

Fresh Coast Planning

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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA 
Date: July 10, 2024
Re: Michigan Public Act 233 of 2023

As you may know, on November 28, 2023 Governor Whitmer signed into law Act 233 of 2023, which generally restricts a local municipality from regulating solar energy systems of 50 megawatts or larger, wind energy systems of 100 megawatts or larger, and energy storage (battery) facility systems with a storage capability of 50 megawatts or more, or a discharge capability of 200 megawatt hours or more. These systems are generally referred to as “utility scale.” While the Township can adopt an ordinance to regulate the same, the ordinance is required to mirror the Act. Given this, and at the suggestion of Michigan Townships Association attorney Catherine Kauffman, there is essentially no benefit for the Township to adopt an ordinance in that regard.

The Township does have the authority to regulate solar and wind energy systems under those megawatt thresholds, or “non-utility scale,” which the Township currently regulates within its Zoning Ordinance.

Given this, the purpose of this memorandum is twofold; 1 – to seek whether the Planning Commission desires to regulate utility scale solar and wind and; 2 – to update the existing solar language where appropriate.

Compatible Renewable Energy Ordinance (CREO)

In the instance the Township desires to regulate utility scale energy systems larger, the Township would need to adopt a CREO. As noted above, the CREO has to mirror State law. Generally, the only benefit to adopting a CREO is being directly part of the review process. Although, without a CREO, the Township would still receive notice of an application to the State within the Township boundaries. A drawback of the CREO is the short time period in which the law requires the Township to consider and approve an application.

Ultimately, we agree with Attorney Kaufmann that a CREO is unnecessary. In our other communities, none of them have adopted a CREO.

Existing Wind and Solar Language

Wind Energy

As you know, the Township regulates wind energy systems (and solar) within Chapter 16A – Renewable Energies of the Tallmadge Charter Township Zoning Ordinance. Following our review of said language, we do not believe any updates to the wind provisions are necessary.

Solar Energy

While the existing solar language is sufficient to regulate non-utility scale solar, we recommend a few updates for systems designed for off-site consumption of energy:

1. Elimination of any kilowatt limitation (small scale and large scale)
2. Addition of battery storage regulations (siting, setbacks, screening, and the like)

3. The consideration of siting requirements that support agricultural ground cover or livestock

Planning Commission Direction

In the instance the Planning Commission agrees with Attorney Kaufmann and our suggestions above, we will draft language for your consideration at your next meeting.

This item has been scheduled for a discussion item at your July 23, 2024 meeting. If you have any questions, please let us know.

GLR
Planner

cc: Mark Bennett, Supervisor