

OGEMAW COUNTY BOARD OF COMMISSIONERS

RESOLUTION TO APPROVE ZONING TEXT AMENDMENT #01-26

RESOLUTION NUMBER 26-134

ADOPTED AUGUST 27, 2026

WHEREAS, the Ogemaw County Board of Commissioners adopted the Ogemaw County Zoning Ordinance in July, 1997; and

WHEREAS, at a public hearing held on August 26, 2026, the Ogemaw County Planning Commission recommended approval of Text Amendment #01-26; and

WHEREAS, the Michigan Zoning Enabling Act requires that amendments to an adopted zoning ordinance must be approved by a majority vote of the members of the Board of Commissioners (MCL 125.3401[5]); and

WHEREAS, the Board of Commissioners concurs with the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED that the Ogemaw County Board of Commissioners hereby approve Zoning Text Amendment #01-26 as submitted.

BE IT FURTHER RESOLVED that following adoption of an amendment to the Ordinance by the Ogemaw County Board of Commissioners, such amendment, signed by the Chairperson of the Ogemaw County Board and certified by the Ogemaw County Clerk, shall be submitted to the Department of Natural Resources (DNR) for approval. Such approval shall be presumed unless the DNR notifies the County within thirty (30) days of its disapproval.

BE IT FURTHER RESOLVED that this Text Amendment shall be filed with the County Clerk and a notice of adoption shall be published in a newspaper of general circulation within Ogemaw County within 15 days after approval by the DNR.

BE IT FURTHER RESOLVED that this Text Amendment shall take effect upon expiration of eight days after publication.

BE IT FURTHER RESOLVED the Chairperson of the Board of Commissioners is authorized to sign any necessary documents consistent with this resolution.

Motion by Wiltse, seconded by Surbrook, to approve the foregoing resolution.

Ayes: David, Scott, Surbrook, Mayhew, Wiltse

Nays: None

Absent: None

**OGEMAW COUNTY
ZONING ORDINANCE AMENDMENT #01-26**

EFFECTIVE: Eight (8) days after publication

**AN ORDINANCE TO AMEND THE OGEMAW COUNTY ZONING ORDINANCE TO
AUTHORIZE TEMPORARY MORATORIUMS AND TO ENACT A TEMPORARY
MORATORIUM ON SOLAR ENERGY SYSTEMS, WIND ENERGY SYSTEMS,
BATTERY STORAGE SYSTEMS (BESS), AND DATACENTERS.**

THE COUNTY OF OGEMAW, STATE OF MICHIGAN ORDAINS:

SECTION 1: FINDINGS

In accordance with Public Act 110 of 2006, as amended, Ogemaw County has determined the following:

1. The Board of Commissioners of Ogemaw County determines that the approval of Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of Ogemaw County.
2. The County Board of Commissioners is aware of significant public health, safety, and welfare concerns being raised by the public about the land use impacts and infrastructure demands of Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers.
3. The County Board of Commissioners has a legitimate public purpose in assessing the regulation of the establishment and use of Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers within the County to ensure that these uses do not interfere with other land uses, or have substantial negative impacts on the environment, public health, and safety.
4. The County Board of Commissioners finds that adopting a limited zoning ordinance moratorium is reasonable and necessary for the following reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy or considering regulatory options.
 - B. The County Board of Commissioners desires to review and study the public health, safety, and welfare concerns regarding Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers and any County Zoning regulations that may impact and/or regulate such projects.

- C. The adoption of a moratorium will allow the County Planning Commission and the Board of Commissioners adequate time to study and possibly implement revisions to the County's ordinances, regulations, and Master Plan (including but not limited to zoning ordinances), including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

SECTION 2: AMENDMENT OF ARTICLE 21 - AUTHORITY TO IMPOSE A TEMPORARY MORATORIUM OF ZONING ORDINANCE PROVISIONS

Article 21, Administration and Enforcement, of the Ogemaw County Zoning Ordinance is hereby amended by adding a new Section 21.10 A, Temporary Moratorium, which section reads as follows:

Section 21.10 A

1. The County Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the County Zoning Ordinance to the County Board of Commissioners, by majority vote of the Planning Commission.
2. The County Board of Commissioners may impose a temporary moratorium as to the application of the provisions of the County Zoning Ordinance by adoption of an ordinance.
3. A temporary moratorium may be extended by resolution of the County Board of Commissioners to allow additional time for County review and consideration of any application, revision, review or repeal/replacement of zoning ordinance provisions.

SECTION 3: TEMPORARY MORATORIUM FOR SOLAR ENERGY SYSTEMS, WIND ENERGY SYSTEMS, BATTERY ENERGY STORAGE SYSTEMS, AND DATA CENTERS

Article 21, Administration and Enforcement, of the Ogemaw County Zoning Ordinance is hereby amended by adding a new Section 21.10 B, Temporary Moratorium, which section reads as follows:

Section 21.10 B

1. Temporary Moratorium on Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers: The County Board of Commissioners determines that it is desirable and in the public interest to adopt a temporary moratorium on the acceptance and/or processing of any applications for Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers. A temporary moratorium is imposed upon the acceptance and/or processing of any applications for Solar Energy Systems, Wind Energy Systems, Battery Energy Storage Systems, and Data Centers and will remain in effect for one (1) year after the effective date of this ordinance or until an amendment to the Zoning Ordinance becomes effective, whichever occurs first.
2. The temporary moratorium does not apply to residential solar arrays (accessory structures) in accordance with Section 2.12 of the ordinance.

3. Term of Temporary Moratorium: The moratorium imposed by this ordinance will remain in effect for one year after the effective date of this ordinance or until an amendment to the Zoning Ordinance becomes effective, whichever occurs first. Before this moratorium expires, the County Board of Commissioners may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments to its ordinances. If an extension is adopted, the County Board of Commissioners will publish notice of the extension on the County website.

SECTION 4: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 5: EFFECTIVE DATE/REPEAL

This Ordinance shall become effective eight (8) days after publication after adoption in a newspaper of general circulation in the County. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Motion:

Second:

Yeas:

Nays:

Absent: