



Georgetown Charter Township

1515 Baldwin St., Jenison, MI 49428

Planning Commission Meeting Agenda

Wednesday, February 4, 2026, 7:00pm

1. Call To Order
2. Roll Call
3. Approval Of The Agenda
4. Approval Of The Minutes Of The Previous Meeting
 - 4.I. Minutes Of The 1/21/2026 Planning Commission Regular Meeting

Documents:

[PCM260121.PDF](#)

5. Old Business
6. New Business
 - 6.I. (REZ2602) (Ordinance 2026-02): To Change From Rural Residential (RR) To Low Density Residential (LDR) Parcels Of Land Described As P.P. # 70-14-09-100-006, 70-14-09-200-001 And A Portion Of P.P. # 70-14-09-200-002, Located 2769 Bauer Rd. And 2721 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

Documents:

[STAFF REPORT - \(REZ2602\) PARAMOUNT DEVELOPMENT CORPORATION.PDF](#)
[APPLICATION AND MAP OF REZONING - AGENDA.PDF](#)
[SURVEY SHOWING BOUNDARY TO BE REZONED AT 2721 BAUER RD \(PARCEL C\).PDF](#)
[FEE PAID - AGENDA.PDF](#)
[PROPERTY NOTICE.PDF](#)

7. Communications, Letters And Reports
8. Public Comments
9. Other Business
 - 9.I. CREO Ordinance Discussion

Documents:

[PA 233 FAQ.PDF](#)
[PA233 SITING CONSIDERATIONS FOR UTILITY SCALE RENEWABLE](#)

ENERGY FACILITIES.PDF
UNDERSTANDING LEGAL PATHWAYS OF RENEWABLE ENERGY
PROJECT UNDER ACT 233.PDF
UM PRESENTATION.PDF
UM FREQUENTLY ASKED QUESTIONS.PDF

10. Commissioner/Staff Comments

11. Adjournment

Minutes of the regular meeting of the Georgetown Township Planning Commission, held Wednesday, January 21, 2026.

Meeting called to order by Chairman Josiah Samy at 7:00 p.m.

Present: Josiah Samy (Chairman Samy), Jeannine Bolhouse, Tom Healy, Jessica Ulberg, Geoff Brown, Goris Passchier, Gary Veldink

Absent:

Also present: Ryan Schab, Zoning Administrator (ZA)

#260121-01 – Agenda for [January 21, 2026](#) Planning Commission Meeting

Moved by Gary Veldink, seconded by Jessica Ulberg, to approve the agenda of the [January 21, 2026](#) meeting as presented.

MOTION CARRIED UNANIMOUSLY.

#260121-02 – Minutes of the [January 7, 2026](#) Joint Special Township Board and Planning Commission Meeting

Moved by Gary Veldink, seconded by Geoff Brown, to approve the minutes of the [January 7, 2026](#) Joint Special Meeting as presented.

MOTION CARRIED UNANIMOUSLY.

#260121-03 – Minutes of the [January 7, 2026](#) Planning Commission Regular Meeting

Moved by Gary Veldink, seconded by Geoff Brown, to approve the minutes of the [January 7, 2026](#) Planning Commission Regular Meeting as presented.

MOTION CARRIED UNANIMOUSLY.

#260121-04 – (REZ2601) (Ordinance 2026-01): To change from Agricultural (AG) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-07-100-003 and P.P. # 70-14-07-100-014, located 4577 Bauer Rd. and 4471 Bauer Rd., Georgetown Township, Ottawa County, Michigan. ([Site Plan](#), [Application](#), [Fee Paid](#), [Property Notice](#))

Todd Stuive from Exxel Engineering, representative for the Applicant, presented the request to the Planning Commission.

The ZA presented the [Staff Report](#) to the Planning Commission.

Gary Veldink asked Todd Stuive if he has been in discussions with the Public Works Director about utilities and whether utility services will be available for as many lots as they are proposing.

Todd Stuive stated, yes, he has had initial meetings with the Public Works Director and other township staff. He stated the limiting factor in that location is a lift station that has capacity for, he believed, over 300 units currently. At some point that will be a factor as the area develops and discussions are already taking place about what it would take to eliminate the lift station.

Gary Veldink stated there are constant discussions about the lift stations getting to capacity. He asked Todd Stuiwe if he knew whether this was on a force main for water.

Todd Stuiwe stated it's a gravity main there, but it goes to a lift station. He stated ultimately this system would be rerouted into the new Hidden Lake station.

Gary Veldink stated after the Hidden Lake station, it's got to go to Port Sheldon Street eventually. He stated that's a big discussion around development in the northwest quadrant, getting utilities eventually down to Port Sheldon Street.

Tom Healy asked how many units they are planning to install.

Todd Stuiwe stated they only have very preliminary plans, but they were looking at about two units per acre. About 124 units total.

No other commissioners had any further questions.

Chairman Sammy opened the public hearing.

Pete Plowman, 6877 Creek Ridge Dr., stated he wanted to see a link to the prior meeting minutes for the item on the Planning Commission agenda where they approve the prior meeting minutes so they are easier to find. Additionally, he stated there was a goal on the goals and objectives worksheet about preserving farmland. He stated he understood why they were going to approve this particular rezoning, as it is next to other developments, but he wants the Planning Commission to take that goal seriously. Additionally, he stated he wants to know what the commission is going to do to defend against solar developments and Grand Valley State University buying up property that will become tax exempt under their ownership.

Alex VanOverloop, 4548 Bauer Rd., stated he wanted to know what type of home was going to be built in the development, and gave examples of single-family homes, condos, or townhomes. He stated he was generally in favor of development, but was concerned about the density.

Todd Stuiwe stated in response to Alex VanOverloop's comments, the housing type they were looking at was single-family lots since they were looking at two units per acre. He stated they could do condos in LDR zoning, but right now they were looking to do single-family housing.

Chairman Sammy stated in response to Pete Plowman's comments, they would add the online link to the prior meeting minutes in the agenda so they are easier to locate for the public [all prior meeting minutes can be found on the township website on the Meetings and Agendas page]. As far as the goals and objectives, those are something that will be discussed in detail. The Master Plan is still a rough draft yet, so the Commission will be working on this over the next couple of months. Regarding solar developments, there is something called a renewable energy ordinance where townships can adopt their own ordinance to protect against different renewable energy developments. The State passed a law where if a local municipality does not have its own renewable energy ordinance, an applicant can go to the State for approval to build a renewable energy operation. He stated the Commission will want to look at this for the Master Plan. They will also be looking at what can be done about Grand Valley State University buying up land.

Chairman Sammy closed the public hearing.

Tom Healy stated the Master Plan is a plan. Not a promise, a contract or a guarantee. As it pertains to the northwest corner of the township, it is pretty clear the current Master Plan is going to change. The fact that a new Master Plan has not yet been committed to print, does not mean the Township's plans have not changed. Regarding the rezoning item currently up for vote, in supporting the condition of compatibility the staff report says, "the surrounding land is zoned AG and PUD. The uses allowed within LDR are also allowed within the AG district..." and it goes on to say, "The developed lots will be smaller, but the uses will still be compatible." He stated the current Master Plan on page 33 states AG zoning density is one dwelling for every ten acres. The LDR density is two to three dwellings for every one acre; this increases in PUD zoning. He stated single-family homes might be the "use" of the request, but the density of the "use" between the two zones makes the "uses" incompatible because of scale. He stated a reasonable argument cannot be made that inserting a PUD similar to Lowing Woods onto these two parcels is similar or compatible to the existing AG zoning. He stated to rezone is to add more dwellings, more people, more cars, more traffic, and more congestion on a potential scale of 30:1 or more. One dwelling per ten acres versus three dwellings per one acre. That's an enormous change. He stated at the recent joint Township Board and Planning Commission meeting there was a unanimous concern voiced about traffic, speeds, congestion, inadequate road design, and insufficient traffic control devices; the current Master Plan states on page 30 that "New development should be directed to areas efficiently served by public roads..." While these parcels are served by public roads, he said, it is far from being efficient given what will be the increased traffic loads. He stated Fillmore Street and 36th Avenue are two primary access roads identified as being more congested and dangerous. He stated that fixing these issues required either a new connector road across the Grand River or required the Michigan State Police and/or Ottawa County Road Commission to redesign the roads, reduce speed limits, and install traffic control devices; the township has no control over these adjustments. He stated something the township does possess control over is to stop large-scale LDR housing developments, which add to the congestion. He stated this rezoning request also goes against Standard 6 which addresses sufficient vacant land already zoned in a specific category. At the joint meeting, there were discussions about preserving prime farmland in the northwest corner of the township; this request takes away prime farmland. The current Master Plan states on page 16, "Agricultural land uses have decreased over the past twenty years due to the continued development of new residential uses in prime farmland areas" which means, he stated, the township has transitioned to a point of not having enough farmland. LDR has been consuming AG for decades. He stated his main point here is that the township's needs and plans have changed. He stated he believes the rezoning does not pass Standard 6, and the traffic and congestion presents a danger to public safety.

Gary Veldink asked if the Commission rezones the properties to LDR, does that automatically mean PUD zoning is allowed.

Tom Healy stated no, it does not, but that scale doesn't change. It could still be a 30:1 scale. Additionally, the subject parcels are the prime farmland that the current Master Plan talks about preserving. He stated he also attended a training put on by Ottawa County for renewable utility developments. An attorney assisting with the training said if in the Master Plan, a township designates prime farmland and prioritizes its preservation, that is one of the best defenses to the installation of utility energy operations. He stated when they designate farmland, that is a viable defense, but if they allow farmland to be consumed by LDR, that goes against the claim they want to preserve it.

Gary Veldink stated he agreed to a point. He stated he knows the property to the west of the subject parcels is not farmland. It was farmland, but has already been developed and has apartments and condos. To the east, yes, it is farmland, however the proposed rezoning is not in the middle of farmland, it is consistent with development in the area.

Tom Healy stated that is true, though he felt since the development to the west fronts on 48th Avenue rather than Bauer Road, that makes a difference. He stated at some point, they preserve prime farmland or they don't. He stated they have to draw the line somewhere.

Jeannine Bolhouse stated they have not designated the land in the Master Plan at this point and haven't taken the steps required in order to do that. She also stated in any rezoning they've had previously, they have not used the factors stated by Tom Healy to make a determination. She stated she would be uncomfortable changing the criteria without a larger discussion. She stated they've never taken the density of the new rezone into consideration when deciding on a rezoning.

Tom Healy stated he understands that, and stated they've also never been at this particular point before where the existing Master Plan says they've been consuming AG property for twenty years. He stated the township was virtually at a tipping point.

Jeannine Bolhouse stated her concern was that they need to be careful. She understands the importance of preserving AG land, but they need to be careful with preserving that land at the expense of what the owners of that land want to do with it. The owners have made a determination of what they want to do with the land. She stated the rezoning application meets the rezoning standards. She stated the land is not designated AG in the Master Plan at this point. She stated she does not feel comfortable changing the criteria that they've always used. Further, she said, they are not at a point where they are all on the same page for the new Master Plan.

Chairman Samy stated he felt similarly to Jeannine Bolhouse. He stated they have not yet had a discussion on what farmland they want to protect and there are a lot of factors that will go into that discussion. He stated they would do serious harm if they were to stop all development in the township. It would not be consistent with the way they've operated in the past. He stated what he felt the Township Board was concerned about was PUDs becoming too dense, and not so much low density residential developments. He stated traffic is a factor too, and when they come back to the Planning Commission with their site plan, they will be able to review density, but the matter at hand is the rezoning request and it meets all the requirements of the ordinance. There has also not been a recommendation to the Township Board to change anything either. The Planning Commission can continue operating as they have done in the past until goals have been sent to the Board and approved by them. He stated his grandfather and uncle are farmers, and he understands the importance of protecting farmland.

Jessica Ulberg stated the property aligns with the criteria for a rezoning. She stated the future land use map currently designates that area as LDR. She said there will be discussions on preserving AG, but at this point they have not moved forward and presented anything to the Board. She stated she does not feel comfortable straying from the current standards until further discussions are had.

Goris Passchier stated Tom Healy made some valid points. He wondered if there was a timetable for slowing down development as they work with the Master Plan.

Geoff Brown stated there is a precedent. The rezoning request meets the criteria. He stated these parcels are served by public utilities and would disagree with holding up the request. Further, he said, private landowners have rights about what they want to do with their land. It’s their decision.

Moved by Gary Veldink, seconded by Geoff Brown to adopt the following motion:

Motion: To adopt the staff report as finding of facts and to recommend to the Township Board to approve the following resolution:

Georgetown Charter
Township Ottawa County,
Michigan (Ordinance No.
2026-01)

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on February 23, 2026, beginning at 7:00 p.m., Township Board Member _____ made a motion to adopt this Ordinance because the proposed zoning designation is **consistent** with the Master plan and the Future Land Use Map for the area; the area is **capable** of sustaining the uses within the LDR district without additional public funds; the uses allowed within the LDR district are **compatible** with the neighboring uses and to adopt the staff report as finding of fact, which motion was seconded by Township Board Member _____:

**AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE, AS AMENDED, AND MAP**

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

ARTICLE 1. The map of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

(REZ2601) (Ordinance 2026-01): To change from Agricultural (AG) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-07-100-003 and P.P. # 70-14-07-100-014, located 4577 Bauer Rd. and 4471 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

Except as expressly modified by the above, the balance of the Zoning Map of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, and map shall remain unchanged and in full force and effect.

ARTICLE 3. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

Yeas:

Nays:

Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION OF ORDINANCE ADOPTION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

I hereby certify that notice of this ordinance was published in the Grand Rapids Press on and on _____ . *(Fill in the 2 dates of publication)*

I further certify that the votes for adoption of the foregoing resolution were as follows:

Yeas:

Nays:

Absent:

Abstained:

Respectfully submitted,

By: _____
Jim Wierenga, Georgetown Charter Township Supervisor

Dated: _____

By: _____

Dated: _____

Yeas: Josiah Samy, Jeannine Bolhouse, Jessica Ulberg, Geoff Brown, Gary Veldink

Nays: Tom Healy, Goris Passchier

Absent:

MOTION CARRIED.

#260121-05 – Communications, Letters and Reports

The ZA made a couple of announcements regarding upcoming meetings.

#260121-06 – Public Comments

Pete Plowman, 6877 Creek Ridge Dr., stated at the joint Township Board and Planning Commission meeting, they talked about the Jenison Ranch style home, and he felt it was discussed like it was a bad thing and he didn't understand why that was. He stated when people move to Georgetown, they move here for thirty to forty years. He stated he does not want to see high density and apartment buildings. He stated it will further increase the traffic and congestion issues. He stated Georgetown does not have to be all things to all people. He stated people who want starter homes can choose to live in Wyoming.

#260121-07 – Other Business – Continued Master Plan Discussion on Goals and Objectives

The Planning Commission resumed their conversation regarding the Goals and Objectives of the Master Plan by going through the [Goals and Objectives Worksheet](#) and identifying which goals on the worksheet they want to keep, revise, or remove.

Housing

Goal 1: Facilitate opportunities for quality, affordable housing for people of all life phases, income levels, and abilities to be built.

Gary Veldink wanted to remove Objective Four from this goal. He stated he had an issue with trying to partner with the County to get low-income housing. He stated he hates the word "affordable housing." He stated affordable housing won't happen unless they have a depression. He stated he didn't see why they had to partner with anybody as it's not the township's job to build houses.

Tom Healy stated there was a format of housing plans put out by the county [possibly referring to the [Ottawa County Small-Footprint Homes Development Project](#)]. He asked Gary Veldink if there was anything presented in that report that he felt was okay.

Gary Veldink stated no, there was not. He stated they may as well put a campground in as it would be the same square footage and it's cheap. He stated he used to build migrant housing for an agricultural operation. He stated they could put the dwellings on a skid and pull them from field to field. He stated Georgetown is more a place where people find their final homes, not their starter

homes. Starter homes are in Wyoming. He stated figuring out how to build cheaper housing is not the government's job.

Geoff Brown stated he wanted to remove Objective Four as well. He stated he doesn't like the term "affordable housing" either, though demographics are changing. He stated Ottawa County is more focused on the lakeshore communities.

Chairman Samy stated they could just remove "affordable" from the goal. He stated they could just have it state "Facilitate opportunities for quality housing for people of all life phases."

Gary Veldink stated he agreed with that. He stated he's not trying to discount anybody coming to Georgetown. He just doesn't like the phrase "affordable housing."

Jessica Ulberg also agreed to remove it. She stated in their discussions, the conversation has more so been about different types of housing, not necessarily affordable housing. She stated if Georgetown had a mixed-use building, the apartments above the commercial spaces would cost just as much as a mortgage, if not more. She stated not everyone wants a large house with a large garage with a huge yard to take care of.

Geoff Brown stated there is a large portion of first-time home buyers who don't know how to maintain a home and would be better served by a condo. He stated he doesn't like the stigma of "affordable" either, but they should understand there is a generation coming up who don't know how to remove and replace their own toilet. The township needs to be able to accommodate that.

Jeannine Bolhouse stated there are a lot of younger people who saw their parents do all that work and they don't want to do all that. They don't want to mow their lawn every weekend. They don't want to spend money to sprinkle their lawn. So, they make choices that eliminate some of those things and it is not necessarily affordable.

Tom Healy stated the concept of affordability goes along with density. Putting five units on an acre instead of three units lowers the cost of those properties.

Chairman Samy stated he would be cautious to look at it as anything but just having different varieties of home and providing the opportunity to build those homes for people of all life phases. It removes income and affordability from the statement. He stated he encouraged everyone to look at the makeup of the township currently, but also keep in mind there will be a lot of new people in the township over the next few decades. The Master Plan needs to prepare for that shift as well.

Goris Passchier agreed to remove the word "affordability." He stated Georgetown doesn't need to become something totally different.

Jeannine Bolhouse stated regarding Objective Two, she liked the idea of revising the zoning ordinance, but did not like the idea of limiting it to the cost of development. She stated there are other factors that they can look at to improve the ordinance.

Chairman Samy stated he also wanted to revise that one. He suggested the revision to be, "Revise the zoning ordinance to eliminate the requirements that prevent a higher quality of developments in construction." He gave the example of the recent proposed Eastbrook Homes development that

would have utilized creative construction to give a higher quality of life. He stated it could even just be for PUDs.

Geoff Brown stated he agreed. He stated for Objective One, current zoning should be less restrictive for accessory dwelling units (ADUs). He stated Georgetown has an older generation and the cost of elder care is very expensive. He stated if people would be allowed to have ADUs, so much land might not need to be developed.

Gary Veldink stated the only way he would support ADUs would be if it would incorporate an existing home. He stated he would not support a detached ADU. He stated elders do not live in those units very long and once they leave, then the homeowner could rent it to anyone to make money. He stated elderly parents are quiet, but the next renter might not be.

Chairman Samy stated he agreed he did not like the idea of detached ADUs. He stated the way the ordinance is currently written, it does not allow for separate cooking facilities from the main level.

Gary Veldink stated he could make his basement into an apartment because he lives on a lake and he can have a kitchen in the basement. He stated that his house is maybe one out of one hundred where that would work. Additionally he stated all the objectives under Goal One could be combined into one objective.

Chairman Samy stated he could see combining Objective One and Two into one item. For revising Objective One, he stated he wasn't sure if they were looking for as many two-, three-, or four-plexes, and maybe they could incorporate creative PUDs into that item.

Tom Healy stated he had Objective One flagged for removal for that reason. He stated what has been done historically has worked well for duplexes. He stated PUDs might eliminate the need for duplexes.

Goris Passchier asked what the difference between two-, three-, and four-plexes and apartments really was. He stated it seemed like it was just a fancy way of putting in apartments.

Chairman Samy stated that is not necessarily the case. He stated condos could be considered duplexes, three- or four-plexes.

Goris Passchier stated they should then identify that they are condos, which seemed different to him than having a duplex, like those on Cottonwood Drive.

Chairman Samy stated a duplex could be condos or townhomes. There are different types of duplexes.

Gary Veldink stated it is a residential zoning district and they are not spot-zoning a four-family home on a single-family lot. He stated in the next five to ten years, the State is going to allow duplexes on single-family lots.

Chairman Samy stated he wanted to add something about limiting traffic congestion and he wasn't sure if that would be under housing or transportation goals. He stated he felt there were too many access points to major thoroughfares.

Tom Healy commented that Objective Three states residential developments are to be located “off of prime farmland soils.”

Chairman Samy stated he thought when they talked about prime farmland soils, it was more so the muck fields by Chicago Drive, which is different from the soil of the northwest quadrant that can be built on.

Tom Healy stated there is a legal definition of “prime farmland.” He didn’t want to take away from the discussion at hand to dive too deep into that though. He believed it didn’t describe the muck land though.

Chairman Samy stated they certainly could dive into that in detail later, he just believed when they had discussed prime farmland in the past, it had been in reference to the lands nearer to Chicago Drive, which cannot be built on.

Goal 2: Support a variety of housing densities and styles, encouraging greater density in the areas of the Township with the infrastructure to support it.

Gary Veldink stated he wanted to remove Objective Two. He stated he does not like the idea of residential and commercial together.

Chairman Samy asked if he meant like having a business on the main level of a building and an apartment on the floor above that.

Tom Healy gave the example of the old Kmart property at Main Street and Chicago Drive.

Gary Veldink stated they got rid of the Kmart because they didn’t like the vacancy. He stated he drives by a lot of residential-commercial buildings and the businesses are vacant. He stated it’s difficult to rent those places. He stated there’s huge turnover of businesses in those places too.

Chairman Samy stated he disagreed. He said it’s become necessary to have mixed-use. He stated Fazoli’s on Baldwin Street recently went under because it was a standalone restaurant with no other financial support for that location.

Gary Veldink commented that it was interesting because the Master Plan survey results called for more sit-down restaurants, which is exactly what Fazoli’s was.

Chairman Samy stated he liked the idea of a community with retail, food, and residential. He stated having residential on the same property, helps to support the commercial.

Gary Veldink asked how big of a project would that be. He asked if it would look like fifty residential units, sixty units, one hundred, etc...

Chairman Samy stated he did not have a number for that since he’s not a professional in that industry. He stated big box stores aren’t surviving any more. At the joint meeting everyone wanted to see more restaurants and coffee shops, but he stated those won’t thrive as standalones. He stated the mixed-use area at Baldwin Street and 36th Avenue contains residential condos with restaurants and shops.

Gary Veldink stated when commercial and residential mix, they need to look at the parking ordinance.

Geoff Brown stated they were going to have to address that too. He stated he liked how Goal Two addresses “encouraging greater density in the areas of the Township with the infrastructure to support it.” He felt no one was talking about building a plaza on the Kmart property like they have in Hudsonville. The cost of commercial building is incredible without adding in overpriced land. The price itself becomes prohibitive. He stated taking properties that are already commercially zoned and telling a developer to attract stores and restaurants, may require a layer or two of apartments. He stated no one was talking about doing that on Baldwin Street; the area for this would more so be Chicago Drive. He also stated they aren’t necessarily talking about building mixed-use developments all the way down Chicago Drive. He stated every time they restrict or reject a commercial building from being built, the taxpayers are footing the bill for those rejections. He stated bills and costs continue to rise and the taxes must cover those costs. He stated if the township had more commercial businesses, it would help support the tax base. He stated they could pinpoint zoning to certain areas where mixed use could be allowed, but don’t ban it.

Goris Passchier stated most of the tax dollars go toward schools.

Gary Veldink stated the township gets \$70 out of \$1,000.

Goris Passchier stated he’s seen apartments above commercial spaces in many cities around the country and he said that arrangement can be done well, but he thinks the Commission needs to be very specific about where they go.

Tom Healy commented that allowing flexibility for things like height allowances in certain locations may help.

Jeannine Bolhouse asked, regarding Objective Three if the township had a “utility policy to support the zoning ordinance and master plan.”

Gary Veldink stated the township has a ten-year infrastructure plan.

Growth and Development

Goal 3: Focus new commercial development into existing developed areas.

Jessica Ulberg stated she initially wanted to remove Objective Six. She asked if the township was currently working with Ottawa County to bring people into the township.

Chairman Samy stated he felt it was more about bringing in productive businesses, rather than residents.

Jeannine Bolhouse stated she felt the township has a problem bringing businesses here.

Geoff Brown agreed with that.

Chairman Samy stated he doesn't know much about the Ottawa County Economic Development Corporation, but he knows more about Lakeshore Advantage and they partner with businesses and bring them into towns.

Gary Veldink stated he had it as an objective to remove. He stated Ottawa County doesn't have a great working relationship with the township.

Chairman Samy wanted to remind everyone this was a future goal. They did not need to have great relationships now, but in the future that could all change. He stated having these goals in the Master Plan works as leverage to receive more assistance from Ottawa County in the future.

Jeannine Bolhouse stated she felt they needed more communication and collaboration with surrounding organizations and communities. She stated she did not want to discount Gary Veldink's experience with Ottawa County, but stated they should have a goal to improve that.

Gary Veldink stated if they were going to leave that goal, then Grand Valley Metropolitan Council should be added as an organization. He stated the township works closely with GVMC already.

Tom Healy stated he agreed having more collaboration was a good goal to have, especially if funding is available for certain projects.

Jeannine Bolhouse stated they don't know about funding if they don't ask.

Gary Veldink stated there was \$54 million in American Rescue Plan Act (ARPA) funds that went to Ottawa County. He stated the lakeshore communities received funds for social justice projects and Georgetown got nothing. He stated he sent letters to the County asking for funding, but the response was deafening.

Chairman Samy stated he wanted to remove Objective Three, which was "establish an expedited permitting process for priority sites and corridors to incentivize commercial and mixed-use developers to locate in specific areas." He stated he did not believe they should expedite or waive anything in the permitting process. He stated he wanted to remove that one or revise it to include more of an enhanced dialog between the township and developers.

Jeannine Bolhouse asked if there was a way to incentivize developments or businesses in specific areas rather than expediting permitting or the usual tactic which is tax incentives since the township won't do that.

Chairman Samy asked Mike Houseman, of Wolverine Building Group, what sort of things outside of monetary incentives could help bring businesses into the Township.

Mike Houseman stated he thought maybe Objective Three was referring to a thing called form-based code, which fosters high-quality buildings and streets over separating uses, allowing for walkable, mixed-use areas. He stated he has a development in Muskegon which is under form-based code and so long as his building meets certain criteria for aesthetics, height, functionality, and parking, it does not have to go to the Planning Commission. It goes instead to planning/zoning staff for approval. He stated all of south Division Street is form based code due to the Silver Line bussing system from The Rapid being installed. He stated every community along that route, including Grand Rapids, Wyoming, Kentwood, and Gaines, has form-based code. He stated when

he develops properties in those municipalities along that route, he saves months by not having to do the whole Planning Commission process that Georgetown has. He stated saving that time is a huge incentive. He stated form-based code is still relatively new and is slowly developing.

Gary Veldink stated they would have to change their whole PUD ordinance.

Mike Houseman stated not necessarily. A form-based code would be its own ordinance.

Gary Veldink stated the current PUD ordinance is written to require developers to come to the Planning Commission.

Mike Houseman stated yes, if they were going for PUD zoning, they still have to go to the Planning Commission for every site-specific building. With form-based code, that's not necessary, so it saves a lot of time, which is a huge incentive.

Tom Healy wanted to know more about how form-based code is repeated throughout several communities due to the Silver Line bussing system.

Mike Houseman stated it was because it was a federal requirement to secure federal funding for the Silver Line. Every community that benefited had to go to form-based code for that corridor.

Tom Healy asked if all those municipalities had the latitude to modify form-based code and if they all had to modify it to the same thing.

Mike Houseman stated they all had latitude, but they did not necessarily have to modify their code to the same things. He stated he had wanted to build a building in one of those municipalities, but it was not practical for the intended use because it would have put the building right on the sidewalk. He stated he worked with the planning staff in that municipality to tweak things so he could get the building installed, while still meeting requirements of form-based code. He still had to go to the Planning Commission because it was a zoning change as well. He stated form-based code is improving as more municipalities utilize it.

Tom Healy stated it sounded as though there is already a template out there for it.

Mike Houseman stated there most definitely is. He felt Objective Three is referring to form-based code when it talks about "expediting permitting" and "incentivizing commercial and mixed-use developers to locate in specific areas."

Chairman Samy stated he felt much more confident about that objective then and wanted to keep it in.

Gary Veldink still didn't like the phrasing of "expediting permits." He stated the Planning Commission really has no control over permitting. He stated he would love to be able to tell people to bypass EGLE (Michigan Department of Environment, Great Lakes, and Energy) or with the County because they are so slow.

Chairman Samy stated they could revise it to say "establish form-based coding for priority sites and corridors."

Tom Healy stated his sense of “permitting” was bypassing having to come to the Planning Commission for every detail.

Chairman Samy stated the township does that to a degree because a lot of buildings don’t have to come to the Planning Commission so long as they meet certain requirements, but he agreed they could look at that more in depth with form-based code.

Goal 4: Retain the northwest corner of the Township as a place for natural features and farmland that support the economic, ecological, and recreational needs of the community.

Tom Healy stated he felt they needed to designate the northwest corner of the township as prime farmland and it should be retained as such. That will help prevent utility-scale renewable energy developments there.

Chairman Samy asked if they wanted to add another line to say that the Planning Commission wants to develop a map of specific prime farmland. He stated they could even develop and adopt a prime farmland ordinance.

Jeannine Bolhouse wondered if a goal like that should be moved under the Agriculture section.

Tom Healy did not have a strong opinion on where exactly it should go, but so long as it is in the Master Plan, it will give the township a fighting chance against some utility-scale operations.

Geoff Brown asked if that would restrict Grand Valley State University at all.

Tom Healy was not sure. He was more knowledgeable about renewable energy.

Geoff Brown stated he was more concerned about GVSU than the renewable energy farms.

Tom Healy stated arguably if it’s a good defense against something like a solar farm, it was also a good defense against GVSU building student housing.

Gary Veldink asked how the Township would work with GVSU, regarding Objective Two.

Chairman Samy stated it could also be staff communicating with GVSU or the elected Supervisor.

Tom Healy stated Goal Four talks about the Bend in the River and agriculture and thought maybe they should be separated. Maybe put the farming items in with the Agriculture section.

There was a consensus that the commissioners agreed with moving farming goals/objectives to the agriculture section.

Geoff Brown stated he loves the parks around Georgetown, but he’s not supportive of adding to those parks. He stated Georgetown already has a lot. He stated the more acres of parks there are, the bigger the burden is on taxpayers to maintain them.

Gary Veldink stated a representative from Ottawa County Parks was at a Board meeting recently and he asked the representative how they were going to maintain all the parks they envision. He stated the representative responded that they had “put some money away.” He stated now, there

will be a millage this fall on the ballot for maintaining the parks [[the millage was first approved in 1996 and renewed every ten years thereafter](#)]. This will be the fourth time the millage is up for voter approval].

Geoff Brown stated the ideas for the park projects sound great, but the taxpayers are ultimately on the hook for maintaining those facilities.

Tom Healy stated at the joint meeting, Board member Kelly Kuiper had talked about interconnecting the parks. He stated he felt that was a good idea.

Geoff Brown stated he loved that idea too, but then they had to address traffic. He stated interconnecting the parks might require bike lanes which will cause traffic and safety issues.

Jeannine Bolhouse stated she didn't disagree with the traffic issue, but parks in the community are a huge benefit to quality of life. She stated people love Georgetown's parks, but yes, they have to be maintained and people need to be able to get to them. She stated one of the takeaways from the survey results was that people love the parks.

Geoff Brown stated he agreed that the response to parks was really great, but more than that, people complained about how bad the traffic is.

Jeannine Bolhouse stated whenever she hears people complaining about traffic she goes back to the idea of "You are not *in* traffic. You *are* traffic." Everyone who lives here contributes to that issue. She stated one of the best solutions to the traffic issue would be building new roads, which costs a lot of money. Another bridge over the Grand River would be an enormous undertaking, as would being able to get on I-196 from 48th Avenue so people don't have to go through Hudsonville. She stated she felt interconnecting the parks is a more achievable goal, than fixing traffic.

Transportation

Goal 5: Prioritize the maintenance and improvement of existing road infrastructure.

Gary Veldink stated he agreed with all the objectives under Transportation.

Chairman Samy asked if he even agreed with working with the Ottawa County Road Commission.

Gary Veldink stated he did.

Tom Healy stated the one thing they could do is put the brakes on more development. He stated they can't make the Road Commission come here and straighten out Fillmore Street or make it four lanes and put in traffic lights or whatever solutions might solve the traffic issues. The only thing they have direct control over is stopping development.

Jeannine Bolhouse asked if that was appropriate though.

Tom Healy stated he felt the Township Superintendent said at the joint meeting that was the only way to stop further congestion.

Jeannine Bolhouse stated the Superintendent can have an opinion, but she asked if it was appropriate to tell people who own acres of land that they cannot build multiple houses on it. That the township isn't allowing homes to be built anymore.

Tom Healy stated the current Master Plan does not say anything about building another subdivision as soon as one is completed.

Jeannine Bolhouse argued where does the current Master Plan say land can't be developed.

Tom Healy stated the plans and needs of the township are changing and until the congestion is addressed, development should stop. He stated if the township wanted to finance the building of a bridge over the river or straightening out Cottonwood Drive and Fillmore Street, those are fine improvements for the northwest quadrant.

Jeannine Bolhouse asked Gary Veldink how he felt about the township telling landowners and developers they can't build.

Gary Veldink stated the township has to be careful. He gave the example of Randy Koetje putting in 250 lots for single-family homes in that area. He said building that many homes would take six or seven years to complete. He stated the township is averaging roughly 50 new homes per year. It's not like those developments fill instantly.

Tom Healy stated there's already something zoned LDR by Cedar Lake which is nearly 200 homes.

Gary Veldink stated that particular development was zoned for homes three years ago and is only just now entering the second phase. The first phase was only thirty lots, so it took three years to build thirty lots.

Tom Healy stated there is no projected solution for mitigating traffic on Fillmore Street and Cottonwood Drive.

Chairman Samy stated that from what he's heard from other commissioners and Board members, the Road Commission will not intervene until there are major problems. He stated he was not sure they could put a ban on development by saying the township has to work out its traffic issues first before any more development can occur, especially if the Road Commission will step in to help when traffic issues get worse.

Gary Veldink stated Baldwin Street and Cottonwood Drive needs a traffic study and it might alleviate a lot of problems. He stated he would like to see the light at the intersection of Baldwin Street and Main Street removed and Main Street turned into a cul-de-sac there. He stated it would eliminate traffic coming from Grandville which would then be forced to use Chicago Drive instead of Baldwin Street to get to Meijer. He stated there would still be congestion at Cottonwood Drive and Baldwin Street but the traffic light timing could be altered and it would help traffic issues.

Chairman Samy stated he wished they could order things like road diets or cul-de-sacs, but they don't have a good voice with the Road Commission or all the money needed for those projects.

Gary Veldink stated the project to remove the light at Main Street and turn the road into a cul-de-sac wouldn't require as much money as changing the roads in larger ways.

Chairman Samy stated he wondered if residents would be willing to pay one extra mill on taxes if it alleviated a huge congestion and traffic issue.

Jeannine Bolhouse and Jessica Ulberg felt people would not pay an extra mill for road improvements.

Chairman Samy stated he didn't mean for Georgetown, he meant the County would be more likely to get something like that passed.

Gary Veldink stated he has been fighting with the County because they want to resurface 42nd Avenue from Bauer Road to Fillmore Street. He stated he was hoping that since they have to resurface it anyway, they could add in a bike lane at the same time. It would give people better access to the Grand Ravines Park and further, he's been reaching out to Hudsonville Public Schools to put in a trail down Bauer Road to give better access to schools on 36th Avenue and Baldwin Street. Township residents want to see more access provided to the parks.

Tom Healy agreed a bike trail would make transportation down that whole road safer.

Gary Veldink stated he was frustrated because the response he got from Hudsonville Public Schools was simply that they've never done a project like that before; that's not what they've done. He admits that he can be old-fashioned, but the unwillingness for the schools to participate in projects like bike routes and trails is frustrating.

Goris Passchier asked if there was any benefit to the township writing its own traffic plan in the Master Plan.

The ZA stated there's a section in the current Master Plan that addresses major streets and access management. He asked what they were hoping to add to that.

Goris Passchier stated he was hoping it could be a vision for traffic goals over the next five years, regardless of what the Road Commission says.

Gary Veldink stated it may help to distinguish between arterial roads, which the County takes care of, and residential roads, which the township takes care of. The County would maintain roads like Baldwin Street, 20th Avenue, and Cottonwood Drive. He stated it may be beneficial to list in the Master Plan which streets the township has no jurisdiction over.

Chairman Samy suggested maybe adding an appendix of County-maintained streets.

Jeannine Bolhouse stated she didn't know where it would fit in, but pedestrian safety is an important point that is not addressed directly in the Master Plan.

Tom Healy stated pedestrian safety is addressed under Goal Six for non-motorized systems on the worksheet, but maybe pedestrian safety should be addressed under both Goal Six and Goal Five.

Chairman Samy wanted to revise Objective One to say something to the effect of designating a group of representatives to attend and represent Georgetown at Ottawa County Road Commission meetings.

Gary Veldink stated he believed the Superintendent and Assistant Superintendent go to those meetings every other month or so.

Chairman Samy asked how frequently the Road Commission holds meetings.

Gary Veldink stated he believed it depended on what's going on for them. There should be a meeting once a month, but it doesn't always happen.

Chairman Samy stated it would be nice to have a dedicated group who attends every single meeting if the township wants to have better communication with the Road Commission.

Tom Healy stated that person or people would know the goals of the township when it comes to transportation and roads, and they could continue to bring up those items at Road Commission meetings.

Chairman Samy stated they may have to give that person or persons reimbursement to incentivize them to drive all the way to Grand Haven to attend those meetings.

Jessica Ulberg stated related to the road issues, there was a lot of public comment about pedestrian safety as it relates to the schools, and it may be worth seeing if anyone wanted to represent the township at school board meetings. She stated maybe they didn't need to go that far with the issue, but she knew recently there was a lot of public comment about issues like one they're having at Lowing Woods where there aren't enough busses for all the kids who live there, but there are also no sidewalks for the ones who have to walk to school.

Gary Veldink stated they'll spend \$430,000 on a jumbotron, but they won't install sidewalks.

Chairman Samy stated they charge companies thousands of dollars to advertise on the jumbotron as well.

Jessica Ulberg stated it was frustrating how the Commission hears a lot of comments from the public about things the Commission has no control over. The entities that do have control don't seem to prioritize eliminating safety risks.

Tom Healy suggested adding something to the Master Plan about what residents can do to help facilitate these goals. Suggesting if there's enough parental feedback at a school board meeting, the schools may work harder on some of these issues.

Chairman Samy stated they could direct residents to school board meeting times and locations in the Master Plan.

Tom Healy stated no parent is going to prefer their kid walks down 36th Avenue in the dark in the snow.

Gary Veldink stated Hudsonville Public Schools bought two busses that bus kids from the 5/6 Building to the Middle School to get them on busses that actually take them home. He stated they did that rather than put in sidewalks.

Chairman Samy stated he's seen his tax bill; he knows they have the money for sidewalks.

Goal 6: Build a safe, inviting nonmotorized system that complements the Township's vision for a livable, accessible community for people of all ages and abilities.

Goris Passchier wanted to have more clarity about "non-motorized." He stated he owns an e-bike which is considered a motorized vehicle. They are becoming increasingly popular.

Tom Healy stated he wanted to add a crossing at the library to Objective Two. The neighborhood that the library directly serves is across Baldwin Street.

Gary Veldink stated that's been tried a couple times.

Geoff Brown stated they needed a bridge like they have in Wyoming.

Gary Veldink stated installing solely a crosswalk creates a false sense of safety.

Chairman Samy stated they could add a light like they did by Brewer Avenue and Baldwin Street.

Gary Veldink stated the County won't allow it. The County controls all traffic lights. He stated the only reason they had to install the new light at Brewer Avenue and Baldwin Street was that the township's insurance company pushed it. The County wanted to call 36th Avenue the crossing for those schools, but that wasn't in the school zone. So they had to put it in at Brewer Avenue and Baldwin Street because that was in the school zone.

Jeannine Bolhouse stated she still felt they should add the library crosswalk into the Master Plan.

Chairman Samy agreed.

Jeannine Bolhouse stated she understands Gary Veldink's concern about the crosswalk creating a false sense of security because the number of times she has seen people step out into a crosswalk only to have to pull back because a car runs a red light is so high.

Gary Veldink stated he believed crosswalks not at an intersection are the most dangerous.

Tom Healy asked how that can be more dangerous than what is happening at Alward Elementary on Port Sheldon Street.

Chairman Samy stated that's a terrible spot.

Jeannine Bolhouse stated there is a sense of security because there is a button to press for the crosswalk so people will get the okay from the crosswalk lights to cross, but there is a car coming that is ignoring the lights. As opposed to not having crosswalk lights and people have to wait for traffic to clear before they cross.

Chairman Samy stated the poles that helped make the island in the middle of the crosswalk standouts are gone already, hit by plows or trucks. He stated that before and after school, there is a crossing guard which is effective, but any other time, people are risking their lives to cross that road.

Gary Veldink stated there had been a similar system at Jenison Christian School on Baldwin Street, but it got too dangerous. He stated the biggest problem there was parents coming to get their kids.

Goal 7: Support programs to increase safety across the transportation network.

Chairman Samy wanted to remove Objective Three. Two other commissioners wanted it removed as well.

Jeannine Bolhouse stated she felt citizens would not think Objective Three to be feasible or cost-effective. She felt personally that public transportation is important, but the residents of Georgetown would disagree.

Gary Veldink stated he would want all three objectives removed.

Jessica Ulberg questioned how effective Objective One would be and wanted it removed.

Chairman Samy stated he looked at Objective One as one method to maybe help the issues and didn't mind it staying in. He felt the same way about Objective Two.

Tom Healy asked if some of the pedestrian safety programs had money tied to them.

Chairman Samy stated they do, like the Safe Routes to School Program.

Geoff Brown stated back when they put in the crosswalks on 20th Avenue, the county initially wouldn't allow it, so Jenison Public Schools used Safe Routes to School to push the issue with the County and forced them to put the crosswalks in. He stated even when kids were getting hit trying to cross 20th Avenue, the County still wouldn't budge on installing crosswalks. Safe Routes to School helped fund those crosswalks.

Jessica Ulberg asked if the schools already have a plan, did the township need to have a plan as well.

Chairman Samy stated if the schools have a plan, it may not be formalized. It may be something like the Master Plan where they revisit it once every five years.

Jeannine Bolhouse stated the Jenison 5/6 Building is going to be a new addition to the Jenison High School's property and smaller kids are going to be crossing 20th Avenue to get there.

Jessica Ulberg stated the three-way stop at Bauer Road and 20th Avenue is terrible.

Public Utilities

Goal 8: Sustain and maintain public utility infrastructure at levels supported by available funding.

Chairman Samy wanted to remove Objective Five as the township is already using water transmission lines to reduce stress on groundwater resources.

Tom Healy stated if they are not going to mandate developments bring water and sewer to their plats, Objective Five seems like a corollary to that. Removing it might take emphasis off relying on public utilities and instead promote a reliance on wells. He wanted to leave it in.

Jeannine Bolhouse stated educating the public about utility improvements might be beneficial to adding to the Master Plan. She wanted to make sure residents were aware these improvements are not free. Further, detailing the long-term strategy for infrastructure—modernization, cost effectiveness, sustainability—is important. She stated they could possibly incorporate the utilities policy that is in place and it is constantly being worked on and updated. She stated the infrastructure they rely on is not free and it constantly needs to be paid for and updated.

Parks and Recreation**Goal 9: Support the goals of the Township's current Parks and Recreation Master Plan.**

Tom Healy stated right-of-ways or connecting the parks would be a good objective to add here.

Agriculture**Goal 10: Protect and preserve large tracts of agricultural land and natural features that are economically, ecologically, and aesthetically important to the community, while respecting the rights of farmers.**

Tom Healy stated he wanted to add preservation of prime farmland to this section.

Gary Veldink stated he did not like Objective One (Support the participation in State and County Purchase of Development Rights [PDR] Programs). He stated Ottawa County can buy the development rights to a piece of property so it cannot be developed and it can continue to be farmland. He stated he doesn't like that his tax dollars are going toward a program like that. He stated if a farmer wants to sell his land, that's fine, he can put it on the market and sell it.

Jeannine Bolhouse stated with all the difficulties surrounding farming, it's a hard way to make a living and becoming much more difficult. Her concern was limiting people's options when they want to sell their land or use it for other purposes. She stated she understood as a township wanting to preserve farmland, but she struggled with the township telling someone who owns property and is struggling to make a living, they cannot change their use.

Chairman Samy stated there may be someone who owns sixty or forty acres, and the only people who can afford to buy land that size are developers. He stated there was vacant property on Quincy Street that was five acres and the starting price was \$400,000.

Gary Veldink gave an example of if someone owns their home for twenty years there could be a rule/law that says they have to sell their house for the assessed value. But property owners realize they can sell their homes for far more than the assessed value.

Tom Healy stated the way he reads Objective One it says “support the participation in...” It’s not mandating anything. It’s a means of educating people.

Jeannine Bolhouse stated if they aren’t implementing policies that preserve land and have any form of teeth, then they aren’t doing anything. She stated commodity prices are low, there’s huge input costs to set up a farm, to maintain a farm, there’s climate impact, etc... So if a farmer loses all their crop due to a flood, their source of income for a season is gone. She stated she took issue with forcing people to stay in that lifestyle just so the township can preserve large tracts of land.

Chairman Samy stated he was torn on this because he likes rural areas. It means less traffic, less people. At the same time, farming was the way of life for his grandparents and uncle, but no one else in his family wants to take up farming because it is so difficult, expensive, and time-consuming. He stated it’s tough to say to farmers who own, for example, thirty acres, that they cannot sell their land because it could be farmed.

Goris Passchier stated if he was a farmer and the township wanted to preserve his farmland, he would look for compensation for that.

Geoff Brown stated the State has a program where the State will pay property owners to basically keep their land wildland. No development is allowed, no driveways of any kind. The building rights are extremely restrictive.

Gary Veldink stated there are different programs like that.

Geoff Brown stated he wanted to remove Objective One. He stated he doesn’t want to participate in a program like that.

Chairman Samy stated if a property owner is already involved in a program with the State to keep the property free of development, it could prevent a lot of potential development down the road since those programs are so long-term, some being indefinite.

Tom Healy stated he felt the other commissioners wanted to completely remove Goal Ten.

Jeannine Bolhouse stated no, that was not the case. She stated they need different parameters.

Tom Healy stated they aren’t solving any of these issues at present. These are goals and the discussion of parameters will come later.

Chairman Samy stated the future land use map doesn’t have solely AG properties on it because of how limiting that zoning district is.

Tom Healy stated they are tossing out AG for reasons of limitation, but they’re leaving in LDR or RR for exactly those same purposes, to be regulated through means of lot size and setbacks. He stated if the township says it cannot preserve prime farmland because it’s too restrictive to

property rights, then they also cannot say a house in LDR has to meet setbacks and size requirements. He asked what the difference was.

Chairman Samy stated the difference was they would be putting guardrails up.

Tom Healy stated they could put guardrails on the consumption on farmland.

Chairman Samy stated he felt maybe Tom Healy was looking at it as he wanted to put a boot on a car; it's not going anywhere. He stated if a farmer has bad crop yields for four years straight and needs to sell the land, preventing a change in use effectively prevents that farmer from selling their land and they couldn't split off pieces because AG has acreage requirements. He stated he does not see that as a guardrail so much as a freezing in place. Whereas the guardrails for LDR and RR zoning allow someone to build and develop, but there are still zoning restrictions on what can be built.

Tom Healy stated he felt they were saying the same thing. He gave the example of the corner of Windgate Drive and Baldwin Street which is residential, and that property cannot be sold to a McDonald's and get a multi-million dollar selling price because a McDonald's is commercial and cannot go there.

Jeannine Bolhouse stated the same thing is true of AG zoning, which has regulations on what can and cannot be done in that zoning. It's no different for LDR zoning.

Tom Healy stated he felt they were arguing they don't want to regulate farmland.

Jeannine Bolhouse stated they are regulating farmland. She stated she doesn't want to limit the ability to sell farmland. People can sell their homes. There are many limits on AG properties.

Tom Healy asked what the prohibition on selling farmland would be. Limiting the use to agriculture would not prohibit someone from selling it.

Jeannine Bolhouse stated it limits who a farmer could sell their land to.

Tom Healy stated the same is true of LDR or commercial properties. Those zoning districts also limit who a piece of property can be sold to.

Chairman Samy stated he felt the use from LDR to commercial is so intensely different compared to AG use to LDR.

Tom Healy stated all zoning districts are still dictating who a piece of property can be sold to. Or rather, an LDR lot can be sold to a company like McDonald's, but they can't put a McDonald's restaurant on that property due to the zoning district. So an owner can sell it to whomever wants it, but the use dictates the pool of buyers.

Gary Veldink stated for example, if a property owner in the northwest quadrant wants to sell their property they can, but the owner would have to get utilities to it in order to develop it. So right now, those properties are valued as AG. If sewer was made available, then it can be LDR and it becomes much more valuable. He stated to protect farmland, the best thing the township can do is not allow development unless utilities are made available. That would naturally restrict

development. He stated once the Koetje development goes in in that area, there may not be much capacity left on that sewer line.

Chairman Samy stated the current Master Plan says something about rezonings would require utilities be brought into that area if they are not currently available.

Gary Veldink stated he thinks the preservation of AG properties will be driven by the lack of utilities being there. He stated that would be a long-term project due to the cost. He stated eventually, that area will be developed. It will happen. It will just take a long time. He asked Randy Koetje (Koetje Builders) for his opinion that.

Randy Koetje stated it could be done. He stated there are financing mechanisms or payback mechanisms to potentially get some of a developer's money back over time. It would open up over one thousand acres for development.

Gary Veldink stated it would take a long time to accomplish.

Randy Koetje agreed, stating with the land they have currently, it would take twenty years to completely develop at the fastest. Probably would be closer to thirty years.

Chairman Samy stated he would like to remove Objective One. He did not care for sale restrictions or purchasing development rights.

#260121-08 – Adjournment

Moved by Chairman Samy, seconded by Gary Veldink to adjourn the meeting.

MOTION CARRIED UNANIMOUSLY.

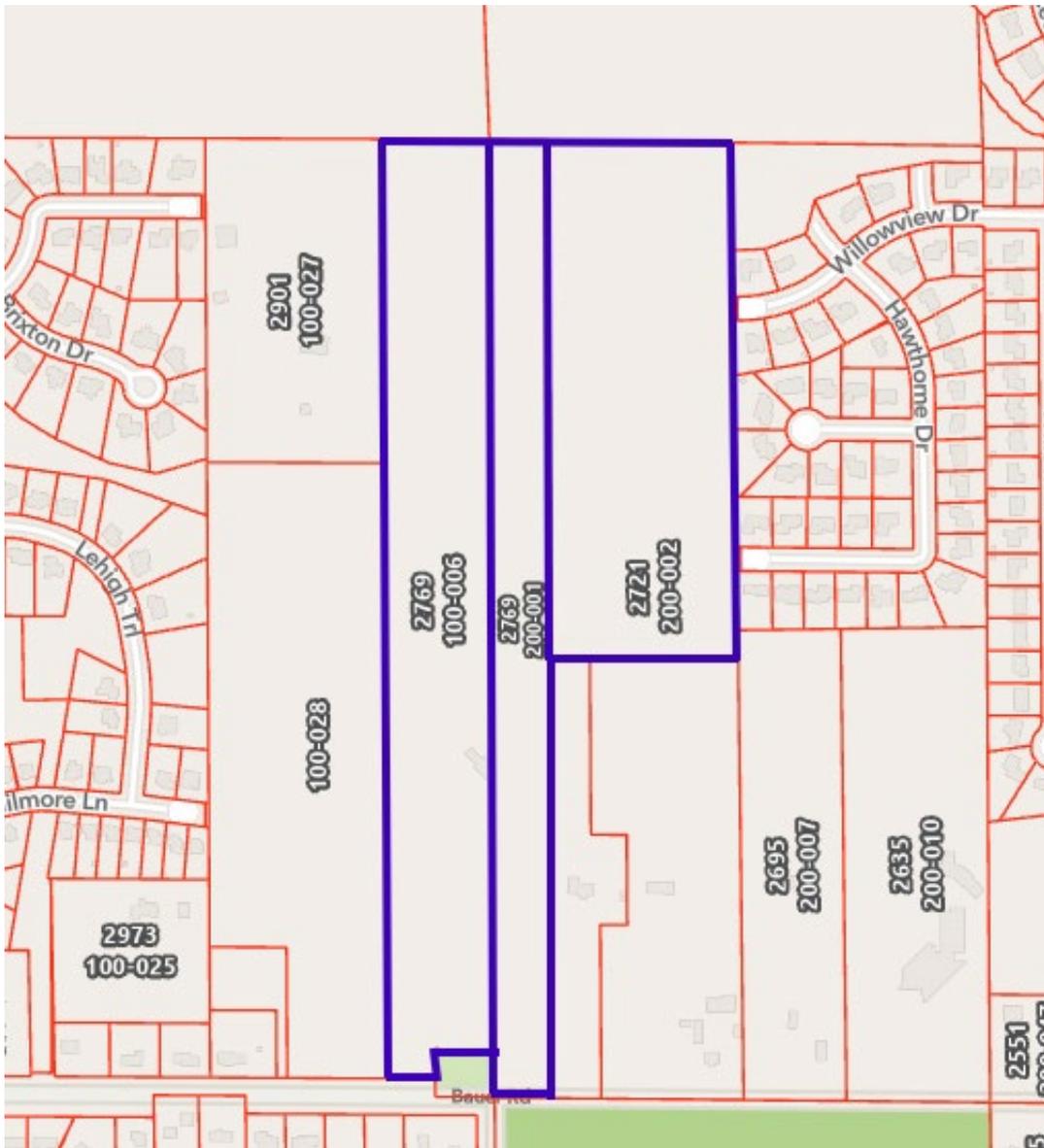
The meeting was adjourned at 9:25 p.m.

REQUEST

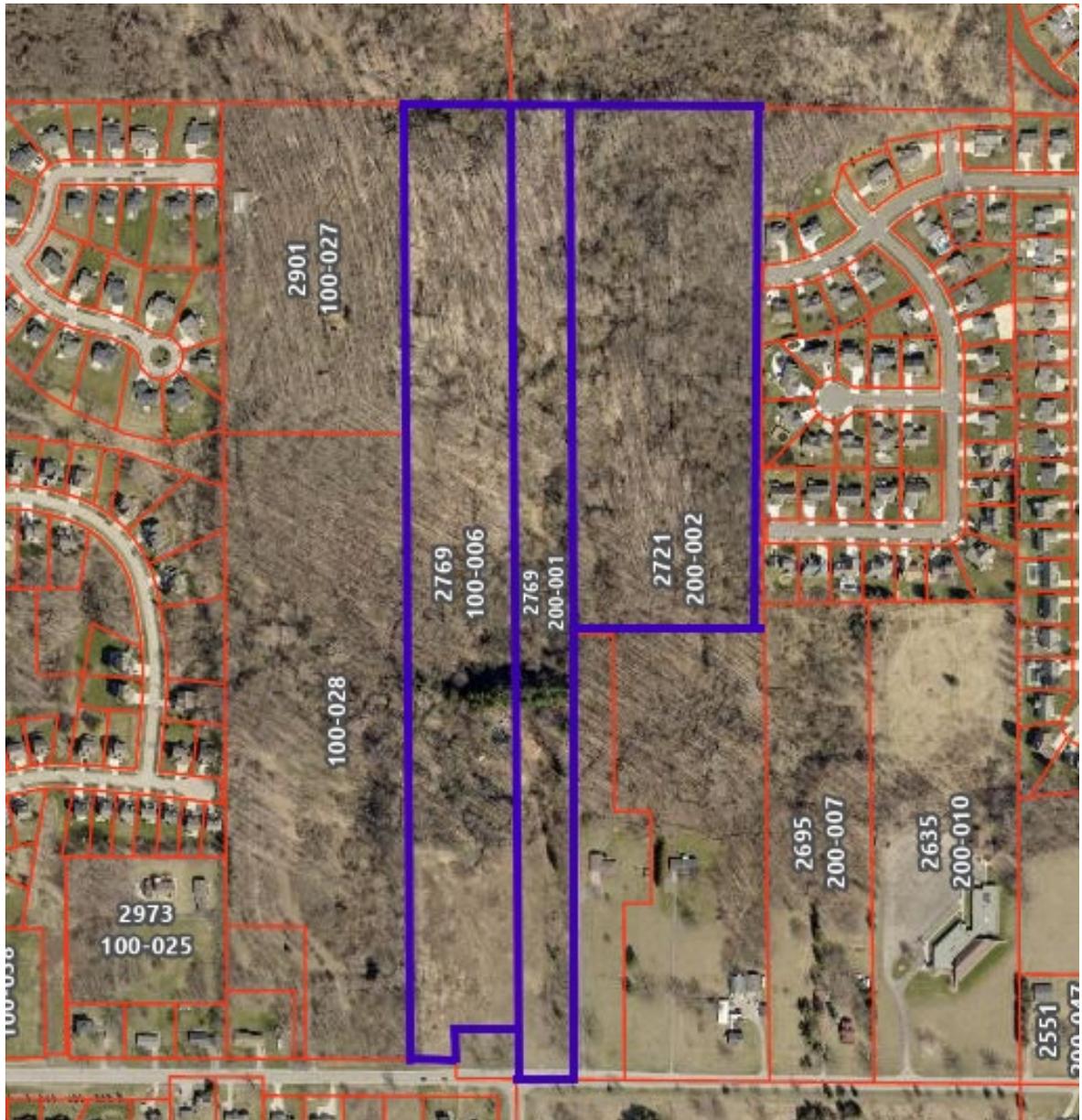
(REZ2602) (Ordinance 2026-02): To change from Rural Residential (RR) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-09-100-006, 70-14-09-200-001 and a portion of P.P. # 70-14-09-200-002, located 2769 Bauer Rd. and 2721 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

The applicant is requesting to rezone a 17.48-acre parcel, a 10.07-acre parcel, and a 16.37-acre portion of another parcel from Rural Residential (RR) to Low Density Residential (LDR) to develop the land with LDR lots. In LDR, lots are allowed to have a minimum width of 85 feet and minimum area of 11,475 square feet. Also, minimum setbacks in feet LDR are: front 40; sides 10 each; rear 40.

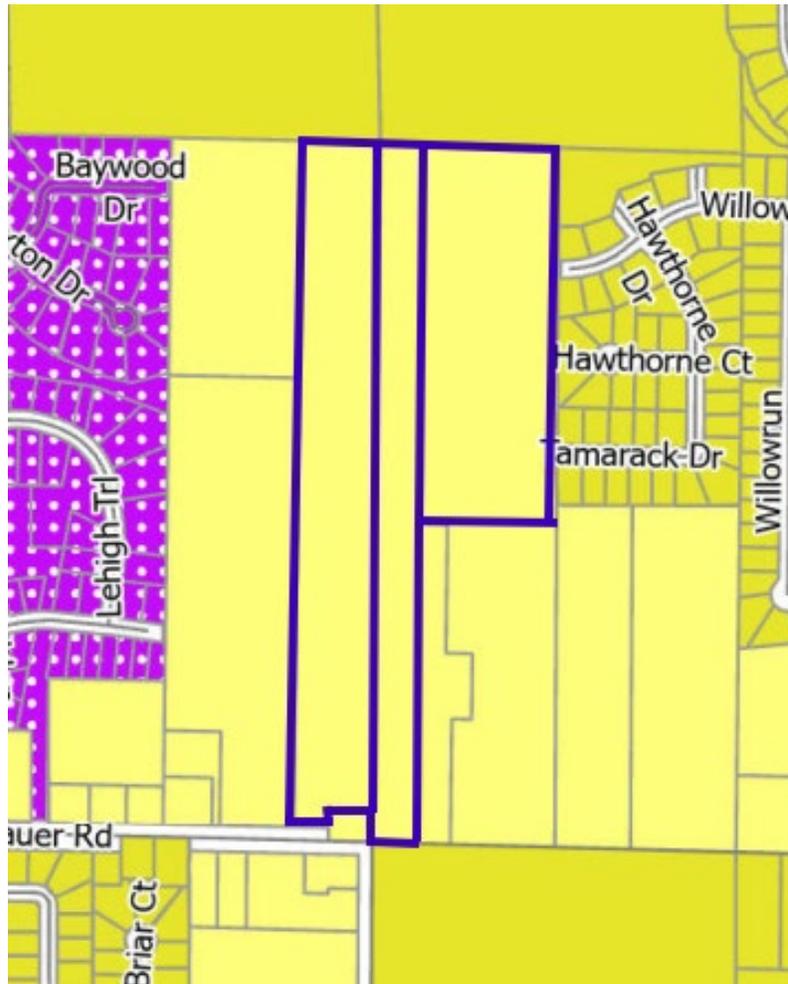
Street View



Aerial View



Zoning Map and Legend (currently zoned RR)



Legend

- | | |
|-------------------------------|--------------------------------|
| Parcels | High Density (HDR) |
| Water Bodied | Mobile (MHP) |
| Zoning | Office (OS) |
| Zoning Class and Code | Agricultural (AG) |
| Neighborhood (NS) | Low Density (LDR) |
| Community (CS) | Low Medium (LMR) |
| Highway Service Commercial HS | Medium (MDR) |
| Rural Residential (RR) | Medium High (MHR) |
| Industrial (I) | Planned Unit Development (PUD) |

Future Land Use Map and Legend



Legend

 Water Bodies

 Parcel

Future Land Use

Code, Land Use Value

 Ag, Agriculture

 CC, Community Commercial

 HC, Highway Commercial

 HDR, High Density Residential

 I, Industrial

 LDR, Low Density Residential

 MDR, Medium Density Residential

 NC, Neighborhood Commercial

 OS, Office Service

 PSP, Public Semi Public

 PUD Com, PUD Commercial

 PUD Mix, PUD Mix Use

 PUD Res, PUD Residential

 REC, Recrational Open Space

MASTER PLAN

Page 32 of the Master Plan states:

Residential Land Use Policies:

New residential development should occur contiguous to existing developed areas to ensure efficient utilization of existing utility lines, or the developer would be responsible to bring the utilities to the location.

- The parcels in question are located near a developed residential PUD located to the west and another LDR subdivision to the east. Public utilities will be available at this location according to the Township's Department of Public Works Director.

Page 35 of the Master Plan states:

LDR-Low Density Residential

This category includes land primarily developed for detached single-family residential use in the LDR and LMR zoning districts. Residential development in this land use category is intended to be served by public water and sewer services.

Since the Future Land Use Map anticipates future urban growth in areas not currently served by public utilities, it is recognized that this growth will be contingent on expansion of utility services through main extensions.

- The applicant's intent is to develop this land with detached single-family residential housing which meets the definition of LDR. Public water and sanitary sewer are available in this area.

REVIEW STANDARDS

Rezoning goes with the land, not the property owner or use. Therefore, once a parcel is zoned to a particular classification, the zoning is permanent unless changed by a subsequent rezoning action. Zoning cannot be conditional and a parcel cannot be rezoned for one specific use. Any use permitted within the zoning district is permitted on the property, provided the other applicable regulations of the Zoning Ordinance (lot sizes, setbacks, etc.) are met.

The following standards are used for consideration by the Planning Commission and Township Board in their review of the rezoning request.

1. **Consistency:** Is the proposed zoning and all of its permitted uses consistent with the recommendations of the Township Land Use Plan?

Yes. The Future Land Use Map shows the area as LDR. It is in the same vicinity as an existing developed residential PUD and subdivision. The language in the Master Plan states that to be zoned LDR, utilities (including water and sewer) shall be provided, and they are available to be provided. Public water and sanitary sewer are available in this location.

In order to be rezoned to LDR, page 32 of the Master Plan states: “New residential development should occur contiguous to existing developed areas to ensure efficient utilization of existing utility lines, or the developer would be responsible to bring the utilities to the location.”

In order to be rezoned to LDR, page 35 of the Master Plan states: “This category includes land primarily developed for detached single-family residential use in the LDR and LMR zoning districts. Residential development in this land use category is intended to be served by public water and sewer services.”

2. **Compatibility:** Is the proposed district and all of its allowed uses compatible with the surrounding area?

Yes. The surrounding land is zoned RR, LDR, and residential PUD. The uses allowed within LDR are also allowed within the RR district, except that the RR district allows for customary AG operations as a special land use. The rezoning to LDR would restrict the property owner from applying for a customary AG operation special land use and the special land uses allowed in the AG district which are not permitted in LDR. The developed lots will be smaller, but the uses will still be compatible with the surrounding RR homes as they share many of the same available uses. A complete list of available uses is below.

Chapter 8 LDR – LOW DENSITY RESIDENTIAL

Sec 8.2 PERMITTED USES

Land and/or buildings in this District may be used for the following purposes by right:

- A. Detached single-family dwellings.
- B. Public parks, playgrounds, playfields and other public uses of an open space recreational character.
- C. Family Day Care Homes.
- D. Accessory buildings and uses as defined in Chapter II.
- E. Customary Home Occupations as defined in Chapter II, Section 2.47.
- F. Adult Foster Care Family Home. (revised 5-24-04)
- G. Foster Family Home. (revised 5-24-04)
- H. State Licensed Residential Family Facility. (revised 5-24-04)

Sec 8.3 USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

1. Churches.
2. Municipal buildings not requiring outdoor storage of materials or vehicles.
3. Public utility or service buildings not requiring outdoor storage of materials.
4. Hospitals, clinics, convalescent homes, and housing for the elderly but not institutions for mentally retarded, epileptic, drug or alcoholic patients or correctional institutions of any type.
5. Group Day Care Homes.
6. Private non-commercial recreation.
7. Golf courses or country clubs.
8. K-12 schools, provided such schools are not operated as commercial enterprises.
9. Cemeteries.

10. The growing and harvesting of crops for resale, provided that this shall exclude the raising of animals and the retail sale of products on the premises, except for roadside stands, and subject to the following restrictions.
 1. No storage of manure or odor or dust producing materials or use shall be permitted within one hundred fifty (150) feet of any adjoining lot line.
 2. No accessory buildings shall be located closer than seventy-five (75) feet of any lot line.
11. (deleted June 1995)
12. Commercial soil removal.
13. Bed and breakfast establishments.
14. Day care centers. (Revised August 1996)
15. Commercial wireless communication towers. (Revised November 1997)
16. Foster Family Group Home (revised 5-24-04)
17. Adult Foster Care Small Group Home (revised 5-24-04)
18. Adult Foster Care Large Group Home (revised 5-24-04)
19. Adult Foster Care Congregate Facility (revised 5-24-04)
20. State Licensed Residential Group Facility (revised 5-24-04)

Chapter 7 RR – RURAL RESIDENTIAL

Sec 7.2 PERMITTED USES

Land and/or buildings in this district may be used for the following purposes by right:

1. Any permitted use in the LDR District.

Sec 7.3 USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

1. Any Special Land Use permitted in the AG District.
2. Any Special Land Use permitted in the LDR District.
3. Customary Agricultural Operations including general farming, truck farming, fruit orchards, nurseries, greenhouses and usual buildings subject to the following restrictions:
 1. No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line.
 2. No farm buildings shall be located closer than fifty (50) feet to any lot line, with the exception of roadside stands.
 3. Farm animals are permitted as follows:
 1. raising and keeping of livestock and poultry including horses, cattle, sheep, chickens, and similar animals (but excluding hogs), provided that the minimum area upon which one (1) animal may be kept shall be three (3) acres, and one (1) additional animal may be kept for each additional acre over three (3) acres.
 2. on parcels of land in excess of five (5) acres, the Planning Commission may waive the limitation on the number of animals, provided it is determined that due to the size of the parcel, natural features, or other similar conditions there will be no negative impact upon the neighboring property owners. (revised 3/28/16)

Chapter 6 AG – AGRICULTURE

Sec 6.3 USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Country clubs, golf courses.

- B. Recreational camps of a private non-commercial character.
- C. Kennels and veterinary hospitals.
- D. Raising of fur bearing animals or game birds.
- E. Migratory labor housing associated with agricultural enterprises and constructed in conformance with applicable State and Federal Regulations.
- F. Airports and landing fields.
- G. Riding stables, breeding stables.
- H. (deleted 2-10-03)
- I. Radio or television broadcast facilities, including towers, studios, and ancillary facilities, but not including outdoor storage areas. (revised 1/23/95)
- J. Hospitals.
- K. Commercial camp grounds.
- L. Commercial soil removal.
- M. Drive-in theaters, race tracks, miniature golf courses, and golf driving ranges.
- N. Group Day Care Homes.
- O. Bed and breakfast establishment.
- P. Public utility or service buildings not requiring outdoor storage of materials.
- Q. Churches.
- R. Cemeteries.
- S. K-12 Schools.
- T. Marinas.
- U. Commercial wireless communication towers. (Revised November 1997)
- V. Processing of agricultural products, not raised or grown on the property, for use finishing, or assembly off-site; provided this shall not include: canneries, slaughterhouses, or tanneries. (Revised November 1997)
- W. Foster Family Group Home (revised 5-24-04)
- X. Adult Foster Care Small Group Home (revised 5-24-04)
- Y. State Licensed Residential Group Facility (revised 5-24-04)
- Z. Community Fair. (revised 4/24/17)

3. **Capability:** Is the property capable of being used for a use permitted within the existing zoning district?

Yes, it is capable of supporting the uses allowed in the LDR district. Public water and sanitary sewer is available in this location.

4. **Other considerations:** Will the rezoning require an inordinate expenditure of public funds (road improvements, utility extension, etc.) to make the development feasible?

No. Public water and sanitary sewer are available at this location. The developer will be required to pay for the installation of the utilities when they develop this land and any utility upgrades that are required to service their area. Additional utility upgrades may be necessary to service the entire area according to the DPW Director Joel Hanenburg, but the developer will be responsible for upgrades needed for their development.

5. **Will the rezoning cause development to “leap frog” other undeveloped areas in the same zoning district and necessitate premature extensions of services to rural areas of the Township?**

Not necessarily, the residential PUD and subdivision in the same vicinity and the fact that public utilities are already available at this parcel lend credence to the argument that development is not “leap frogging.”

6. Is there sufficient vacant land already zoned in a specific category (e.g., industrial, multi-family, commercial)?

Not necessarily.

7. Is the rezoning more likely to be granted if conditions could be attached (rezonings cannot be conditional)?

No.

SUMMARY

The proposed zoning designation is **determined to be consistent** with the Master plan. The area is **determined to be capable** of sustaining the uses within the LDR district. The uses allowed within the LDR district are **compatible** with the neighboring uses.

OPTION FOR MOTION

If the Planning Commission determines that the property should be rezoned to LDR the following motion is provided.

Motion: To adopt the staff report as finding of facts and to recommend to the Township Board to approve the following resolution:

Georgetown Charter
Township Ottawa County,
Michigan (Ordinance No.
2026-02)

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on February 23, 2026, beginning at 7:00 p.m., Township Board Member _____ made a motion to adopt this Ordinance because the proposed zoning designation is **consistent** with the Master plan and the Future Land Use Map for the area; the area is **capable** of sustaining the uses within the LDR district without additional public funds; the uses allowed within the LDR district are **compatible** with the neighboring uses and to adopt the staff report as finding of fact, which motion was seconded by Township Board Member _____:

**AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP
ZONING ORDINANCE, AS AMENDED, AND MAP**

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

ARTICLE 1. The map of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

(REZ2602) (Ordinance 2026-02): To change from Rural Residential (RR) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-09-100-006, 70-14-09-200-001 and a portion of P.P. # 70-14-09-200-002, located 2769 Bauer Rd. and 2721 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

Except as expressly modified by the above, the balance of the Zoning Map of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, and map shall remain unchanged and in full force and effect.

ARTICLE 3. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

Yeas:

Nays:

Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION OF ORDINANCE ADOPTION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

I hereby certify that notice of this ordinance was published in the Grand Rapids Press on _____ and on _____. *(Fill in the 2 dates of publication)*

I further certify that the votes for adoption of the foregoing resolution were as follows:

- Yeas:
- Nays:
- Absent:
- Abstained:

Respectfully submitted,

By: _____
Jim Wierenga, Georgetown Charter Township Supervisor

Dated: _____

By: _____
Kelly Kuiper, Georgetown Charter Township Clerk

Dated: _____

PERMIT NUMBER: **REZ 2602**

APPLICATION FOR REZONING

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2340

revised: January 26, 2009

APPLICANT INFORMATION

COMPANY NAME:	Paramount Development Corporation	PHONE:	[REDACTED]
APPLICANT NAME:	Michael McGraw		
ADDRESS:	1188 East Paris Ave SE, Ste 100	CITY / STATE / ZIP:	Grand Rapids, MI 49546

PROPERTY INFORMATION See attached sheet - 3 parcels

COMPANY NAME:		PHONE:	
OWNER / AGENT NAME:		TITLE:	
ADDRESS:		CITY / STATE / ZIP:	
PARCEL NUMBER:		ZONING DISTRICT:	
LEGAL DESCRIPTION:			

PROJECT INFORMATION

PROPOSED USE: **Detached, single-family residential platted subdivision**

STATE THE REASONS WHY THE CURRENT ZONING OF THIS PROPERTY SHOULD BE CHANGED AND HOW THIS REQUEST MEETS THE STANDARDS FOR REZONING LISTED ON THE ATTACHED SHEET:

See attached sheet

APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE:		DATE:	1/7/2026
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FOR OFFICE USE ONLY

DATE OF PREAPPLICATION MEETING:	1/16/26	DATE OF PLANNING COMMISSION MEETING:	2/4/26
DATE OF TOWNSHIP BOARD MEETING:	2/23/26	DATE NOTICE PUBLISHED:	1/20/26
		DATE PROPERTY NOTICES WERE SENT:	1/20/26



January 7, 2026

Mr. Ryan Schab
Zoning Administrator
Georgetown Charter Township
1515 Baldwin Street
PO Box 769
Jenison, MI 49429-0769

RE: LDR Rezone Request
2769 and (a portion of) 2721 Bauer Road
70-14-09-100-006, 70-14-09-200-001, and 70-14-09-200-002

Dear Ms. Schab:

Enclosed please find the following items being submitted to support a request to rezone three (3) parcels from Rural Residential zoning to Low Density Residential zoning. Included are the following:

1. Application
2. Property Descriptions
3. Zoning and Future Land Use Map Exhibit
4. Narrative

These items are being submitted for the February 4, 2026 regular Planning Commission meeting. If you have any questions or require additional information, please do not hesitate to contact me at [REDACTED]

Sincerely,

Michael McGraw
President

Property Descriptions

Parcel 1

Company Name: Tall Oaks Properties LLC
Owner/Agent Name:
Address: 2769 Bauer Road, Jenison, MI 49428
Parcel Number: 70-14-09-100-006
Zoning District: RR

Legal Description (to be rezoned):

E 18 RDS OF NW 1/4, EXC E 165 FT OF S 132 FT, EXC S 50 FT FOR RD. SEC 9 T6N R13W

Parcel 2

Company Name: Tall Oaks Properties LLC
Owner/Agent Name:
Address: 2769 Bauer Road, Jenison, MI 49428
Parcel Number: 70-14-09-200-001
Zoning District: RR

Legal Description (to be rezoned):

W 10 A OF NE 1/4 SEC 9 T6N R13W 10 A

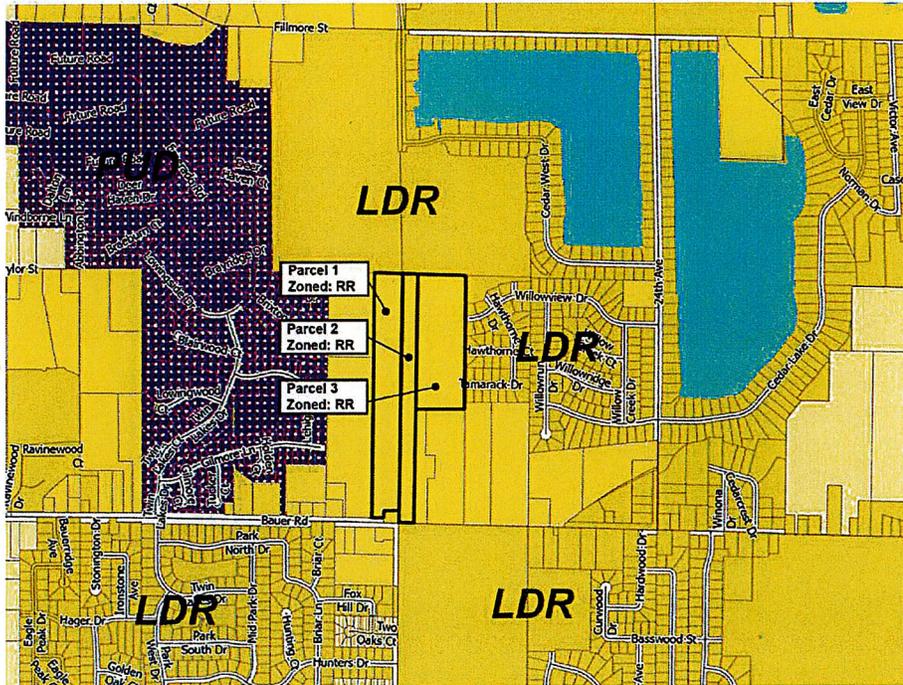
Parcel 3 (a portion of)

Company Name: NA
Owner/Agent Name: Gordon VanSingel 
Address: 2721 Bauer Road, Jenison, MI 49428
Parcel Number: 70-14-09-2001-002
Zoning District: RR

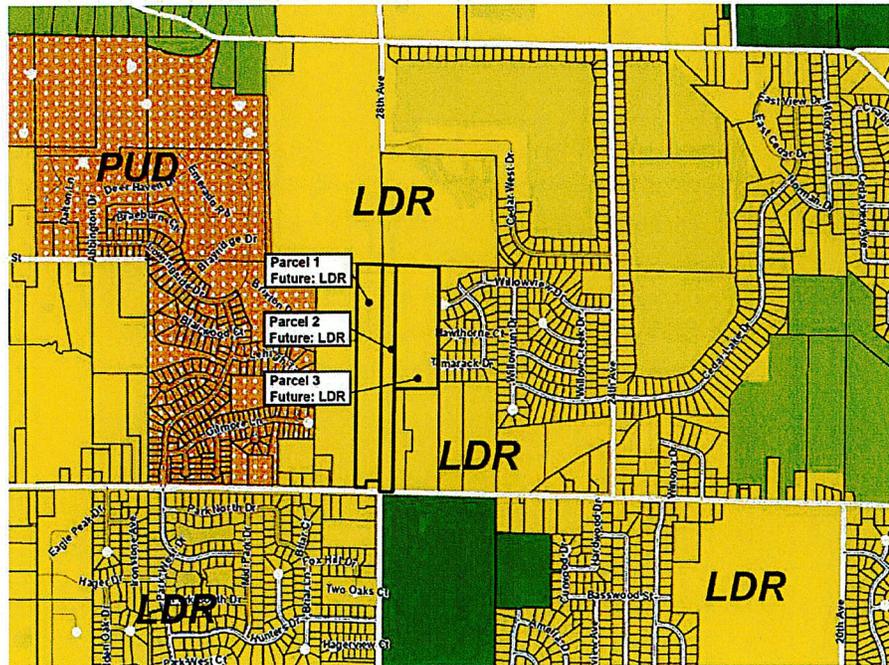
Legal Description (to be rezoned):

Part of the west 1/2 of the west 1/2 of the northeast 1/4 of Section 9, T6N, R13W, Georgetown Township, Ottawa County, Michigan, described as: Commencing at the center of said section 9; thence S89°45'52"E 694.11 feet along the south line of said NE 1/4; thence N00°48'03"W 1218.51 feet along the east line of the west 1/2 of the west 1/2 of said NE 1/4 to the point of beginning; thence N89°45'52" W 494.99 feet; thence N00°48'03"W 1441.45 feet; thence S89°36'31"E 495.00 feet along the north line of said NE 1/4; thence S00°48'03"E 1440.11 feet along the east line of the west 1/2 of the west 1/2 of said NE 1/4 to the point of beginning. Parcel (portion of) contains 16.37 acres.

Zoning and Future Land Use Map Exhibit



ZONING MAP



FUTURE LAND USE MAP

Narrative Statement

1. Is the proposed zoning and all of its permitted uses consistent with the recommendations of the Georgetown Township Master Plan?

The proposed rezone is consistent with the Georgetown Township Master Plan Future Land Use Map that indicates this property to be LDR – Low Density Residential. This zoning district would allow the preferred land use goals to be met as well as best practice tools and strategies would be able to be utilized with future zoning approvals.

2. Is the proposed district and the uses allowed compatible with the surrounding area?

The proposed district's uses are compatible with the site and the surrounding area. The adjacent land to the north, east and south is zoned LDR, and the Willow Creek plat features four (4) stub streets into the subject property, while the Cedar Lake subdivision would also become interconnected. In addition, there is other single family residential neighborhoods to the south (Hager Pointe) and west (Loving Woods).

3. Is the property capable of being used for a use permitted within the existing zoning district?

Yes, the site can currently be used for uses within the rural residential zoning district, but it would not be considered the highest and best use of the property.

4. Will the rezoning require an inordinate expenditure of public funds to make the development feasible?

The rezone will not require inordinate public funds. The development of the site will be financed through private development.

5. Will the rezoning cause development to “leap frog” other undeveloped areas in the same zoning district and necessitate premature extensions of services to rural areas of the Township?

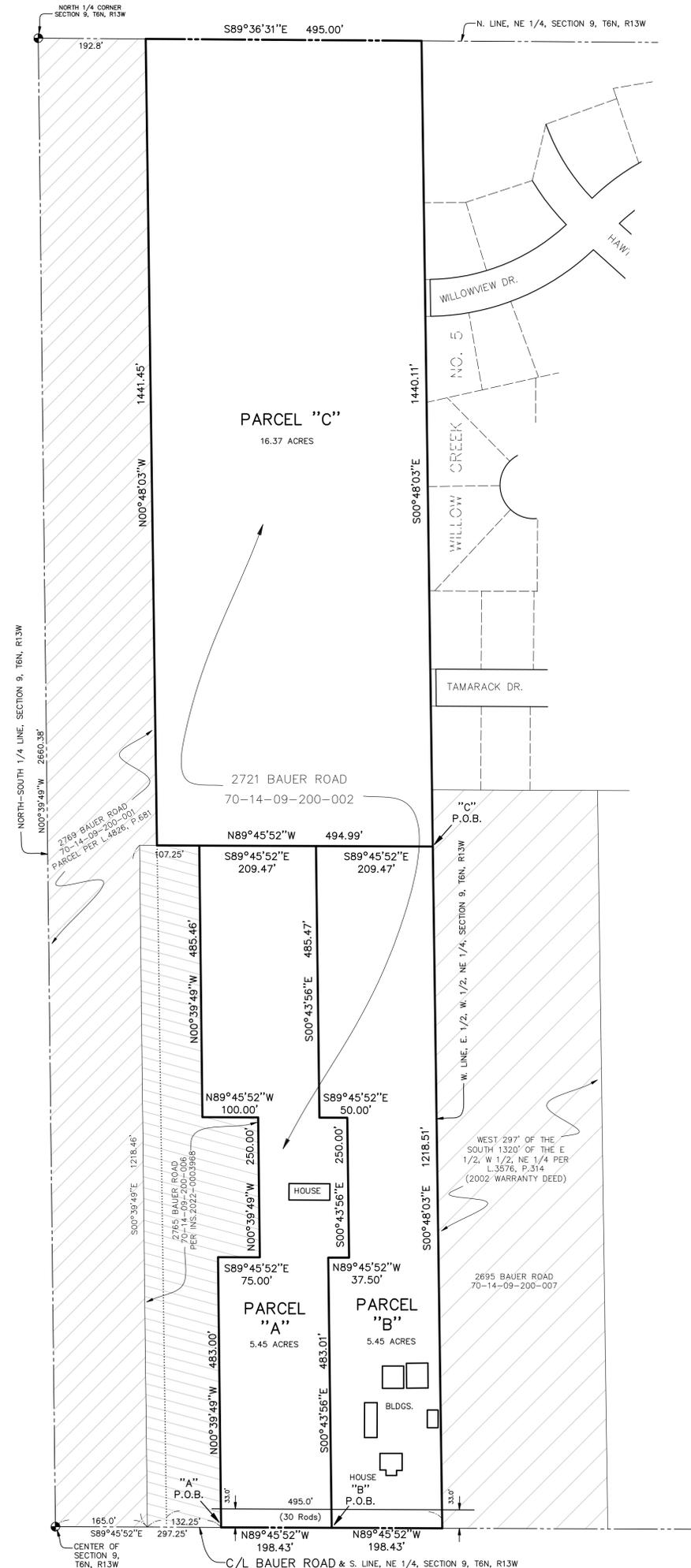
No, the rezoning will not cause development to “leap frog” other undeveloped areas since development currently exists on all sides of the subject parcels, and this request would more appropriately be considered infill of current development patterns. In addition, public utilities already exist ready to serve future development to the subject parcels.

6. Is there sufficient vacant land already zoned in a specific category?

While there are significant areas already zoned LDR within the Township, there is not much vacant and for-sale low density residential land.

7. Is the rezoning more likely to be granted if conditions could be attached?

No, the rezoning would not require any conditions or special considerations.



EXISTING PARCEL DESCRIPTION (2721 BAUER ROAD)

PER WARRANTY DEED (INS.# 2011-0044568)

COMMENCING AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWN 6 NORTH, RANGE 13 WEST; THENCE WEST 30 RODS; THENCE SOUTH PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE TO THE EAST AND WEST 1/4 LINE; THENCE EAST ON SAID 1/4 LINE 30 RODS; THENCE NORTH TO THE PLACE OF BEGINNING; EXCEPT THEREFROM THE FOLLOWING PARCEL: COMMENCING 165 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE EAST 132.25 FEET; THENCE NORTH 483 FEET; THENCE EAST 75 FEET; THENCE NORTH 250 FEET; THENCE WEST 100 FEET; THENCE NORTH 485.46 FEET; THENCE WEST 107.25 FEET; THENCE SOUTH 1218.46 FEET TO THE BEGINNING.

COMMONLY KNOWN AS: 2721 BAUER ROAD, HUDSONVILLE, MICHIGAN 49426

TAX IDENTIFICATION NO.: 70-14-09-200-002

PARCEL "A" DESCRIPTION

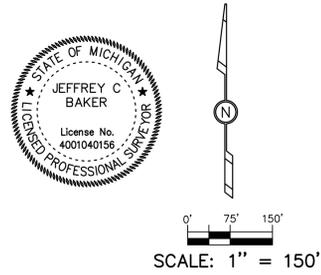
PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, T6N, R13W, GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER OF SAID SECTION 9; THENCE S89°45'52"E 297.25 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE N00°39'49"W 483.00 FEET PARALLEL WITH THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE S89°45'52"E 75.00 FEET; THENCE N00°39'49"W 250.00 FEET; THENCE N89°45'52"W 100.00 FEET; THENCE N00°39'49"W 485.46 FEET; THENCE S89°45'52"E 209.47 FEET; THENCE S00°43'56"E 485.47 FEET; THENCE S89°45'52"E 50.00 FEET; THENCE S00°43'56"E 250.00 FEET; THENCE N89°45'52"W 37.50 FEET; THENCE S00°43'56"E 483.01 FEET; THENCE N89°45'52"W 198.43 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING. PARCEL CONTAINS 5.45 ACRES. SUBJECT TO HIGHWAY RIGHT-OF-WAY FOR BAUER ROAD ON THE SOUTH.

PARCEL "B" DESCRIPTION

PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, T6N, R13W, GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER OF SAID SECTION 9; THENCE S89°45'52"E 495.68 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE N00°43'56"W 483.01 FEET; THENCE S89°45'52"E 37.50 FEET; THENCE N00°43'56"W 250.00 FEET; THENCE N89°45'52"W 50.00 FEET; THENCE N00°43'56"W 485.47 FEET; THENCE S89°45'52"E 209.47 FEET; THENCE S00°48'03"E 1218.51 FEET ALONG THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF SAID NE 1/4; THENCE N89°45'52"W 198.43 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING. PARCEL CONTAINS 5.45 ACRES. SUBJECT TO HIGHWAY RIGHT-OF-WAY FOR BAUER ROAD ON THE SOUTH.

PARCEL "C" DESCRIPTION

PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, T6N, R13W, GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER OF SAID SECTION 9; THENCE S89°45'52"E 694.11 FEET ALONG THE SOUTH LINE OF SAID NE 1/4; THENCE N00°48'03"W 1218.51 FEET ALONG THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE N89°45'52"W 494.99 FEET; THENCE N00°48'03"W 1441.45 FEET; THENCE S89°36'31"E 495.00 FEET ALONG THE NORTH LINE OF SAID NE 1/4; THENCE S00°48'03"E 1440.11 FEET ALONG THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF SAID NE 1/4 TO THE POINT OF BEGINNING. PARCEL CONTAINS 16.37 ACRES.



- LEGEND**
- = IRON STAKE FOUND
 - = IRON STAKE SET
 - ⊗ = SET "X" IN CONC.
 - = MAG NAIL
 - ⊕ = MONUMENT
 - - - = FENCE LINE
 - = OVERHEAD WIRES

- SURVEY NOTES**
- This survey was made from the description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements, and exceptions.
 - Building locations and other improvements are approximate, based on aerial imagery.
 - Access to Parcel "C" has not been provided as part of this Land Division Map.
 - Surveyed parcel and adjoining parcel deeds contain conflicting calls. Parcel has been surveyed as the West 30 chains (495') of the West 1/2 of the West 1/2 of the NE 1/4 of Section 9.

LAND DIVISION MAP
RE: 2721 BAUER ROAD
FOR: DOUG VAN SINGEL
1234 RILEY STREET
HUDSONVILLE, MI 49426

PART OF THE NE 1/4, SECTION 9, T6N, R13W, GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

DATE	REVISION	BY

exxel engineering, inc.
 planners • engineers • surveyors
 5252 Clyde Park, S.W. • Grand Rapids, MI 49509
 Phone: (616) 531-3660 www.exxelengineering.com

DRAWN BY: RDB
 APPROVED BY: JCB
 FILE NO.: S251100

PROJ. ENG.: JCB
 DATE: 02/28/2025

SHEET 1 of 1

Georgetown Charter Township

REZONING Permit No: PREZ2602

Zoning Department
Phone: (616) 457-234
contact.georgetown@

1515 Baldwin Street
Jenison, MI 49428

Hours: Monday-Friday 8 am - 5:00 pm

2769 BAUER RD Location

Issued: 01/30/26 Expire Date:

TALL OAK PROPERTIES LLC Owner
2000 CHICAGO DRIVE SW
WYOMING MI 49519

MICHAEL MCGRAW Applicant
1188 EAST PARIS AVE SE
Grand Rapids MI 49546

Work Description: (REZ2602) (Ordinance 2026-02): To change from Rural Residential (RR) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-09-100-006, 70-14-09-200-001 and a portion of P.P. # 70-14-09-200-002, located 2769 Bauer Rd. and 2721 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

Work Type	Fee Basis	Item Total
REZONING	1.00	600.00

Fee Total: 600.00
Amount Paid: 0.00
Balance Due: 600.00

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days at any time after work has commenced; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code.

I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Michigan and the local jurisdiction. All information on the permit application is accurate to the best of my knowledge.

Payment of permit fee constitutes acceptance of the above terms.



Zoning Administrator

PAID 9
JAN 30 2026
Georgetown Township
Payment Validation



NOTICE OF PUBLIC HEARING
GEORGETOWN TOWNSHIP
1515 BALDWIN STREET
JENISON, MICHIGAN
616-457-2340

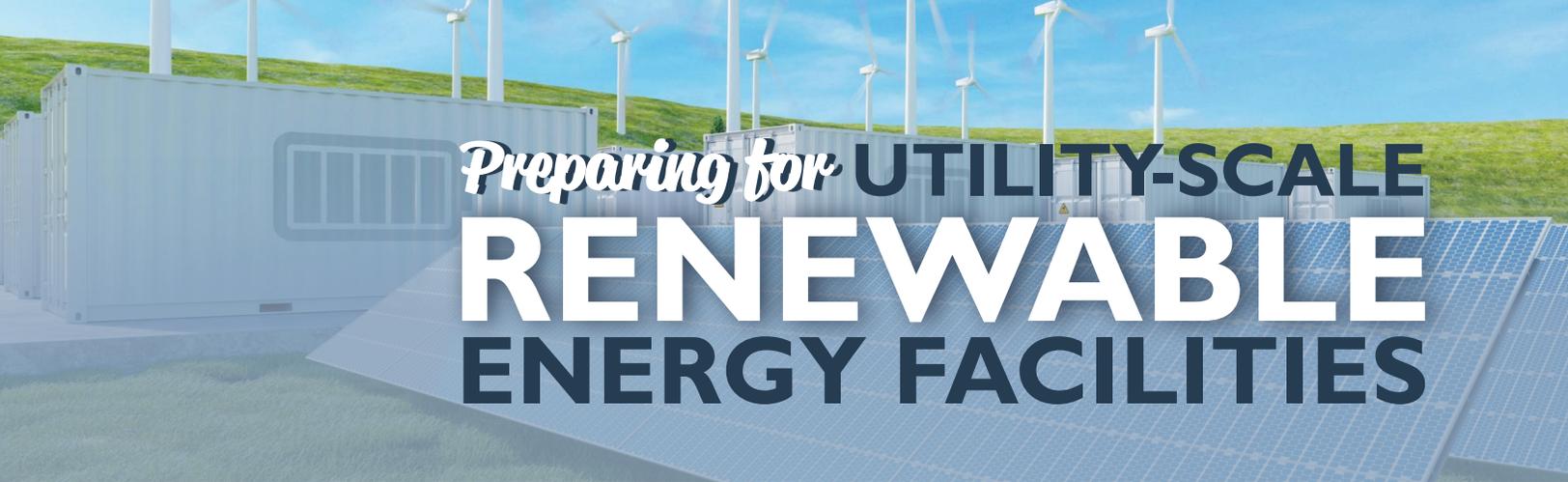
The Georgetown Township Planning Commission will hold a public hearing on Wednesday, February 4, 2026, at 7:00 p.m., or after, at the Georgetown Township Office.

The hearing is called for a rezoning:

(REZ2602) (Ordinance 2026-02): To change from Rural Residential (RR) to Low Density Residential (LDR) parcels of land described as P.P. # 70-14-09-100-006, 70-14-09-200-001 and a portion of P.P. # 70-14-09-200-002, located 2769 Bauer Rd. and 2721 Bauer Rd., Georgetown Township, Ottawa County, Michigan.

The zoning ordinance can be examined at the Township Office during regular office hours and until close of said hearing. Written comments will be received at the Township Office during regular office hours prior to the date of the hearing. The Georgetown Township Board will hold a meeting on February 23, 2026, or after to review and consider the rezoning. Email comments to contact@georgetown-mi.gov to allow time for reading and review of your comments.

Signed: Kelly Kuiper, Clerk
Georgetown Charter Township



Preparing for **UTILITY-SCALE RENEWABLE ENERGY FACILITIES**

What is Public Act 233?

Public Act 233 of 2023 (PA 233) creates an option for developers (applicants) to ask the Michigan Public Service Commission (MPSC) to grant a siting certificate for qualifying wind, solar, or energy storage facilities under specified conditions. A PA 233 siting certificate partially preempts local zoning authority.

What Energy Facilities are Covered by PA 233?

- ▶ **Solar energy facilities** with a nameplate capacity of 50 MW or more
- ▶ **Wind energy facilities** with a nameplate capacity of 100 MW or more
- ▶ **Energy storage facilities** with a nameplate capacity of 50 MW or more with a discharge capability of 200 MWh or more.

How to Retain Local Control

Under PA 233, local units of government retain local zoning control and enforcement authority for siting renewable energy facilities when they have a **Compatible Renewable Energy Ordinance (CREO)**. A CREO is a zoning ordinance that allows the development of energy facilities within the local unit of government subject to requirements no more restrictive than the provisions included in section 226(8) of PA 233.

Section 226(8) delineates siting regulations for each type of renewable facility (wind, solar, and energy storage):

- ▶ **Solar:** Setbacks, fencing, height, sound and dark sky lighting
- ▶ **Wind:** Setbacks, sound, light mitigation, shadow flicker, height, radar interference, or other relevant issues as determined by the MPSC
- ▶ **Energy Storage:** Setbacks, compliance with fire protection standards, sound and dark sky lighting

If a local government asserts its zoning ordinance is a CREO but then denies a zoning application on the basis of a provision more restrictive than section 226(8), then the local unit runs the risk that the developer will proceed to the MPSC for siting approval. In that circumstance, the local unit forfeits any right to local intervenor funds. Another option for local units is creating a “workable” zoning ordinance, which provides the opportunity for local governments to retain local zoning control.



What is a ‘Workable’ Ordinance? Does It Provide an Opportunity to Retain Local Control?

The developer determines what is “workable” and may still seek approval directly from the MPSC. With a “workable” zoning ordinance, the local unit can include additional requirements important to the community (e.g., higher setbacks, vegetative cover, pollinators habitats, or other land use considerations). This is a balancing act. PA 233 was intended to encourage cooperation between local units and applicants in facilitating development of renewable energy projects consistent with Michigan’s statewide clean energy goals.

When Can Developers Bypass Local Control?

A developer may seek project approval directly from the MPSC if a local unit of government does not have a CREO or has a moratorium on renewable energy development.

What are the Financial Considerations Associated with PA 233?

- ▶ For projects seeking MPSC approval, PA 233 requires the applicant enter into a host community agreement requiring payment of \$2,000 per megawatt of nameplate capacity within the local unit.
- ▶ For projects seeking MPSC approval, the developer must provide a one-time grant of up to \$75,000 (or \$150,000 for multi-jurisdiction projects) to be deposited into a local compensation fund to cover legal and expert costs for participating in the MPSC siting case. Any unused funds must be refunded to the developer upon conclusion of the case.
- ▶ For projects permitted locally, the local unit of government may be eligible for a one-time EGLE Renewables Ready Communities Award of \$5,000 per megawatt of a project’s nameplate capacity.

What can Communities do to Prepare Right Now if They Haven’t Already?

- ▶ Adopt a CREO
- ▶ Adopt a “workable” ordinance and/or coordinate with potential developers on “workable” zoning requirements
- ▶ Do nothing (which, in most cases, would mean projects would go to the MPSC)

More Information

[Michigan Public Service Commission](#)

Renewable Energy and Storage Facility Siting website



Ottawa County

Department of Strategic Impact

12220 Fillmore Street, Room 260 West Olive, Michigan 49460
plan@miottawa.org | 616.738.4852 | MiOttawa.org/DSI

Siting Considerations for Utility Scale Renewable Energy Facilities





Facility Types Covered Under PA 233

Wind: 100MW or greater

Acres Needed Per MW:
50 acres*

(equates to min avg of **5000 acres**)

*Per MISO "Generation Interconnection Manual"



Facility Types Covered Under PA 233

Solar: 50MW or greater

Acres Needed Per MW:
5 acres*

(equates to min avg of **250 acres**)

*Per MISO "Generation Interconnection Manual"



Facility Types Covered Under PA 233

Battery: 50MW or greater

Acres Needed Per MW:
0.1 acres*

(equates to min avg of **5 acres**)

*Per MISO "Generation Interconnection Manual"

Transmission versus Distribution

Transmission Lines *move high-voltage from power plants to local distribution nodes*
(e.g. ITC Holdings, GNT, Wolverine)

Distribution Lines *lower voltage and deliver power to homes and businesses*
(e.g Consumers Energy)

**Utility scale projects need Transmission lines
and Transmission substations**

Utility scale projects will require involvement and connection agreements with high-voltage transmission operators/owners





Transmission Connectivity with ITC

No major technical constraints with transmission system (system stability, short-circuit limits)

Sufficient grid capacity for desired project size with minimal upgrades required

Clear path to obtain interconnection agreement within a workable timeline

60 month average project timeline (avg 36 months for project planning and another 24 months for permitting)

Utility Scale Project Considerations (of developer):

Reasonable Distance to High-Voltage Transmission lines

- The greater the distance to interconnection the greater the project cost

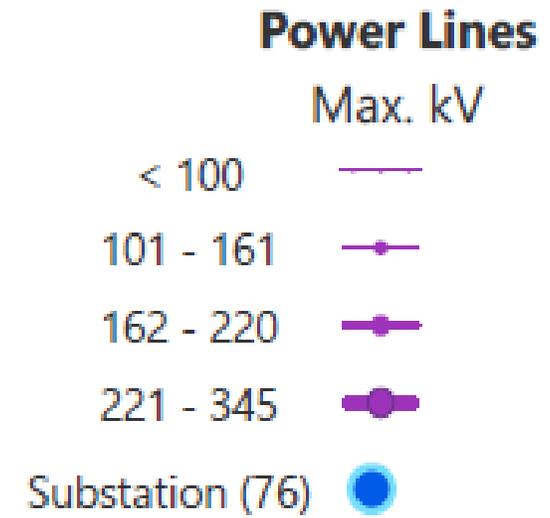
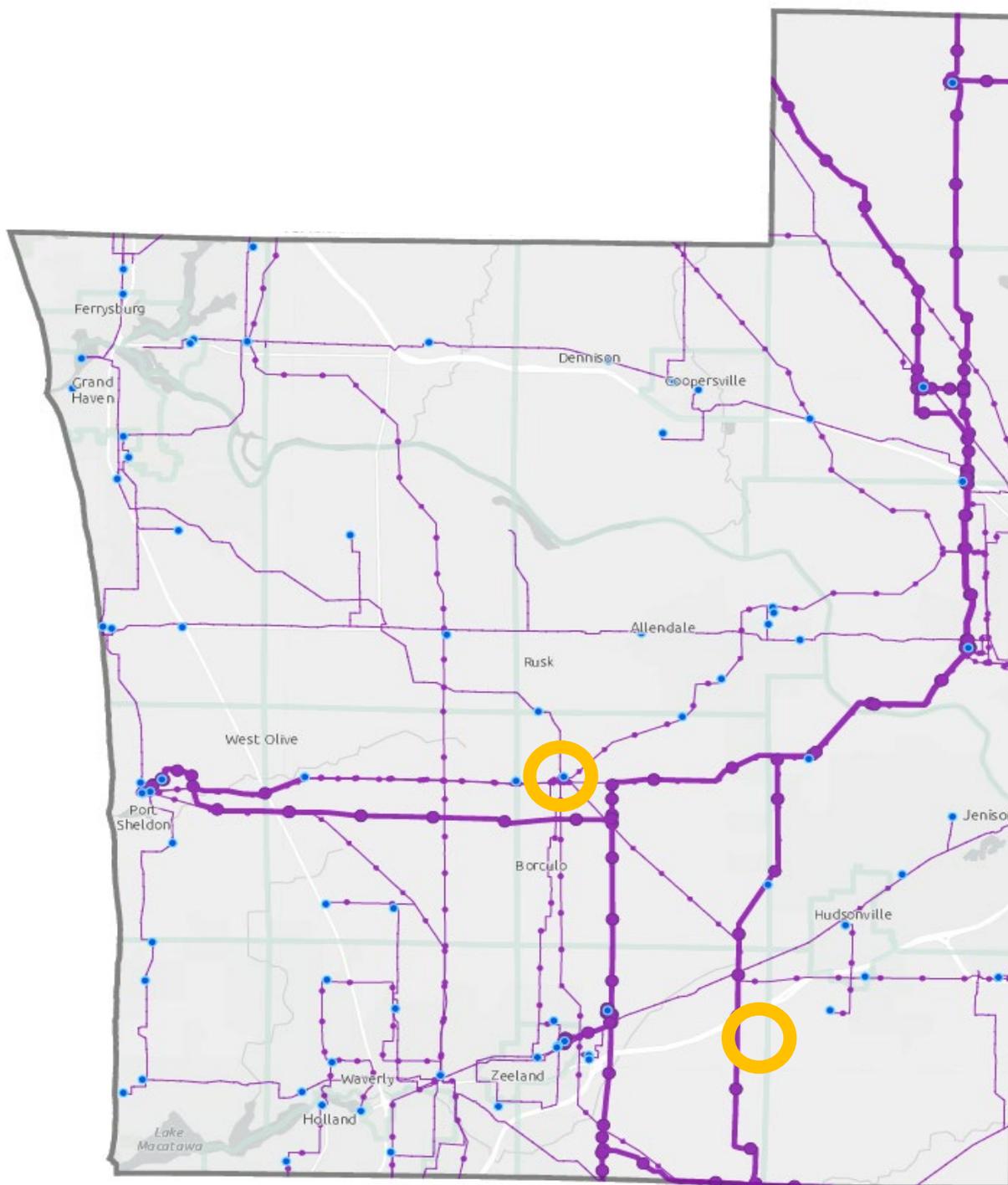
Access to Substation(s) with Potential Capacity

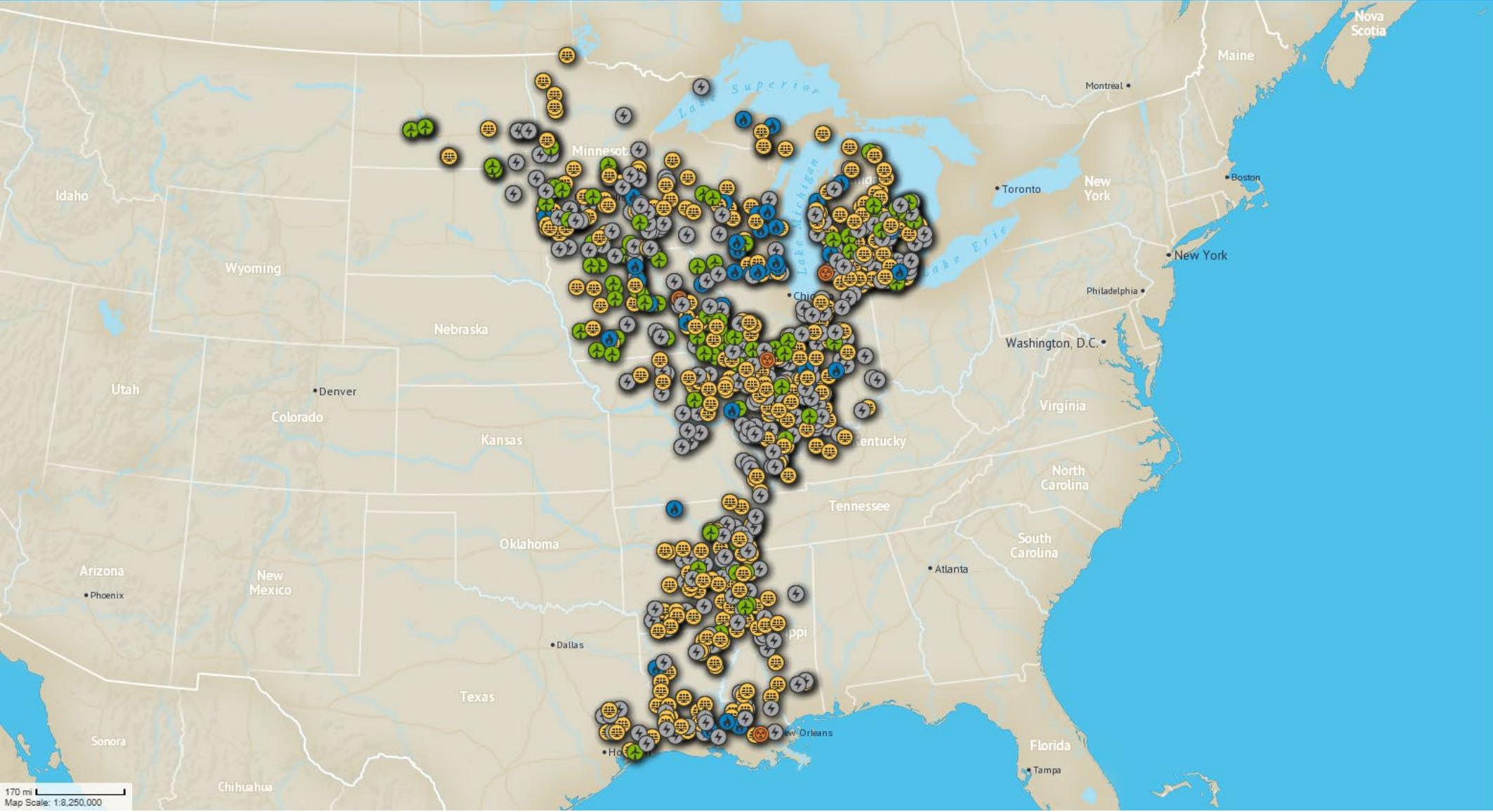
- Utility-Scale Projects can construct new *transmission* substations if needed

General land characteristics:

- Flat or gently sloping terrain: slopes <5–10% preferred
- Limited need for major grading or earthworks
- Low risk of stormwater/flooding and sediment/erosion control

Existing Transmission Infrastructure

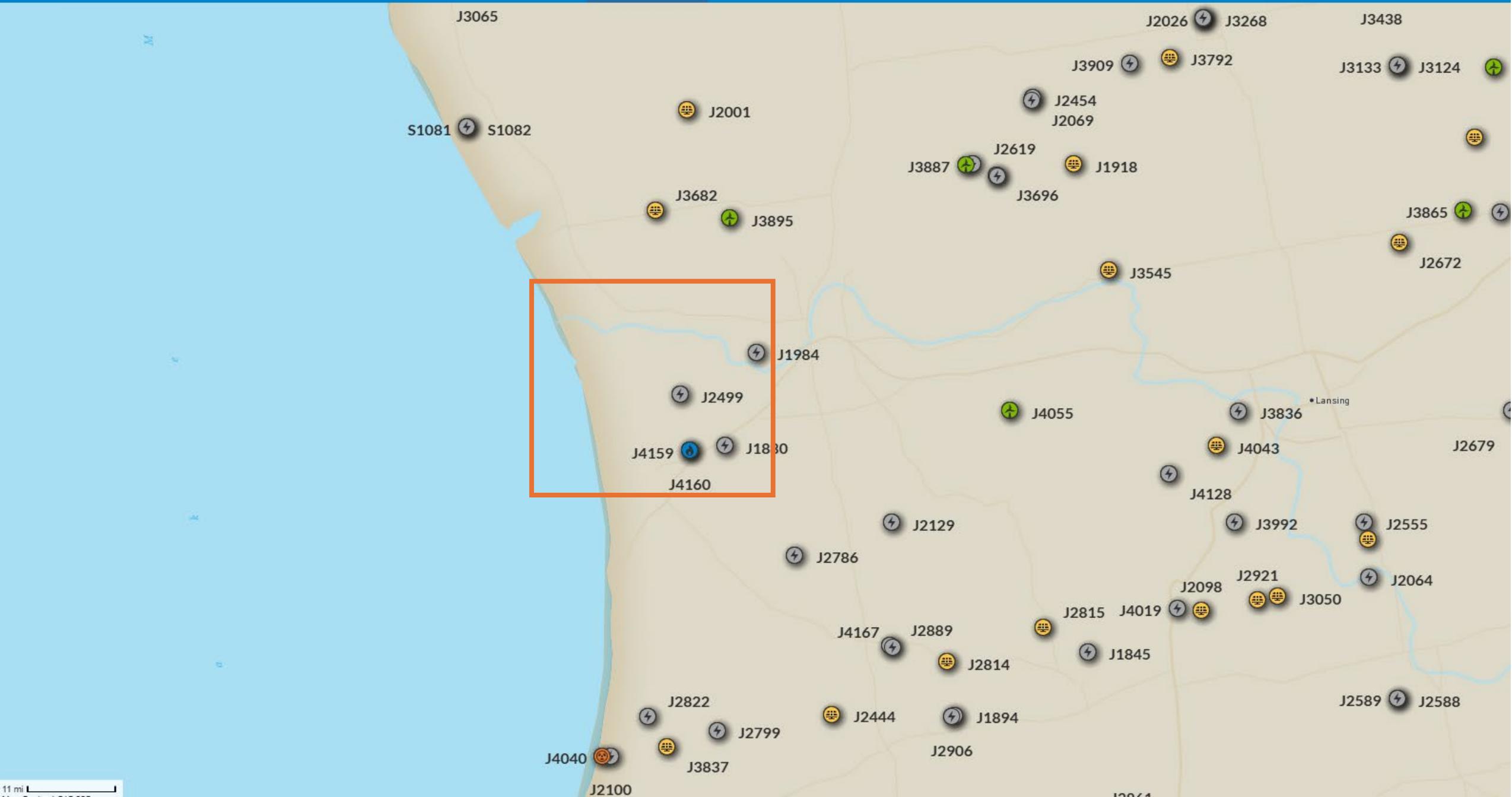


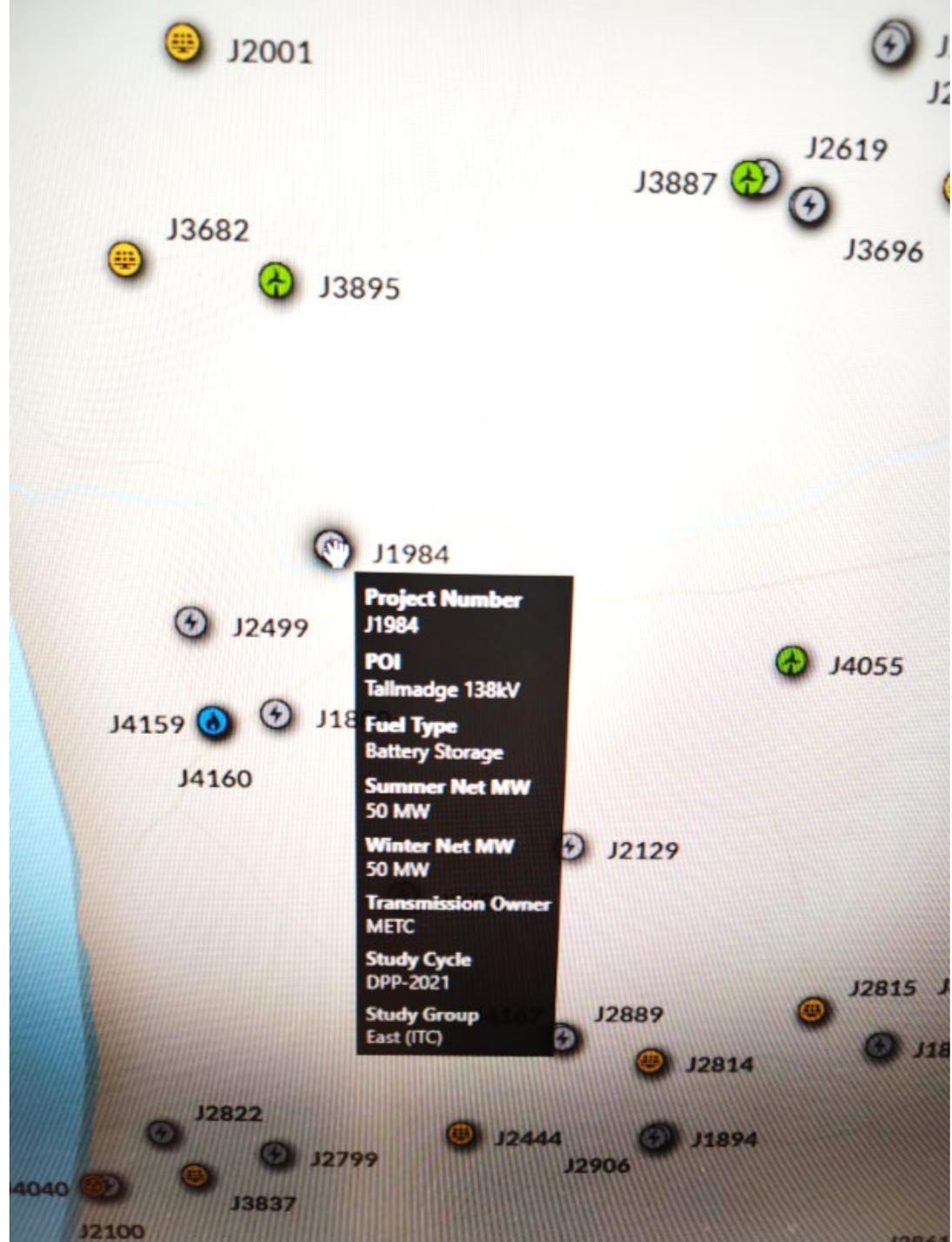
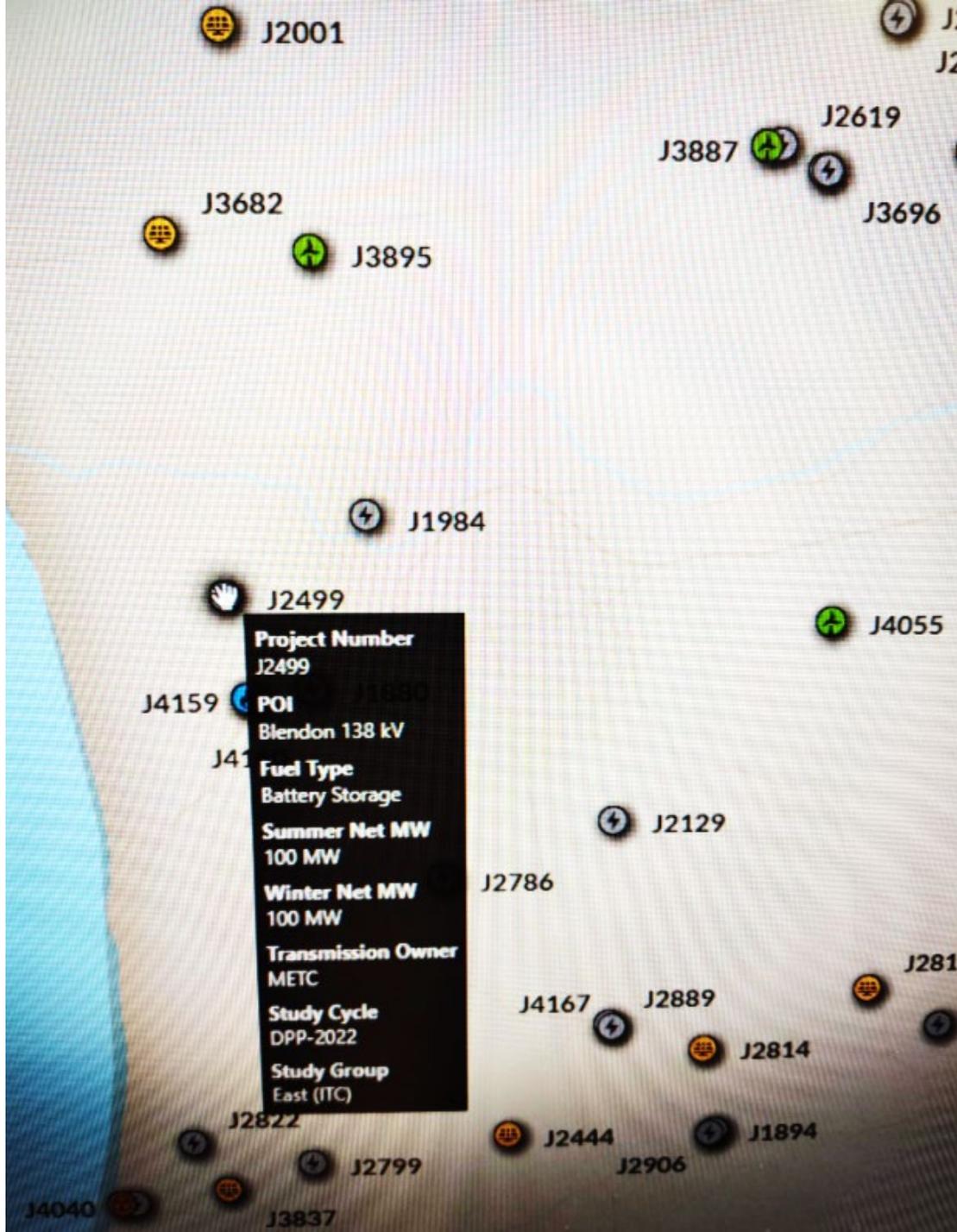


Projects

J1844
J1845
J1846
J1861

- Projects
- ⚡ Battery Storage (268)
 - ⚡ Biomass (1)
 - 🏠 Coal (0)
 - ⚡ Co-Gen (0)
 - ⚡ Combined Cycle (0)
 - ⚡ Diesel (1)
 - ⚡ Gas (57)
 - ⚡ High Voltage DC (0)
 - ⚡ Hybrid (128)
 - 💧 Hydro (2)
 - ⚡ Landfill Gas (0)
 - ☢️ Nuclear (8)
 - ⚡ Oil (0)
 - ☀️ Solar (425)
 - ⚡ Steam (0)
 - ♻️ Trash (0)
 - ⚡ Waste Heat Recovery (3)
 - 🌿 Wind (153)
 - ⚡ Wood (0)
 - ⚡ Compressed Air Storage (1)





Understanding the Legal Pathways of a Renewable Energy Project Under PA 233

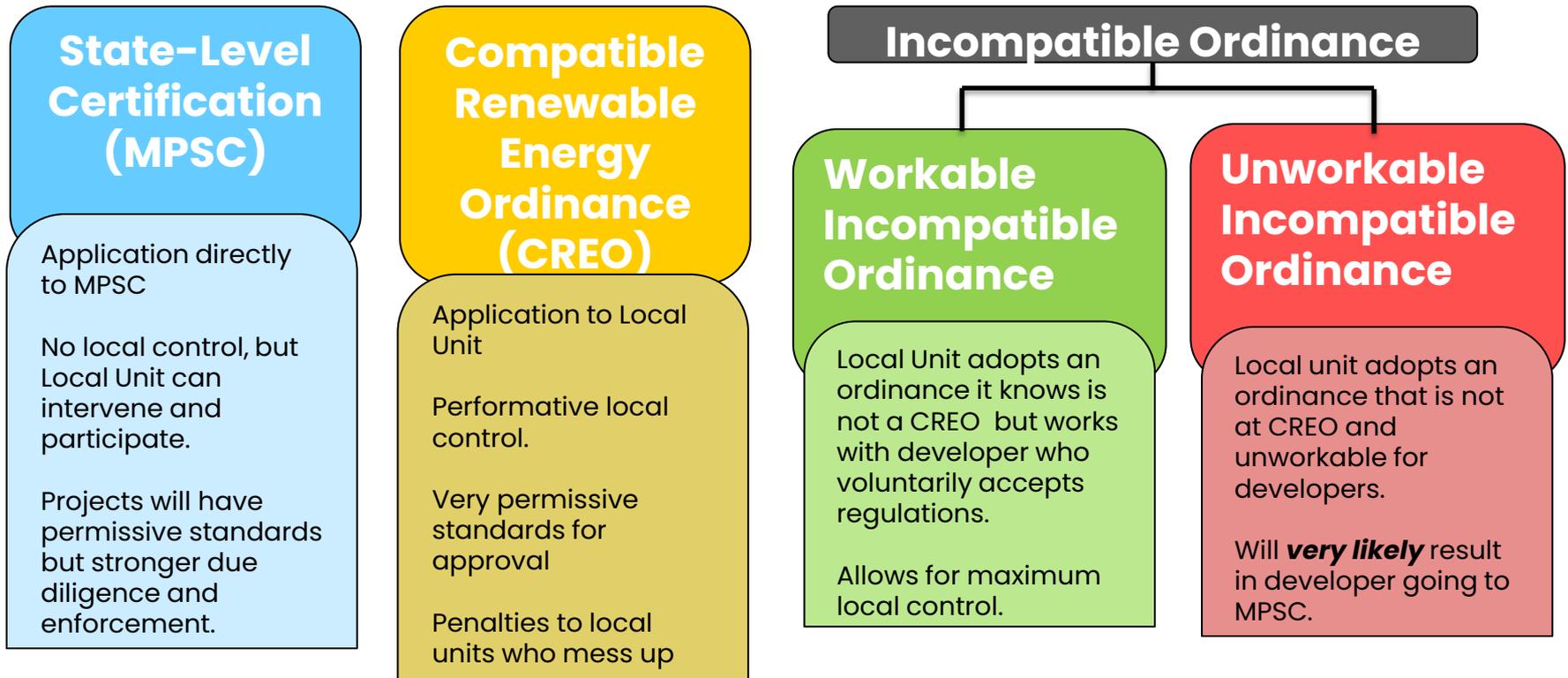


Presented by: Bradley A. Fowler
Attorney
Mika Meyers PLC
900 Monroe Avenue NW
Grand Rapids, MI 49503
attorney@mikameyers.com
(616) 632-8000

Act 233 of 2023

- Bill signed into law in November of 2023 and took effect on November 29, 2024.
- Makes significant changes to the permitting process for utility-scale renewable energy facilities including solar, wind, and battery energy storage facilities.
- Creates an **option** for developers to ask the Michigan Public Service Commission (MPSC) to permit a grid-connected renewable energy project if an affected local unit does not have a “compatible renewable energy ordinance” (CREO).
- Severely limits local control.
- Applicability:
 - Solar Energy – 50 MW of nameplate capacity or more.
 - Wind Energy – 100 MW of nameplate capacity or more.
 - Energy storage – 50 MW of nameplate capacity with energy discharge capability of 200+ MWh.

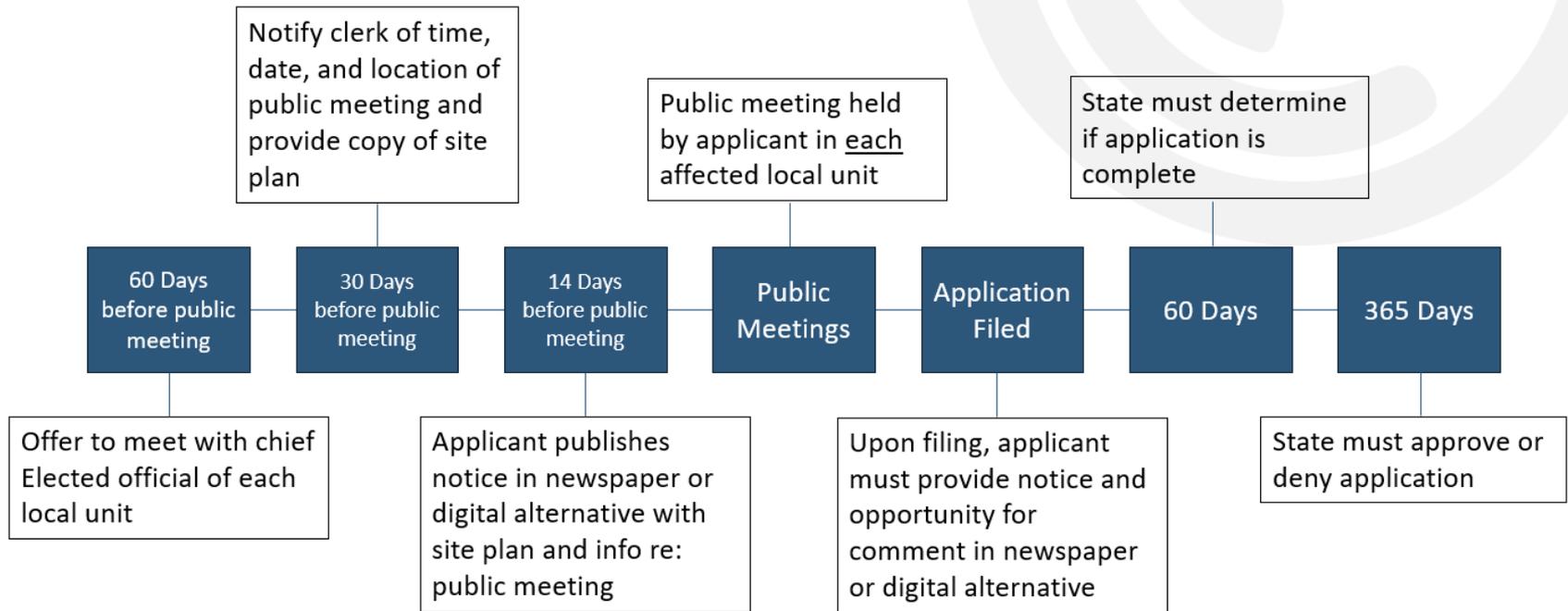
Legal Pathways for a Utility Project



MPSC Pathway: Process

- Offer in writing to meet with chief elected official of Affected Local Unit (ALU), and ALU advises no CREO or intention to work on workable ordinance.
- Public meeting in affected local units.
- Application submitted to MPSC containing requirements in Section 225.
- Proceeding on Application as contested case under Administrative Procedures Act. (local units and nonparticipating property owners may intervene by right)
- 60 days to determine if Application is Complete
- 365 days to decide on application

MPSC Process (cont.)





MPSC Pathway : Considerations For Approval

- MPSC will consider the following factors before approving an application:
 - Feasibility of alternative locations;
 - Impact on local land use;
 - Public benefits of energy facility and whether that justifies construction
 - Percentage of land in the ALUs already dedicated to energy generation;
 - Vegetative ground cover/pollinator standards;
 - Environmental impacts – impacts to sensitive habitats waterways, wetlands, wildlife corridors, historic and cultural sites, and threatened or endangered species;
 - Unreasonable diminishment of prime farmland
 - Compliance with Section 226(8).

Section 226(8) Requirements – Solar

Solar Facilities	
Setback: Occupied community buildings and dwellings on nonparticipating properties	300 ft
Setback: Public road right-of-way	50 ft
Setback: Nonparticipating property lines	50 ft
Fencing	National Electric Code Requirements
Height	25 ft (max tilt)
Noise: Nearest dwelling located on adjacent or nonparticipating property	55 dBA
Lighting	“Dark Sky Friendly Solutions”

Section 226(8) Requirements – Wind

Wind Facilities	
Setback: Occupied community buildings and dwellings on nonparticipating properties	2.1x Total Height
Setback: Residences and other structures on participating properties	1.1x Total Height
Setback: Public road right-of-way	1.1x Total Height
Setback: Nonparticipating property lines	1.1x Total Height
Setback: Communication and electric lines	1.1x Total Height
Height	Defer to Federal Aviation Association
Noise: Nearest dwelling located on an adjacent nonparticipating property	55 dBA
Shadow Flicker: Any occupied community building or nonparticipating residence	30 Hours (1 year)
Lighting	“Dark Sky Friendly Solutions”/Light Mitigating Technology
Radar Interference	Defer to MPSC

Section 226(8) Requirements – Battery Energy Storage

Battery Storage Facilities	
Setback: Occupied community buildings and dwellings on nonparticipating properties	300 ft
Setback: Public road right-of-way	50 ft
Setback: Nonparticipating property lines	50 ft
Noise: Nearest dwelling located on an adjacent nonparticipating property	55 dBA
Lighting	“Dark Sky Friendly Solutions”
Additional Compliance	NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems”

MPSC Pathway: Community Benefits

- **Intervener Funds** – Developer pays up to \$75,000 to each ALU for intervenor funds with no more than \$150,000 in total for the project.
 - ALU, participating property owners, and adjacent non-participating property owners may intervene by right.

- **Host Community Agreements** – Developer pays \$2,000 per MW to each ALU to be used for police, fire, public safety, infrastructure, or whatever the Developer and ALU agree upon.

- If an ALU refuses to enter into an agreement or take the money, the applicant can give the money to other community groups instead.

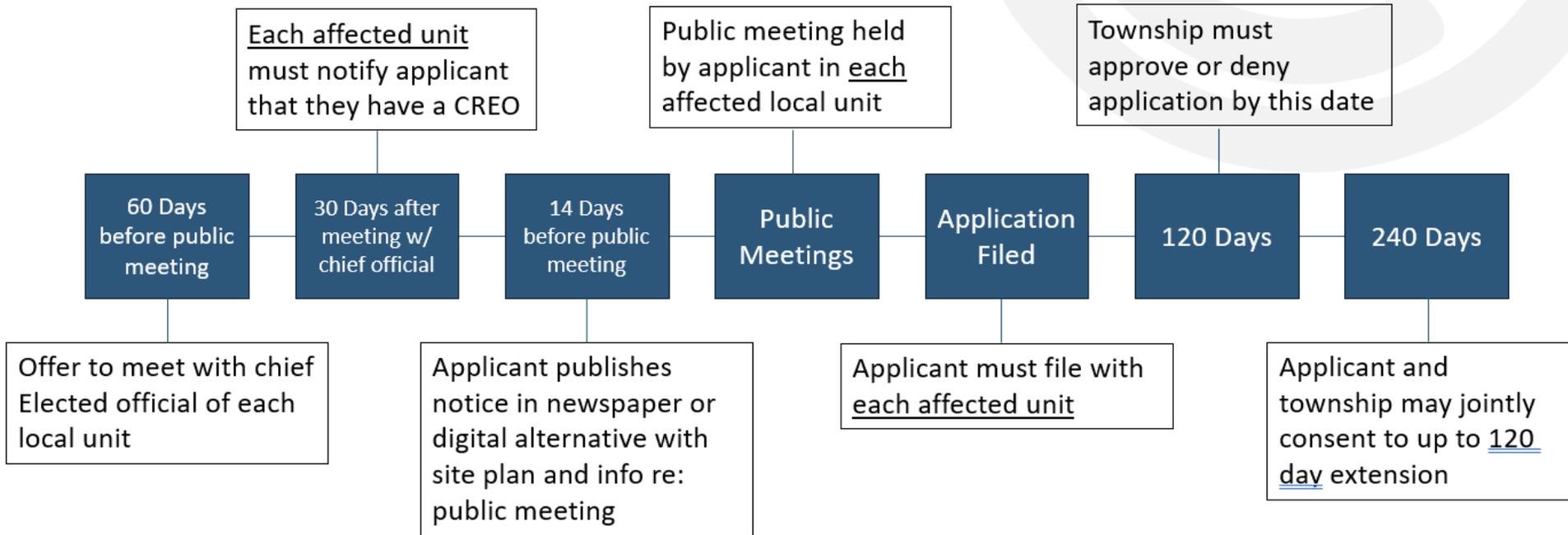


CREO Pathway

- Act 233 requires that each affected local unit of government (ALU) have a **“compatible renewable energy ordinance”** (CREO) which is defined as follows:

“Compatible renewable energy ordinance” means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.”
- Narrow interpretation is that provisions must be no more restrictive than those outlined in Section 226(8) and codified into a Zoning Ordinance as a permitted use in all zoning districts.
- If an ALU adopts a CREO, the developer is required to first have a project reviewed at the local level.
 - However, there is no room for further negotiation or additional provisions beyond the standards of Section 226(8).
- Every affected ALU must have a CREO

CREO Pathway: Process



CREO Pathway: Dangers

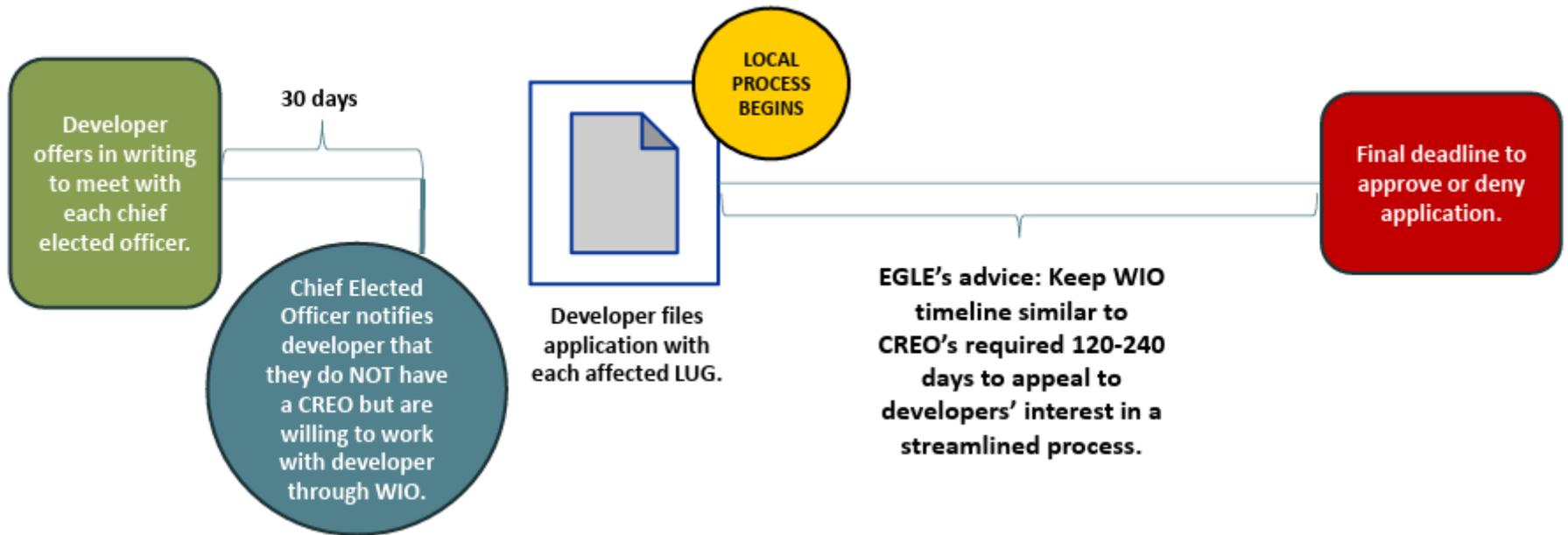
- If a ALU does any of the following, the applicant can take the project to the MPSC for certification on a streamlined path and trigger penalties for the ALU:
 - The ALU fails to act on the application within the given 120 day time-frame.
 - The ALU denies the application that met the CREO standards (i.e. Section 226(8)).
 - After notifying an applicant that they have a CREO, the ALU amends the ordinance to be more restrictive than CREO standards.
 - If, for an intermunicipal project, attempts to site other portions of the project in other jurisdictions locally have failed.
- If any of these violations occur, the project application shifts to the MPSC pathway described above, the ALU loses intervenor funds paid by the developer (up to \$75,000), and the ALU may no longer be able to claim CREO status in the future.

Incompatible (Workable) Ordinance Pathway

- ALU adopts an 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 going to the MPSC.
- Attractive option for both ALU's and Developers because the MPSC Pathway is more expensive, more time intensive, and inherently less popular than working with the local community.



Workable Ordinance Process



Renewables Ready Communities Award

- The Renewables Ready Communities Award (RRCA) provides ALUs \$2,500 - \$5,000 per MW of large-scale solar, storage or wind projects that they have permitted or will host.
- Total amount of funds was applied and program is currently closed, BUT as of October 2025, EGLE received more funding through the EPA and they are expected to launch a second round in early 2026.
- The new round will have no stipulations on how ALUs spend the money provided the local government passes a resolution at a public meeting indicating its intent for the use of funds.
- These payments can be in addition to Host Community Agreement Payments from Developers.



Pros of Each Pathway

State-Level Certification (MPSC)

- Host Community Agreement and Intervenor funds
- All work and accountability is passed to the State
- Indications are MPSC is taking its time to do due diligence on these.

Compatible Renewable Energy Ordinance (CREO)

- Easy and Fast approvals with little administrative burden
- Guarantees process stays local (performatively)
- RRCA payments available

Incompatible Ordinance

Workable Incompatible Ordinance

- Maximum local control
- Ability for enhanced zoning protections
- Ability to get both Host Community Agreement funding and RRCA funding

Unworkable Incompatible Ordinance

Expresses all community preferences. BUT

Will **very likely** result in developer going to MPSC.

Cons of Each Pathway

State-Level Certification (MPSC)

- No local control or process
- At the whims of what the MPSC decides with respect to standards
- No RRCA payments

Compatible Renewable Energy Ordinance (CREO)

- No ability to consider standards outside Section 226(8).
- Penalties and pit falls for not having true CREO or abiding by short timelines.
- Depends on neighboring ALUs
- No Host Community Agreements

Incompatible Ordinance

Workable Incompatible Ordinance

- Requires continued cooperation with Developers
- Risk of being called incompatible
-

Unworkable Incompatible Ordinance

High risk of losing local process and shifting to MPSC incurring those "Cons".

What Should Communities Do Next

- Look at Master Plans
- Start thinking about zoning priorities for renewable energy
- Consider workable ordinance or CREO





GRAHAM SUSTAINABILITY INSTITUTE
CENTER FOR
EMPOWERING COMMUNITIES
UNIVERSITY OF MICHIGAN

What the New Renewable Energy Siting Legislation Means for Michigan Local Governments

March 14, 2025

Madeleine Krol



Center for EmPowering Communities

- Background in planning and sustainability at local gov. level
- Research on land use policy for renewable energy, community impacts
- Funding from State Energy Office in EGLE
 - Facilitate planning & zoning
 - Training, resources, review draft ordinances, bus tours, FAQs, connect you to MSU-Extension, ...
 - Provide state-based data
 - Present pros and cons



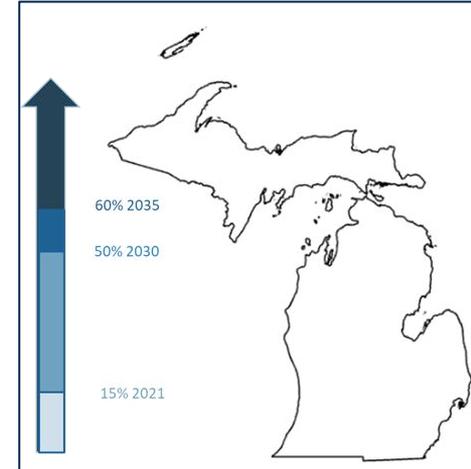
The scope

Our goal: Help communities prepare for the new renewable energy siting landscape

- Renewable Portfolio Standard of 50% by 2030
- Clean Energy and Jobs Package: PA 233, 234, 235

The “big picture” of renewable energy is out of scope

- Valid conversations happening statewide
- Significant federal movement
- 75+ jurisdictions filed a [lawsuit](#) to challenge [MPSC's](#) interpretation of PA 233
 - Court of Appeals: MPSC can continue processing applications until court decision





Why so much activity?

Increasing demand from consumers, cities, corporations

Efficiency improvements, cost reductions, and decreased fuel dependency have made renewables cheap.

Even prior to new legislation, electricity *purchasers* (utilities) were calling for a 4x increase in renewables.

Consumers (2021) IRP
Up to 80,000 acres
by 2040

DTE (2022 IRP)
Up to 65,000 acres
by 2042

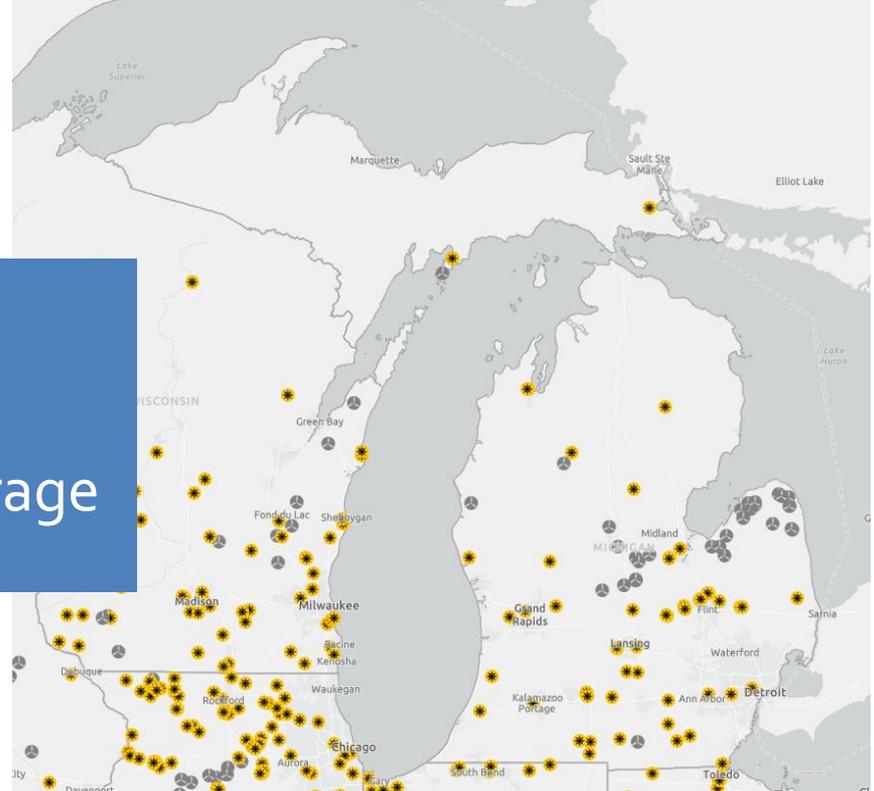




Utility-Scale Existing Projects

3,800 MW Wind
996 MW Solar
1 MW Battery Energy Storage

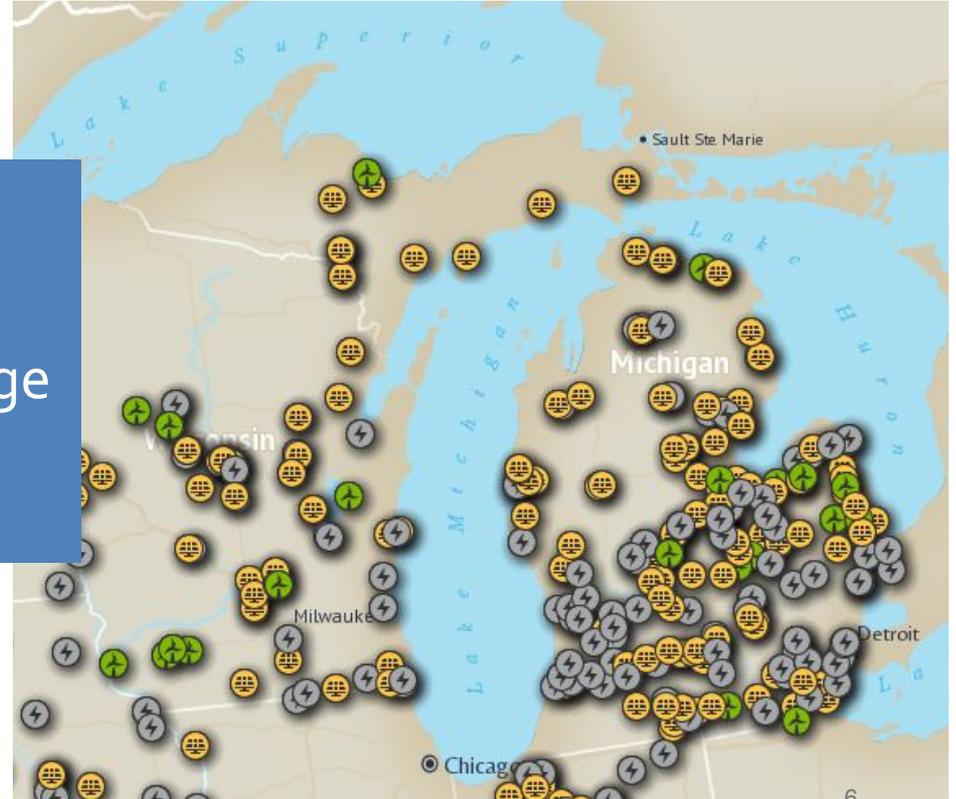
Source: U.S. Energy Information Administration, Renewable Electricity Infrastructure and Resources Dashboard, February 7, 2025:
<https://eia.maps.arcgis.com/apps/dashboards/77cde239acfb494b81a00e927574e430>





Utility-Scale Projects Under Consideration

3,140 MW Wind
17,930 MW Solar
14,395 MW Battery Energy Storage
3,290 MW Hybrid



Source: MISO Generator Interconnection Queue, February 7, 2025:
https://www.misoenergy.org/planning/resource-utilization/GI_Queue/



PA 233 and permitting pathways



Public Act 233 of 2023

Creates an **option** for developers to ask the Michigan Public Service Commission (MPSC) to permit a grid-connected renewable energy project if an affected local unit does not have a “compatible renewable energy ordinance” (CREO), among other triggers.

This option is present as of Nov. 29th, 2024.

Solar Energy:
50 MW nameplate
capacity

Energy Storage:
50 MW nameplate capacity
with an energy discharge
capability of 200+ MWh

Wind Energy:
100 MW nameplate
capacity

1. A developer is not **required** to go to MPSC. They may stay local even if there is an “incompatible” ordinance.
2. Once at permitting, project already has a **voluntary landowner host**. No eminent domain.

Exception: A city or village is exempt IF the energy facility is located entirely within a city or village, AND IF the city or village is the owner of the participating property, is a developer of the facility, or owns an electric utility that will take service from the energy facility.



Renewables Ready Communities Award (RRCA)



- PA 233, developers must pay communities for State siting (\$2,000/MW), which may disincentivize communities from updating their ordinances. Alone, this was a lose-lose — local govt. loses permitting authority *and* developer loses time and money. A grant from the State for local permitting balances this, incentivizing ordinance updates and increasing the value for developers to stay local.
- The RRCA provides up to \$5,000/MW to permitters and hosts of utility-scale renewable energy projects of the same size as PA 233 that underwent **local permitting** after Oct 2023. No deadline.



Four permitting pathways

INCOMPATIBLE
Developer *can* call MPSC

Compatible Renewable Energy Ordinance (CREO)

Local ordinance constrained by PA 233 Sec. 226(8).

Projects will be cheap and easy to build.

State-Level Certification (MPSC)

Subject to PA 233 requirements + 21 minimum conditions + evaluation criteria (like impact on farmland). Projects will have permissive standards but strong due diligence and enforcement.

Workable Ordinance

Projects permitted through local zoning ordinance. Stricter than CREO, but will inherently make room for renewables. *Ideally* stays local. No two are the same.

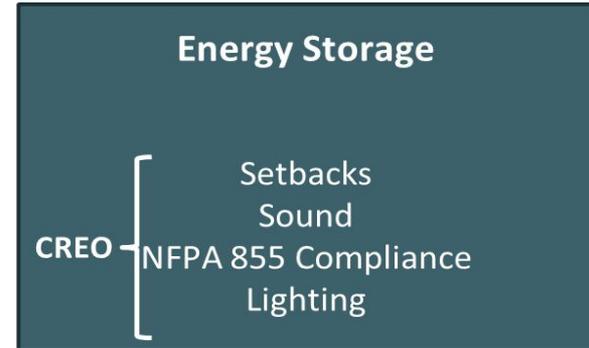
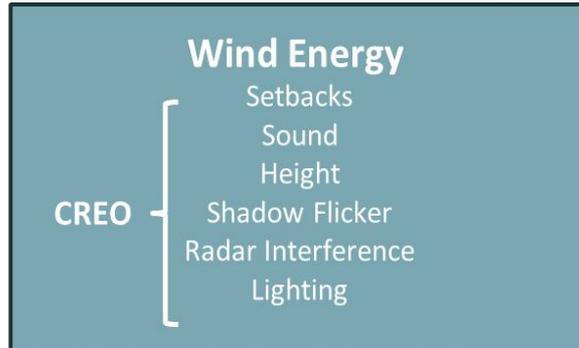
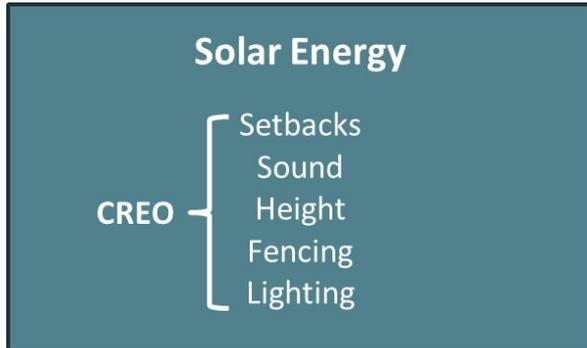
Unworkable Ordinance

Projects subject to township zoning conditions. Too strict for reasonable development. An unworkable ordinance will *very likely* result in an MPSC project.

Why “workable” ordinances can work

- PA 233 gives developers a backstop of certainty for difficult cases, but it won't be the first choice. MPSC siting is more expensive, time intensive, and unpopular
 - \$2,000/MW Host Community Agreement; \$75,000 intervenor funds; 365 days, and more
- **Our opinion:** For most developers, CREO will be the top preference for its cheap & quick process ... but next is a workable local ordinance. Only when it becomes “unworkable” will a developer call MPSC, which is time-intensive & costly
 - Nationwide surveys of developers show that state-processes are perceived as generally more expensive and resulting in fewer local benefits
 - Not true for all developers. MPSC certification can still be a highly viable option

What's in a CREO? Sec.226(8)



- This approach represents the most conservative interpretation of a CREO
- Notice a lot of absences, anything more than this is probably incompatible
- The numbers themselves are usually quite permissive; see [Act](#)



What's in an MPSC project? Sec.226(8) + Conditions

Solar Energy



- Screening
- Vegetative Ground Cover
- Underground Facilities
- Sound Study + Compliance
- Pre-Operation Emergency Response Training + Ongoing upon request

Wind Energy



- Regular Reporting of Electricity Produced
- Sound Study + Compliance
- Shadow Flicker Study + Compliance
- Pre-Construction Reception Study + Restoration of any Lost Reception Level
- Pre-Operation Emergency Response Training + Ongoing upon Request

Energy Storage



- Sound Study + Compliance
- Annual BESS Emergency Response Training



See our [Checklist](#) for Local Governments Navigating the MPSC Process

Why

INCOMPATIBLE
 Developer *can* call MPSC

CREO

- Interested in hosting renewables; want to be first in line
- Guarantees that the *process* stays local, albeit performatively
 - Risk for cross-jurisdictional projects
- Minimal municipal workload
- RRCA

MPSC

- Comfortable with the MPSC’s process and conditions
- Low municipal workload
- Host Community Agreement and intervenor funds
- Passes accountability to the State

Workable

- More zoning preferences than CREO; still makes room for renewables
- If conversations are flexible and in good faith, unlikely for a developer to call MPSC
- Maintains local process and RRCA

Unworkable

- Expresses *all* community preferences
- Lower workload than “Workable”
- Likely receives all MPSC path Why/Why Nots

Why not

INCOMPATIBLE
 Developer *can* call MPSC

CREO

- Cannot add more preferences; denying a compatible project voids CREO
- Penalties for “false CREO”
- Depends on neighbors

MPSC

- Cannot add more preferences
- Strong MPSC conditions, no case precedent yet
- No RRCA
- No local process

Workable

- Requires well-informed ordinance soon
- Context dependency means more work in future
- Risk of being called incompatible

Unworkable

- High risk of losing local process and shifting to MPSC, incurring those “Why nots”
- May turn away local-oriented developers

How

INCOMPATIBLE
 Developer *can* call MPSC

CREO

- Pass a zoning ordinance no more restrictive than the standards laid out in Sec. 226(8) of PA 233

(The most conservative interpretation of a CREO)

MPSC

- Don't pass or update your ordinance
- Once project is proposed, request MPSC to require developer to obtain certificate (by contacting MPSC Executive Secretary and Staff)

Workable

- Start with MPSC process; add and/or trim to workability with local priorities
- Pass well-informed ordinance & show willingness to converse
- Don't claim compatibility and prepare to amend

Unworkable

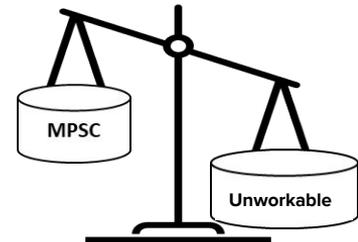
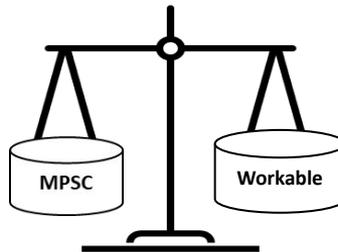
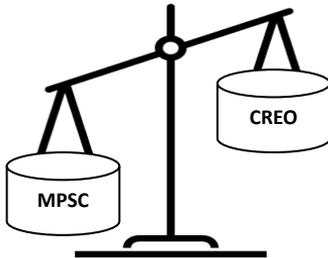
- Pass or maintain the incompatible ordinance
- Say you don't have a CREO and have no intent of amending the ordinance further
- Formally request developer to permit the project locally

Workability is a balance

To create a balanced, workable ordinance that works for your community *and* a developer:

Starting from the MPSC's Standards, Conditions, and Process:

- Rank the standards and conditions in order of importance to your community
- Identify the zoning item(s) you would change to reflect more of your community's preferences
 - Consult with municipal attorney, planning professionals, and available data
- Identify the standards and conditions you'd be willing to give up/soften
 - This frees up some wiggle room for community preferences while maintaining balance



Guidance on what's worked before

C. Commercial SES are permitted by issuance of a special use permit and approval of a final site plan by the Planning Commission in the A-1, A-1½, A-2, M-1, and M-2 districts. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this section and in this Ordinance.

3. General Standards. The following standards shall apply to all Private and Commercial SES unless otherwise specifically noted:

A. Design Safety Certification. The safety of the design of all private and commercial SES shall be certified by a Professional Engineer acceptable to the Zoning Administrator. The standard for certification shall be included with the application for development.

B. Electrical and Building Codes. All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All SES shall comply with local building permit requirements.

C. Compliance with County Ordinances. Private and commercial SES shall be in compliance with all Ordinance requirements and other applicable ordinances, rules and regulations.

D. Setbacks. All Photovoltaic (PV) systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty (40) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way.

E. Height. All PV systems and support structures associated with such facilities shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt, except for rooftop and building mounted solar systems which rely upon Section 5.6.1 of the Ordinance for height permitting standards.

Example of Assembly Solar

Past Workable Ordinances

Category	AK 233	Sample Zoning	Conestog Township	Shelburne County	Adrian Township	Aurora Township
Setbacks	The following minimum setback distances, measured from the nearest edge of the perimeter fencing of the facility: Occupied community buildings and dwellings on nonparticipating properties: 300 feet from the nearest point on the outer wall Public road right-of-way: 50 feet measured from the nearest edge of a public road right-of-way Nonparticipating property lines: 50 feet measured from the nearest shared property line	Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES component and as follows: a. In accordance with the setbacks for principal buildings or structures for the zoning district of the project site [or ... (e.g. 50) feet from the property line of a non-participating lot]; b. ... (e.g., 100) feet from any existing dwelling unit on a non-participating lot. c. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.	All PV systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of 40 feet from a side or rear property line and minimum of 50 feet from any road right-of-way.	Solar Farm facilities and related structures and components shall be set back a minimum of thirty feet (30) from all lot line. In addition, Solar Farm solar arrays and other structures must be located at least three hundred (300) feet from the road right-of-way along all other roadways, public and private; and one hundred fifty (150) feet from any lot line adjacent to all existing Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R-2) District land and any lot line adjacent to an existing residence at the time the Solar Farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.	Solar Farm facilities and related structures and components shall be set back a minimum of thirty feet (30) from all lot line. In addition, Solar Farm solar arrays and other structures must be located at least three hundred (300) feet from the road right-of-way along all other roadways, public and private; and one hundred fifty (150) feet from any lot line adjacent to all existing Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R-2) District land and any lot line adjacent to an existing residence at the time the Solar Farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.	All photovoltaic solar panels and support structures associated with such commercial SES/solar farm (excluding perimeter security fencing) shall be a minimum of 40 feet from a side or rear property line, and a minimum of 50 feet from any road right-of-way.
Sound	The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.	The sound pressure level of a large principal-use SES and an ancillary structure shall not exceed ... (e.g. 45) dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include measured sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.	The noise generated from an SES shall not exceed forty (40) dB(A) at the exterior of any habitable structure, also measured at the closest property line to the SES. This sound pressure level may be exceeded during short-term events such as utility shortages or severe wind storms. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the ambient dB(A) plus five (5) dB(A).	No component of any Solar Farm shall produce noise that exceeds any of the following limitations: Adequate setbacks shall be provided to comply with these limitations. (1) Fifty (50) dBA, as measured at the property line of any adjacent Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R-2) District zoned land in existence at the time the Solar Farm is granted conditional use approval.	The sound-noise generated from a Commercial SES shall not exceed 40 dB(A) at the exterior of any habitable structure, also measured at the closest property line to the SES. This sound pressure level may be exceeded during short-term events such as utility shortages or severe wind storms. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be the ambient dB(A) plus five dB(A).	

<https://graham.umich.edu/media/files/Developing-Workable-Renewable-Energy-Ordinances.pdf>



Strategy 1: “Fine-tuning” a CREO item



Solar sound

CREO

NP Outer Wall*:
55 dBA Leq (1-hour)

* [*“outer wall”
measurement penalty*]

MPSC

NP Outer Wall*:
55 dBA Leq (1-hour)

+
Conditions of Approval:

1. Contract with a third-party acoustics expert for post-construction monitoring
2. Demonstrate compliance and maintain compliance through sound mitigating measures if necessary

Workable

NP Property Line:
Range between
Ambient + 5 dBA Leq
and 60 dBA LMax

Unworkable

NP Property Line:
Below 45 dBA LMax



Sound tweak-points

- Sound standards all include:
 - **Reading type:** *LMax* only must be exceeded once, *Leq* averages over a period (more wiggle room)
 - **Measurement location:** An ear at property line *or* inhabited structure
 - **Decibel amount:** Measurement location is much more important

Source	CREO	Past Projects (rough avg.)
Nearest property line	-	40-60 dBA Max
Inhabited structure	NP: 55 dBA Leq (1 hour)	-

- Sec. 226(8) solar sound has three permissive elements: average, structure, non-participating only



Solar setbacks

CREO

NP Property Line: 50ft
NP Structure: 300 ft
Public Road: 50 ft

MPSC

NP Property Line: 50ft
NP Structure: 300 ft
Public Road: 50 ft

Workable

NP Property Line: 20-50 ft
NP Structure: 200-300 ft
Public Road: 50 ft

P Property Line: 20-50 ft
P Structure: 200 ft

Unworkable

NP Property Line: 50+ ft
NP Structure: 300+ ft
Public Road: 50+ ft

P Property Line: 50+ ft
P Structure: 200+ ft



Solar height

CREO

25 feet at full tilt

MPSC

25 feet at full tilt

Workable

14 - 18 feet or district
height

Unworkable

Below 14 feet

Solar decommissioning

CREO

Financial assurance
after deducting
salvage value:

- 25% on operation
- 50% by 5th year
- 100% by 10th year

MPSC

Same as CREO +
Conditions of Approval:

1. Repair all drainage systems damaged during construction and decommissioning
2. Demonstrate that financial assurance has been acquired and will be maintained

Workable

Decommissioning Plan agreed upon by developer and community, including financial assurance **after deducting** salvage value, reviewed every 3-5 years:

- 100% upon permitting

Unworkable

Financial assurance **including** salvage value, reviewed and updated every 3-5 years
Recycling of all materials:

- 125 % upon permitting



Strategy 2: “Mirroring” an MPSC item

Solar screening

CREO

MPSC

Workable

Unworkable

Condition of Approval:
Agreement to
implement screening,
approved case-by-case
by Commission

Types of screening:
Landscaping or
Privacy Fencing

Examples:
Standards of underlying
zoning district, if
inadequate then PC may
require along NP
residential uses;
or MSU-E/UM sample
zoning guidebook

Types of screening:
Landscaping and
Privacy Fencing, or
Berming

Example:
Multiple rows of trees at
mature height all around
project

Solar ground cover

CREO

MPSC

Workable

Unworkable

Evaluation Criteria:
Vegetative
groundcover in
consideration of MSU's
Michigan Pollinator
Habitat Scorecard
**+ similar Condition of
Approval**

Sites not enrolled in PA
116 must meet one or
more of the four types of
dual use:

- 1) MSU Pollinator
Habitat Planning
Scorecard for Solar
Sites: score of 76 or
more
- 2) Conservation cover
- 3) Forage cover
- 4) Agrivoltaics

Must meet one of two
types of dual use:
1) Forage cover
2) Agrivoltaics



Solar approval process

CREO

By Right
+ Site Plan Review

MPSC

Commission contested
case process

Workable

Special Land Use

Unworkable



Strategy 3: Pay extra attention to “Dealbreaker” zoning items

Solar location control

CREO

All districts

MPSC

All districts +

Evaluation Criteria:

- 1) Will not unreasonably diminish prime farmland
- 2) Shall consider feasible alternative development locations
- 3) Shall consider impact on local land use, including % of land dedicated to energy generation

Workable

! Districting !
! Lot minimums !

Implemented in a way that still provides ample and suitable land for renewable development + large patch size + access to transmission/substation is considered

Unworkable

! Overlays !
! Districting !
! Lot Maximums !

Implemented in a way that does not provide ample and suitable land for renewable development



Especially problematic when a developer has already identified a project location!



Strategy 4: Get yourself easy wiggle room



Review timeline

CREO

120 - 240 days

MPSC

365 days

Workable

Streamlined by
resolution
(less than 365 days)

Unworkable

No time limit



Additional financial benefits

CREO

Not required of developer through zoning.

Reminder: If permitted locally, eligible for RRCA

MPSC

Guaranteed
\$2,000/MW **Host Community Agreement** for Zoning Authority

Workable

Community Benefits Agreement
Request financial benefits tied to direct impact of project on community.

*Reminder:
If permitted locally:
Eligible for RRCA
If permitted at state:
Guaranteed HCA*

Unworkable

Community Benefits Agreement
Require \$/MW CBA that's greater than the MPSC's HCA requirement.

*Reminder:
If permitted locally:
Eligible for RRCA
If permitted at state:
Guaranteed HCA*

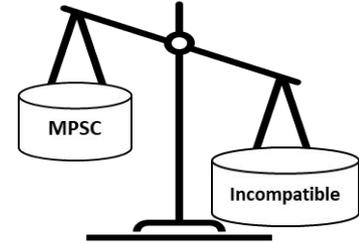
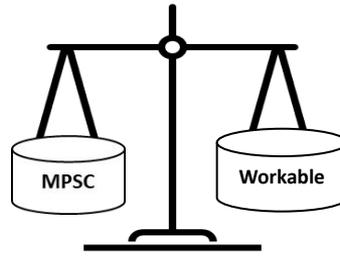
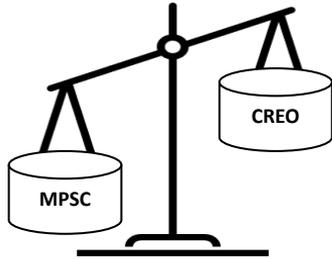
Strategy 4: Get yourself easy wiggle room

Other examples for easy wiggle room include:

- MPSC's Application Filing Requirements that you can live without
- Alternative locations analysis
- Proof of consultation with other agencies, ...



Workability is a balance



Zoning Activity

- Sound
- Setbacks
- Screening
- Ground Cover
- Height
- Decommissioning
- Location Control
- Timeline
- Approval Process
- Additional Financial Benefits

**CREO PA 233
Standards**

**PA 233 Standards
+ MPSC
Conditions of
Approval**

**Workable
Incompatible
Standards**

**Unworkable
Incompatible
Standards**



**If you'd like a copy of the activity card set
or would like us to talk you through it, reach out!**



Where does planning fit in all of this?

- The role of planning in PA 233
 - Not in the law, but MPSC instructions require it
 - MPSC to consider impacts on local land use
- Identify top community concerns and priorities to inform a workable ordinance
 - Tools: Mapping local suitability for solar/wind (EGLE); community engagement
- “Rezoning justification memo”/findings
 - For the ordinance decisions you take, link intentions to master plan goals
 - If MPSC route, paper trail for contested case
- Consider energy facilities in the context of existing goals
 - Early conversations about tensions between goals/zoning items helpful either way

What are you trying to preserve?

- Urban boundary
- Rural vista
- Habitat
- Land for growing food
- Farm livelihoods



So, what's next?

We won't know how any of this will truly play out until there's case precedent – we need to see what projects the MPSC says yes and no to, and how developers respond to denials. Until then ...

- **Start thinking as a community what your zoning priorities are for renewable energy**
 - Get your municipal planner and attorney involved
 - For multi-jurisdictional projects, less reason to adopt a CREO if your neighbors aren't
 - If you choose a path that requires amending your zoning ordinance (CREO or “Workable”), start moving quickly on those amendments
 - If you're still leaning towards an “Unworkable” ordinance, consider exploring how to harness benefits and minimize priority impacts with a workable ordinance

Resources

- **MPSC:** Renewable Energy and Energy Storage Facility Siting [webpage](#)
 - FAQs, MPSC’s Application Filing Instructions and Procedures, Recording of stakeholder engagement workshops

- **UM Center for EmPowering Communities:** PA 233 resources
 - <https://graham.umich.edu/project/MI-energy-siting>
 - FAQs, guidance on “workable” ordinances (data), sample CREO
 - Annotated solar, wind guidebooks (MSU-E), storage guidebook

- **EGLE:**
 - Renewable Energy Academy [webpage](#)
 - Renewables Ready Communities Award [webpage](#)
 - Michigan Zoning [Database](#)

- **Michigan Townships Association:** PA 233 resources
 - Sample workable ordinances, sample CREO, Application Fee Escrow Documents, etc. ([members only](#))



Resources cont.

- **Local resource potential maps:**
 - Reach out to [EGLE!](#)
- **MPSC Resource Hub:**
 - Michigan-specific [maps](#) of solar and wind projects, utility service areas, and much more
- **MISO Interconnection Queue:**
 - Interactive Queue [Map](#) showing proposed projects in Michigan
 - Interactive Queue [Data](#) (additional information on proposed projects)
- **Geospatial Energy Mapper Tool:**
 - Launch [tool](#) to view map with layer of existing transmission lines and substations, county boundaries, etc.
- **US Energy Information Administration:**
 - Existing Energy Infrastructure and Resources in the US ([map](#))
 - Form EIA-860 [data](#) (existing and planned energy generators)
- **US [Wind Turbine Database](#) and [Solar Photovoltaic Database](#)**





Questions?

- **Reach out to me!**
 - Answer questions
 - Review draft ordinances
 - Talk through pros/cons of alternatives
 - Connect you to other communities, MSU-Extension
- **More training**
 - Renewable Energy Academy Workshops
 - Online webinars on zoning

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What Local Governments Should Know About Michigan's New Renewable Energy Siting Policies

Sarah Mills, Madeleine Krol, and Olivia Stoetzer

(Last revision: 09/16/2025)

This document includes our best current understanding of Michigan's new renewable energy siting policies, Public Acts [233](#) and [234](#) of 2023. As of November 2024, PA 233 is now in effect. The information in this document is intended for educational purposes only and should not be interpreted as legal advice. Local officials are strongly encouraged to consult with a municipal attorney.

For local governments wondering what they should do right now, if you haven't already, start a conversation with your neighboring local governments to find out how they plan to act. If your jurisdiction is interested in adopting a CREO but neighbors are not, you may want to consider a different option, since each local government in a proposed project needs to have a CREO in order to unlock the "guaranteed" benefits of the CREO option over a "workable" option.

If you choose a path that requires amending your zoning ordinance (i.e., CREO or "workable"), then you should quickly move to make amendments. Any amendments to the master plan will need to follow the procedures of the [Michigan Planning Enabling Act](#) and any amendments to the zoning ordinance will need to follow the procedures of the [Michigan Zoning Enabling Act](#). You can find a [sample CREO](#), [annotated sample zoning ordinances](#), checklists for local governments navigating the [MPSC](#) and [CREO](#) processes, and [workable ordinance guidance](#) on [our website](#) or through EGLE's [Renewable Energy Academy](#). There are also recorded online [webinars](#), regional trainings, resources, and presentations available or planned through the Renewable Energy Academy, local government associations, including the [Michigan Townships Association](#), and through the [Michigan Association of Planning](#).

We have updated this document in light of the MPSC's October 2024 [Application Filing Instructions](#) for the implementation of the law. Additionally, in March 2025, the MPSC published [FAQs](#), with specific answers for local governments, applicants, and the public and landowners. We will work to answer additional questions that arise from communities as the law goes into effect.

We wish to thank colleagues associated with the Michigan Association of Planning, Michigan Townships Association, Michigan Municipal League, and MSU Extension for providing feedback on the original questions and content. If you believe any information contained in this document is incorrect or have additional questions you'd like answered, please don't hesitate to contact us at krol@umich.edu.

Frequently Asked Questions (Click question to jump to the answer):

1) What is Public Act 233 of 2023?_____	4
2) There is a lawsuit challenging the MPSC’s October 2024 Application Filing Instructions and Procedures. What is the lawsuit about, and what is its current status?_____	4
3) What projects does the new permitting process laid out in PA 233 apply to?_____	5
4) How will this law affect existing (operational) projects or projects that have been approved by the local government, but have not yet been built?_____	5
5) PA233 specifically applies to “affected local units” (ALUs). What is an ALU? Who counts? And, why does it matter?_____	6
6) How does PA 233 apply in unzoned places?_____	6
7) How does PA 233 apply to communities with state land, e.g. does a CREO have influence over state development on state land?_____	7
8) What happens if a project spans more than one affected local unit of government?_____	7
Permitting pathways_____	7
9) Are there only two pathways for permitting applicable projects: at the local level through a CREO, or at the state level through the MPSC? Do we have to adopt a CREO?_____	7
10) So, what are a local government’s options in light of PA 233, and what are the pros and cons of each option?_____	8
11) Why might a developer prefer to apply for permitting at the local level rather than opting for the MPSC path? And why can workable ordinances work?_____	11
12) Will a moratorium halt the PA 233 process or any renewable energy projects? Is a moratorium a fifth permitting pathway?_____	11
13) From a local jurisdiction’s perspective, if their ordinance is silent on energy, what are the pros/cons of staying the course and not addressing these energy technologies at all?_____	12
Permitting Pathway 1: CREOs_____	12
14) What is a Compatible Renewable Energy Ordinance (CREO)?_____	12
15) What is the CREO process?_____	14
16) If a local unit has compatible regulations for one type of energy system (e.g. solar), but not the other two (e.g., wind and energy storage), does the ordinance still count as a CREO?_	15
17) If there is a dispute between a local government and a developer about whether or not an ordinance is a CREO, how will it be resolved?_____	15
18) Can a local government charge application fees and hire consultants to review CREO applications?_____	15
19) What are the consequences if a jurisdiction with a Compatible Renewable Energy Ordinance (CREO) denies a project?_____	15
20) How do host community benefits work if a project is permitted through a Compatible Renewable Energy Ordinance (CREO) at the local level or in unzoned local units of government?_____	16
Permitting Pathway 2: MPSC_____	17
21) Who is the MPSC? What is their role?_____	17
22) What is the MPSC process, timeline, and key steps?_____	17

<i>Community Engagement in the MPSC Process</i> _____	18
23) A public meeting is a central component of the MPSC process. Who organizes this meeting and what does the local government need to know/do?_____	18
24) Section 225 (1) j of PA 233 calls for a “summary of community outreach and education efforts” to be submitted during the MPSC application process. What will this include?____	18
25) Besides the public meeting, are there other opportunities for public engagement in the MPSC process? What is the format for the public comments sought in this section, and how do they factor into the process?_____	19
<i>Host Community Agreements & Intervenor Funding</i> _____	19
26) For projects that go through the MPSC process, which unit(s) of government will receive the \$2k/MW payment?_____	19
27) Are there any restrictions on the use of funds so long as it is “agreed to by the local unit and the applicant” (developer)?_____	19
28) What are intervenor funds, and how do they work?_____	19
<i>Developer Application and Contested-Case Proceedings</i> _____	20
29) Which parts of a developer’s application to the MPSC require ALU input?_____	20
30) How can local governments participate in the contested-case process? What can local governments weigh in on?_____	21
31) The MPSC plans to consider a project’s impact on local land use, the percentage of land dedicated to energy generation in the area, and whether the project unreasonably diminishes farmland (226(7)). Do we know how the MPSC might apply these standards?_____	21
32) How do we ensure that there will be adequate training for emergency responders after the project is approved? Whose responsibility is this training?_____	22
33) What is a local government’s role post-approval if the project gets approved by the MPSC?_____	22
<i>Permitting Pathway 3: Workable Incompatible Ordinance</i> _____	22
34) What’s a “workable”, non-CREO ordinance?_____	22
35) How can I tell if my ordinance is “workable” and/or create a workable ordinance?____	23
36) From a local jurisdiction’s perspective, what are the advantages and disadvantages of adopting a workable ordinance compared to a Compatible Renewable Energy Ordinance (CREO)?_____	23
<i>Planning and Land Use</i> _____	24
37) What is the role of master planning in all this?_____	24
38) What is a rezoning justification memo? What should be included?_____	24

1) What is Public Act 233 of 2023?

- [Public Act 233 of 2023](#), signed by Governor Whitmer on November 28, 2023, makes significant changes to the permitting process for utility-scale renewable energy facilities, including solar, wind, and energy storage. The Act creates an option for developers to go directly to the Michigan Public Service Commission (MPSC) to construct a utility-scale renewable energy facility if each affected local unit of government does not have a compatible renewable energy ordinance (hereafter CREO). In communities where the local units of government have adopted a CREO, which is defined as being no more restrictive than the provisions in section 226(8) of the Act¹, the developer must first have its proposed project reviewed at the local level. If the project is denied by any of the local units of government, then the developer may submit the application to the MPSC.
- This law, which is referenced by a new amendment to the Michigan Zoning Enabling Act², resides as a new “Part 8: Wind, Solar, and Storage Certification” in the “Clean and Renewable Energy and Energy Waste Reduction Act”³ which lays out the newly amended renewable energy, energy storage, and energy efficiency targets that utilities must meet.
- This law took effect on November 29, 2024.

2) There is a lawsuit challenging the MPSC’s October 2024 [Application Filing Instructions and Procedures](#). What is the lawsuit about, and what is its current status?

- Following the passage of PA 233, the Commission directed MPSC staff to hold public meetings with experts, local governments, project developers, and other constituents to answer questions and collect guidance and related information to inform the MPSC permitting process. This resulted in a draft application instructions document published in June 2024. After the public provided comments and input, the application instructions were edited and, on October 10, 2024, the Commission ordered the adoption of the final [PA 233 Filing Application Instructions and Procedures](#).
- On November 12, 2024, Foster Swift Collins & Smith, P.C., appealed the MPSC’s order on behalf of more than 75 municipalities, challenging specific aspects of the October 2024 [PA 233 Filing Application Instructions and Procedures](#).⁴
- The appeal argues that the MPSC should have gone through the state rule-making process under the Administrative Procedures Act, rather than the contested case process it followed, and therefore should be unable to use the October instructions. The appeal also challenges the MPSC’s interpretation of several key definitions established by PA 233, specifically the definitions of a CREO and an Affected Local Unit (ALU), and the inclusion of hybrid facilities.
- On November 22, 2024, Foster Swift Collins & Smith, P.C. filed a motion for a preliminary injunction to prevent the MPSC from implementing the October 2024 Order, which would go into

¹ Section 221 (f)

² Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq. The amendment was through a companion bill HB 5121 which became PA 234 of 2023.

³ 2008 PA 295, (MCL 460.1013)

⁴ Paul Egan. Nov, 2024. “Close to 80 local governments appeal MPSC’s plans to override zoning for wind and solar.” Detroit Free Press.

<https://www.freep.com/story/news/local/michigan/macomb/2024/11/19/local-governments-appeal-michigan-public-service-commission-plan-siting-wind-solar/76412221007/>

effect on November 29, 2024.⁵ On January 14, 2025, the court denied the motion, allowing implementation of the law to proceed.⁶

- As of July 2025, the Michigan Court of Appeals has made no other decisions, nor taken action to pause the law. To follow this case (COA #373259), refer to this [website](#).

3) What projects does the new permitting process laid out in PA 233 apply to?

- The new permitting process laid out in PA 233 solely applies to wind, solar, and energy storage projects above the size thresholds listed in the Act.⁷ This refers to any solar energy facility with a nameplate capacity of 50 megawatts or more, any wind energy facility with a nameplate capacity of 100 megawatts or more, and any energy storage facility with a nameplate capacity of 50 megawatts or more *and* an energy discharge capability of 200 MW hours or more. Any solar energy, wind energy, or energy storage facilities below these thresholds are subject to conventional local zoning. While the law is silent on whether the capacity thresholds refer to AC or DC power, the PA 233 Application Filing Instructions measure nameplate capacities in AC.⁸
- There is still some ambiguity about how hybrid projects (which include solar or wind plus energy storage) are to be measured. (This ambiguity is a part of the ongoing lawsuit mentioned in FAQ #2.) The MPSC instructions say that hybrid projects can add the nameplate capacity of each technology to determine eligibility for seeking a certificate from the state.⁹
- Exception for cities: There is also a special exception in the law for cities and villages. The law does not apply (i.e., developers may not seek a permit from the MPSC) in cases where a project is located entirely within the boundaries of a city or a village AND one of the following applies: the municipality is the owner of participating property in the project, is the developer of the facility, or owns an electric utility that would take service from the proposed facility.¹⁰ In all other cases, including where only a portion of the project is outside of the municipal borders, the developer may seek a certificate from the MPSC unless all of the local units have a CREO. Due to the large footprint of wind and solar facilities, it is rare that the project would be entirely within municipal limits. However, storage projects that meet the 50MW/200MWh threshold in the law could be sited on as few as 5 acres, so may easily be located entirely within municipal boundaries.

4) How will this law affect existing (operational) projects or projects that have been approved by the local government, but have not yet been built?

- PA 233 isn't expected to affect existing projects, as there would be little impetus for a developer who has already gained approval at the local level to instead go to the MPSC.
- However, any alterations that the developer wants to make to the project that aren't covered by the approved local site plan—for example, to add battery energy storage, alter the footprint of a solar array, or repower with taller wind turbines—may constitute a new project, at which point the

⁵ [Foster Swift Press Release on PA 233 lawsuit](#)

⁶ [MLive article on PA 233 lawsuit court ruling on appeal to pause implementation](#)

⁷ Section 222 (1)

⁸ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 2

⁹ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 2-3

¹⁰ Section 222 (4)

developer would need to decide whether it can work with the local ordinance or if it would prefer to go to the MPSC (assuming the local government does not have a CREO).

- Further, Public Act 234 of 2023¹¹ made an amendment to the Zoning Enabling Act that impacts approved site plans. It stipulates that “a renewable energy project that received special land use approval...on or after January 1, 2021 is considered to be a prior nonconforming use and the special land use and the special land use approval shall not be revoked or modified if substantial construction has occurred or if an expenditure equal to 10% of the project construction costs or \$10,000, whichever is less, has been made.”

5) PA233 specifically applies to “affected local units” (ALUs). What is an ALU? Who counts? And, why does it matter?

- PA 233 defines an “affected local unit” as “a unit of government in which all or part of a proposed energy facility will be located.”¹² In the MPSC’s October 10 Filing Application Instructions, an “affected local unit” is defined as “a unit of local government *exercising zoning authority* in which all or part of a proposed energy facility will be located (emphasis added).”¹³ Due to this difference in definition and the varying opportunities offered to ALUs during the MPSC process, the definition is contested in the lawsuit discussed in FAQ #2.
- While any project is in both a county and a township or city, only one unit can exercise zoning authority, and so only one of these units is considered an ALU according to the MPSC definition. For example, when a township hosts a project in a county with county-level zoning, the county will be considered the ALU.
- This definition is important for a multitude of reasons. First, the ALU is granted status as an intervenor in the MPSC’s siting process. Other units of government may apply to intervene but they are not automatically granted this status. Second, only the ALU receives the intervenor funds. And third, only the ALU receives a host community agreement (see FAQ #26). Furthermore, if the local government wants to enact a CREO, only the ALU needs one.

6) How does PA 233 apply in unzoned places?

- Projects proposed in unzoned communities – while they still must comply with other state and federal laws – do not require any land use permitting process, as was the case prior to PA 233. The Act applies only to affected local units (ALUs), which the MPSC has clarified as local governments exercising zoning authority (see FAQ #5).¹⁴ Unzoned areas, by this definition, are not ALUs and therefore can’t require a developer to go through the state process according to PA 233 Section 222(2) nor require CREOs as clarified in the MPSC instructions.¹⁵ As noted in FAQ #2, a lawsuit challenges the definition of ALU and specifically whether PA 233 ought apply to all local governments, including unzoned ones.

¹¹ [Public Act 234 of 2023](#)

¹² Section 221(a)

¹³ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 1

¹⁴ MPSC AFIP, pg. 1, [Oct. 10th Order. U-21547](#) pg. 9 -10

¹⁵ MPSC AFIP, pg. 43

- The MPSC instructions provide one key exception to this consideration of unzoned places: In cases where a project spans multiple jurisdictions and the developer applies for the MPSC certificate, the Commission reviews the entire project, including the portion in unzoned areas, in all circumstances. See FAQ #8 for more on multijurisdictional projects.

7) How does PA 233 apply to communities with state land, e.g. does a CREO have influence over state development on state land?

- PA 233 does not treat projects on state land differently than private land, nor does it change whether or not a project developed on state land would be subject to local zoning. Whether an energy project is subject to local zoning—or, by extension, PA 233—is largely a function of the ownership of the project and/or specific stipulations within the rules of the land. If the infrastructure is privately owned, it is generally subject to zoning while infrastructure that is to be owned by a higher level of government (e.g., the state, public university, or school district) is often not subject to zoning, though these entities sometimes seek local government approval.
- When renewable energy projects are sited on public lands, there are tax implications for the hosting local government depending on whether the energy infrastructure is owned by the state or by a private developer. Though the land owned by the State is generally exempt from local property taxes, any privately owned energy infrastructure is taxable and therefore the private developer is responsible to pay personal property taxes to the local government in which the project is located.¹⁶

8) What happens if a project spans more than one affected local unit of government?

- The developer must seek permitting approval from each of the ALUs.
- If, however, one or more ALUs do not have CREOs, *“or after attempts to site the project in ALUs have failed, the MPSC will review the entire project if an application is filed, including the portions of the project that are in areas with CREOs and areas without CREOs.”*¹⁷
- Regardless of whether your community permits your portion of the renewable energy project locally through a CREO or a Workable Ordinance, if attempts to permit the other portion of the project in a neighboring community without a CREO fail, or your neighbor requests that the project go through the state process, the entire project may be reviewed at the MPSC.

Permitting pathways

9) Are there only two pathways for permitting applicable projects: at the local level through a CREO, or at the state level through the MPSC? Do we have to adopt a CREO?

- The short answer is no.
- This law gives developers the *option* to go through the state-level process.¹⁸ Developers may still choose to go through the local process, whether or not the local government has a CREO, and the law makes clear that local policies, including zoning, are in “full force and effect” for projects

¹⁶ Learn more about local property tax impacts of large-scale wind and solar projects [here](#).

¹⁷ MPSC AFIP, pg. 43

¹⁸ Section 222 (2)

where the MPSC has not issued a certificate through this new state-level process.¹⁹ The [MPSC's Application Filing Instructions and Procedures](#) further suggests that when a local ordinance does not meet the definition of CREO, the developer may still choose to follow the local siting process if that local process allows for facilities to be sited.²⁰ An ordinance, which still allows for renewable energy siting even though it is not compatible with the CREO definition, is commonly considered a workable incompatible ordinance (WIO). (For more information on WIOs, refer to FAQ #34.)

- Adopting a CREO, though, is the only option that guarantees the developer must first go through the local process.²¹ Said another way, local governments that have existing zoning ordinances in place may keep those ordinances even if they don't meet the definition of a CREO. However, if the developer finds the ordinance is unworkable or just prefers getting a certificate through the MPSC, then they can follow the rules laid out in the Act to initiate approval by the MPSC, which, while requiring notice and a public meeting²² in each affected local unit, need not comply with local zoning.

10) So, what are a local government's options in light of PA 233, and what are the pros and cons of each option?

- There are effectively four options available to local governments in light of PA 233: Two options involve projects being approved through the MPSC, and two involve siting at the local level. These are further explained in an [online video](#) from EGLE's Renewable Energy Academy (REA).²³
- Option 1: Compatible Renewable Energy Ordinance (CREO)
In this option, the community would amend its ordinance to be in compliance with section 226(8) of the law. Given the narrow definition of a CREO and the fact that almost all renewable energy zoning ordinances in Michigan limit the location of these land uses in some way, e.g. through districting or an overlay, and/or include elements not listed in the law, we believe that there are currently very few CREOs in the state. So while this will require a zoning amendment, for most jurisdictions, the amendment would be relatively straightforward following a [sample CREO template](#).
 - Pros: This is the only option to ensure that a developer must seek approval from the local level, though for a large project that spans borders, it may only stay local if your neighbors also adopt CREOs or workable ordinances (see FAQ #8 on multijurisdictional projects). Because communities using the CREO are held to strict time limits to approve or deny the application, it is generally seen as a developer's most preferred path, and so communities with CREOs may, in fact, attract developers that can advance climate or economic goals. Projects approved at the local level are eligible for the \$5k/MW Renewable Ready Communities Award.²⁴

¹⁹ Section 231 (4)

²⁰ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 43

²¹ Section 223 (3)

²² Section 223 (1)

²³ See EGLE's REA [page](#) and the mentioned video available here: <https://www.youtube.com/watch?v=iDk28cA-pq0>

²⁴ The Michigan Department of Environment, Great Lakes, and Energy provides information on the Renewables Ready Communities Award at <https://www.michigan.gov/egle/about/organization/materials-management/energy/rfps-loans/renewables-ready-communities-award>

- Cons: There is no opportunity to add local requirements that deviate from those laid out in the law, including provisions commonly in zoning such as screening, without incurring some risk. Further, there are penalties for local governments with a CREO that fail to approve the project within the time limits laid out in the law, deny a project that meets the standards set in section 226(8) of the law, or amend their zoning ordinance to impose additional restrictions after a project has been announced (see FAQ #19 on consequences).
- How to: You can use existing [sample language for CREOs](#)²⁵ to create a new section within your ordinance. This section should include all relevant definitions, as well as the standards and procedures applicable to each energy technology (wind, solar, or energy storage) that you wish to include in your ordinance. Our [checklist for communities with CREOs](#) lays out the process timelines relevant if a project is proposed in a community with a CREO.²⁶
- **Option 2: Voluntary MPSC Certification**

The law provides an option for communities to “request the MPSC to require” that all large-scale projects seek approval from the MPSC.²⁷ This request can happen proactively or only once a developer notifies the community about a project. For example, communities can make a simple amendment to their ordinance or pass a resolution directing developers to the MPSC. Alternatively, communities can also just tell any developers, in writing, that they do not have a CREO and prefer the developer to work with the MPSC. Importantly, communities may also choose not to react to a developer’s request at all, which also enables the developer to take the application to the MPSC.

 - Pros: It requires the least amount of effort by the local government in establishing zoning or evaluating projects, and allows the MPSC to apply its full range of criteria to the project. The local government will be kept informed through the mandatory local engagement processes and will receive the \$2k/MW Host Community Agreement and funds to intervene at the MPSC, but can remain largely uninvolved.
 - Cons: There is less opportunity to insert local community priorities into the approval if your zoning ordinance does not articulate these preferences. It may also be controversial to willingly send projects to the state. Further, projects approved through the MPSC path are not eligible for the Renewables Ready Communities Award.²⁸
 - How to: As laid out above, local governments can clarify through ordinance amendments or resolutions that large-scale wind, solar, or energy storage (whichever technology you’d like to specify) shall require a siting certificate from the MPSC pursuant to PA 233 section 222 (2). Our [checklist for local governments navigating the MPSC siting process](#) lays out relevant steps on how local governments can participate in the MPSC process.²⁹

²⁵ A sample CREO is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>. Other institutions have created sample CREOs as well, such as the Michigan Townships Association at <https://michigantownships.org/now-available-mta-sample-workable-ordinances-updated-sample-pa-233-documents/> (members only).

²⁶ The CREO checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

²⁷ PA 233 section 222 (2).

²⁸ The Michigan Department of Environment, Great Lakes, and Energy provides information on the Renewables Ready Communities Award at

<https://www.michigan.gov/egle/about/organization/materials-management/energy/rfps-loans/renewables-ready-communities-award>

²⁹ The MPSC checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

- Option 3: Workable Incompatible Ordinance (WIO)

There is no definition in PA 233 of a workable ordinance, but it is generally understood as a zoning ordinance that is in some way more restrictive than a CREO, but one that a developer finds preferable to MPSC approval (see FAQ #34). Some communities may already have WIOs. Others may need to amend or adopt an ordinance that is workable.

- Pros: This option allows local governments to include local preferences for development within their ordinance and maintain local control, but within bounds (otherwise, it would not be “workable”). Projects approved at the local level, even through a non-CREO ordinance, are eligible for the \$5k/MW Renewables Ready Communities Award.
- Cons: This requires the most deliberative community conversation about what your priorities are and what you are willing to compromise to keep the process at the local level, which may lead to tough conversations. There is no clear line about what is workable, and what might be workable to one developer may not be workable to another, so there is no guarantee that a developer will not seek approval from MPSC.
- How to: Creating a WIO means thoughtfully balancing community vs. developer interest, or in other words, creating an ordinance that a developer prefers over the state path but still includes more local preference than a CREO. Finding that balance requires lots of work: familiarize yourself with what the state process requires of developers and which of those things you may be able to do without, [review data showing what has been workable in the past](#),³⁰ and prioritize your community’s preferences in case not all can be cut. For more on developing WIOs or assessing if your existing ordinance may be workable, see FAQ #35, or review EGLE’s Renewable Energy Academy [video on approaches to crafting a WIO](#).³¹

- Option 4: Unworkable ordinance

This is the option for communities that want to limit projects or wish to articulate more priorities in their ordinance than a developer finds workable. It comes with the risk that a developer may take the project to the MPSC. If that happens, the local government will receive intervenor funds to contest the case, but the decision to approve the project will ultimately rest with the MPSC.

- Pros: It allows the community to articulate all of its wishes and push any controversy or trade-offs between them to the MPSC, and it is possible that the MPSC will deny the project or incorporate more of the community priorities than the community would have been able to achieve locally. Where a community has already adopted an incompatible ordinance, this can be the lowest-cost option. The community, by not claiming CREO status, will be able to receive the intervenor funds as well as the \$2k/MW Host Community Agreement.
- Cons: This approach places all of the discretion of weighing priorities in the hands of the MPSC, rather than the community. Further, given that the whole purpose behind PA 233 was to overcome incompatible ordinances, it is unlikely that the MPSC will regularly deny projects, especially those that do not first try to find a workable solution.
- How to: Adopt or maintain an incompatible ordinance, and importantly, do not claim that you have a CREO or intent to amend your ordinance further. Formally request the

³⁰ To help communities seeking to develop a workable ordinance, we have compiled ordinances that were in place during the permitting of large renewable energy projects:

<https://graham.umich.edu/media/files/Developing-Workable-Renewable-Energy-Ordinances.pdf>

³¹ See EGLE’s REA [page](#) and the mentioned video available here: <https://www.youtube.com/watch?v=LCQaNV0Tvmc>

developer to permit the project locally. If the developer takes the project to the MPSC, see our [checklist for local governments navigating the MPSC siting process](#).³²

11) Why might a developer prefer to apply for permitting at the local level rather than opting for the MPSC path? And why can workable ordinances work?

- A recent nationwide study³³ of renewable energy developers found that developers themselves believe state-level processes are more expensive and result in fewer community benefits. Unless the MPSC process differs significantly from these other state-level processes, it is likely that developers will continue to prefer to work with local governments, either through a CREO or another “workable” ordinance. We propose several reasons why we believe WIOs can work:
 - *To save time:* The MPSC has up to a year to approve or deny an application for a certificate upon receiving the developer’s complete application,³⁴ whereas CREOs have 120 days – and up to 240 days upon mutual agreement – to approve or deny once the site plan is filed.³⁵ While a workable ordinance may not have the same time limit, if it can proceed more quickly than the state, it may be in the developer’s interest to work it out locally.
 - *To save money:* At the MPSC process, a developer must fund a local intervenor compensation fund (up to \$150k),³⁶ plus pay the Host Community Agreement of \$2k/MW to each ALU.³⁷ Furthermore, the contested case process at the MPSC is more costly than most local zoning processes: The MPSC’s PA 233 fee schedule prescribes developers to pay a \$10k base application fee for MPSC staff to process the application, and it includes additional fees for surplus staff hours, consultants on specialty issues, court fees, and other expenses.³⁸
 - *To enable local governments to be eligible for the Renewables Ready Communities Award:* Only projects approved through local processes are eligible for the \$5k/MW RRCA Award. This award is paid by the state, not the developer (see FAQ #20 on how CBAs work through CREO).
- As a result, local governments may have some room to negotiate for more in their ordinances, or accept additional benefits voluntarily offered by the developer, if it means that they can save the developer time and/or money.

12) Will a moratorium halt the PA 233 process or any renewable energy projects? Is a moratorium a fifth permitting pathway?

- The short answer is no.
- Before PA 233, a moratorium on renewable energy may have halted project development in an affected local unit. Now, PA 233 states: “A local unit of government is considered not to have a

³² The MPSC checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

³³ Access the Lawrence Berkeley Lab study (2024) at <https://emp.lbl.gov/publications/survey-utility-scale-wind-and-solar>

³⁴ Section 226 (5)

³⁵ Section 223 (3) b

³⁶ Section 226 (1)

³⁷ Section 227 (1)

³⁸ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pages 4-7

compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.”³⁹ As a result, a moratorium allows a developer to take the project to the MPSC. Before doing so, however, the developer still must first offer to meet with the chief elected official. If the local official says in writing that the jurisdiction has a CREO, then the developer must first apply through the local process.

- If the local government does not have a CREO and the moratorium ends while the developer is in the process of seeking approval via the MPSC’s path, the developer gets to choose whether or not to continue on the MPSC path or apply for local approval.

13) From a local jurisdiction’s perspective, if their ordinance is silent on energy, what are the pros/cons of staying the course and not addressing these energy technologies at all?

- The benefit of staying the course and sending any projects to the MPSC is that the local unit does not need to invest resources (both time and money) into developing planning and zoning, and can effectively push any controversy that a renewable proposal might bring onto state policymakers.
- The drawback of such an approach is that if the local unit does want to intervene before the MPSC,⁴⁰ not having thought through renewable energy facilities within the context of their overall land use planning (e.g., where renewable energy compliments or conflicts with future land use plans) may put them at a disadvantage.
- While a community may be tempted to wait to plan until a developer shows interest, that often is too late to have a thoughtful planning conversation. Proactively identifying priorities around renewable energy and incorporating those into your plans and ordinances establishes a starting point for negotiations with a developer. This is particularly important for determining where these projects should be allowed within your community. If a local government lacks any standards on the allowed use of utility-scale renewable energy projects in various districts and a developer has already identified a specific site, the community has less leeway to reactively apply location control.

Permitting Pathway 1: CREOs

14) What is a Compatible Renewable Energy Ordinance (CREO)?

- This remains one of the murkiest issues of PA 233 implementation. This definition is a subject of the lawsuit mentioned in FAQ #2, specifically whether or not a CREO may include the additional requirements that projects submitted through the MPSC may include.
- What we know:
 - PA 233 defines a CREO as one that is “no more restrictive than the provisions outlined in section 226 (8)” of the Act.⁴¹ This section includes setbacks and sound standards for each technology, plus some technology-specific standards, including height limits for wind and solar, fencing requirements for solar, and flicker standards for wind. The Act is clear that CREOs may not have stricter standards than the provisions of section 226(8).

³⁹ Section 221 (f)

⁴⁰ Sections 226 (1) and 226 (3); also see our [Checklist for Local Governments Navigating the MPSC Process](#)

⁴¹ Section 221 (f)

- According to the October 2024 MPSC Application Instructions, the MPSC states that a CREO includes requirements no more restrictive than those outlined in section 226(8) of PA 233, noting that a CREO may not include any other applicable or additional requirements outside those outlined in section 226(8). Those provisions include:

Solar Zoning Items	PA 233 Sec 226(8)
Setback: Occupied community buildings and dwellings on non-participating properties	300 ft
Setback: Public road right-of-way	50 ft
Setback: Non-participating property lines	50 ft
Fencing	National Electric Code requirements
Height	25 ft
Noise	55 dBA Leq (1-hour)
Lighting	"Dark Sky Friendly Solutions"

Wind Zoning Items	PA 233 Sec 226(8)
Setback: Occupied community buildings and dwellings on non-participating properties	2.1x Total Height
Setback: Residences and other structures on participating properties	1.1x Total Height
Setback: Public road right-of-way	1.1x Total Height
Setback: Non-participating property lines	1.1x Total Height
Setback: Communication and electric lines	1.1x Total Height
Height	Defer to Federal Aviation Association
Noise: Nearest dwelling located on an adjacent nonparticipating property	55 dBA Leq (1 hour)
Shadow Flicker: Any occupied community building or non-participating residence	30 hours (1 year)
Lighting	"Dark Sky Friendly Solutions"/Light Mitigating Technology
Radar Interference	Defer to MPSC

Energy Storage Zoning Items	PA 233 Sec 226(8)
Setback: Occupied community buildings and dwellings on non-participating properties	300 ft
Setback: Public road right-of-way	50 ft
Setback: Non-participating property lines	50 ft
Noise	55 dBA Leq (1-hour)
Lighting	"Dark Sky Friendly Solutions"
Additional Compliance	NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems"

- In drafting a CREO, consult with your municipal attorney and refer to [U-M's Sample CREO](#) or [MTA's Sample CREO](#) (members only) for template ordinances that may serve as a guide. Adopt the CREO through the process outlined in your jurisdiction for adopting zoning ordinances. For more information on the CREO process, refer to [our checklist](#) for local governments on adopting and navigating the CREO process.⁴²

15) What is the CREO process?

- If an affected local unit (ALU) has a CREO, the developer is required to first have the project reviewed at the local level. PA 233 sets a specific sequence of events that must occur in the CREO process, which are outlined below:
 1. A developer shall offer in writing to meet with the chief elected official of each affected local unit, or the chief elected official's designee, to discuss the proposed site plan. This offer must be delivered by email and by certified U.S. mail at least 60 days before the developer holds a public meeting in each affected local unit.
 2. Following this meeting offer, the chief elected official has 30 days to notify the developer that the ALU has a CREO. Upon receiving notification from the official, the developer may file for a land use permit with the ALU.
 - If the chief elected official fails to respond to the offer to meet within thirty days of receipt of the certified mail, the developer may proceed as if there is no CREO and begin the MPSC certification process.
 3. Upon receiving an application from the developer, the ALU shall approve or deny the application within 120 days. The applicant and the ALU may jointly agree to extend this deadline by up to 120 days.
 - If the ALU fails to timely approve or deny the application, denies an application that complies with the requirements of section 226(8), or amends their zoning ordinance to be more restrictive than section 226(8) after notifying the developer that they have a CREO, the developer may proceed in applying for a certificate with the MPSC.

⁴² The sample CREO and the CREO checklist are available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

4. The energy facility must begin construction within 5 years after the date the permit was issued, and any challenges to the issuance of the permit are settled. The ALU may extend this timeline at the request of the developer without requiring a new application.
- These deadlines are laid out more fully in our [CREO checklist](#).

16) If a local unit has compatible regulations for one type of energy system (e.g. solar), but not the other two (e.g., wind and energy storage), does the ordinance still count as a CREO?

- While there is some ambiguity in the law, MPSC’s Application Filing Instructions and Procedures states that “a CREO may be an ordinance for a single technology such as wind, solar, or energy facilities or it may be an ordinance that addresses multiple technology types”.⁴³

17) If there is a dispute between a local government and a developer about whether or not an ordinance is a CREO, how will it be resolved?

- The law is silent on this issue. The MPSC states in their Application Filing Instructions and Procedures that resolving disputes between applicants and ALUs regarding CREOs is not within the Commission’s jurisdiction.⁴⁴ Further, the order states that if a developer files for MPSC approval while in dispute with a local government about their CREO status, the ALU, the MPSC Staff, or another intervenor, may file a motion to dismiss or stay the application, of which the administrative law judge would make the determination.⁴⁵

18) Can a local government charge application fees and hire consultants to review CREO applications?

- PA 233 is explicit that the MPSC may determine and collect fees from the applicant to cover administrative and consulting costs associated with processing the application⁴⁶, but it is silent on whether local governments can do the same within the bounds of a CREO.
- It might be reasonable to assume that local governments can pass the costs associated with the review of applications to the applicants as well as is commonly done in local zoning, though consult with your municipal attorney on the reasonableness of fees.

19) What are the consequences if a jurisdiction with a Compatible Renewable Energy Ordinance (CREO) denies a project?

- If a community with a CREO fails to timely approve or deny an application,⁴⁷ denies an application that complies with section 226 (8),⁴⁸ or amends its zoning ordinance to be more restrictive after

⁴³ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), page 42

⁴⁴ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), page 43

⁴⁵ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), page 43

⁴⁶ Section 226 (4)

⁴⁷ Section 223 (3) c(i)

⁴⁸ Section 223 (3) c(ii)

the local government notifies the developer that it has a compatible ordinance,⁴⁹ the developer may submit their application to the MPSC.⁵⁰ In that case, the developer does *not* need to⁵¹:

- Hold a public meeting,⁵² nor
- Grant each local affected unit of government funds for the local intervenor compensation fund (which may be a combined total of up to \$150,000 for affected local units).⁵³
- Further, if the MPSC approves a project that the local government previously denied via the CREO process, the local government ordinance is no longer considered a CREO.⁵⁴ The law is unclear about whether the CREO designation is lost forever or if an ordinance can be amended to become a CREO in the future, and the MPSC is silent on the matter.
- Even if a jurisdiction's ordinance is rendered non-CREO for one technology (e.g., wind), it could claim CREO status if presented with an application for a different technology (e.g., solar) so long as the regulations for that other technology are in conformance with the statute (see FAQ #16).
- Additionally, In the case of a project that spans multiple zoning jurisdictions, the community that denies a project also impacts their neighboring jurisdictions. This is because the MPSC reviews applications *per project*, not *per ALU*. Therefore, if an ALU with a CREO denies the project application, or an ALU with a WIO ends up being unworkable, the developer could seek MPSC certification, bypassing the local process of all other ALUs involved. The consequences listed above do not apply to the other ALUs involved in the project, only the ALU in which attempts to site the project through a CREO or WIO failed.⁵⁵
- Lastly, regardless of the process by which these projects get approved, the municipality will still receive tax revenue from the project.

20) How do host community benefits work if a project is permitted through a Compatible Renewable Energy Ordinance (CREO) at the local level or in unzoned local units of government?

- The \$2k/MW host community agreement⁵⁶ that is required for projects that are approved by the MPSC is not automatically guaranteed for communities that approve projects at the local level, either through a CREO or other “workable” local zoning ordinance or in an unzoned community where there is no local government zoning approval. Local units of government that host renewables projects may be able to enter into a host community or community benefits agreement, and many current hosts of renewable energy projects have entered into such an agreement. However, the details of those agreements are important to determine their legality and enforceability. Communities that wish to enter into a host community agreement outside of the MPSC process should consult their municipal attorney.
- The [Renewables Ready Communities Award](#)⁵⁷ provides \$5,000/MW for communities that host large renewable energy projects, but this incentive is only available for projects approved through

⁴⁹ Section 223 (3) c(iii)

⁵⁰ Section 223 (3) c

⁵¹ Section 223 (3) d

⁵² Section 223 (1)

⁵³ Section 226 (1)

⁵⁴ Section 223 (5)

⁵⁵ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), p. 21

⁵⁶ Section 227 (1)

⁵⁷ [EGLE Renewables Ready Communities Award](#)

a local process. The award, administered by the Michigan Department of Environment, Great Lakes, and Energy, guarantees that at least half of the award (i.e., \$2,500/MW) goes to the “host” –defined as a township, city, or village.⁵⁸ In situations where a county has zoning authority, the county is eligible for the other \$2,500/MW; in all other situations, the “host” receives the full \$5,000/MW.

Permitting Pathway 2: MPSC

21) Who is the MPSC? What is their role?

- The Michigan Public Service Commission, headquartered in Lansing, is a regulatory agency that regulates public utilities in Michigan, including natural gas services, electric power, and telecommunications. They seek to ensure reliable and accessible energy and telecommunications services at reasonable rates for the public. Though the MPSC did not previously interact with renewable energy permitting before PA 233, the MPSC is very involved in energy and governing electricity transmission, distribution, and the grid in Michigan. The MPSC is composed of three appointed Commissioners who are supported by over 200 MPSC Staffers responsible for providing specialized support.
- Under PA 233, the MPSC is responsible for overseeing the renewable energy state siting process. Once applications are submitted, the MPSC process begins with staff checking the application for completeness, then moving to the contested-case proceedings. The contested case proceedings include a pre-application meeting between the applicant and the MPSC Staff, and a technical conference where ALUs may participate and ask questions, both of which are virtual. Ultimately, though, the MPSC Commissioners will decide whether or not to approve the renewable energy project.
- If a project is approved by the Commission, all required permits must be obtained prior to construction and included within a completion report prior to commercial operation. The MPSC docket assigned to the project remains open for the lifetime of the project and will be updated as post-construction, operation, and decommissioning information is required (see FAQ #22).

22) What is the MPSC process, timeline, and key steps?

- First, a renewable energy developer will offer to meet with the ALU’s chief elected official.⁵⁹ If the ALU does not have a CREO, the developer will move forward with the state siting process. The developer will hold a public meeting in each jurisdiction to discuss the project and share the site plan. The developer must provide notice to the clerk and publish notice in a local newspaper or online. Then, the developer prepares their application to the MPSC.
- Upon filing an application with the MPSC, the developer must send a copy to each ALU and make a deposit into their local intervenor fund. After the application is filed, the MPSC Staff will schedule a prehearing and also issue a Notice of Hearing to the public for information on the contested case proceeding. The MPSC will determine whether the application is complete, and after that, the contested case proceedings may be held.
- The Commission has 365 days after the submission of an application to approve or deny an application. If a project is approved by the Commission, all required permits must be obtained prior to construction and included within a completion report prior to commercial operation. The

⁵⁸ [EGLE Renewables Ready Communities Award Dashboard](#)

⁵⁹ [Navigating the PA 233 Process: A Checklist for Local Governments](#)

MPSC docket assigned to the project remains open for the lifetime of the project and will be updated as post-construction, operation, and decommissioning information is required.

- For more specific information on the process, key steps, and a timeline for local governments, refer to this resource: [Navigating the PA 233 Process: A Checklist for Local Governments](#).⁶⁰

Community Engagement in the MPSC Process

23) A public meeting is a central component of the MPSC process. Who organizes this meeting and what does the local government need to know/do?

- According to the PA 233 Application Instructions and Procedures, the developer is responsible for holding (and thus organizing) a public meeting in each ALU.⁶¹ The developer must hold the public meeting between 5:00 pm and 7:30 pm if held on a traditional workday of Monday through Friday, unless otherwise requested by the chief elected official of the ALU. Additionally, the developer must record or transcribe the meeting to be submitted as evidence in the contested case proceedings.
- An ALU's government may participate or assist in the organization of the public meeting(s), however, it is not necessary to do so.
- While the developer must submit notice to the clerk, it is the developer's responsibility to advertise the meeting via a public notice that includes the date, time, and location.⁶² The notice must also include a description and location of the proposed renewable energy facility, and a website where the site plan is accessible to the public.

24) Section 225 (1) j of PA 233 calls for a "summary of community outreach and education efforts" to be submitted during the MPSC application process. What will this include?

- As part of their application to the MPSC, applicants must provide a comprehensive summary of their outreach and education efforts, including public meetings and meetings with elected officials, locally impacted community groups, environmental organizations, and labor union representatives.^{63 64}
- The summary should include the dates, times, and length of each meeting, copies of all presentation or education materials, the number of attendees for any public meetings or meetings with elected officials, and the number of commenters and topics discussed during the meetings. Additionally, the developer must address in their application any accommodations or changes made to the project design to address the public comments received in the public meetings. For meetings with locally impacted community groups, environmental organizations, and labor union representatives, the summary should also address who participated in the consultation, a summary of findings, and any follow-up actions identified.⁶⁵

⁶⁰ The MPSC checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

⁶¹ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), page 44

⁶² MPSC AFIP, pg. 45-46

⁶³ MPSC AFIP, pg. 11

⁶⁴ MPSC Staff Incompleteness [Memorandum](#) from 8/1/2025 on case U-21932, pg. 12

⁶⁵ MPSC AFIP, pg. 11

25) Besides the public meeting, are there other opportunities for public engagement in the MPSC process? What is the format for the public comments sought in this section, and how do they factor into the process?

- Soon after a developer submits an application to the MPSC, they are also required to mail letters to addresses within 1 mile of the proposed project (2 miles for a wind project),⁶⁶ providing the case number and instructions on how public comments can be submitted to the MPSC.
- Public comments on any case may be submitted by mail, email, or online to the MSPC E-dockets. The MPSC's ["Get Involved" webpage](#) provides directions on submitting comments via each of these methods; instructions for commenting online are [here](#). Comments may also be shared during the public comment portion of any regular commission meeting. None of these comments, though, are considered part of the "evidentiary record," and so cannot be the basis for a commission decision.⁶⁷ However, these comments may be brought into the case in testimony brought by case intervenors.
- Who can intervene in the case? MPSC staff, the project developer, participating landowners, adjacent nonparticipating property owners, and ALUs may participate as intervenors by right—meaning that they don't need a judge's permission to join, but they do need to formally file a petition to intervene at least 7 days before the pre-hearing (which usually takes place about 2 months after the application is filed).⁶⁸ Any other interested person may petition to file as an intervenor in a case, but their participation is determined by the administrative law judge assigned to the case, as laid out in Rule 306 of the Administrative Hearing Rules.⁶⁹

Host Community Agreements & Intervenor Funding

26) For projects that go through the MPSC process, which unit(s) of government will receive the \$2k/MW payment?

- PA 233 states that projects that go through the state process "shall enter into a host community agreement with each affected local unit." The agreement requires a one-time payment of \$2,000/MW "located within the affected local unit."⁷⁰
- As noted in FAQ #5, the MPSC's instructions define an ALU as the local government with zoning jurisdiction. Until an agreement has been reached in the lawsuit, the MPSC will continue to use this definition, and HCAs will go to the local government with zoning jurisdiction.

27) Are there any restrictions on the use of funds so long as it is "agreed to by the local unit and the applicant" (developer)?

- As far as we know, no. The law allows "The payment shall be used as determined by the affected local unit for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant."

28) What are intervenor funds, and how do they work?

- Intervenor funds are one-time grants from the applicant to each ALU in which a project is located. This grant covers costs for an ALU's participation in the contested case proceedings

⁶⁶ MPSC [AFIP](#), pg. 7

⁶⁷ MCL 24.272 et seq.; Michigan Rules of Evidence 801 and 802

⁶⁸ Section 226(3)

⁶⁹ Mich. Admin. Code R. 792.10410(1)

⁷⁰ Section 227 (1)

through the MPSC process. In total, \$150,000 will be split equally between each ALU, with no ALU receiving more than \$75,000.⁷¹ Only ALUs may receive these funds; not landowners, constituents, or other local governments that are not considered ALUs, including unzoned jurisdictions.

- Within 24 hours of filing an application with the MPSC, a developer will deposit intervenor funds into a local intervenor compensation fund. Within 15 days of the prehearing, ALUs that have chosen *not* to intervene will return the funds to the developer. If an ALU chooses to intervene, ALUs must “file an official exhibit in the case prior to the conclusion of cross-examination or the close of the record containing paid invoices for legal services for participation in the case and an estimate of funds to be spent on legal services for briefing and exception.”⁷² All remaining intervenor funds must be returned to the developer 30 days following the date on which answers to petitions for rehearing on the Commission’s final order are due.
- This timeline is further discussed in this resource: [Navigating the PA 233 Process: A Checklist for Local Governments](#).⁷³

Developer Application and Contested-Case Proceedings

29) Which parts of a developer’s application to the MPSC require ALU input?

- An ALU can comment on any aspect of an application at the public meeting by providing public comment and can formally participate as an intervenor. But there are also particular elements of the developer’s application that may require ALU input.
- Host Community Agreement: The developer must provide \$2,000/MW to the ALU once the project is operational and needs to have the agreement in hand with their application. If your ALU refuses to enter into a Host Community Agreement, the developer may instead enter into a Community Benefits Agreement with a community-based organization(s).
- Emergency Response Plan (ERP): The developer is expected to “provide evidence of consultation or good-faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, site access, etc.” Developers must include a commitment to conduct or provide funding to conduct site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation.
- Fire Response Plan (FRP): The developer is expected to “provide evidence of consultation or a good-faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc.” For energy storage project applications, developers must provide a commitment to offer to conduct or provide funding to conduct site-specific training drills with local emergency responders before commencing operation, and at least once per year while the facility is in operation.
- Decommissioning plan: This plan should include a commitment and plan to coordinate with landowners, ALUs, and local governments not exercising zoning authority before beginning decommissioning activities. While you may ask to contribute to this plan for future coordination in decommissioning, funds and responsibilities for enforcing decommissioning are held by the MPSC.

⁷¹ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 21

⁷² [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 21

⁷³ The MPSC checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

- Drainage and Road Agreements: The developer *may* also prepare documents related to impacts on public and private drainage systems, including county and intercounty drains, and an agreement with the County Road Agency regarding reimbursement for the repair and restoration of County roads modified or damaged during construction.
- Construction Supervision: A proposed minimum condition in the [application instructions](#) is that the developer either hire a third-party construction monitor or obtain construction and building permits from the ALU. The developer may want to discuss what your expectations are for such permits.

30) How can local governments participate in the contested-case process? What can local governments weigh in on?

- After a developer’s application is deemed complete by the MPSC, a prehearing will take place where an administrative law judge will lay out the schedule for the rest of the case. There, the judge will schedule the upcoming technical conference and the rest of the contested case proceedings, similarly outlining where intervening parties, such as local governments, may take part.
- If a local government chooses to intervene, it may be helpful to consider these specific places where local governments may weigh in, along with the appropriate documentation to support a case:
 - Content from public meetings
 - Impacts on local land use
 - Alternative locations analysis
 - Public benefits
 - Conditions
- For more information, refer to Step 5 in [Navigating the PA 233 Process: A Checklist for Local Governments](#).⁷⁴

31) The MPSC plans to consider a project's impact on local land use, the percentage of land dedicated to energy generation in the area, and whether the project unreasonably diminishes farmland (226(7)). Do we know how the MPSC might apply these standards?

- Not yet. Until the MPSC decides upon the first application, we won’t know exactly how it is thinking about these issues. However, we do have some clues about what it might be looking for, since the MPSC’s Application checklist asks the applicant to provide several details that will presumably be used to assess each of these.
- Nearly 50 rows (starting at Row 51) of the application checklist are aimed at gathering the context of local land use, and Rows 100-106 of the [application checklist](#) ask the developer to justify impacts on some specific impacts, including natural resources, noise, visual impacts, and traffic. In the case of Acceleration Solar—the first application to the MPSC—the [MPSC staff asked the developer](#) to provide further justification for how the proposal minimizes visual impacts by, for example, “identifying any visual impact or aesthetic requirements in the zoning ordinance...and explaining how the project design meets or exceeds those standards, or justification for not doing so.”⁷⁵

⁷⁴ The MPSC checklist is available on our webpage at <https://graham.umich.edu/project/MI-energy-siting>

⁷⁵ Aug 1 [Case U-21932](#), pg. 4

- Row 192 of the [application checklist](#) asks the developer to calculate “the percentage of land within the township, city, or village” as well as “the percentage of land within the county dedicated to energy generation at the time of the application.” [MPSC staff’s memo](#) on the case of Acceleration Solar provides suggestions for specific datasets that may be consulted for these calculations.
- On farmland impacts, Rows 239-244 of the [application checklist](#) ask the developer to provide detailed information about farmland types and acreage. [MPSC staff’s memo](#) on the case of Acceleration Solar reiterates that these calculations should be provided at the township, as well as county-levels, and provides links to datasets that may be consulted for these calculations.

32) How do we ensure that there will be adequate training for emergency responders after the project is approved? Whose responsibility is this training?

- Emergency response training is the responsibility of the developer. The PA 233 Application Instructions and Procedures document details that the Fire Response Plan that is submitted with the application shall include a commitment by the developer to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation of a wind, solar, or battery project. For battery projects, developers must continue to conduct this training at least once per year while the facility is in operation.⁷⁶
- If there are concerns about ongoing training or the responsibility for that training, this would be something to include in testimony for the MPSC process or to include in a development agreement for a project approved at the local level.

33) What is a local government’s role post-approval if the project gets approved by the MPSC?

- If a project is approved by the MPSC, it will remain the primary body governing the project throughout its lifetime. They will require a number of post-construction, operation, and decommissioning reports, and the MPSC docket assigned to the project will remain open for the lifetime of the project to track these reports.
- The local government has no prescribed role, but may wish to familiarize itself with the annual and periodic obligations that the developer must fulfill. Developers are also required to coordinate with the local government before beginning decommissioning activities.
- If the local government has any questions or concerns about the project, it can reach out to MPSC staff (LARA-MPSC-Siting@michigan.gov)

Permitting Pathway 3: Workable Incompatible Ordinance

34) What’s a “workable”, non-CREO ordinance?

- To be clear, the law does not refer to a “workable” ordinance; it’s a concept used to help suggest what might be another option for local communities.
- A “workable” zoning ordinance is one that doesn’t satisfy the definition of a CREO (i.e., it may have larger setback distances or lower noise levels than in PA 233), but is one that a developer finds still allows them to build a viable project. Indeed, most of the existing wind and solar farms in the state have been built under “workable” local zoning ordinances that include regulations that

⁷⁶ MPSC [AFIP](#), pg. 30

extend to topics beyond what is listed in section 226(8) and/or which have different setback or noise thresholds.

- For more information and resources on “workability,” refer to UM’s Center for EmPowering Communities’ [guidance on developing workable ordinances](#).⁷⁷

35) How can I tell if my ordinance is “workable” and/or create a workable ordinance?

- “Workable” ordinances hinge on “reasonableness”: they provide enough land and not-too-excessive regulations (e.g., for screening or landscaping) to make a project economically viable for the developer. The point at which such provisions become too burdensome in the opinion of an energy developer is the practical point at which the developer will apply for a certificate from the MPSC instead of seeking zoning approval at the local level.
- Also, note that what is “workable” in one community for one project in one community may not be “workable” in another community for another project. A larger setback distance, for example, may be more “workable” in a community with larger lots than one with smaller lots. Furthermore, what one developer finds “workable” may not be “workable” to another. Additionally, what developers may have been willing to make work in 2020, prior to the passage of PA 233, may no longer be on the table now that there is an alternative permitting pathway available.
- To create a balanced, workable ordinance that is tailored to the specific circumstances of your community:
 - Think about workability as a balancing scale. Start with the MPSC’s project standards, conditions, and process. Of these, rank the standards and conditions in order of importance to your community, then identify the zoning items you would change to reflect more of your community’s preferences.
 - To balance out the more restrictive standards you may have just added, identify some standards and conditions that you’d be willing to give up or soften in your ordinance.
 - If a developer is interested in siting a project in your community, they will likely approach the local government to tell you where your ordinance may be unworkable, allowing you to amend if needed to maintain the local process. Use this flexibility to make concessions on less critical items to secure firmer control over what matters most to your community.
- [EGLE’s Renewable Energy Academy](#) (REA)⁷⁸ also offers resources on workable zoning ordinances, such as a [recorded online webinar](#) and the REA Workability Activity, an interactive, “build your own workable ordinance” card game.

36) From a local jurisdiction’s perspective, what are the advantages and disadvantages of adopting a workable ordinance compared to a Compatible Renewable Energy Ordinance (CREO)?

- Because they both involve local approval, CREOs and “workable” ordinances are both eligible for the \$5,000/MW Renewable Ready Communities Award.

⁷⁷ [Developing a Workable Ordinance](#)

⁷⁸ Visit michigan.gov/REA to access to the recorded webinars and the slide decks

- The advantage of a CREO is that it precludes the developer from going straight to the MPSC; a workable ordinance has no such guarantee. Further, while a CREO likely requires a zoning amendment (i.e., there are practically no local governments with CREOs right now), it is significantly more straightforward than trying to determine what is safely “workable.”
- The drawback of a CREO, however, is that it doesn’t allow a local government to articulate any additional priorities, and most communities have priorities that extend beyond the standards in section 226(8).
- Another comparative drawback of a CREO is that if a community with a CREO takes too long to review the application, changes its ordinance to add additional restrictions, or ultimately denies a project that otherwise complies with section 226(8), local governments face consequences including loss of intervenor funds (see FAQ #19). By contrast, communities with WIOs will be, in all cases, entitled to intervenor funds.⁷⁹ A community that never claims to have a CREO, and rather chooses the workable option, will not be held to such consequences should the project move to the MPSC.

Planning and Land Use

37) What is the role of master planning in all this?

- As required in the Michigan Zoning Enabling Act, local zoning ordinances should be based on a master plan.⁸⁰ Even in the case where a master plan does not explicitly address renewable energy, communities may instead identify existing goals and objectives in their current Master Plan that might support the standards of the renewable energy ordinance. In doing so, a municipality could develop a supporting document called a Rezoning Justification Memo (see FAQ #38) that outlines the zoning ordinance standards and their alignment with certain Master Plan goals, providing further explanation for why certain zoning decisions were made.
- While PA 233 does not explicitly reference the consideration of an affected local units’ master plan, a developer seeking state certification is required to provide in their application land use information and explanatory information about how the facility minimizes land use impacts. This includes presenting information about socioeconomic and demographic profiles, major industries, and land use plans for the properties where the project is proposed. As noted in Question 31, it also includes considerations of visual and aesthetic impacts, impacts on agricultural land, and the overall footprint of energy generation in the ALU and county. Finally, when a project is proposed on undeveloped land, the developer must conduct an alternatives analysis. If a local government has weighed in on any of these issues in its master plan, it may aid in its testimony before the MPSC.

38) What is a rezoning justification memo? What should be included?

- Whenever a community changes its zoning ordinance, it should have some written record of the justification for the change. Specifically, zoning in Michigan must be based upon the community’s

⁷⁹ [MPSC Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities Application Filing Instructions and Procedures](#), pg. 21

⁸⁰ MCL 125.3203

Master Plan and consistency with other state laws,⁸¹ so this document lays out how the proposed change meets those requirements. This sometimes takes the form of a memo prepared by the jurisdiction's planner, or may be in the "whereas" clauses of the motion to rezone.

- In the context of renewable energy, a rezoning justification memo is a supporting document to a workable ordinance that serves to provide justification for the zoning standards set in the ordinance as being reflective of the community's goals set forth in their Master Plan. This document may be particularly helpful to point to in testimony before the MPSC in case the developer decides that permitting locally through the local ordinance is too cumbersome and instead seeks state certification. This document should demonstrate your community's priorities and your effort to accommodate renewable energy development reasonably within your community's preferences.

⁸¹ MCL 125.3203