

NOVEMBER 1, 2023
Huron County Planning Commission Minutes

A meeting of the Huron County Planning Commission was held on Wednesday, November 1, 2023, 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 7:03 p.m. with the Pledge to the United States of America. Acting Secretary George Lauinger, called the roll of members: Roll call – Members present: Bernie Creguer, George Lauinger, Richard Swartzendruber, Bill Renn, and Todd Talaski. Absent: Julie Epperson, and Jeremy Polega, J. Dean Smith, and James Leonard. Approximately 19 guests were in attendance.

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

2. Approval of Minutes

Member Talaski made a motion, seconded by Member Swartzendruber to approve the October 4, 2023 regular meeting minutes with the following correction: 8. New Business, PA 116 applications should have been 2, not 5. Motion carried.

3. Public Comment (Open Meeting Act.):

Luke Deming, Bad Axe, would like to see some outreach to the farmers. He has concerns about big companies coming in and taking over the land.

Brendan Miller, Land Liberty Coalition, thanked the Planning Commission for being proactive on the solar and battery energy storage ordinances. He has worked with other counties throughout the State of Michigan and offered his services.

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

5. Communications:

- A. Lake Township e-mail dated October 17, 2023 providing a copy of their updated draft Master Plan.
- B. Lake Township e-mail dated October 26, 2023 stating the Lake Township Planning Commission will be holding a public hearing on December 13, 2023 for the purpose of receiving public comment on the new proposed Master Plan.
- C. Village of Ubyly notice dated September 23, 2023 stating they are preparing to update their Master Plan.

6. Reports of Committees: Campground, Mobile Home, and RV Park committee report – Member Talaski stated the committee had not met.

7. Unfinished Business:

- A. Commercial Solar Energy Facilities Ordinance. Continue review of solar ordinance draft and Battery Energy Storage System ordinance draft regulations.

Reviewed the written comments from DTE Energy provided to the planning commission at the October meeting:

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Pg 3, 2. a. answers the first comment – in addition to the current zoning ordinance.

h. add "field tile maps, if available"

Pg 4, n. why is it necessary if it is zoned AG? Using it as a baseline.

Pg 6, E. add "fenced" solar arrays

Pg 7, solar arrays. There shall not be setbacks to road right-of-ways, or property boundaries...

Pg 13, V. commence within a period of two (2) years...The Planning Commission may grant upon request an extension "for either a new start date or" a new completion deadline. Member Talaski suggested deferring on that language to a later date to confer with Corporation Counsel. Planning Commission members could change during the time frame and decide to not grant an extension.

Jeff Blue, NextEra Energy, reviewed the written comments on the Solar Ordinance provided to the planning commission at the October meeting:

Pg 1, Applicant. Add "with an interest in the subject property or any entity" that makes an application under this ordinance "with the permission of the Owner of Land"

Component: "T" transmission "L" line. Battery Energy Storage System: remove Battery.

Pg 2, Owner of Facility: change to Facility Owner.

Pg 3, B. 2. Add: "In place of Site Plan Review under Section 14.28, Utility Scale Solar Energy Facilities shall submit all materials required by this Section."

B. 2. c. Remove: Lot or parcel. Add: "Participating Parcel."

B. 2. d. Add: "Owners of Land" of "Participating Parcel" Remove: other parcels Add: "Non-participating Parcels"

B. 2. e. Add: "and" above ground "equipment" Remove: structures

B. 2. f. Add: "and above ground equipment"

B. 2. h. Add: "all available field tile maps" Remove: "tile fields". Add: "Collection Lines and Transmission Lines". Remove: "Electrical lines"

Pg 6, B. 2. t. Add: "substantial"

Pg 6, B. 2. u. Add: "O" Remove: "N"

Pg 6, C. Remove: "and the State Construction Codes" and "Planning Commission". Add: "Building Official"

Pg 7, E. 1. Remove: "parcels leased, contracted, or purchased by the" and "Special Use Permit applicant for the purpose of installing a Utility Scale Solar Energy Facility". Add: "the Participating Parcels as measured from the fence line" and "which denial shall be applicable to the acres which exceed 15,000."

Pg 7, F. 1. Remove: "Maximum height of a" and "ground level under each" Add: "Height" and "natural grade at the base of each"

Pg 8, G. Capitalize: Non-Participating. Add: "Parcels" Remove: "property owners" Add: "which shall be measured from the edge of said right-of-way," Remove: "H" Add: "I" Capitalize: Participating Parcels Remove: "within a given Section."

Pg 8, H. Remove: "System" "Owner of" "the" Add: "Owner"

Pg 9, I. Remove: "berms and/or" "North American Electric Reliability Corporation" Add: "National Electric Code"

Pg 9, J. Add: "rights-of-way"

Pg 9, K. Capitalize: "Participating Properties" "Non" "Properties" Remove: "project"

Pg 9, K. 1. Remove

Pg 10, K. 2. Renumber to 1.

Pg 10, M. Remove: "electrical" Capitalize: "Collection Line"

Pg 10, N. Remove: "Battery"

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Pg 11, 3. Remove: "an" "Solar Energy System or" Add: Abandoned, including any Components"

Pg 12, 4. Add: "or such removal conflicts with the requirements of an applicable state or federal authority."

Pg 12, 5. Add: "Participating Parcels, which may be high-resolution aerial photographs." Remove: "land to be included in the application."

Pg 12, 7. Add: ", where available."

Pg 14, V. Add: "two years" "completion must be diligently pursued thereafter" "of one (1) year" Capitalize: "Facility Owner/Operator" Remove: "must be completed within a period of two (2) consecutive years from the date a Special Land Use Permit is granted" "with a new completion deadline"

Pg 14, X. Remove: "and reassignment of a Special Land Use Permit" Capitalize: "Facility Owner"

Jeff Blue, NextEra Energy, provided a virtual site tour presentation of one of their existing battery storage facilities already operating in the U.S.

8. New Business:

- A. **SPR 2023-08** Midwestern BioAg, 246 Cross Road, Kinde, MI 48445 requesting site plan review to build a 36ft. x 36ft. liquid fertilizer containment dike on their existing 3.19 acre Business zoned parcel in Section 7 of Lincoln Twp.

Member Bernie Creguer stated his brother Pete Creguer is the owner of Midwestern BioAg, and requested the planning commission determine if they believe there was any conflict of interest in allowing Bernie to participate and vote on SPR 2023-08.

Member Lauinger made a motion and seconded by Member Talaski to allow Member Creguer to vote on Site Plan Review 2023-08. Motion carried unanimously.

Member Talaski made a motion to approve SPR 2023-08 and was seconded by Member Creguer. Roll Call Vote. Motion carried 5 Yea; 4 absent.

Roll Call Vote: SPR 2023-08 SITE PLAN REVIEW PERMIT: Midwestern BioAg

Bernie Creguer	Yea	Bill Renn	Yea
Julie Epperson	Absent	Jeremy Polega	Absent
George Lauinger	Yea	Rich Swartzendruber	Yea
James Leonard	Absent	J Dean Smith	Absent
Todd Talaski	Yea	5-Yea 0-Nay 4-Absent/Abstain	

- B. PA 116 Enrollment Applications: none

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

James Dean, stated the current wording of the solar ordinance would allow 187 80 acre parcels to be used for solar. That is 23 square miles.

10. Final Planning Commission Comment: None

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11. Adjournment

Being there was no further business to come before the Planning Commission, it was moved on a motion by Member Swartzendruber, to adjourn the meeting and seconded by Member Talaski. Motion carried. Adjournment was at 8:24 p.m.

Notice of Upcoming Meetings:

- Next **Regular PC Meeting** scheduled on **Wednesday, December 6, 2023 @ 7:00 p.m., Room 305.**

Bill Renn, Chairman

Julie Epperson, Secretary

Date: _____
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