC to review the additional information he provided for inclusion into the solar ordinance.

11. Adjournment

Being there was no further business to come before the Planning Commission, it was moved on a motion by Member Robert Tenbusch, to adjourn the meeting and seconded by Member, Bernie Creguer. Motion carried. Adjournment was at 9:24 p.m.

The next regular meeting is scheduled to be held on March 6, 2019 at 7:00 p.m., Room 305.

Robert McLean, Chairman

Julie Epperson, Secretary

Date: _____

P:\bldzone\Documents\PC Minutes February 6, 2019, unapproved