

# CLINTON COUNTY BOARD OF COMMISSIONERS

**Chairperson**  
Larry Martin  
**Vice-Chairperson**  
Robert Showers

**Members**  
Jack Enderle  
Jamie Clover Adams  
Bruce DeLong  
David Pohl  
Adam C. Stacey

**COURTHOUSE**  
**100 E. STATE STREET**  
**ST. JOHNS, MICHIGAN 48879-1571**  
**989-224-5120**



**Administrator**  
Ryan L. Wood  
**Clerk of the Board**  
Diane Zuker

## RESOLUTION 2011-10

### ADOPTING ORDINANCE 2011-2 IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR WIND ENERGY SYSTEMS

At a regular meeting of the Board of Commissioners of Clinton County, Michigan held at the County offices located at 100 E. State Street, St. Johns, Michigan on the 26th day of July, 2011, at 9:00 a.m.

PRESENT: Commissioners Jamie Clover Adams, Bruce DeLong, Jack Enderle, Larry Martin, David Pohl, Robert Showers and Adam Stacey

ABSENT: None

The following Resolution was offered by Commissioner Stacey and seconded by Commissioner Enderle.

WHEREAS, Public Act 156 of 1851, as amended, authorizes the Clinton County Board of Commissioners ("Board") to adopt and amend ordinances that relate to county affairs; and

WHEREAS, On July 14, 2011, the County Planning Commission recommended that the Board adopt a moratorium, on a limited temporary basis, so that the Planning Commission may review certain requirements of Ordinance No. 66-09B, particularly those provisions regulating setbacks of Wind Energy Systems from residential structures and/or non-participating parcels and recommend any revisions necessary for the protection of the public health, safety and welfare; and

WHEREAS, the Board has determined that it is in the best interest of the public health, safety and general welfare of persons and property to enact a moratorium for a limited temporary basis to allow time for the Clinton County Planning Commission to review certain requirements of Ordinance No. 66-09B, particularly those provisions regulating setbacks of Wind Energy Systems from adjacent non-

participating parcels and recommend any revisions necessary for the protection of the public health, safety and welfare; and

WHEREAS, the Board has determined that adopting the Ordinance To Impose A Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems, attached hereto as Exhibit A, is in the best interest of the public health, safety and welfare of County residents.

**THEREFORE**, be it resolved by the Board of Commissioners of Clinton County, Michigan as follows:

1. Ordinance No.2011-2, An Ordinance To Impose A Moratorium On The Issuance Of Permits, Licenses Or Approvals For Wind Energy Systems, attached as Exhibit A, is hereby adopted.
2. The Ordinance, attached as Exhibit A, shall be filed with the County Clerk.
3. In accordance with MCL 46.11, the County shall publish notice of adoption of the ordinance in a newspaper of general circulation in the County.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed.

ADOPTED:

YEAS: Seven (7)

NAYS: Zero (0)

STATE OF MICHIGAN     )  
  )  
COUNTY OF CLINTON    )

I, Diane Zuker, Clerk of the County of Clinton, do hereby certify that the above and foregoing is a true and complete copy of certain proceedings taken by the Clinton County Board of Commissioners at a regular meeting held on the 26th day of July, 2011.

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Diane Zuker, Clinton County Clerk

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## EXHIBIT "A"

### ORDINANCE NO. 2011-2

#### AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR WIND ENERGY SYSTEMS

#### CLINTON COUNTY ORDAINS:

**Section 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 term "wind turbine" or "wind generator".

**Section 2. Findings.** In accordance with Acts 1851 P.A. 156 and 2006 P.A. 110, as amended, Clinton County has determined that:

1. When Clinton County ("County") adopted its Zoning Ordinance, the widespread establishment and use of Wind Energy Systems was not contemplated.
2. Pursuant to Act 1851 P.A. 156 and the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, the County has the authority to establish reasonable regulations to control the establishment and use of Wind Energy Systems in order to protect the public health, safety and welfare, including persons and property.
3. On April 27, 2010, the Board of Commissioners of the County duly adopted Ordinance No. 66-09B, entitled Amendment/Supplement to the Clinton County Zoning Ordinance for Utility Scale Wind Energy Systems.

4. On July 14, 2011, the County Planning Commission recommended that the Board of Commissioners adopt a moratorium, on a limited temporary basis, so that the Planning Commission may review certain requirements of Ordinance No. 66-09B, particularly those provisions regulating setbacks of Wind Energy Systems from residential structures and/or non-participating parcels and recommend any revisions necessary for the protection of the public health, safety and welfare.

5. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to Ordinance No. 66-09B.

6. A moratorium should be imposed 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 until November 1, 2011 or until an amendment to Ordinance No. 66-09B is in effect, whichever occurs first.

**Section 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 a Utility Scale WES, as defined by the County's Zoning Ordinance, so long as this ordinance is in effect.

**Section 4: Term of Ordinance.** The moratorium imposed by this Ordinance shall remain in effect until November 1, 2011 following the effective date of this Ordinance, or (2) until amendments to Ordinance No. 66-09B become effective, whichever occurs first.

**Section 5: Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 6: Repealer Clause.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 7: Effective Date.** This ordinance shall become effective upon publication.

Adopted by Clinton County Board of Commissioners July 26, 2011