

From: Catherine Dyer <cat@outsidetheboxadmin.com>
Sent: Saturday, October 19, 2024 3:13 PM
To: Bob Hanvey; Sandy Donovan; Tammy Beal
Subject: Solar updates

Hello Bob, Sandy and Tammy,

I see there are some fast deadlines coming up when it comes to protecting Marion Township's interests of where Industrial Solar plants should and shouldn't go.

I appreciate that you finally reached out to Mr. Homier a month ago to discuss the CREO addition. I was online for the meeting when you shared receipt of the confidential letter from Foster and Swift. With all those things going on I was really hoping to see solar topic discussions added to the October 24th meeting as it seems time is of the essence.

I'd like to ask that Solar Ordinance updates and joining the class action lawsuit against the state topics be added to the agenda on October 24th. I'd hate to think all the hours spent at Parker hammering out the ordinance and the time residents have spent this last year gathering signatures trying to fight State takeover will be efforts lost in the last days because action was not taken.

See you at the meeting on October 24th.

Sincerely,

Catherine Dyer
Outside The Box Admin
Business Support Services
517-294-7040
cat@outsidetheboxadmin.com



tammybeal@mariontownship.com

From: tammybeal@mariontownship.com
Sent: Monday, October 21, 2024 11:00 AM
To: 'Catherine Dyer'; 'Bob Hanvey'; 'Sandy Donovan'
Subject: RE: Special Meeting tonight

Catherine,
Tonight's special Marion Township Board of Trustee meeting is to discuss and define our options on how to proceed with the different variables of renewable energy.

Sincerely,

Tammy L. Beal, CMC, MMC, MIPMC

Marion Township Clerk
2877 W. Coon Lake Road
Howell, MI 48843
tammybeal@mariontownship.com
office: (517)546-1588

From: Catherine Dyer <cat@outsidetheboxadmin.com>
Sent: Monday, October 21, 2024 10:18 AM
To: Bob Hanvey <supervisor@mariontownship.com>; Sandy Donovan <treasurer@mariontownship.com>; Tammy Beal <tammybeal@mariontownship.com>
Subject: Special Meeting tonight

Good morning,

Just checking to see if I could get a little more detail on tonight's special meeting. The agenda just says "Renewable Energy Options". Will the board be voting on joining the lawsuit and will there be a vote on updating the ordinance with a CREO?

Sincerely,

Catherine Dyer
Outside The Box Admin
Business Support Services
517-294-7040
cat@outsidetheboxadmin.com



Bob,

Currently, most townships are adopting CREO's to have in place for the November 29 rollout of PA233 on the advice of

- Dr Sarah Mills of U of M
- MSU
- MTA
- MPA
- Michigan Association of Counties
- Mike Homier
- Livingston County Planners
- Groups statewide fighting against industrial solar on ag land and surrounding residential

Right now, our ordinance would not be considered workable or CREO. It is the opinion that if an ordinance is not CREO, that the whole ordinance goes out the window and our overlay district would be null and void and make the whole township open for projects anywhere.

Adopting CREO won't open us up to litigation from landowners, most all Livingston County townships have adjusted their ordinances to be CREO.

It would only be simple text changes to make our ordinance CREO

- Add definitions
- Add wind and energy storage facility, language straight from the County Planners
- Solar - change set back, noise, fencing
 - Setback 300' from house, 50' from road, 50' from property line
 - Noise 55dBA from house
 - Dark sky friendly lighting
 - Solar only: NEC fence, 25' height
- Add Iosco's environmental impact reports already approved by the County Planners

Please share with the rest of the board.

Jim witkowski

My understanding is:

that the determination of CREO is made by MPSC. **It is, but their criteria are simple, only 4 items noted in previous letter**

the determination of “workable” is made by the developer. **Yes**

MPSC has no authority under the statute for site selection. **That is correct, not at this time. There is pressure from the developers to the commission to add site selection in their criteria**

Our current overlay district will not stand up under challenge. **I don't understand why you would say that. Site selection is not part of the law. Overlays would stand up in an exclusionary zoning claim if that's the challenge.**

If you're referring to land available, we have enough for smaller solar and wind and room for battery storage. There is nothing in the law that says there must be a 50MW facility in every township. That is the size threshold for a developer to go to MPSC.

We should add Lucy Road to land eligible, in the overlay and in zoning.

What is there in a CREO that prevents development? **CREO's don't prevent development. We would have those facilities in our commercial and industrial zones. Having a CREO does improve our chances of keeping it off of our farmland.**

Based on the opinions of many professionals and professional groups, I believe that if we have a CREO, disputes would be determined by the MPSC. Disputable items are only the specific criteria enumerated by the MPSC, which does not include site selection, and we should be safe with our overlay. Developers do not want to go to the state because of the lengthy approval time and the requirements in the CREO such as endangered species study, etc., and may bypass us for townships that allow it on flat, cleared sites.

I think that a better defense is to allow all solar, wind, and battery storage as a permitted use in commercial and industrial. And make solar, wind, and battery storage expressly prohibited in all other zones, rural residential, etc. We can keep the overlay as well.

Mr. Homier is advising townships to allow for 50 MW sites in their overlay district, and if we included Lucy Road parcels, that would make us able to have a 50 MW project. This defense may stand up if overlays are prohibited by the MPSC because we have it permitted by right in two zones. No township I know is doing permitted and not permitted uses within zoning.

I would be willing to write the simple text changes in our ordinance to make it a CREO, language that has already been approved by the County Planners in other townships. We have nothing in our ordinance addressing wind and battery storage, and that makes those projects available to be built on any parcel in the whole township.

Changes are needed in both the solar ordinance and the Master Plan.

But if you are dead set against a CREO, at an absolute minimum, we need to include battery and wind in our overlay district. If we don't, we could very well be the battery storage sites for all of Iosco

solar. It is unthinkable to do nothing and let this happen knowing how your residents feel about solar developments.

Because this is a complex issue, I would prefer to meet with the 3 of you in person.

From: Michigan Townships Association <jenn@michigantownships.org>
Sent: Thursday, October 10, 2024 4:36 PM
To: tammybeal@mariontownship.com
Subject: MTA Update: MPSC releases final order on large-scale renewable energy facilities under PA 233



MTA Update

MPSC releases final order on large-scale renewable energy facilities under PA 233

Today, the Michigan Public Service Commission (MPSC) approved [an order for the implementation of Public Act 233 of 2023](#) for the siting of large-scale renewable energy facilities. The order provides final application filing instructions and procedures for projects seeking a certificate from the commission under PA 233, which takes effect Nov. 29, 2024.

MTA is currently reviewing the order and application filing instructions and procedures with our legal counsel. To provide information and answer questions, we are hosting a **FREE MTA Q&A webinar** with MTA legal counsel for elected and appointed member officials on **Thursday, Oct. 17 at noon**. [Register for the free webinar now.](#)

Throughout the Public Act 233 of 2023 implementation process, MTA and our legal counsel participated in each MPSC stakeholder meeting, provided detailed input and feedback on all draft guidance, and shared with the commission background on local land use considerations such as site plan review and decommissioning. Today's final guidance does provide some clarity on several issues, such as sound monitoring requirements. It also confirms local siting authority is only retained if the impacted community, or communities if a project crosses jurisdictional boundaries, each adopt a compatible renewable energy ordinance with requirements no stricter than those prescribed in PA 233. The MPSC order states that workable ordinances—allowing a developer to choose to work with a local government for siting and requirements that fit best with the community—are outside the commission's authority under PA 233.

Additional key items outlined in the order that impact townships include:

- Affected Local Unit (ALU) is "restricted to only those local units of government that exercise zoning jurisdiction"
- Meeting and notification requirements with chief elected official/ALU, as well as notice of public meetings
- Authority for project applications when located in multiple jurisdictions
- Unzoned areas are not considered to be an ALU under PA 233 and are not subject to the "same obligations and benefits as ALUs"
- Hybrid facilities permitted—meaning "solar facilities, including hybrid or co-located facilities comprised of solar and storage facilities, having a nameplate capacity of 50 megawatts (MW) or more and wind facilities, including hybrid or co-located facilities comprised of wind with solar and/or storage having a nameplate capacity of 100 MW or more"
- Allocation of one-time grant funds
- Decommissioning requirements—including soil conditions and removal limited to only above-surface facilities/infrastructure

Additional information regarding the process, comments and filings can be found at [MPSC workgroups on renewable energy facility siting](#) and [Case: U-21547](#).

Michigan Townships Association | 512 Westshire Drive, Lansing, MI 48917

www.michigantownships.org



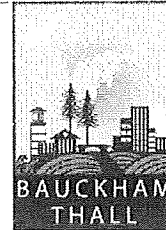
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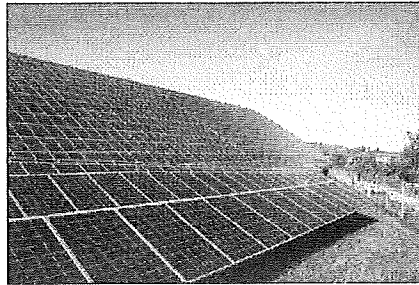


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Update on MPSC Renewable Energy Guidelines



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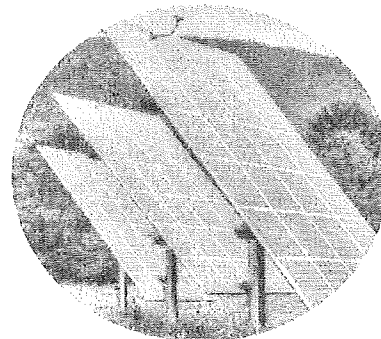
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Reminder: Summary of PA 233-234

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- Makes significant changes to the permitting process for utility-scale renewable energy facilities
 - Including solar, wind, and battery energy storage
- Allows developers to apply directly to the Michigan Public Service Commission (MPSC) to construct utility-scale renewable energy facilities
 - Unless all affected local units adopt "compatible renewable energy ordinance" (to be discussed shortly)
- Severely limits local control



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Reminders: Size of Projects

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- Solar Energy – 50 MW or more across entire project
- Wind Energy – 100 MW or more across entire project
- Battery Storage – 50 MW or more across entire project
- Existing project – expansion or repowering of existing project that meets the above requirements
- Hybrid projects – adding up MW output
 - For example: 30 MW solar plus 20 MW battery storage would satisfy, even though the two by themselves would not

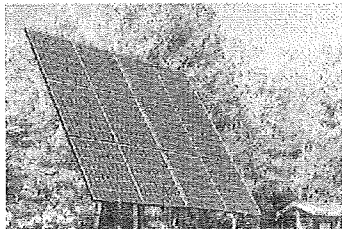
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Reminder: Local Authority Remains

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- Can still regulate small scale utility projects
- Can regulate roof-mounted or ground-mounted solar systems as accessory uses on property
- Workable ordinances remain available



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In short...



There is no way to prohibit large-scale renewable energy projects in your township.

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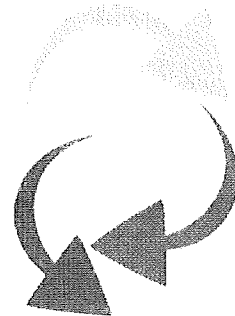
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Project Approval Options



Three main avenues for approval:

1. Entirely through the State (MPSC)
2. CREO – Township, but limited
3. Workable – Township, but not guaranteed



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New Guidelines

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New guidelines formally issued 10/10 on the following:

1. Affected Local Units – who are they?
2. Hybrid projects
3. CREO
4. Workable ordinances
5. Sound regulations
6. Notice of meetings
7. MPSC Application Process

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Affected Local Units (ALU)

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- Statute defines local unit as “a county, township, city, or village.” An ALU is “a unit of local government in which all or a part of a proposed energy facility will be located.” *Those with zoning – County is not an ALU*
- MPSC Guidelines state: ALU is only the one with zoning jurisdiction
 - If Township has zoning, County is not the ALU
 - If Township has no zoning, County is the ALU

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ALU and Intervenor Funds

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- Intervenor funds: One-time payment of money into a special fund for the ALU to spend participating in the hearing at the MPSC
- Only ALUs with zoning authority get intervenor funds
 - \$150,000 split equally, but no one ALU shall receive more than \$75,000
 - If the project is only in your Township, you get \$75,000
- Any unspent money must be returned near end of contested case

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ALU and CREO

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- For project spanning multiple ALUs, all of them must have a CREO to avoid MPSC
 - If even one does not have a valid CREO, the entire project is sent to the MPSC
 - Township and County do not both need a CREO, only the one with zoning authority
 - Any neighboring townships with same project need CREO
- If Township is unzoned, they cannot adopt a CREO and they are not considered an ALU
 - Get virtually no benefits from the State statute
 - Specifically, they receive no notice of meetings, siting, etc.

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Property Acquisition

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- MPSC does not have power of eminent domain
- Landowners must agree
- “Participating or not participating in a renewable energy or energy storage project is a decision for individual landowners. Commission approval of a certificate under PA 233 does not confer the power of eminent domain or require landowners to participate against their wishes.” –MPSC Guidelines

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Hybrid Projects

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- Guidelines permit “hybrid” facilities, combined wind, solar, and/or battery storage
- Hybrid facilities add up their MW output – do not need to independently reach thresholds
 - For example: 40 MW solar plus 10 MW battery storage would satisfy, even though the two by themselves would not
 - 50MW wind plus 20MW solar plus 30MW would satisfy

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Compatible Renewable Energy Ord (CREO)

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- New Guidelines dictate that CREO is very narrow
- “A CREO under Act 233 may only contain the setback, fencing, height, sound, and other applicable requirements expressly outlined in Section 226(8), and may not contain additional requirements beyond those specifically identified in that section.”
- If township adopts a CREO that is in any way more restrictive than Section 226(8), Developer can challenge it
 - Successful challenge invalidates the ordinance
 - Successful challenge significantly reduces local benefits -- no intervenor funds, no notice of any future meetings/actions

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“Workable” Ordinance

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- Township adopts ordinance that it knows is not a CREO: sets standards above statute and/or regulates what State does not allow
- Developer voluntarily chooses to follow this local ordinance instead of MPSC
- Developer can always fall back on the State/MPSC process. Township cannot force them to use a “workable” ordinance.
- MPSC Guidelines recognize workable ordinances as valid. MPSC staff encourage workable.

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“Workable” process – The Catch

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- Workable sounds great! However....
- Its name comes from being “workable” to the developer.
- Workable does not allow a township to completely prohibit, or to add so many restrictions that a developer would never be able to meet them
- Any regulations must be reasonable, otherwise the developer will go to the State
- There is no way to prohibit large-scale renewable energy projects in your community.

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Sound Regulations

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- Complicated, but seemingly well-researched:
 - 5 dB tonal penalty and 6 dB façade pressure doubling penalty applied, effectively lowering dBA requirement from 55 to 44.
 - Essentially relies on American National Standards Institute
- No requirement for pre-construction sound monitoring
 - But sound modeling is required
- Post-construction sound monitoring is required to ensure compliance

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Notice of Meetings

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- Notice of meetings must be published by applicant in newspaper or digital alternative
 - Not required to be directly mailed to residents
- Notice of right to comment on project must be published and directly mailed to residents
 - Within 1 mile of solar or battery storage, 2 miles of wind
- Before applicant can go to the MPSC, they must offer to meet with the Supervisor of the Township
 - At this meeting, Supervisor can declare that they have a CREO, state that they have workable, or request the developer go to the MPSC for review and approval

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MPSC Application Considerations

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- MPSC can consider much more than CREO
- Public benefits of facility
 - Payments to participating landowners are confidential
 - Only zoning ALU gets community host agreement
- Feasible alternative developed locations
 - If proposed project is on undeveloped land, applicant must describe other developed areas (i.e. brownfield) and why they were not feasible
- Emergency and Fire Response Plans
 - Applicant must meet with local first responders/fire depts.
 - Applicant must offer or pay for training

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MPSC Application Considerations

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- Construction monitoring
 - MPSC will require applicant to pay for 3rd party independent monitor who will be on site at least once per week during construction
- Debate over whether applicants need building permits from local unit
 - MPSC says they must get “all local permits” but isn’t specific
 - Developers state they do not need them

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MPSC Community Host Agreement

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- All Affected Local Units get a one-time payment of \$2,000 per MW of project in their jurisdiction
 - To be used for police, fire, infrastructure, or other lawful uses
- Note: Definition of Affected Local Unit changes for this provision only, to include everybody:
 - Township, County, Villages if applicable. Zoned or unzoned.
 - Everybody gets their own \$2,000 per MW
- Inconsistent definition of Affected Local Unit
 - In all other aspects it only means unit with zoning
 - But here, it just means any unit where the project is located

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MPSC Decommissioning

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- Must adopt decommissioning plan, updated every five years for the first 20 years of operation, and every 3 years thereafter
- Return soil to useful condition, not “same” condition
- Applicant can substitute PA 116 bond for PA 233 bond as long as the costs are covered
- No requirement to remove below-surface facilities
- Townships cannot see leases between applicant and landowner
- Decommissioning bond built in stages:
 - 25% at start of construction
 - 50% one year from start of construction
 - 100% by start of full commercial operation

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Questions

22



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Michael Bila 12:06 PM

Yes, these will be covered later in the presentation.

Danielle Willcock 12:08 PM

Is the WIO only for small scale?

This question has been answered live

Judy Allen 12:14 PM

No

John Said 12:09 PM

Will a copy of the slides be made available? Apologies if this was already noted.

Shelley Cardenas 12:10 PM

Thanks for joining us today! Here is the link to today's handout: <https://michigantownships.org/wp-content/uploads/MTAs-Renewable-Energy-QA.pdf>

Mike Kapp 12:11 PM

Is there any reason a township can't have a CREO and a "workable" ordinance to hedge against a developer that doesn't consider the workable provisions as workable?>

Michael Bila would like to answer this question live.

Michael Puzzuoli 12:12 PM

Will you be discussing SetBacks? Specifically, if a home is yet to be built, will the MPSC utilize setbacks that will honor the 300 from the wall of a dwelling? Concern, if some has a parcel they desire to place a dwelling upon in the future. If they place a battery storage or solar panels 50 feet from the property line rather than 300 feet minus the appropriate set back, it might impact the future value of the parcel, with or without that dwelling. Thank you.

Michael Bila 12:17 PM

The current statute and guidelines only count setbacks from existing structures. They do not provide any provision for potential future constructions.

Bill Richardson 12:15 PM

so if the contractor bypasses the twp and goes to MPSC, is the state or the MPSC the ALU?

Judy Allen 12:19 PM

The applicant must first notify ALU and inquire if they have a CREO. If the local unit advises they do not have a CREO, denies an application for any reason other than under Sec. 226(8) of PA 233, places a moratorium or advises the applicant to go to the MPSC, then the applicant would apply with the MPSC. The local zoning community remains the ALU.

Question regarding the Fire department- Do they plan on paying for training or new tech with regards to a fire on the solar farm?

Michael Bila 12:49 PM

The statute requires that the developer submit a fire/emergency response plan which would address these issues. There is not an explicit requirement that the developer provide training or new tech to the fire department, but the Township could argue for such requirements using intervenor funds.

coetta adams 12:21 PM

Where can we find what eligible expenses are for use against the Intervenor funds?

Michael Bila 12:25 PM

Intervenor funds can only be used to contest the case at the MPSC. At the moment, there is no list of what is/is not authorized, the only rule is that it must be spent only on contesting the case at the MPSC.

Anne Harmon 12:21 PM

If both townships have workable ordinance and company wants to use them, is that a possibility?

Judy Allen 12:22 PM

yes

Elizabeth Andrus 12:23 PM

What if the original application was made to the county, and during the process the township took back the zoning? MPSC was not involved.

Michael Bila 12:25 PM

Typically, this would remain with the County since the application is already underway. But it could be moved to the Township if the parties agreed.

Anonymous attendee 12:23 PM

Am I understanding when you say "zoned"

In a township

Do you mean specifically energy zoned? Or if township ordinance says energy can be in ag/commercial etc

Michael Bila 12:26 PM

By "zoned" we mean Townships who have adopted a Zoning Ordinance of any kind. It does not have to specifically regulate renewable energy for you to be considered an ALU.

Anne Harmon 12:24 PM

I just found out about a project down state where they took part of a farm with eminent domain to go across it for the connection. Is that possible?

Michael Bila 12:31 PM

The MPSC does not have eminent domain to take property for the renewable energy projects themselves. However, power companies have the power of eminent domain to run power lines. This is not a new power granted by this law, power companies have historically been able to utilize eminent domain for power lines.

Jerry Mast 12:24 PM

So is the best practice to check with neighboring townships to make sure they have a CREO (if your township is going to have a CREO).... so that you can avoid a utility going directly to the MSPC?

Michael Bila 12:32 PM

Yes, if you intend to use a CREO, it is good practice to check with neighboring zoning jurisdictions in case a project spans your two townships.

lisa galdikas 12:25 PM

Thanks. HATE to beat a dead horse but just want to be clear if a developer is putting in a battery storage project in an unzoned twp they are NOT REQUIRED to go through the state process? And actually are not held to ANY process?

Judy Allen 12:26 PM

yes - assuming they zone

Judy Allen 12:28 PM

apologies - this was to previous question and answer bumped to your question when it was submitted

Elizabeth Andrus 12:26 PM

Do you have estimates of how much land is required for the 50 MW Solar, 100 MW Wind and 50 MW battery systems?

Michael Bila 12:37 PM

These are just estimates, but typically a solar project requires 8-10 acres per MW. Battery storage requires very little space, approximately 0.05 to 0.1 acres per MW. Wind is more challenging to estimate because it spans such a large area.

Wesley Peterman 12:26 PM

Hybrid facilities could be a solar/wind combo also?

Michael Bila 12:29 PM

Yes.

Michael Puzzuoli 12:27 PM

After reading the final regulations, specifically regarding the unreasonable diminish prime farmland does not seem to define what unreasonable would be. Based upon what I read will it be a "what ever I feel

like" definition for the MPSC to determine or is there any case law that might give guidance on how it might be define?

Michael Bila 12:46 PM

The guidelines do define prime farmland, but as you note they do not define unreasonable. This would be the type of issue that a Township would use intervenor funds to hire experts and contest at the MPSC.

Kerry Bondy 12:29 PM

Why would Developer need to challenge a local CREO? Would it not just go to MPSC?

Michael Bila 12:33 PM

If the Township asserts that it has a CREO, the developer is required to go through the Township for review. If the developer does not believe the ordinance is actually a CREO, they would need to challenge it at the MPSC to get around this requirement.

Kerry Bondy 12:35 PM

Can a local unit assert it has a CREO pursuant to 226(8) although admittedly is not a CREO pursuant to MPSC order?

Michael Bila 12:40 PM

You can assert that you have a CREO, but if you are challenged and found to be incorrect, you will lose all intervenor funds and any notice of future meetings regarding the project.

Dan Raak 12:36 PM

Are the energy companies able to take up an ordinance more conservative than the state and get it going can they start process with state to start another process to get more batteries in closer than township ordinance setback/noise

Can they get the ball rolling quicker with township and then meanwhile have another permit starting to the 50' setback ?

Or can they change to state after in use to make louder sound than township ordinance

Michael Bila 01:00 PM

Even if the company begins with your workable ordinance, they can always withdraw and apply to the State instead. But they would not be able to have an application for the same project in front of the Township and MSPC at the same time.

lisa galdikas 12:38 PM

workable ordinance only available for zoned communities? As an unzoned twp we have many twp ordinances (just non that address land use)

Michael Bila 12:40 PM

Yes, a workable ordinance is only available for zoned communities. Both ordinances discussed today (CREO and workable) are considered zoning ordinances. An unzoned township cannot adopt zoning ordinances regulating land uses.

Cindy Willson 12:38 PM

Based on your comments, you are saying that it would not be allowable to put in a CREO that renewable energy projects cannot add up to more than 5% of the total acreage in the township?

Michael Bila 12:41 PM

Yes, according to the statute and MPSC guidance this would not be a permitted provision for a CREO.

Cindy Willson 12:41 PM

Just to confirm, we cannot put in a CREO that Renewable energy project are limited to Commercial and Agricultrual land cagegories, but not residential (even if our residential is onl 10% of the acreage)

Michael Bila 12:42 PM

Yes, under the current statute and MPSC guidelines, you cannot limit the zoning districts or percentage area in your township. The statute provides that renewable energy projects are a permitted use in any zoning district.

Jerry Mast 12:42 PM

Say for Townships that currently do not have a renewable energy ordinance - what is the suggested time frame for either adopting a CREO or workable ordinance?

Michael Bila 12:43 PM

The state preemption goes into effect on November 29th of this year. After that point, any developer can apply to the state for a project if you do not have a CREO or workable ordinance.

Judy Allen 12:44 PM

It is also up to the applicant if they choose to work with a local unit on a workable ordinance. If the local unit does not have a CREO but has a workable, the applicant can choose to apply with the MPSC

Mike Kapp 12:45 PM

"We cannot prohibit these any longer." -Rob. It was my understanding that we have always not been able to lawfully write an exclusionary ordinance. Did we bring the state intervention on ourselves by passing too many exclusionary ordinances?

Judy Allen would like to answer this question live.

lisa galdikas 12:45 PM

is there a benefit to establish a policing ordinance that addresses "health & safety" concerns for our residents and community that sets limits

Michael Bila 12:48 PM

If there are brownfield sites available, do they have to be in our township?

Judy Allen 01:01 PM

please clarify your question - brownfield sites in your township? they - are you referring to brownfield sites or applicant?

Bill Richardson 01:00 PM

do we get host agreement funds whether they go through MPSC or not?

Michael Bila 01:01 PM

You would get the Community Host Agreement funds through a CREO or through the MPSC. With a workable ordinance, you determine the amount and type of host agreement funds.

Robert Dunlap 01:00 PM

Does removal include pollutants such as oils (hydrocarbons), PFAS, etc. so that the soil is back to original? Does it cover removal of pollutants covered under future regulations?

Michael Bila 01:02 PM

The guidelines require that the soil be returned to a useable form, not the original/same condition it started.

Robert Dunlap 01:01 PM

Any regulations on the number of stacked battery storage units?

Judy Allen 01:02 PM

the law is silent as is MPSC order

Kerry Bondy 01:01 PM

So Host Community Agreement and \$2k per mw pmt is required with LUG even if no CREO and Developer goes through MPSC?

Michael Bila 01:02 PM

Yes, the \$2,000 per MW payment is given to the Township even if the project goes through the MPSC

Cindy Willson 01:04 PM

Sorry if you have answered this before, but where can we go to get a copy of the Order and the exhibit A?

Michael Bila 01:04 PM

<https://mi-psc.my.site.com/sfc/servlet.shepherd/version/download/068cs00000EuxDUAAZ>

Tammy Daenzer 01:04 PM

when will the template be available, and did you say the slides from today would be emailed to us?

The equipment is subject to personal property taxes

Richard Swartzendruber 12:53 PM

How can you monitor sound pre construction? There is nothing to produce sound at that point.

Michael Bila 12:55 PM

The intent is to model the ambient sound levels before a project is installed to set a baseline, and see how they change after the construction of the project.

Tom Spillane 12:53 PM

Is there a decommissioned solar farm in michigan.

Michael Bila 12:56 PM

We are not aware of any decommissioned solar farms in Michigan, as the use is relatively new

J. Michael Rembor 12:53 PM

Does "modeling" mean designed?

Michael Bila 12:55 PM

Yes, "modeling" is essentially a sound engineer drawing up a plan that would predict how loud sounds would be at various locations.

Troy Langer 12:54 PM

If a Township adopts a CREO ordinance, could the process be a Special Use Permit, or would it have to be a different process?

Michael Bila would like to answer this question live.

Elizabeth Andrus 12:54 PM

What is the penalty if post-construction sound monitoring finds the system is not complying with the regulation?

Michael Bila 12:57 PM

The developer would be required to identify what is causing the sound issues and how to fix them, such as by adding additional sound buffering fencing or landscaping.

Wesley Peterman 12:54 PM

Are these personal property taxes paid by the land owner or the developer?

Michael Bila 12:57 PM

That would be by private agreement between the land owner and the developer. Typically the developer will pay personal property taxes since they can be very high.

Elizabeth Andrus 12:58 PM

Robert Mateja 01:13 PM

is there a sample of a workable ordinance available

Judy Allen 01:19 PM

MTA and MTA Legal Counsel will be providing shortly. Given the timing of the MPSC order, goal was to share this and explain

Anonymous attendee 01:14 PM

If we do a workable, will we be required to perform the technical reviews of the plans including EGLE requirements? If it goes through MPSC, do they perform this task.

Michael Bila 01:17 PM

Yes the Township would be required to perform all reviews, likely by hiring professionals/engineers. The MPSC would perform those tasks if the project went through them.

James Anderson 01:15 PM

If a project encompasses two townships where one township has a CREO and the other has a workable ordinance, what happens?????? Which ordinance is dominant in this situation?

Michael Bila 01:16 PM

The developer would choose whether to follow the two ordinances or would be permitted to go to the State. They are only forced to go to the municipalities if everyone has adopted a CREO.

Wesley Peterman 01:15 PM

If a landowner signs up their land for Wind, can that keep solar panels developers off their land?

Michael Bila 01:16 PM

No, solar and wind can be on the same land. But the landowner would have the choice whether to allow those additional uses.

Richard Cooper 01:17 PM

How do you define prime farmland

Michael Bila 01:18 PM

Prime farmland is defined at the bottom of page 121 of the MPSC guidelines:

<https://mi-psc.my.site.com/sfc/servlet.shepherd/version/download/068cs00000EuxDUAAZ>

Bruce Reeve 01:19 PM

Is/was there a \$5000 per MW for Townships with CREO through a State Grant for Police, Fire and Infrastructure instead of the \$2000 per MW from the Developer?

Michael Bila 01:07 PM

Slides from today will be emailed to attendees.

Elizabeth Andrus 01:04 PM

I don't understand the comments about the PA 116 Bond. Are you saying that the PA 116 Agreement can be transferred to the MPSC?

Michael Bila 01:05 PM

If the developer already has a PA 116 bond on the property requiring them to return it to a useful condition, they do not also need a bond under PA 233.

Carrie Mullins 01:05 PM

Currently, Mikado Twp only allows for Utility Scale/Commercial Solar Energy Facilities in Agricultural-Residential zoning districts. Do we have to put our new Workable Solar Energy Ordinance into all other zoning districts? Particularly Single Family Residential, Multiple Family Residential, Commercial, Forest-Recreational, and/or Resource Conservation?

Michael Bila 01:08 PM

A workable ordinance can limit the zoning districts, but just note that a developer can go to the MPSC at any time. They are not required to follow a workable ordinance.

Michael Bila 01:20 PM

This grant is still available from EGLE in addition to the \$2,000 per MW from developers.