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**Stephan W. Currie, Executive Director**

October 18, 2023

Representative Helena Scott  
Chair, House Energy, Communications & Technology Committee

Dear Chair Scott and members of the Committee:

The Michigan Association of Counties (MAC), representing the state's 83 counties and 619 county commissioners, expresses its strong opposition to House Bills 5120-5123. It is our firm belief that zoning is a vested interest of local government and should remain as such.

We recognize that the governor has set forth clean energy goals and that implementing them is a priority for this legislature. We also recognize the plight of solar developers, having to navigate more than 1,800 ordinances when building renewable energy facilities. However, the bills before you are flawed for many reasons:

- The Public Service Commission (PSC) authority always stops short of zoning and land use issues; the PSC is first and foremost a rate-making body.
  - The Public Service Commission "*is not interested—nor should it be*" in the effect which the construction will have on the development of the communities through which it passes." *Detroit Edison Co v Wixom*, 382 Mich 673, 682 (1969) (Brennan, J).
- All other energy generation facilities are subject to local zoning.
- If a county has an existing solar or wind policy, practice, regulation, rule, or ordinance it would be null and void.
- Each community has different preferences for setbacks, berms, trees, panel heights, pollinators, decibel levels, safety plans, etc. that cannot be satisfied by uniform standards.
- Intervention is the only opportunity provided for locals to challenge a PSC ruling, a process far too expensive for most local units of government to pursue.
- The people of Michigan have demonstrated time and again a desire to retain local control when being faced with preemption by the state.

Our goal is not to stand in the way of solar buildout but to preserve the thoughtful work of our members and their voices. 20 counties in Michigan currently have countywide zoning ordinances in place for renewable energy facilities, serving an estimated 215 municipalities. Those counties have dedicated time and resources, and have collaborated with constituents and other local leaders to create their plans. MAC has proposed a plan to empower all counties to develop and implement zoning ordinances of their own. Should a county choose not to adopt an ordinance, only then would the PSC have control.

- 83 ordinances would undoubtedly be easier for developers to navigate than 1,800+
- Township and municipal leaders could have influence over the process with a direct line to those crafting the ordinance.
- Counties have a unique ability to consider siting with a more regional perspective and more resources than other local units of government.

Sincerely,

Madeline Fata  
Governmental Affairs Associate

**Serving Michigan's Counties**  
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