

INDEPENDENT ORDINANCE COMPLIANCE REVIEW

Gustin Solar Energy Center

Special Land Use Permit and Site Plan Application

Harrisville Township, Alcona County, Michigan

Prepared for Consideration by the Harrisville Township Planning Commission

Public Hearing – July 29, 2026

EXECUTIVE SUMMARY

Purpose of Review

I prepared this independent administrative review of the Gustin Solar Energy Center Special Land Use Permit ("SUP") and Site Plan application for the portion of the project located within Harrisville Township.

The review evaluates the application solely against the standards established by the Harrisville Township Zoning Ordinance. It is not intended to express support for or opposition to utility-scale solar energy development. Harrisville Township has already determined, through adoption of its Zoning Ordinance, that utility-scale solar facilities may be permitted as a Special Land Use when the applicant demonstrates compliance with all applicable ordinance requirements.

The question before the Planning Commission is not whether solar energy is desirable as a matter of public policy. Rather, the Commission's responsibility is to determine whether the applicant has shown compliance with each mandatory ordinance standard required for approval.

Standard of Review

Michigan zoning law places the burden upon the applicant to demonstrate compliance with the standards adopted by the local zoning ordinance. The Planning Commission's responsibility is to evaluate the evidence contained within the record and determine whether the required findings can reasonably be made.

Approval should therefore be based upon competent evidence demonstrating compliance with each applicable ordinance provision. Likewise, where the record does not establish compliance with one or more mandatory standards, the Planning Commission should not presume compliance or rely upon future revisions that have not been incorporated into the application before it.

In this report, I evaluate the application exactly as submitted. It does not speculate regarding

documents that may be provided in the future or assume compliance where supporting information is absent or internally inconsistent.

Overall Conclusion

The application record does not presently demonstrate compliance with several mandatory provisions of the Harrisville Township Zoning Ordinance.

The principal areas requiring additional demonstration or clarification include:

Immediate visual screening required by Section 3.22.C.4;

Compliance with the ordinance's glare standard under Section 3.22.A.2;

Submission of project-specific operations and emergency management documentation required by Section 3.22.C.1;

Compliance with groundwater monitoring requirements established by Section 3.22.C.1.a;

Completeness and internal consistency of the application record under Chapters 15 and 16;

Project-specific fire protection planning and emergency coordination required for Special Land Use approval;

Adequacy of the decommissioning plan and financial assurance required by Sections 3.22.C.9 and 3.22.C.10.

Each issue is discussed individually throughout this report.

The conclusions presented herein are based solely upon the application materials reviewed and the requirements of the Harrisville Township Zoning Ordinance.

Administrative Recommendation

This review concludes that the Planning Commission does not presently have an adequate evidentiary basis to make all affirmative findings required for approval of the Special Land Use Permit and Site Plan.

The applicant has not carried its burden of demonstrating compliance with multiple mandatory provisions of the Harrisville Township Zoning Ordinance. Because the Planning Commission cannot make the affirmative findings required for approval, the requested Special Land Use Permit and Site Plan should be denied.

This recommendation is based entirely upon ordinance compliance and should not be interpreted as opposition to utility-scale solar development generally.

1. INTRODUCTION

The Gustin Solar Energy Center is proposed as a utility-scale photovoltaic generating facility located within portions of Harrisville Township and neighboring jurisdictions. Because utility-scale solar facilities are permitted within the Agricultural District only as a Special Land Use, approval is contingent upon the applicant demonstrating compliance with all applicable provisions of the Harrisville Township Zoning Ordinance.

I prepared this report to assist the Planning Commission in evaluating whether the submitted application provides sufficient information to support the findings required for approval.

The report reviews the application from an administrative and technical perspective using the documents submitted by the applicant together with publicly available supporting materials comprising the application record available for review.

I personally reviewed the technical aspects of the application—including engineering drawings, environmental documentation, groundwater provisions, glare analysis, operations planning, emergency response planning, and decommissioning information—in my capacity as a licensed Professional Engineer (Michigan No. 37232) with experience in environmental engineering, environmental investigation and remediation, regulatory compliance, and engineering design review.

I prepared this report in my capacity as a licensed Professional Engineer. The technical opinions and conclusions expressed herein are my own professional opinions based upon the application materials reviewed and the requirements of the Harrisville Township Zoning Ordinance. This report is not intended to provide legal advice.

2. PURPOSE OF THIS REVIEW

The purpose of this review is straightforward.

Commission must determine whether the applicant has shown compliance with each applicable provision of the Harrisville Township Zoning Ordinance governing approval of a utility-scale solar energy system as a Special Land Use.

This report evaluates each applicable ordinance requirement by identifying:

The applicable ordinance provision;

The application materials addressing that requirement;

The technical information submitted;

Whether the submitted record demonstrates compliance; and

The basis for the administrative recommendation presented.

Where the application adequately demonstrates compliance, that conclusion is acknowledged.

Where the record does not demonstrate compliance, the report identifies the specific information that appears to be absent, incomplete, internally inconsistent, or insufficient to support the required ordinance finding.

Throughout this report, the focus remains on the sufficiency of the record rather than on the merits of solar energy as a land use.

3. SCOPE OF REVIEW

This review is limited to the materials available within the application record supplied for review, including:

Special Land Use Permit Narrative;

Harrisville Township Zoning Application;

Site Plan drawings;

Landscape plans;

Solar Glare Study;

Sound Study;

Operations and Maintenance Plan;

Emergency Response Plan;

Decommissioning Plan;

Engineering drawings;

Supporting correspondence; and

Other exhibits submitted with the application.

The review also considers the applicable provisions of the Harrisville Township Zoning Ordinance governing:

Utility-Scale Solar Energy Systems;

Site Plan Review;

Special Land Use Review; and

Related administrative requirements.

The report does not replace reviews prepared by Township counsel, the Township planner, consulting engineer, Fire Chief, Road Commission, or other reviewing agencies. Rather, it identifies areas where the current record may not provide sufficient information for the Planning Commission to conclude that mandatory ordinance requirements have been satisfied.

4. STANDARD OF REVIEW

Several principles govern this review.

First, the applicant bears the burden of demonstrating compliance with every ordinance requirement applicable to the proposed Special Land Use.

Second, the Planning Commission's decision should be based upon the record available at the time of its decision. Future commitments, anticipated revisions, or assumptions regarding later modifications cannot substitute for evidence contained within the record.

Third, approval requires affirmative findings that the ordinance standards have been satisfied. Where the record does not provide sufficient evidence to support a required finding, the Commission should not presume compliance.

Finally, this report evaluates only whether the application demonstrates compliance with the Harrisville Township Zoning Ordinance. It does not evaluate the broader policy merits of renewable energy, nor does it recommend denial based upon generalized concerns regarding solar development.

If additional information is submitted before final action, the conclusions contained in this report should be reconsidered in light of the supplemented record.

5. ENGINEERING METHODOLOGY

Each ordinance requirement has been evaluated using a consistent analytical framework intended to promote transparency and objective decision-making.

For each subject area, this report includes:

Applicable Ordinance Requirement – the relevant ordinance provision and applicable review standard.

Application Materials Reviewed – the plans, reports, studies, and supporting documentation addressing the requirement.

Technical Evaluation – an assessment of the submitted information using accepted engineering principles, environmental practices, and administrative review standards.

Engineering Assessment– an assessment of the submitted information using accepted engineering principles, environmental practices, and administrative review standards.

Professional Engineering Evaluation– where appropriate, technical observations explaining why particular engineering or environmental information may or may not demonstrate compliance with the ordinance.

Professional Engineering Finding– discussion of whether the submitted materials provide an adequate basis for the Planning Commission to make the required ordinance finding. It includes a conclusion reached based upon the current record.

6. ENGINEERING PRINCIPLES APPLIED

The following principles are applied consistently throughout this review.

The applicant bears the burden of demonstrating compliance. Commission is responsible for evaluating the evidence submitted. It is not responsible for supplying missing information or assuming compliance where the record is incomplete.

The ordinance establishes the governing standards. Personal opinions regarding renewable energy should not influence the review. Every conclusion should be tied directly to the standards adopted by Harrisville Township.

Technical conclusions should be supported by technical information. Where engineering, environmental, operational, or public safety issues are involved, conclusions should be based upon competent technical documentation contained within the application record.

Each required finding should be supported by the record. Before approving the application, the Planning Commission should be able to identify where in the record each mandatory ordinance requirement has been demonstrated.

Consistency and completeness matter. Internal inconsistencies, conflicting project information, or missing documentation may prevent the Commission from determining whether ordinance requirements have been satisfied.

The absence of evidence is not evidence of compliance. Where the ordinance requires a demonstration of compliance, the burden rests upon the applicant to provide sufficient information. The Commission should not infer compliance solely because contrary evidence has not been presented.

7. ORDINANCE COMPLIANCE ANALYSIS

7.1 Visual Screening Requirements

Applicable Ordinance

Section 3.22.C.4 of the Harrisville Township Zoning Ordinance establishes the landscape screening requirements applicable to utility-scale solar energy systems.

The ordinance provides that:

The facility shall be screened from existing residential uses and public rights-of-way;

Screening shall be maintained year-round; and

The screening shall fully screen the facility from the time of planting or installation.

The language of the ordinance is significant. It does not simply require landscaping to be installed. Rather, it requires that the installed landscaping provide effective screening immediately upon installation. This standard appears intended to prevent a situation in which neighboring property owners experience years of visual impact while vegetation gradually matures.

The Planning Commission must determine whether the application demonstrates—not merely proposes—that the ordinance's immediate screening requirement will be satisfied.

Application Materials Reviewed

The following application materials were reviewed for this analysis:

Special Land Use Permit Narrative

Landscape Plan

Site Plan Sheets CV-242-001 and CV-245-002

Landscape Detail Sheets

Planting Specifications

Visual Simulation Exhibits (if included within the official application record)

Technical Evaluation

The submitted landscape plans indicate that perimeter screening will consist primarily of evergreen trees approximately five feet in height at installation, generally spaced between ten and fifteen feet on center. Certain portions of the plan also include *Miscanthus* grasses or similar vegetative materials intended to supplement the evergreen plantings.

The proposed solar arrays are identified as having a maximum height of approximately eleven feet. The perimeter security fence is approximately seven feet high.

The application adequately describes the proposed landscaping. description of landscaping is not equivalent to demonstrating compliance with the ordinance's performance standard.

From a landscape engineering perspective, several observations are relevant.

A newly installed five-foot evergreen does not constitute an opaque visual barrier. Even under favorable growing conditions, individual trees installed at ten- to fifteen-foot spacing will contain substantial openings between plants. Those openings remain until years of growth allow adjacent canopies to merge.

Similarly, newly planted ornamental grasses or rhizomatous vegetation require one or more growing seasons before developing significant density and therefore cannot reasonably be expected to provide an immediate year-round visual barrier.

The application does not appear to include engineering analyses demonstrating that the required level of screening will exist immediately following installation.

Examples of documentation that could have demonstrated compliance include:

line-of-sight analyses from representative residences and public roads;

cross-sectional drawings illustrating screening geometry;

Viewshed analyses;

Opacity calculations;

Computer-generated visual simulations representing first-year planting conditions; or

Equivalent technical documentation demonstrating that the proposed vegetation will completely obscure the facility as required by the ordinance.

Instead, the submitted materials primarily describe the landscape design without demonstrating that the ordinance's required performance standard will be achieved.

Engineering Assessment

The distinction between installation and performance is important.

Landscape plans commonly describe what vegetation will be planted. The Harrisville Township ordinance goes further by establishing a performance requirement—that the facility be fully screened from the time of planting or installation.

From an engineering standpoint, demonstrating compliance with a performance standard ordinarily requires objective evidence showing that the required performance will actually occur under the proposed design.

Simply identifying plant species, planting height, and spacing does not, by itself, demonstrate that an eleven-foot solar array will be fully screened immediately after installation.

This observation should not be interpreted as criticism of the proposed landscape design. Rather, it reflects that the application record should contain sufficient information to demonstrate compliance with the specific performance requirement adopted by the Township.

Professional Engineering Evaluation

Commission is not asked merely to determine whether landscaping has been proposed.

The ordinance requires the Commission to determine whether the proposed landscaping will fully screen the facility immediately following installation.

The application explains what vegetation will be installed but does not clearly demonstrate that the required degree of screening will exist from the time of planting or installation.

The distinction is important because eventual screening and immediate screening are not equivalent standards.

If the ordinance required only that vegetation be planted, the submitted plans would likely satisfy that requirement.

The ordinance establishes a more demanding standard by requiring that the facility itself be fully screened immediately upon installation.

The current record does not appear to include technical documentation demonstrating that this performance standard has been achieved.

Professional Engineering Finding

Based upon the application materials reviewed, the applicant has not shown compliance with Section 3.22.C.4 of the Harrisville Township Zoning Ordinance.

This finding is based upon the current record and should not be interpreted as concluding that compliance cannot ultimately be achieved.

Rather, the record presently available does not demonstrate that the proposed landscape design will fully screen the facility from existing residential uses and public rights-of-way at the time of planting or installation as expressly required by the ordinance.

Because the applicant bears the burden of demonstrating compliance, the absence of such documentation prevents the Planning Commission from making the affirmative finding required by Section 3.22.C.4.

Record References

Harrisville Township Zoning Ordinance §3.22.C.4

Special Land Use Permit Narrative (Landscape Screening)

Site Plan Sheet CV-242-001

Site Plan Sheet CV-245-002

Landscape Detail Sheets

Visual Simulation Exhibits (if included in the official application file)

7.2 Solar Glare Requirements

Applicable Ordinance

Section 3.22.A.2 of the Harrisville Township Zoning Ordinance establishes the performance standard governing solar glare associated with utility-scale solar energy systems.

The ordinance provides that concentrated solar glare shall not be directed toward or onto nearby properties or public roadways at any time of the day.

Unlike standards that allow impacts to be minimized or mitigated to acceptable levels, the ordinance is written as a performance requirement. Commission must therefore determine whether the application demonstrates that the proposed facility will comply with the ordinance as designed.

the issue before the Commission is not whether the glare analysis was competently prepared. Rather, the issue is whether the submitted technical analysis demonstrates compliance with the ordinance's prohibition against directed glare.

Application Materials Reviewed

The following materials were reviewed:

Solar Glare Study

Special Land Use Permit Narrative

Site Plan

Landscape Plan

Applicant discussion of glare mitigation

Supporting correspondence, if included within the application record

Technical Evaluation

The applicant submitted a solar glare analysis prepared using industry-recognized glare modeling software.

Preparation of a glare study represents an appropriate component of a utility-scale solar application and demonstrates that the applicant evaluated potential glare impacts using accepted analytical methods.

The conclusions of the study require careful review in relation to the ordinance standard.

According to the submitted study:

Several observation points are predicted to experience modeled yellow glare;

Modeled glare is identified at nearby residential receptors;

Modeled glare is identified along portions of Clemens Road;

One observation point (OP-16) is identified as experiencing glare classified by the consultant as consequential for approximately twenty-five minutes per day during portions of April through August; and the study indicates that proposed vegetative screening may reduce or eliminate the remaining glare impacts.

The study also references the possibility of operational modifications, including tracker adjustments, as another means of reducing glare.

These findings are important because they demonstrate that the glare model predicts glare under the project configuration analyzed.

The report does not appear to include a revised glare model demonstrating project performance after implementation of the proposed mitigation measures.

Likewise, the operational measures discussed within the glare study do not appear to have been incorporated into enforceable operating requirements within the submitted Site Plan or Operations Plan.

Consequently, the Planning Commission is presented with a study predicting glare together with a discussion of possible future mitigation, rather than documentation demonstrating that the

ordinance standard has been achieved.

Engineering Assessment

Glare modeling and glare mitigation are separate engineering analyses.

The submitted glare study predicts how the facility is expected to perform under the design that was modeled.

If additional vegetation, revised panel orientation, or tracker operating restrictions are proposed to eliminate modeled glare, those mitigation measures ordinarily should be incorporated into the design and evaluated through updated modeling.

Otherwise, the Planning Commission is asked to assume that mitigation will be effective without technical documentation demonstrating the resulting performance.

From an engineering standpoint, a statement that landscaping "may reduce or eliminate" glare is fundamentally different from documentation demonstrating that glare will not occur under the final approved project configuration.

Similarly, operational controls such as tracker restrictions may significantly reduce glare. unless those controls are incorporated into enforceable project commitments and reflected in revised technical analysis, they remain proposed mitigation measures rather than demonstrated project performance.

Consistency of the Application Record

An additional administrative issue should also be considered.

The Special Land Use narrative should accurately reflect the conclusions of the technical glare analysis.

If the narrative concludes that proposed landscaping will eliminate glare while the consultant's technical report states that landscaping may reduce or eliminate glare, the Planning Commission should request clarification regarding the basis for the stronger conclusion.

Administrative decisions should rely upon the technical conclusions contained within the supporting study rather than broader statements contained elsewhere in the application unless the record clearly explains the basis for those statements.

Consistency between the application narrative and the underlying engineering analysis is an important component of a reliable record.

Professional Engineering Evaluation

The ordinance requires the Planning Commission to determine whether concentrated solar glare will be directed toward nearby properties or public roadways.

The applicant has submitted a professionally prepared glare analysis that predicts several instances of modeled glare affecting identified receptors.

Rather than demonstrating that no glare will occur, the study discusses mitigation measures that may reduce or eliminate certain predicted impacts.

The current application record does not clearly demonstrate that the proposed mitigation measures have been:

Incorporated into the final project design;

Evaluated through revised glare modeling;

Included within enforceable operating requirements; or

Otherwise shown to eliminate the modeled glare identified by the study.

Because the ordinance establishes a performance standard rather than a planning objective, the Planning Commission should determine whether the existing record demonstrates compliance with the adopted standard rather than whether future mitigation might eventually achieve compliance.

Professional Engineering Finding

The applicant has not shown compliance with Section 3.22.A.2 of the Harrisville Township Zoning Ordinance.

This finding is based upon the applicant's own glare analysis, which predicts glare at identified receptors and discusses mitigation measures that may reduce or eliminate those impacts but does not demonstrate through revised technical analysis that the ordinance's glare standard has been satisfied under the final project configuration.

The Planning Commission presently lacks an adequate evidentiary basis to make the affirmative finding required by Section 3.22.A.2.

;Record References

Harrisville Township Zoning Ordinance §3.22.A.2

Solar Glare Study (Section 3.0)

Solar Glare Study – Appendix B

Special Land Use Permit Narrative (Glare Discussion)

Landscape Plan

Site Plan

Engineering Note

Understanding the Issue

This review does not conclude that the project necessarily violates the glare standard. Rather, it concludes that the current application record does not demonstrate compliance with that standard.

That distinction is significant.

If the applicant submits revised glare modeling showing that the final project configuration, including all proposed mitigation measures, eliminates directed glare as required by the ordinance, the Planning Commission may evaluate that revised information accordingly.

Based upon the record reviewed for this report, the required demonstration has not yet been made.

7.3 Operations, Maintenance, and Emergency Response Documentation

Applicable Ordinance

Section 3.22.C.1 of the Harrisville Township Zoning Ordinance establishes operational requirements for utility-scale solar energy systems following construction.

The ordinance requires the applicant to provide an operations agreement addressing the long-term operation and maintenance of the facility. Among other things, the ordinance requires documentation identifying:

The certified operator responsible for the facility;

Operating parameters;

Inspection and maintenance procedures;

Emergency response procedures;

General safety documentation; and

Contact information necessary for Township officials and emergency responders.

The purpose of these requirements is to ensure that the Township understands how the facility

will be operated throughout its service life and that emergency responders have adequate project-specific information necessary to protect public health and safety.

Unlike engineering drawings prepared for construction, operational documentation governs the day-to-day management of the completed facility. Consequently, the ordinance contemplates documentation specific to the project proposed for approval rather than generalized corporate policies applicable to multiple facilities.

Application Materials Reviewed

The following materials were reviewed:

Operations and Maintenance (O&M) Plan

Preliminary Emergency Response Plan

Special Land Use Permit Narrative

Referenced materials when available

Site Plan (for access and operational references)

Technical Evaluation

The submitted Operations and Maintenance Plan appears to be based largely upon a corporate policy template intended for use across multiple solar facilities.

The document contains several characteristics commonly associated with a draft or generic operating manual, including:

Placeholder language;

Generalized operational policies;

References indicating that project-specific procedures will be developed later;

References to facilities other than the proposed Gustin Solar Energy Center; and

Sections identifying information that remains to be completed following project development.

Similarly, the Emergency Response Plan is identified as a preliminary document and contains project-specific information that remains incomplete. For example, operational positions and emergency contacts remain identified as "To Be Determined (TBD)," and several sections reference generic emergency coordination procedures rather than procedures developed specifically for the proposed Harrisville Township facility.

The submitted documents describe how the applicant generally intends to operate photovoltaic facilities. they do not consistently identify the project-specific information contemplated by the ordinance.

Engineering Assessment

There is an important distinction between a corporate operations manual and a project-specific operations agreement.

A corporate manual establishes general company policies intended to apply across many facilities.

A project-specific operating document identifies the procedures applicable to one particular facility, including:

Site-specific equipment;

Electrical isolation procedures;

Access routes;

Emergency contacts;

Inspection schedules;

Vegetation management practices;

Hazardous material inventories;

Complaint resolution procedures;

Emergency communication protocols; and

Coordination with local emergency responders.

From an engineering and regulatory compliance perspective, emergency planning depends upon the specific characteristics of the facility under review.

Consequently, documentation prepared for another project—or documentation that leaves critical information to be determined in the future—does not provide the same level of administrative certainty as a completed project-specific operating plan.

This observation should not be interpreted as criticism of the applicant's operational capability. Rather, it reflects the distinction between organizational policy documents and the project-specific documentation contemplated by the Township ordinance.

Certified Operator Requirement

Section 3.22.C.1 requires identification of the certified operator responsible for operation of the facility.

The current application should therefore clearly identify:

The certified operator;

Qualifications or certification, if required;

Primary contact information;

Twenty-four-hour emergency contact procedures; and

Procedures governing replacement of the operator should personnel change during the life of the project.

Portions of this information appear to remain incomplete or are deferred until a later stage of project development.

The Planning Commission should determine whether the current record contains the information necessary to satisfy the ordinance requirement.

Emergency Response Documentation

The submitted Emergency Response Plan discusses a number of issues common to utility-scale photovoltaic facilities, including:

Electrical hazards;

Emergency isolation procedures;

Responder safety;

Restricted access;

Hazardous materials;

Emergency notification; and

Coordination with public safety agencies.

Preparation of such a document is appropriate for facilities of this nature.

The ordinance requires more than a generalized emergency planning document.

Commission should determine whether the submitted Emergency Response Plan has been completed specifically for the Gustin Solar Energy Center and whether it identifies:

Responsible personnel;

Project-specific emergency procedures;

Local responding agencies;

Site access information;

Emergency contact information;

Communication protocols;

Inspection procedures; and

Other project-specific information necessary for long-term operation of the facility.

If substantial portions of the document remain preliminary or incomplete, the Commission should consider whether the applicant has shown compliance with the ordinance's documentation requirements.

Professional Engineering Evaluation

The application includes substantial operational documentation addressing general operation and maintenance of photovoltaic facilities.

The issue before the Planning Commission is not whether the applicant has operational policies.

Rather, the issue is whether the applicant has submitted the project-specific operations agreement and supporting documentation required by Section 3.22.C.1.

Portions of the submitted operational documentation appear to remain preliminary, contain placeholder information, defer important project-specific procedures until a later date, or rely upon generalized corporate policies rather than completed project-specific documentation.

Because the ordinance requires project-specific operational information before approval, the Planning Commission should determine whether the submitted materials provide an adequate basis for making the findings required by Section 3.22.C.1.

Professional Engineering Finding

Based upon the application materials reviewed, the applicant has not shown compliance with Section 3.22.C.1 of the Harrisville Township Zoning Ordinance.

This finding is based upon the current record, which does not clearly provide the completed project-specific operations agreement, certified operator information, inspection protocols, emergency procedures, and operational documentation contemplated by the ordinance.

The Planning Commission presently lacks an adequate evidentiary basis to conclude that the operational requirements of Section 3.22.C.1 have been satisfied.

Record References

Harrisville Township Zoning Ordinance §3.22.C.1

Operations and Maintenance Plan

Preliminary Emergency Response Plan

Special Land Use Permit Narrative

Site Plan (Operational Access)

Supporting Operational Exhibits

Engineering Note:

Project-Specific Documents Matter

Large infrastructure projects often begin with corporate template documents. That is a common and acceptable starting point during project development the Harrisville Township ordinance requires the Planning Commission to evaluate the actual project proposed for approval. Consequently, project-specific operational procedures, emergency contacts, inspection protocols, and responsible personnel should ordinarily be identified before the Commission determines that the ordinance's operational requirements have been satisfied.

7.4 Groundwater Protection and Monitoring

Applicable Ordinance

Section 3.22.C.1.a of the Harrisville Township Zoning Ordinance establishes groundwater protection and monitoring requirements applicable to utility-scale solar energy systems.

The ordinance requires groundwater testing before installation, following installation, and periodically thereafter until site restoration has been completed. The apparent purpose of this requirement is to establish baseline groundwater conditions, monitor potential changes associated with construction and operation of the facility, and provide documentation that groundwater quality has been protected throughout the life of the project.

Unlike spill prevention or emergency response planning, groundwater monitoring is intended to

generate measurable environmental data that can be compared over time.

Because the ordinance expressly includes groundwater monitoring as part of the Special Land Use requirements, the Planning Commission must determine whether the applicant has shown compliance with this provision before approving the application.

Application Materials Reviewed

The following materials were reviewed for this portion of the application:

Special Land Use Permit Narrative

Operations and Maintenance Plan

Emergency Response Plan

Environmental correspondence contained within the application

References to Spill Prevention, Control and Countermeasure (SPCC) planning

Consumers Energy Letter Re: Preemption of Commercial Solar Energy Facility Groundwater Regulation
Technical Evaluation

The application discusses environmental protection measures intended to reduce the likelihood of releases from facility equipment, including references to spill prevention practices and compliance with applicable environmental regulations.

These measures are appropriate components of an environmental management program.

Spill prevention and groundwater monitoring serve different purposes.

An SPCC Plan is designed to prevent petroleum discharges to navigable waters and to establish procedures for responding to oil releases should they occur. It is not intended to establish baseline groundwater quality or provide periodic groundwater monitoring data.

Groundwater monitoring, by contrast, involves collecting environmental samples over time to document groundwater conditions and identify changes that may occur during construction, operation, or decommissioning.

Consequently, compliance with SPCC requirements does not necessarily demonstrate compliance with an ordinance requiring groundwater testing.

Relationship between Regulatory Programs and Local Ordinances

Subsequent to preparation of portions of the application, Consumers Energy submitted correspondence requesting that the Planning Commission determine that Section 3.22.C.1.a is

satisfied because groundwater regulation is preempted by Part 31 and Part 201 of NREPA. The letter asserts that EGLE's Spill Prevention, Control and Countermeasure (SPCC) program satisfies the intent of the ordinance and that Michigan law precludes local regulation in this area.

The application suggests that other environmental regulatory programs may satisfy or supersede portions of the Township's groundwater monitoring requirement.

Whether this legal argument is correct is ultimately a question for Township counsel or the courts rather than an engineering determination. From an engineering perspective, this report expresses no opinion regarding preemption. Rather, the report evaluates the application against the ordinance currently in effect. Unless the Township determines that Section 3.22.C.1.a is legally unenforceable, the Planning Commission's responsibility is to apply the ordinance as adopted. Unless the Township has received a written legal opinion concluding that Section 3.22.C.1.a is unenforceable or has otherwise determined that another regulatory program satisfies the ordinance requirement, the Planning Commission should evaluate the application using the ordinance as presently adopted.

Commission is generally responsible for applying the ordinance as written unless advised otherwise by Township counsel.

Technical Observations

The record does not clearly demonstrate that the applicant has committed to performing the groundwater testing described in Section 3.22.C.1.a.

Similarly, the current record does not identify:

Sampling locations;

Sampling frequency;

Analytical parameters;

reporting procedures;

Baseline groundwater testing results; or

Long-term monitoring commitments consistent with the ordinance.

Application references Exhibit F as a Groundwater Memo but Exhibit F is a sound study. A Groundwater Memo was not located within the Administrative Record.

If groundwater testing documentation has been submitted separately, that documentation should be evaluated to determine whether it satisfies each element of Section 3.22.C.1.a.

If such documentation is not contained within the official record, the Planning Commission should consider whether the ordinance requirement has been demonstrated.

Engineering Assessment

From an environmental engineering perspective, baseline environmental data are most valuable when collected before construction begins.

Once construction activities have occurred, opportunities to establish pre-construction groundwater conditions may be diminished.

Where an ordinance requires pre-construction groundwater monitoring, the information ordinarily should be available before project approval or before construction commences.

This observation is offered solely from the standpoint of accepted environmental monitoring practice and should not be interpreted as an opinion regarding whether contamination is expected to occur.

Professional Engineering Evaluation

The issue before the Planning Commission is not whether the applicant intends to operate the facility responsibly.

Rather, the issue is whether the applicant has shown compliance with the groundwater monitoring requirements expressly adopted by the Township.

The materials reviewed discuss spill prevention and environmental compliance generally but do not clearly demonstrate compliance with the groundwater testing program described in Section 3.22.C.1.a.

If the applicant believes another regulatory program satisfies this requirement, the Planning Commission should request documentation supporting that conclusion before relying upon it.

Professional Engineering Finding

The applicant has not shown compliance with Section 3.22.C.1.a of the Harrisville Township Zoning Ordinance.

This finding is based upon the current record, which does not clearly demonstrate that the groundwater monitoring program required by the ordinance has been provided or that the Township has accepted an alternative regulatory approach in its place.

The Planning Commission presently lacks an adequate evidentiary basis to conclude that the groundwater monitoring requirements of Section 3.22.C.1.a have been satisfied.

7.5 Application Completeness and Internal Consistency

Applicable Ordinance

Chapters 15 (Site Plan Review) and 16 (Special Land Use Review) of the Harrisville Township Zoning Ordinance establish the information that must be submitted before the Planning Commission may approve a Special Land Use Permit.

These provisions contemplate a complete application containing sufficient information for the Planning Commission to evaluate compliance with the ordinance and to make the findings required for approval.

The purpose of these provisions is not simply administrative convenience. Rather, they ensure that Township officials, reviewing agencies, and the public are evaluating the same project based upon a complete and internally consistent record.

A complete record promotes transparency, allows meaningful public participation, facilitates technical review, and supports findings that can withstand subsequent judicial review.

Application Materials Reviewed

The following documents were reviewed for completeness and consistency:

Applicant Cover Letter

Special Harrisville Township Zoning Application

Land Use Permit Narrative

Site Plan

Engineering Drawings

Landscape Plans

Solar Glare Study

Sound Study

Operations and Maintenance Plan

Emergency Response Plan

Decommissioning Plan

Supporting exhibits and exhibit index

Technical Evaluation

The application is comprehensive and contains numerous technical reports prepared by qualified consultants.

Review of the submitted materials identified several inconsistencies and apparent omissions that should be reconciled before the Planning Commission relies upon the application as the basis for approval.

Examples include the following.

Exhibit Index

The exhibit numbering identified within the application narrative differs from the numbering identified within the cover letter.

Certain documents referenced in one location appear under different exhibit numbers elsewhere in the application.

Although this issue may appear administrative in nature, a consistent exhibit index is important because the Planning Commission must be able to identify exactly which documents constitute the official record supporting its decision.

Referenced Documents

The application references documents that were not included within the materials reviewed for this report, including certain visual simulations and groundwater-related correspondence.

If these documents have been submitted separately, they should be incorporated into the official record before deliberation.

If they have not been submitted, the Commission should determine whether the record contains sufficient information to evaluate the applicable ordinance requirements.

Project Schedule

Different portions of the application identify different anticipated construction or operational schedules.

Although project schedules may change during development, technical studies often rely upon project assumptions that should remain internally consistent throughout the application.

The applicant should identify which project schedule represents the final design upon which the submitted technical analyses are based.

Project Quantities

The fenced acreage identified within the Site Plan differs from acreage used within portions of the Decommissioning Plan.

This discrepancy may affect calculations related to restoration costs, quantities of disturbed land, vegetation restoration, and financial assurance.

Commission should request reconciliation of these quantities before relying upon the decommissioning estimate.

Hazardous Materials

Different application documents describe project fluids and hazardous materials differently.

Certain portions of the application indicate that hazardous substances will not be stored on-site.

Other documents discuss transformer oils, insulating fluids, inverter cooling systems, secondary containment, spill response procedures, and hazardous material management.

These descriptions may ultimately be reconcilable.

They should be made internally consistent so that reviewers understand exactly which materials will be present and what environmental protection measures apply.

Cross-Document Consistency

Engineering reports frequently rely upon assumptions developed elsewhere within an application.

If assumptions differ among documents, it becomes difficult to determine whether technical conclusions remain applicable to the final project configuration.

Examples include:

Project acreage;

Operational schedule;

Equipment quantities;

Restoration assumptions;

Environmental commitments; and

Supporting exhibit references.

Commission should be satisfied that all technical reports evaluate the same project before making findings regarding ordinance compliance.

Engineering Assessment

From an engineering review standpoint, internal consistency is an important indicator of document reliability.

Complex infrastructure projects commonly involve multiple consultants preparing separate reports.

For that reason, final application packages are ordinarily subjected to quality assurance reviews intended to ensure consistency among engineering drawings, environmental documentation, operational plans, and cost estimates.

Minor clerical discrepancies are common and do not necessarily undermine an application.

When inconsistencies involve technical assumptions, project quantities, supporting documentation, or information necessary for ordinance compliance, reconciliation is appropriate before final administrative action.

Professional Engineering Evaluation

Commission is responsible for determining whether the applicant has shown compliance with the ordinance based upon the official record.

Where the record contains unresolved inconsistencies or references documents that are unavailable for review, the Commission may be unable to determine whether the ordinance standards have been satisfied.

The burden rests with the applicant to provide a complete and internally consistent application.

The Commission is not required to reconcile conflicting information or assume compliance where supporting documentation is incomplete.

Professional Engineering Finding

The current record contains unresolved inconsistencies and apparent omissions that prevent the Planning Commission from determining whether all applicable ordinance requirements have been demonstrated.

This finding does not imply that the deficiencies cannot be corrected.

Rather, it reflects that the current record does not provide the level of completeness contemplated by Chapters 15 and 16 of the Harrisville Township Zoning Ordinance for approval

of a Special Land Use Permit.

The Township's official application form requires the applicant to certify that the information provided is true and accurate, acknowledges that incomplete information may delay processing, and requires submission of all information pertaining to the petition. These administrative requirements reinforce the ordinance's expectation that the Planning Commission evaluate a complete application record before acting on the request.

The Planning Commission presently lacks an adequate evidentiary basis to conclude that the application record is complete and internally consistent.

Record References

Harrisville Township Zoning Ordinance, Chapters 15 and 16

Applicant Cover Letter

Special Land Use Permit Narrative

Site Plan

Landscape Plan

Operations and Maintenance Plan

Emergency Response Plan

Decommissioning Plan

Supporting Exhibits

7.6 Fire Protection and Emergency Services

Applicable Ordinance

Section 16.04 of the Harrisville Township Zoning Ordinance requires the Planning Commission to determine whether the proposed Special Land Use will be served by safe and adequate public services, including fire protection, emergency access, and other essential public safety infrastructure.

The ordinance places responsibility on the Planning Commission to determine whether adequate provisions have been made to protect public health and safety before granting Special Land Use approval.

Because utility-scale photovoltaic facilities contain energized electrical equipment, transformers, battery systems (if installed), underground electrical infrastructure, and

restricted-access fenced areas, project-specific emergency planning is an important component of ordinance compliance.

Application Materials Reviewed

The following materials were reviewed:

Preliminary Emergency Response Plan

Operations and Maintenance Plan

Site Plan

Access Road Plans

Special Land Use Narrative

Supporting correspondence contained within the application record

Technical Evaluation

The application includes a Preliminary Emergency Response Plan addressing many of the operational characteristics commonly associated with utility-scale photovoltaic facilities.

The document discusses electrical hazards, restricted access procedures, emergency notification, responder safety, and general emergency response principles.

These topics are appropriate for facilities of this type.

The purpose of the ordinance is not merely to require submission of a general emergency response document.

Rather, the ordinance contemplates that the Planning Commission determine whether adequate fire protection and emergency services have been established for the specific facility proposed.

The Emergency Response Plan remains preliminary in several respects and does not clearly demonstrate that project-specific coordination has been completed with the agencies expected to respond to emergencies at the site.

Project-Specific Coordination

Effective emergency response planning ordinarily includes coordination with the responding fire department regarding:

Emergency access routes;

Gate locations and locking systems;

Roadway widths;

Turnaround locations;

Bridge load capacities, if applicable;

Emergency vehicle access throughout the site;

Electrical isolation procedures;

Hazardous material inventories;

Communication procedures;

Responder training; and

Pre-incident planning.

The current record should demonstrate that these matters have been reviewed with the responding agencies before the Planning Commission concludes that adequate fire protection has been established.

Engineering Assessment

From an engineering standpoint, emergency response planning is most effective when developed jointly by the facility operator and the agencies expected to respond during an emergency.

Project-specific coordination allows local responders to become familiar with site layout, electrical hazards, emergency shut-down procedures, and access limitations before an emergency occurs.

General emergency response policies cannot fully substitute for project-specific emergency planning because response capabilities depend upon the actual configuration of the facility.

Fire Department Review

Commission should determine whether the official application record contains documentation demonstrating review by the serving Fire Chief or Fire Department.

Such documentation would ordinarily address matters including:

Roadway accessibility;

Gate locations;

Emergency vehicle circulation;

Responder access;

training needs;

Water supply considerations, if applicable;

Emergency communication procedures; and

Overall emergency response capability.

If such documentation has not been provided, the Commission should consider whether it possesses sufficient information to determine that the ordinance standard has been satisfied.

Professional Engineering Evaluation

The application contains a preliminary Emergency Response Plan and related operational documentation.

Based upon the current record, it is not evident that the Planning Commission has been provided sufficient project-specific information demonstrating that local emergency responders have reviewed and accepted the proposed emergency response procedures.

The Commission should carefully consider whether the applicant has shown compliance with the public safety requirements of Section 16.04.

Professional Engineering Finding

The applicant has not shown compliance with the fire protection and emergency service provisions of Section 16.04 of the Harrisville Township Zoning Ordinance.

This finding is based upon the current record, which does not clearly demonstrate project-specific coordination with local emergency response agencies sufficient to support the findings required by the ordinance.

Record References

Harrisville Township Zoning Ordinance §16.04

Preliminary Emergency Response Plan

Operations and Maintenance Plan

Site Plan

Access Road Plans

Special Land Use Permit Narrative

7.7 Decommissioning and Financial Assurance

Applicable Ordinance

Sections 3.22.C.9 and 3.22.C.10 of the Harrisville Township Zoning Ordinance require the applicant to submit a decommissioning plan and financial assurance demonstrating that the facility can be removed and the property restored at the end of its operational life.

These provisions protect both the Township and participating property owners by ensuring that adequate financial resources will be available should the facility cease operation or be abandoned.

The ordinance contemplates that decommissioning costs be supported by competent engineering analysis and that financial assurance be sufficient to cover removal and restoration obligations established by the ordinance.

Application Materials Reviewed

The following materials were reviewed:

Decommissioning Plan

Decommissioning Cost Estimate

Site Plan

Supporting engineering documentation

Financial assurance information, if submitted

Technical Evaluation

The application includes a decommissioning plan together with a cost estimate addressing removal of project components and restoration activities.

Preparation of a decommissioning estimate is an important element of project planning.

The reliability of such an estimate depends upon the assumptions used in its preparation.

Several aspects of the submitted estimate warrant additional review before the Planning

Commission relies upon it for purposes of ordinance compliance.

Engineering Assumptions

The estimate identifies itself as an AACE Class 5 estimate, representing an early-stage planning-level estimate rather than a detailed construction cost estimate.

Class 5 estimates are commonly prepared during conceptual project development and are recognized as having relatively broad ranges of potential accuracy.

While such estimates are useful during project planning, they may require refinement before serving as the basis for long-term financial assurance extending decades into the future.

Project Quantities

Review of the submitted documents indicates that project quantities used within the decommissioning estimate should be reconciled with the current Site Plan.

For example, acreage used for restoration calculations should correspond to the acreage identified within the approved project plans.

Similarly, assumptions regarding disturbed acreage, restoration areas, equipment quantities, and removal activities should remain consistent throughout the application.

Cost Assumptions

Commission should also consider whether the estimate adequately addresses:

Future cost escalation;

Inflation over the operational life of the project;

Equipment disposal costs;

Transportation costs;

Recycling assumptions;

Restoration activities required by the ordinance;

Contractor mobilization;

Contingency allowances; and

Any independent engineering review required by the ordinance.

The purpose of financial assurance is to protect the Township under future conditions rather

than current market conditions.

The assumptions supporting the estimate should provide reasonable assurance that sufficient funds will remain available throughout the life of the project.

Engineering Assessment

Engineering cost estimates become more reliable as project design becomes more detailed.

Where an ordinance requires financial assurance intended to remain effective for many years, independent review provides an additional level of confidence that quantities, assumptions, and restoration requirements have been appropriately evaluated.

Such review benefits both the applicant and the Township by reducing uncertainty regarding future financial obligations.

Professional Engineering Evaluation

The application demonstrates that decommissioning has been considered as part of the project.

Based upon the materials reviewed, additional clarification appears appropriate regarding project quantities, estimating assumptions, restoration scope, and compliance with the financial assurance provisions of Sections 3.22.C.9 and 3.22.C.10.

Until those matters have been reconciled, the Planning Commission should carefully consider whether the applicant has shown compliance with the ordinance.

Professional Engineering Finding

The applicant has not shown compliance with Sections 3.22.C.9 and 3.22.C.10 of the Harrisville Township Zoning Ordinance.

This finding is based upon unresolved questions regarding the assumptions supporting the decommissioning estimate, consistency between the estimate and the Site Plan, and whether the proposed financial assurance satisfies the ordinance requirements.

The Planning Commission presently lacks an adequate evidentiary basis to conclude that the decommissioning and financial assurance provisions have been fully demonstrated.

Record References

Harrisville Township Zoning Ordinance §§3.22.C.9–3.22.C.10

Decommissioning Plan

Decommissioning Cost Estimate

Site Plan

Supporting Engineering Documentation

7.8 Compatibility with Surrounding Land Uses

Applicable Ordinance

Section 16.04 of the Harrisville Township Zoning Ordinance requires the Planning Commission to determine whether the proposed Special Land Use is compatible with surrounding land uses and whether the project has been designed to minimize adverse impacts upon adjacent properties and the community.

The ordinance does not prohibit utility-scale solar energy facilities within the Agricultural District. Rather, it permits such facilities as a Special Land Use subject to compliance with specific performance standards intended to protect neighboring properties, public infrastructure, and the public interest.

The issue before the Planning Commission is not whether utility-scale solar facilities are generally compatible with agricultural land. That policy determination has already been made through adoption of the Township's Zoning Ordinance.

Instead, the Commission must determine whether this application demonstrates compliance with the ordinance standards intended to ensure compatibility.

Application Materials Reviewed

The following materials were reviewed:

Special Land Use Permit Narrative

Site Plan

Landscape Plan

Solar Glare Study

Sound Study

Drainage and Environmental Information

Operations and Maintenance Plan

Emergency Response Plan

Decommissioning Plan

Public comments and consultant reports, if included in the official record

Technical Evaluation

The applicant has submitted numerous technical studies addressing individual aspects of the proposed project.

Those studies generally conclude that the project has been designed to minimize adverse impacts and comply with applicable standards.

Compatibility is not determined solely by the conclusions contained within individual consultant reports.

Rather, compatibility depends upon whether the Planning Commission can determine that the ordinance requirements intended to protect surrounding properties have themselves been demonstrated.

For example:

Visual compatibility depends upon compliance with the landscape screening requirements.

Environmental compatibility depends upon compliance with groundwater protection and stormwater management requirements.

Public safety compatibility depends upon adequate emergency planning and fire protection.

Operational compatibility depends upon submission of project-specific operational documentation.

Long-term compatibility depends upon adequate decommissioning planning and financial assurance.

Each of these ordinance requirements contributes to the overall compatibility determination required by Section 16.04.

Relationship to Previous Findings

The preceding sections of this report identified several ordinance provisions for which compliance has not been demonstrated based upon the current record.

These include:

Section 3.22.C.4 — Visual Screening

Section 3.22.A.2 — Solar Glare

Section 3.22.C.1 — Operations and Maintenance

Section 3.22.C.1.a — Groundwater Monitoring

Chapters 15 and 16 — Application Completeness

Section 16.04 — Fire Protection

Sections 3.22.C.9–C.10 — Decommissioning and Financial Assurance

Because these standards collectively address the project's relationship to surrounding properties, unresolved deficiencies in these areas necessarily affect the Planning Commission's ability to determine overall compatibility.

Engineering Assessment

Compatibility is not a single engineering calculation.

Rather, it is the cumulative result of numerous design features working together to minimize impacts upon neighboring properties and public infrastructure.

When several supporting ordinance standards remain unresolved, it becomes increasingly difficult to conclude that overall compatibility has been demonstrated.

This observation does not imply that the project cannot ultimately satisfy the ordinance.

It simply reflects that compatibility depends upon successful demonstration of the individual ordinance requirements that collectively define acceptable project performance.

Professional Engineering Evaluation

The Harrisville Township Zoning Ordinance requires the Planning Commission to make affirmative findings before approving a Special Land Use Permit.

Those findings must be supported by substantial evidence contained within the record.

Where the record does not demonstrate compliance with several mandatory ordinance provisions, the Planning Commission may reasonably conclude that it lacks an adequate evidentiary basis for determining that the proposed project is compatible with surrounding land uses as required by Section 16.04.

Compatibility cannot be established by assumption.

Rather, it must be demonstrated through compliance with the ordinance standards adopted by

the Township.

Professional Engineering Finding

The applicant has not demonstrated that the proposed Gustin Solar Energy Center satisfies the compatibility findings required by Section 16.04 of the Harrisville Township Zoning Ordinance.

This finding is based upon the unresolved ordinance compliance issues identified throughout this report and not upon generalized opposition to utility-scale solar development.

The Planning Commission presently lacks an adequate evidentiary basis to conclude that the compatibility standards required for Special Land Use approval have been satisfied.

Before the Planning Commission could have reasonably determine that the proposed project is compatible with surrounding land uses, the applicant would have had to have demonstrated compliance with each of the individual ordinance provisions discussed throughout this report.

Those matters remain unresolved with this application, so the Commission must carefully consider whether the compatibility findings required by Section 16.04 can be supported by the record.

Record References

Harrisville Township Zoning Ordinance §16.04

Special Land Use Permit Narrative

Site Plan

Landscape Plan

Solar Glare Study

Sound Study

Operations and Maintenance Plan

Emergency Response Plan

Decommissioning Plan

Other materials contained within the official record

8. Overall Professional Engineering Opinion

The Gustin Solar Energy Center is proposed as a utility-scale solar energy facility requiring approval of both a Special Land Use Permit and Site Plan under the Harrisville Township Zoning

Ordinance.

This administrative review was prepared to assist the Planning Commission in determining whether the application demonstrates compliance with the mandatory standards established by the Township's adopted ordinance.

The review is based upon the application materials submitted by the applicant together with the supporting technical studies, engineering plans, and other documents comprising the record available for review.

The report does not address the policy merits of renewable energy or utility-scale solar development. Harrisville Township has already determined through its zoning ordinance that utility-scale solar facilities may be considered as a Special Land Use within the Agricultural District.

The issue before the Planning Commission is not whether solar energy is desirable.

The issue is whether this applicant has shown compliance with every applicable ordinance requirement necessary for approval.

Following review of the application materials, several ordinance standards appear to have been addressed through engineering plans and supporting documentation.

The review also identified several mandatory ordinance provisions for which the current record does not clearly demonstrate compliance.

The principal issues identified include:

Immediate visual screening required by Section 3.22.C.4 has not been demonstrated.

The applicant's own glare analysis identifies modeled glare requiring future mitigation, and the current record does not demonstrate compliance with Section 3.22.A.2.

Project-specific operations and emergency response documentation required by Section 3.22.C.1 remains incomplete.

Compliance with the groundwater monitoring requirements of Section 3.22.C.1.a has not been demonstrated.

The application record contains unresolved inconsistencies affecting review under Chapters 15 and 16.

Project-specific fire protection coordination has not been demonstrated.

Additional clarification appears necessary regarding decommissioning assumptions and financial

assurance.

Because several underlying ordinance standards remain unresolved, the Planning Commission cannot presently determine that the compatibility findings required by Section 16.04 have been demonstrated.

None of these observations should be interpreted as opposition to utility-scale solar energy.

Rather, they reflect the conclusion that the current record does not provide sufficient evidence for the Planning Commission to make every affirmative finding required by the Harrisville Township Zoning Ordinance.

9. Overall Professional Engineering Evaluation

The Gustin Solar Energy Center application represents a significant engineering and planning effort and includes numerous technical reports prepared by qualified professionals.

The existence of these reports, however, does not by itself establish compliance with the Township's ordinance.

The responsibility of the Planning Commission is not to determine whether the applicant has submitted substantial documentation.

Rather, its responsibility is to determine whether the documentation submitted demonstrates compliance with each mandatory ordinance requirement adopted by the Township.

Throughout this review, the application has been evaluated using a consistent administrative standard.

Where the record clearly demonstrates compliance, that conclusion has been acknowledged.

Where compliance has not been demonstrated, the report identifies the specific ordinance provision, explains the basis for the finding, and identifies the information that would ordinarily be necessary before the Planning Commission could reasonably conclude that the requirement has been satisfied.

Several recurring themes emerged during this review.

First, several ordinance standards require affirmative demonstrations of compliance rather than generalized descriptions of future intentions.

Second, several application documents remain preliminary, contain placeholder information, or rely upon future project development rather than finalized project-specific commitments.

Third, several technical reports rely upon assumptions that should be reconciled with the final

project configuration before the Planning Commission relies upon those reports in making its findings.

Finally, the record contains several inconsistencies that should be resolved before final action is taken.

These observations do not necessarily mean that the project can never comply with the ordinance.

They do mean that, based upon the record reviewed, the Planning Commission presently lacks sufficient evidence to make every affirmative finding required for approval.

10. Professional Recommendation

The Harrisville Township Zoning Ordinance places the burden upon the applicant to demonstrate compliance with the standards governing approval of a Special Land Use Permit. The Planning Commission's responsibility is to determine whether the evidence contained within the record supports each affirmative finding required by the ordinance.

Based upon the materials reviewed for this report, the current record does not demonstrate compliance with several mandatory provisions of the Harrisville Township Zoning Ordinance, including requirements governing visual screening, solar glare, project-specific operational documentation, groundwater monitoring, application completeness, fire protection, decommissioning and financial assurance, and compatibility with surrounding land uses.

The Planning Commission's responsibility is to decide the application based upon the record before it. The Commission is not required to defer its decision in anticipation of future revisions or supplemental submissions that are not part of the pending application.

Because the applicant has not carried its burden of demonstrating compliance with the mandatory ordinance requirements, the Planning Commission cannot make the affirmative findings required for approval. the requested Special Land Use Permit and associated Site Plan should be denied.

This recommendation is based solely upon the standards adopted by Harrisville Township and the evidence contained within the record. It is not based upon generalized support for or opposition to renewable energy or utility-scale solar development.

Appendix A

Ordinance Compliance Matrix

Ordinance Section	Subject Administrative Record Finding
-------------------	---------------------------------------

§3.22.C.4 Visual Screening Current record does not support the required finding.

§3.22.A.2 Solar Glare Current record does not support the required finding.

§3.22.C.1 Operations & Maintenance Project-specific documentation remains incomplete.

§3.22.C.1.a Groundwater Monitoring Current record does not support the required finding.

Chapters 15 & 16 Application Completeness Administrative record contains unresolved inconsistencies and omissions.

§16.04 Fire Protection & Public Safety Current record does not support the required finding.

§§3.22.C.9–C.10 Decommissioning & Financial Assurance Current record does not support the required finding.

§16.04 Compatibility with Adjacent Land Uses Planning Commission cannot make the required affirmative finding based upon the current record.

Appendix B

Principal Record Reviewed

Harrisville Township Zoning Ordinance (Adopted May 14, 2025)

Harrisville Township Solar Ordinance Amendments

Harrisville Township Planning Commission Bylaws

Gustin Solar Energy Center Special Land Use Permit Narrative

Harrisville Township Zoning Application (dated June 15, 2026)

Applicant Cover Letter

Site Plan (All Sheets)

Landscape Plan

Solar Glare Study

Sound Study

Operations and Maintenance Plan

Preliminary Emergency Response Plan

Decommissioning Plan and Cost Estimate

Supporting Environmental Documentation

Consumers Energy Letter Re: Preemption of Commercial Solar Energy Facility Groundwater Regulation

Other materials contained within the official record.

Appendix C

Summary of Administrative Findings

The current record does not demonstrate that the proposed landscaping will fully screen the facility from existing residences and public rights-of-way at the time of planting or installation as required by Section 3.22.C.4.

The applicant's glare analysis predicts modeled glare requiring mitigation, and the current record does not demonstrate compliance with Section 3.22.A.2.

The Operations and Maintenance documentation remains preliminary and does not provide the project-specific operational information required by Section 3.22.C.1.

The current record does not demonstrate compliance with the groundwater monitoring requirements of Section 3.22.C.1.a.

The application record contains inconsistencies and apparent omissions affecting review under Chapters 15 and 16.

Project-specific coordination with local emergency response agencies has not been demonstrated sufficiently to support the findings required by Section 16.04.

The current record does not provide an adequate basis for determining compliance with the decommissioning and financial assurance requirements of Sections 3.22.C.9 and 3.22.C.10.

Because several mandatory ordinance requirements have not been demonstrated, the Planning Commission cannot make the compatibility findings required by Section 16.04 based upon the record presently before it.

Appendix D

Suggested Motion to Deny the Application

Motion

I move that the Harrisville Township Planning Commission deny the requested Special Land Use Permit and associated Site Plan for the proposed Gustin Solar Energy Center.

Based upon the evidence contained within the record, I am unable to make the affirmative findings required for approval under Sections 3.22.C.4, 3.22.A.2, 3.22.C.1, 3.22.C.1.a, Sections 3.22.C.9 through 3.22.C.10, Chapters 15 and 16, and Section 16.04 of the Harrisville Township Zoning Ordinance.

The applicant has not carried its burden of demonstrating compliance with the mandatory ordinance standards governing visual screening, solar glare, project-specific operational documentation, groundwater monitoring, application completeness, fire protection, decommissioning and financial assurance, and compatibility with surrounding land uses.

The Planning Commission cannot make the affirmative findings required for approval, and the requested Special Land Use Permit and associated Site Plan should be denied.

This decision is based solely upon the standards contained within the Harrisville Township Zoning Ordinance and the evidence contained within the record. It is not based upon generalized support for or opposition to renewable energy or utility-scale solar development.