



The Next Controversial Land Use: Utility-Scale Battery Facilities

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As utility-scale wind and solar facilities began dramatically increasing in number across Michigan, many municipalities found themselves caught off guard by the sudden influx of actors proposing these projects in their communities. In many areas, residents vocally worried about the impact these projects may have on their neighborhoods.

Now is the time to begin to look to the next phase of municipal planning in the energy context. The ever-increasing production of energy from renewable sources, particularly wind and solar, means that the electric grid—and communities—must also plan for the storage of that energy during periods of high energy production (when the sun shines or the wind blows) for use when that production can be much lower (when the sun does not shine or the wind does not blow).

In the last few years, battery technology has seen vast improvements, and the energy industry is moving quickly to plan and site more utility-scale batteries in order to store massive amounts of wind and solar-produced energy. Municipalities should act now and plan ahead for requests for this land use. Our municipal law team is ready to assist communities in addressing their unique concerns pertaining to this new land use.

When developing regulations for utility-scale batteries, municipalities should think about potential concerns like:

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- Fire safety and emergency response. We recommend that a utility-scale battery ordinance require the developer to install and maintain adequate fire prevention and suppression systems, and, especially in smaller communities, to provide training, assistance, and funding for fire personnel and equipment reasonably necessary to handle fire-related emergencies that may occur arising from this land use. An applicant submitting a special land use application should be required to submit a written emergency response plan that examines the municipality's present ability to handle potential emergencies arising from the land use and, if there are any shortfalls, how the applicant will aid the municipality in overcoming those. Plans should also include requirements for immediate cleanup, long-term monitoring, and continued mitigation efforts.
- Aesthetics and general welfare. Many municipalities take pride in their heritage and seek to preserve the historical character of their community and their environment. The Zoning Enabling Act allows municipalities to adopt regulations that promote the general welfare of their residents, including by adopting regulations that establish specific design criteria and require details like adequate screening of particular land uses to reduce the land use's visual impact on the surrounding community.
- Location. Municipalities should plan where this potential land use can be located within its boundaries. Factors to consider include the distance to existing energy infrastructure and the desirability of the land use within particular zoning districts.

Most importantly, municipalities should gather resident feedback, listen to residential concerns, and adopt regulations that both comply with applicable law and reflect the unique character of their communities.

Our team is ready to assist municipalities in preparing their communities for the future. Reach out to one of our municipal law attorneys today.