

COMSTOCK CHARTER TOWNSHIP
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
ORDINANCE NO. 550

ADOPTED: January 16, 2025

EFFECTIVE: Upon publication after adoption

AN ORDINANCE TO ENACT A TEMPORARY MORATORIUM ON
LARGE RENEWABLE ENERGY FACILITIES

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a limited moratorium on considering applications for renewable energy facilities or projects including wind energy projects 100 MW or larger, battery energy storage facilities 50 MW or larger, solar energy facilities 50 MW or larger and/or hybrid projects of combined 50 MW or larger, while the Township completes a study of the ordinances and regulations pertaining thereto and considers possible subsequent revisions to the current ordinances pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

COMSTOCK CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I
FINDINGS

In accordance with Public Act 359 of 1947, MCL 42.1 *et seq.*, as amended, Comstock Charter Township has determined the following:

1. The Township Board of Comstock Charter Township determines that the approval of large scale renewable energy facilities, including battery energy storage facilities 50 MW or larger, solar energy facilities 50 MW or larger, wind energy facilities 100 MW or larger and/or hybrid projects of 50 MW or larger in size (hereinafter large scale renewable energy facilities or projects) may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of Comstock Charter Township.
2. Recently, and as a result of PA 233 of 2023, the Township Board has received substantial comments and information from the public raising public health, safety, and welfare concerns about the impacts large scale renewable energy facilities on the residents and property owners of the Township
3. Additionally, in light of a recent litigation initiated against the Michigan Public Service Commission regarding the MPSC's proposed implementation of PA 233 of 2023, the

Township Board feels it is appropriate to consider the Township's authorities and abilities to regulate large scale renewable energy projects/facilities in more detail.

4. The Township Board finds that adopting a limited moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
 - B. The Township Board desires to review and study of the public health, safety, and welfare concerns regarding large scale renewable energy projects/facilities and any township regulations that may impact and/or regulate such projects.
 - C. The adoption of a moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a limited moratorium on the acceptance and/or processing of any applications for large scale renewable energy projects and/or facilities, including wind energy project 100 MW or larger, battery energy storage project 50 MW or larger, solar energy project 50 MW or large and/or any hybrid project whose combined megawatts of any energy type exceeds 50 MW.
6. Because of the recent effective date of PA 233 of 2023 and the resultant possible siting of large scale renewable energy projects/facilities in the Township without the Township's review or consent, the Township Board declares this Ordinance to be of extreme importance and declares the ordinance to be an emergency ordinance per MCL 42.20.

SECTION II
MORATORIUM/TERM OF MORATORIUM

The Township Board adopts a limited moratorium on the acceptance and/or processing of any applications for a large scale renewable energy project and/or facility, which includes any wind energy project 100 MW or larger, battery energy storage project 50 MW or larger, solar energy project 50 MW or larger and/or any hybrid project whose combined megawatts of any energy type is 50 MW or larger. The limited moratorium is until December 31, 2025 or until the effective date of any amended or new Township ordinances or regulations addressing large scale renewable energy projects and/or facilities is effective, whichever date occurs first.

SECTION III
EXTENSION OF MORATORIUM

Before this moratorium expires, the Township Board may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

SECTION IV
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION V
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI
EMERGENCY ORDINANCE/EFFECTIVE DATE

This ordinance is declared to be an emergency ordinance and shall take immediate effect upon publication.

COMSTOCK CHARTER TOWNSHIP
Nicole Beauchamp, Clerk
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