

LIVINGSTON COUNTY BOARD
AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE
MINUTES OF THE NOVEMBER 6, 2023 MEETING

Committee Chair Gerald Earing called the meeting to order at 6:00 p.m.

Present: Gerald Earing, Michael Haag, Jack Vietti, Steven Lovell, Paul Ritter, Rebekah Fehr and Joel Barickman

Absent: None

Board Members Present: James Carley, Marty Fannin, Bill Mays, Seth Welch and Linda Ambrose

Also Present: Zoning Director Brittney Miller, Zoning Administrative Assistant Patricia Merlino and Executive Director Alina Hartley

Earing called for any additions or corrections to the agenda with none requested. Motion by Vietti, second by Ritter to approve the agenda as submitted. **Motion carried with all ayes.**

The Committee reviewed the minutes of the October 3, 2023 and October 18, 2023 meetings. Motion by Ritter, second by Lovell to approve the minutes as submitted. **Motion carried with all ayes.**

Business:

Battery Energy Storage System Ordinance

Earing instructed the committee that they needed to work together on the battery energy storage system ordinance. Hartley distributed a comparison checklist that was created by Andrew Keyt to use while creating the ordinance.

Fehr questioned why wind energy was on the agenda. Hartley explained that it was for the committee to decide if they wanted to create an ordinance for stand-alone battery energy, which could be later be amended to incorporate requirements for battery storage and maybe wind.

Fannin questioned if anyone had heard of a wind energy company proposing battery energy storage or stand-alone battery energy storage on their projects. Hartley stated that she wasn't aware of any within Livingston County and Fehr noted she hasn't seen this in any other County's either.

After some discussion the committee decided to concentrate on the current solar ordinance to incorporate battery energy storage and agreed upon the following additions:

1. Battery energy storage system as part of the initial special use permit application.
2. Allowable only in the Industrial and Agricultural districts.
3. Recommended to the County Board for final approval.
4. 200 ft. setbacks from property lines and 500 feet from an occupied structure.
5. 20 feet of clearance from combustible vegetation on either side.
6. Keep the County's current definitions.
7. The battery energy system shall be included in the decommissioning plan submitted with the special use application.

8. Application requirements to include 10 paper copies and 1 electronic copy. Also adding the requirement for a drain tile study and two separate legal descriptions required for the overall parcel and one for the area used for the batteries.
9. The language for post construction monitoring to stay the same as what's in the current ordinance.
10. Use the County's current fee structure and remedies section in the current ordinance.

Other Issues to Come Before the Committee

Fehr suggested the committee refer to page 13, Section VI Permitting, subsection C, in the draft of the Battery Energy Storage System (BESS) Ordinance, asking that the word “may” be changed to “shall”, so it reads, “The County shall request a final inspection(s) before the operating permit is issued” and the committee agreed.

Hartley suggested that a few things in the current ordinance need to be clarified if a text amendment is going to be done. Hartley mentioned that concerns were raised on if screening and fencing must be installed during the fall and winter seasons. Miller noted that one solar project is close to completion and they are concerned about planting trees at this time. It was the consensus of the committee that trees shall be planted within 6 months of completion with a minimum height of 6 feet.

Hartley suggested that there needed to be clarification regarding when insurance coverage needs to be permitted. The ordinance states, “Insurance coverage shall be maintained without interruption from the date of permitting through the decommissioning of all solar equipment.” Hartley inquired if the term permitting is referring to when the building permit is issued and the committee indicated it is.

Hartley mentioned that a few solar farms have questioned if NRI reports and LESA scoring is required by the date of the hearing, noting this is due to the recent delays in getting the reports completed as well as there not being clarification in the ordinance. Hartley expressed that it is a requirement for the company to obtain these reports, but is unsure if hearings can be pushed back due to them not being ready in time.

Earing reported that Julia Fosdick is going to discuss CO2 pipeline on Tuesday, November 14, 2023 at 6:00 p.m. at the Special Ag & Zoning Meeting.

Public comment

The floor was opened for public comment.

Review and Approval of Bills

Adjournment:

Motion by Vietti, second by Ritter to adjourn the meeting. **Motion carried on voice vote.**

Patricia Merlino, Administrative Assistant
Livingston County Regional
Planning Commission