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August 20, 2024

Fairgrove Township
5002 Center Street
Fairgrove, MI 48733

Attention: Planning Commission

Re: Site Plan Review
Tuscola II Energy Storage Project
Wade Trim Job No: FAG6001-25D, Task 100

Dear Commissioners:

The applicant, Tuscola II Energy Storage, LLC, a wholly owned independent subsidiary of NextEra Energy Resources, LLC, is requesting a Special Land Use Permit and Site Plan Review approval to establish a 100-megawatt (MW) battery energy storage system (BESS) within Fairgrove Township. At present, the proposed site plan includes 32 acres of participating land within the project area. The project area includes the existing electrical substation, which would provide access to the high-voltage grid.

Summary of Facts	
Property Address:	N/a
Applicant:	Tuscola II Energy Storage , LLC
Property Owner:	Richard Starkey
Property ID:	010-019-000-0600-01
Project Location:	West of Kirk Road, between M-138/Fairgrove Road and Deckerville Road
Property Size:	32 acres (Project Area), five acres (within project fence)
Current Use of Property:	Agricultural
Existing Zoning of Property:	A-1 Agricultural
Proposed Use:	Battery Energy Storage System
Allowance for Use:	Special Use
Future Land Use Designation of Property:	Agricultural (bulk of site) & Manufacturing (electrical substation)
Please refer to the enclosed Aerial Photo Exhibit	

Background

In 2024, the Township began developing “workable” BESS zoning regulations for projects choosing to locate within the Township. The Township Board of Trustees adopted Ordinance 012-2024 on December 2, 2024, which provided regulations that are more restrictive than those created in Public

Act 235 of 2023. The applicant is requesting that the Township review its BESS facility proposal, utilizing these newly adopted regulations.

The applicant is proposing to develop a BESS system on 32 acres of land with approximately five acres of land within the security fencing. At commissioning, the project will have 100 MW capacity; however, additional battery modules will be required to be added during the life of the project to maintain its level of output.

A field of approximately 175 battery enclosures and 45 inverters will be located within a centralized area along the southern edge of the proposed site. This area, immediately to the west of the existing transformer yard, will have a service road that bisects the rows of battery enclosures and inverters for both maintenance and emergency vehicle and first responder access. Immediately to the south is a proposed low stormwater detention basin, and a temporary construction “lay-down” yard will be constructed just to the north.

Per the current National Electrical Code, each BESS is to be encircled by a seven-foot-tall security fence, which is being proposed to be topped with 1 foot of barbed wire.

Special Land Use Permit and Site Plan Review Processes

The Township’s Special Land Use Permit process is detailed within Chapter 7 of the Fairgrove Township Zoning Ordinance. The intent of the process is to provide for special land uses that may be permitted within certain zoning districts but only after review and approval of a Special Land Use Permit by the Planning Commission. Often more intensive than permitted uses, this approval process typically includes unique requirements for these uses, and it permits the Planning Commission to add specific conditions to the approval of the land use or deny it altogether.

Once the Planning Commission has completed its review of the Special Use Permit, it shall then complete the Site Plan Review process as detailed within Chapter 9 of the Zoning Ordinance. The primary objective of Site Plan Review is to ensure that proposed development meets all of the Zoning Ordinance requirements prior to project commencement.

Granting of a Special Land Use Permit is separate from the Site Plan Review, and the Special Land Use Permit may be granted even if Site Plan Review approval is not granted. Our detailed Special Land Use Permit review is included in separate correspondence.

We have reviewed the July 9, 2025 proposal submitted by Tuscola II Energy Storage, LLC for Site Plan Approval for compliance with the Fairgrove Township Zoning Ordinance and sound planning principles. We offer the following comments for the Planning Commission’s consideration regarding compliance with the Township’s Site Plan Review requirements:

Site Plan Review

The Zoning Ordinance’s formal Site Plan Review standards are listed in Section 9.4 of the Zoning Ordinance and in the Township’s Site Plan Review application. Below are items identified that did not meet the requirements listed within the Site Plan Review and Special Land Use requirements:

- 1) Per Section 9.4.c.1, it appears that the site plan sheets do not include the property dimensions. The electronic copy of the Site Plan provided to Wade Trim did not have sufficient resolution to discern if the dimensions of the parcel and the site are included on Sheets 03 and 04.
- 2) Per Section 9.6.d, the stormwater calculations have not been provided to confirm whether sufficient detention is provided. Prior to groundbreaking, the applicant should be required to

provide evidence to the Township that the Huron County Drain Commission has signed off on the retention basin design and outflow rates.

- 3) Per Section 9.6.k, the applicant is to provide a status of all the necessary approvals by other agencies. No information was provided. What is the status of other required permits and authorizations from other regulatory agencies?
- 4) Per Section 7.28.9.A & B, the Landscape Plan –The Visual Simulation materials in Appendix E indicate that the deciduous and evergreen trees will be five feet tall and planted on 15-foot centers at planting. As stipulated in Section 7.28.A, the Planning Commission is to make a determination that the 15-foot-on-center spacing for the buffer plantings will be sufficient to provide the appropriate buffers to this facility from adjacent properties and roadways.
- 5) Per Section 7.28.C, the applicant is to ensure that the landscape materials remain healthy and properly maintained throughout the project's life cycle. At a height of five feet at planting, we would request that the applicant provide details as to how these trees will not be damaged or killed by foraging deer.

A draft copy of this review was shared with the applicant so that they would be able to review this information prior to the special Planning Commission meeting on Friday August 22, 2025. We believe that the applicant should be able to provide answers to many of the above noted concerns prior to or during their presentation as a part of the Site Plan Review process.

After the results of the Planning Commission deliberations and additional information from the applicant, it would be reasonable for the Planning Commission to make a decision relative the applicant's site plan materials including the addition of reasonable conditions that meet the requirements found in Section 9.7 to ensure public health, safety, and welfare, and to protect adjacent property owner's rights.

If you have any questions, please do not hesitate to contact me at 313.961.3650 or by e mail at amullen@wadetrim.com.

Very truly yours,

Wade Trim Associates, Inc.

Arthur F. Mullen, AICP
Professional Planner and Preservation Planner

AFM:lkf
FAG6001-25D

Path/file

cc: Seth Koches, Bauckham, Thall, Seeber, Kaufman & Koches
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