September 25, 2026

Harrisville Township Planning Commission
c/o Zoning Administrator Tony Atkinson
114 S. Poor Farm Road
Harrisville, MI 49740

RE: July 26, 2026 Grobbel Environmental & Planning Associates Land Use Planner's Comments, Proposed Gustin Solar Energy Center

Planning Commissioners:

Consumers Energy Company (Consumers Energy) submits this response to the July 26, 2026 comments of Grobbel Environmental & Planning Associates ("Grobbel") concerning the proposed Gustin Solar Energy Center in Harrisville Township. Consumers Energy appreciates the opportunity to clarify the record and address the ten findings identified in that review.

Before responding to Grobbel's numbered findings, we note that Grobbel has not identified any provision of the Harrisville Township Zoning Ordinance ("Ordinance") that prevents the Planning Commission from completing its review of Consumers Energy's application for special land use and site plan approval. Several of Grobbel's comments request studies, permits, or modeling assumptions that the Ordinance does not require at this stage. Consumers Energy requests that the Planning Commission continue its review of Consumers Energy's application on the merits with the understanding that the Planning Commission may impose reasonable approval conditions to ensure that any approvals and permits required from other agencies prior to ground disturbance or other construction activity are obtained.

Finding 1 | Basis for Township Zoning Ordinance

Grobbel asserts that the Township may not administer its zoning ordinance without a master plan. That is a sweeping assertion that has implications that extend well beyond Consumers Energy's pending application.

While section 203 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, does state that zoning regulations must be based upon a plan, a zoning ordinance is not invalid simply because a zoning jurisdiction lacks a current master plan as that term is defined by the Michigan Planning Enabling Act. The plan necessary to supporting a zoning ordinance can take a variety of forms. Grobbel has not offered any evidence that the Township's use-specific solar standards in Section 3.22 were drafted without regard to the planning considerations listed in MCL 125.3202(1).

The relevant question is whether the Gustin Solar Energy Center satisfies the requirements of Section 3.22 and other applicable provisions of the Ordinance.

Finding 2 | Wetlands Delineations and Surface Water Drainage Evaluation

The site plan identifies water features within and adjacent to the project site, including jurisdictional and non-jurisdictional wetlands. Neither Section 3.22 nor Article 16 of the Ordinance requires a separate wetland delineation report or surface water drainage evaluation as a prerequisite to administrative completeness or Planning Commission review. State wetland permitting is administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and permitting must occur before a regulated activity occurs. If EGLE determines that a Part 303 permit is required for a particular area of disturbance, Consumers Energy will obtain that permit before the regulated work begins. The Township may monitor Consumers Energy compliance with state wetland permitting requirements through an approval condition that requires Consumers Energy to submit copies of its state environmental permits.

Finding 3 | Timing of Part 303 Permit, If Required

Grobbel acknowledges that a Part 303 permit is only necessary if a development project involves filling, grading, or construction in a regulated wetland. Grobbel does not identify any specific component of Consumers Energy's proposed project that would require such a permit. Additionally, the Ordinance does not require a Part 303 permit to be issued before the Township acts on an application for special land use and site plan approval. Accordingly, the lack of a state permit at the time of local zoning permitting is not a proper basis for deeming the application administratively incomplete.

Finding 4 | Hydrogeological Study with Baseline Water Quality Assessment

This finding appears to pertain to Section 3.22.C.1.a of the Ordinance, which states "Ground water test submitted to Zoning Administrator prior to installation, upon completion of installation and annually until site restoration is complete."

It is Consumers Energy's position that this groundwater-testing requirement, as well-intentioned as it may be, is preempted by the state regulation under Parts 31 and 201 of the Natural Resources and Environmental Protection Act ("NREPA"). Setting aside the question of the enforceability of this requirement, Grobbel's finding misconstrues it. The provision describes groundwater testing that happens after a project is approved by the Planning Commission and reports that are administratively filed with the Zoning Administrator. There is no requirement for an application-stage hydrogeological study or baseline water quality assessment.

Grobbel's description of Part 17 of NREPA and its relationship to local zoning review is misleading. Part 17 authorizes citizen suits for declaratory or injunctive relief to prevent conduct that unreasonably impairs natural resources.

Consumers Energy's Spill Prevention Controls and Countermeasures ("SPCC") Plan will be submitted to the Zoning Administrator prior to the start of construction and if desired, also to the Township Planning Commission. Should this submittal be the pleasure of the Commission, such a submittal can be required as a condition of approval.

Finding 5 | Solar Glare Modeling

The Ordinance prohibits concentrated glare from being directed toward nearby properties or roadways but does not prescribe receptor heights, modeling parameters, or other assumptions.

Residential receptors at 6 feet represent the eye-level of a human observer standing outside the residence, while roadway receptors at 4 and 8 feet represent typical eye levels of drivers of personal and commercial vehicles, respectively. The glare analysis included with Consumers Energy's application was prepared using these widely accepted, industry-standard assumptions about the eye-level height of individuals standing at ground level and for drivers of cars and trucks.

Grobbel misstates the solar panel height assumed by the modeling software. It is not 5.5 feet. Among the values input into the model is the centroid height of the proposed solar panels. Centroid height is the halfway point of the total height of an object. Here, 5.5 feet represents the halfway point of the full-tilt height of the solar panels, which is 11 feet as represented in Consumers Energy's application materials. Thus, the glare modeling study accurately modeled the potential for glare caused by solar panels having a full-tilt height of 11 feet.

A 35-foot value is a maximum building height allowed in the agricultural zoning district, not an observer height. Nevertheless, Consumers Energy re-ran its glare analysis using a 35-foot eye-level height to evaluate the potential for a human elevated at maximum building height to experience consequential glare. The revised analysis also removed all previously modeled vegetation obstacles (simulating the clear-cutting of all trees on all nearby parcels) and increased the eye-level height of commercial truck drivers to 10 feet. These changes to the variables had no impact on the results; the model did not identify any new incidences of consequential glare.

Consumers Energy will deliver the results of its updated glare analysis to the Zoning Administrator prior to the October 7 Planning Commission meeting.

Finding 6 | Sound Modeling

The Ordinance requires sound to be measured at the property line of an adjacent non-participating lot but does not prescribe any specific modeling parameters or assumptions.

The sound modeling included all solar array inverters and predicts compliance with the Ordinance's 45 dBA limit at all adjacent non-participating lots.

The 5-foot modeled receptor height is consistent with accepted outdoor sound measurement guidance. ANSI S12.18 identifies a preferred measurement height of 1.2 to 1.8 meters, and ANSI S12.9 Part 3 generally identifies a microphone height of 1 to 2 meters except for multi-story structures. Five feet is approximately 1.5 meters. Grobbel offers no technical basis for modeling a sound receptor at a height of 35-feet.

Finding 7 | Traffic Study

The Ordinance provisions cited by Grobbel address driveway location and design, ingress and egress, internal circulation, and parking. They do not require a traffic impact study.

Project access drives are designed to the applicable Alcona County Road Commission requirements, including sight distance and spacing considerations.

Internal access will serve construction, maintenance, and emergency vehicles. Following construction, the facility will not have regular employees, customers, or routine deliveries. The submitted plans provide a sufficient basis to evaluate the standards in Sections 16.04(3) and 16.04(4). Any construction traffic controls or road-related requirements will be addressed with the Alcona County Road Commission.

Finding 8 | Compatibility with the Agricultural District

When the Township adopted Section 3.22, it necessarily determined that commercial solar energy systems are compatible with other land uses permitted in the Agricultural district, provided specified compatibility measures such as solar-specific setbacks, vegetative screening, sound level limits, decommissioning regulations, among others, are satisfied. Consumers Energy's application shows that those compatibility measures are met by its project. The record therefore provides a sound basis for the Planning Commission to find that the project will not conflict with the district's primary permitted uses or unreasonably foreclose future land uses in the Agricultural District.

Finding 9 | Decommissioning Security

The application includes a decommissioning plan and cost estimate. Consumers Energy has committed to providing financial security equal to 150 percent of the approved estimated removal cost, in a form approved by the Township, within the timing required by Section 3.22.C(10). Grobbel's finding adds nothing to what the Ordinance already requires.

Finding 10 | Part 17 of NREPA

As noted above, Part 17 of NREPA provides a judicial cause of action concerning pollution, impairment, or destruction of natural resources. Part 17 has no bearing on the content of Consumers Energy's application for special land use and site plan approval or the Planning Commission's review and decision on the application.

The Planning Commission must follow the Ordinance and make findings based on the substantial, material, and competent evidence in the record. Nothing in Grobbel's review demonstrates that approval of the project would violate a specific substantive standard in the Ordinance.

Conclusion

Grobbel raises issues that can be evaluated under the existing record or addressed through customary conditions related to preconstruction permitting and compliance with the Ordinance. It does not establish that the application is administratively incomplete or that the project fails the applicable site plan and special land use standards.

Consumers Energy remains available to answer questions and to provide focused supplemental information that the Planning Commission determines is necessary to evaluate compliance with an identified Ordinance standard.

Sincerely,



Peter Wyckoff
Project Development Manager
Clean Energy Project Development