

**FEBRUARY 7, 2024**  
**Huron County Planning Commission Minutes**

A meeting of the Huron County Planning Commission was held on Wednesday, February 7, 2024, in the Huron County Building, 250 E Huron Ave, Rm 305, Bad Axe, MI 48413.

**1. Call Meeting to Order**

The meeting was called to order by Chairman Bill Renn 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, Julie Epperson, George Lauinger, Richard Swartzendruber, Jeremy Polega, Bill Renn, and J. Dean Smith. Absent: Todd Talaski and James Leonard. Approximately 13 guests were in attendance.

Member Smith made a motion and seconded by Member Swartzendruber to approve the agenda as presented. Motion carried.

**2. Approval of Minutes**

Member Swartzendruber made a motion, seconded by Member Creguer to approve the January 3, 2024 regular meeting minutes. Motion carried.

**3. Public Comment** (Open Meeting Act.): None

**4. Public Hearing** (Open Meeting Act – 3 minutes per speaker): None

**5. Communications:**

- A. Citizens for Local Choice ballot initiative launch to restore local control of Utility Scale Solar & Wind. May 29, 2024 is the deadline for gathering signatures.

**6. Reports of Committees:** Campground, Mobile Home, and RV Park committee report – Jeff Smith forwarded an email to Corporation Counsel to have them review the documents that were sent in from Lakeshore Pines Mobile Home Park owner Brandon Moore.

**7. Unfinished Business:**

- A. Commercial Solar Energy Facilities Ordinance. Continue review of solar ordinance draft and Battery Energy Storage System ordinance draft regulations. NextEra Energy requests time to review/comment on draft battery energy storage ordinance. Members reviewed the following:

Pg. 3, 2. Add: "In addition to requirements for a site plan contained in the County Zoning Ordinance, these materials shall also contain the following information:" Remove 2.a. then re-alphabetize.

Pg. 4, h. Add: "available" tile fields "maps".

n. delete: "for a zoned industrial or agricultural parcel, depending on which type of parcel is the subject of the application".

Pg. 7, E. 1. Add: "fenced" in front of solar arrays.

Pg. 9, I. Delete: "Such fencing shall be a minimum of four (4) feet in height and measured from the natural grade of the fencing perimeter." "Electric fencing is not permitted."

Pg. 14. V. Members discussed construction start date versus completion date.

Delete: "and must be completed within a period of two (2) consecutive years from the date a Special Land Use Permit is granted." "of either a new start date or a new completion deadline, provided the facility owner/operator requests the extension at least 30 days prior to the date of the

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start of construction or expiration of the Special Land Use approval. Failure to complete construction within the permitted time period may result in the approved Special Land Use Permit being rendered null and void."

Member Lauinger gave a summary of the Solar Symposium at SVSU and noted that a local unit of government having zoning authority needs to adopt a "CREO" aka "Compatible Renewable Energy Ordinance" that is consistent with the new State of Michigan regulations.

Dan Ettinger, NextEra Energy Attorney commented: If you want the developer to go thru the local jurisdiction, then the ordinance needs to be compatible with the State statute. It may be possible for a local unit of government to adopt an ordinance that is more restrictive with greater risk.

Members discussed compatibility with township ordinances and tax revenue versus PILT.

Battery Energy Storage Ordinance draft:

Pg. 3 VII. Change all to 55 dBa (1 hour) add: "LEQ" and no breakdown. Statute language of Part 8 will be incorporated into the draft.

Pg. 5 D. Add: "Unreasonable Safety Hazard is any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the public, including but not limited to trespassers or emergency services personnel. Adherence by the Facility Owner/Operator or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an Unreasonable Safety Hazard."

Steve Vaughan suggested sending the draft ordinances to Corporation Counsel.

Member Lauinger will have the drafts updated for the Planning Commission to review before sending it to Corporation Counsel.

### **8. New Business:**

- A. **SPR 2024-01** Active Feed Company/Farm Crest Foods, 7564 Pigeon Road, Pigeon, Michigan, requesting site plan review to construct a new 30,104 square foot pullet building to raise chickens located at 7455 McKinley Road, Pigeon, Michigan 48755. The 71 feet wide x 424 feet long x 28.5 feet high pullet building will be located approximately 75 feet west of an existing chicken building on an Agricultural Zoned 33.48 acre parcel of land in Section 23 of McKinley Township, Parcel No. 3215-023-006-00.

Member Smith made a motion to approve SPR 2024-01 as presented and was seconded by Member Creguer. Roll Call Vote. Motion carried 7 Yea; 2 absent.

#### **Roll Call Vote: SPR 2024-01 SITE PLAN REVIEW PERMIT: Active Feed Company/Farm Crest Foods**

Bernie Creguer	Yea	Bill Renn	Yea
Julie Epperson	Yea	Jeremy Polega	Yea
George Lauinger	Yea	Rich Swartzendruber	Yea
James Leonard	Absent	J Dean Smith	Yea
Todd Talaski	Absent	<b>7-Yea 0-Nay 2-Absent</b>	

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### B. PA 116 Enrollment Applications:

1. Geiger, Grant, Sec 19 Gore Twp., 82.48 acres (76 cultivated) 0 bldgs., 10 yrs.
2. Phillips, Glen & Karen, Sec 4 Sigel Twp., 80 acres (80 cultivated) 0 bldgs., 90 yrs.
3. FLH Land Holdings LLC, Sec 7 Huron Twp., 11.25 acres (11.25 cultivated) 0 bldgs., 50 yrs.
4. FLH Land Holdings LLC, Sec 7 Huron Twp., 15.88 acres (15.88 cultivated) 0 bldgs., 50 yrs.
5. Southworth, Kameron, Sec 30 Meade Twp., 77.5 acres (77.5 cultivated) 0 bldgs., 50 yrs.

Jeff Smith commented that he has been receiving applications that are incomplete.

A motion was made by Member Lauinger and seconded by Member Creguer to approve the PA 116 enrollment applications. Motion carried.

### 9. Final Public Comment: Public input protocol; 3 minutes per speaker.

Brandon Miller, Land & Liberty Coalition, There are a lot of missing holes/gaps in the new law. It looks like the current draft is consistent with the new law.

Dan Ettinger, NextEra Energy Attorney, suggested checking with Corporation Counsel on the risk assessment.

Steve Vaughan – suggested adding “Occupied” before dwellings on #7 (Battery Energy Storage draft ordinance).

Paul Funk, DTE, stated that dwelling language has been challenged.

Jeff Smith, HCBZ, stated dwelling is a term typically defined by the State of Michigan Building Code.

Keith Iseler, Huron Township, stated if someone requested an extension, no matter how valid the reason, a previous PC chairman would have denied the request. Just something to think about.

### 10. Final Planning Commission Comment: None

### 11. Adjournment

Being there was no further business to come before the Planning Commission, it was moved on a motion by Member Epperson, to adjourn the meeting and seconded by Member Lauinger. Motion carried. Adjournment was at 9:01 p.m.

### Notice of Upcoming Meetings:

- Next **Regular PC Meeting** scheduled on **Wednesday, March 6, 2024 @ 7:00 p.m., Room 305.**

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Bill Renn, Chairman

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Julie Epperson, Secretary

Date: \_\_\_\_\_

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