

## FAQS

### 1 What is exclusionary zoning?

Michigan's Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et seq.) established July 1, 2006 is a law that prohibits local governments from enacting exclusionary zoning for any land use that there is a demonstrated need in the local region or state and if it is a valid and lawful use under state guidelines.

### 2 What does that explanation of "exclusionary zoning" actually mean?

It means that townships/municipalities cannot outright refuse any business if it fits within the zoning requirements and meets all legal requirements, including a data center. This is why the township is currently adding data centers to the Zoning Ordinance, so that there are guidelines that must be followed if a data center were to be built. It means neither the township or the residents can just say no because they don't want it in their community. Saline Township tried to just say no and stated that a data center did not match with the guidelines of their Master Plan and they were sued for being exclusionary and ultimately the project was pushed through.

### 3 What happens if the zoning is found to be exclusionary?

Townships or municipalities found to have exclusionary zoning are at risk for legal action from a proposed developer including pushing the project through while causing significant legal costs to the township. A township could face a lawsuit if zoning classification exists (e.g. industrial), but no land is actually designated for that use in the master plan.

### 4 Why can't the Township just ban data centers?

The Need Clause of the Michigan Zoning Enabling Act states that total bans are illegal if there is a "demonstrated need" for the lawful land use with the local area or surrounding state. Data centers are a lawful land use in Michigan.

### 5 Why can't the people vote/hold a referendum to ban data centers?

If the people voted to refuse the land to be used for a data center it would essentially be a ban, which is illegal under the Needs Clause. A referendum is when residents gather a petition to challenge a rezoning decision, it may stall or stop that particular location for a project but it still cannot ban or exclude a state mandated lawful land use with demonstrated need because it would be considered exclusionary.

### 6 Is it illegal for local leaders to sign NDAs?

No, it is not illegal for companies to require local leaders to sign Non Disclosure Agreements, short term (a few months to a year) NDAs are sometimes used to give companies time to organize the details of a project before it is released to the public. However, data center developers are requiring NDAs that do not expire for 5 years and there is proposed legislation (HB 5399) to ban the continuation of that.

### 7 Can we recall the Township Board to stop this?

Recalling board members that approve a data center could potentially replace them with members opposed to it but does not remove the legal requirements of Michigan's non-exclusionary zoning.

### 8 Can't the Township just tell the family who owns the farmland not to sell to a data center?

No, a township cannot dictate who you can sell your private land to. In general you have the right to sell to whoever you wish as long as the transaction complies with state and local regulations.

### 9 I'm not in Solon Township and can't sign the petition but live nearby, what can I do to help stop this?

Please attend township meetings to voice your questions and concerns. Put a sign in your yard, talk to your friends and neighbors to let them know what is going on. Sport a No Data Center shirt. It shows the potential developer that the entire community does not support a data center here and we intend to push back and will not tolerate corporate bullying.

### 10 Many of the hurdles for stopping a data center are mandated at the state level, what can we do?

We need to contact our state senators and representatives with our concerns and demand changes that give Michigan real protections from data centers. There are already several data center regulations that have been proposed but none yet passed. Please see this page to show you who to contact and how.

### 11 Isn't there a moratorium? Doesn't that mean this is stopped?

A moratorium is a temporary developmental pause often 6-12 months while townships or states research and update zoning codes. Once the zoning codes are updated the moratorium can be lifted. Also a moratorium is only meant to be temporary, extending longer than necessary could be a legal risk.

### 12 Do we know the specifics about the proposed data center?

- According to FOIA documents, the Solon Township Data Center could use up to 6 million gallons of water per day, equaling 2.19 billion gallons of water per year.
- A 1 GW power deal was signed between Consumers Energy and the developer of the Solon Township data center in August 2025.
- Construction could take 3-7 years, including a potential period of construction bringing infrastructure needs across US-131.
- 650-800 acres of farmland are on the table for the project.
- Some of the proposed land may be outside the current 425 Agreement with Solon Township/Cedar Springs and could require a new intergovernmental agreement with Algoma Township if they agreed to it.
- The project goes by the code name "Project Peninsula."

### 13 How much is 1GW of electricity?

1 GW of electricity is the equivalent of 1 billion watts. It is enough capacity to power approximately 700,000 to 1,000,000 homes. It would be like adding the entire retail demand of Grand Rapids, or adding the entire City of Detroit to the grid. This is not an average, run-of-the-mill manufacturing facility, it is a project of massive scale that will quickly become the largest load on the regional grid. Consumers Energy's entire peak load in the Lower Peninsula is approximately 8 GW, a 1 GW project would be a 12.5% increase of their entire current energy load.

### 14 How can this happen if there's no public water near the proposed location? What about the Enterprise Data Center & Use Tax Exemption?

FOIA documents show that the City of Cedar Springs plans to provide water and waste water treatment for the proposed data center. In order for data center developers to qualify for the state's sales tax exemption they must verify the use of municipal water at the time it is placed into service. The Enterprise Data Center Sales & Use Tax exemption eliminates our 6% sales tax on the data center construction and equipment purchases until 2050, it can also be claimed by any business involved in the construction, alteration or improvement of the data center.