

PETITION FOR
CONDITIONAL USE
BEFORE THE BOARD OF SUPERVISORS
OF
NORTH ANNVILLE TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA

CASE # _____

DATE: _____

APPELLANT/PETITIONER/APPLICANT(S): Lebanon Solar I, LLC

ADDRESS: 191 University Boulevard, Suite 667, Denver, CO 80206

PROPERTY LOCATION: See Attached

OWNER(S): See Attached

ADDRESS: See Attached

Reasons for Petition:

Applicant is submitting this Petition for Conditional Use for the purpose of obtaining approval for a Solar Farm, pursuant to the North Annville Township Zoning Ordinance, as amended. All of the properties included are located in the Agricultural Zone (with the exception of approximately 3 acres of land on the Baer Brothers Farms property).

Ordinance Requirements/response:

“1. No Solar Farm may be established upon any farm land or Agriculturally Zoned land which has an Agricultural Conservation Easement filed against it which remains in effect.”

None of the properties are subject to Agricultural Conservation Easements. Applications had been submitted to be enrolled in the Agricultural Conservation Easement program, but those applications have been or will be withdrawn from consideration by the property owners.

“2. The minimum lot size for the establishment of any Solar Farm shall be fifty (50) acres.”

The total project boundary area, including parcels over which there will only be linear transmission easements, is proposed to be approximately 1,234 acres. It is estimated that approximately **480 acres** of the total project will have solar panels installed. The balance of the acreage included in the project footprint will not have solar panels installed.

“3. The solar panels and/or other implements used in the construction and structure of the Solar Farm, including, but not limited to, any solar panels shall be set back a minimum of fifty (50) feet from any adjacent lot line.”

The Applicant proposes to maintain a setback for solar panels of fifty (50) feet from any adjacent lot line of a non-participating landowner. However, the Applicant is in the process of securing a waiver from participating landowners to waive the setback requirement between their respective properties in order to permit a continuous field of solar panels across the property lines of adjacent participating properties, where applicable.

“4. A permanent evergreen vegetative buffer must be provided or fencing which accomplishes the same purpose of buffering.”

Applicant will provide the requisite buffering from non-participating property owners. However, the Applicant is in the process of securing a waiver from participating landowners to waive the buffering requirement between their respective properties in order to permit a continuous field of solar panels across the property lines of adjacent participating properties.

“5. The maximum lot coverage may not exceed fifty (50%) percent of the total lot size.”

The project will not exceed fifty (50%) of the total lot size of the project footprint. The solar panels to be installed will not cover the ground itself and the Applicant intends to follow the guidance provided by the Pennsylvania Department of Environmental Protection, including:

- a. The project will minimize earth disturbance and grading activities, and preserve or restore natural vegetative cover.
- b. The vegetative cover must have a minimum uniform 90% perennial vegetative cover, with density capable of resisting accelerated erosion and sedimentation. Meadow conditions are preferable, but if the vegetative cover must be mowed, it will not be cut less than 4 inches in height; further, the vegetative cover will not be subject to chemical fertilization or herbicide/pesticide application.
- c. The individual solar panels within an array will be arranged in a way that allows for growth of vegetation beneath the panel and between arrays, and that minimizes concentrated runoff by allowing passage of runoff between each module.
- d. Ground-mounted solar panels will be supported with structures/foundations that require little earth disturbance for installation and construction. The majority of the vertical supports for the arrays will be pile-driven into the ground so as not to require any excavation and earth disturbance.
- e. The lowest vertical clearance of the solar array will be 10 feet or less from the surface of the ground, but high enough to promote vegetative growth below the array.

“6. The Applicant must demonstrate that it has adequate liability insurance in minimum amounts of one million (\$1,000,000.00) per incident and two million (\$2,000,000.00) per aggregate.”

The Applicant will provide proof of such insurance, preferably at time the building permit application is submitted.

“7. The Applicant must demonstrate and provide adequate bonding to remain in place to be used by the Township if the Applicant ceases operation and fails to remove the panels and

other implements related to the use within one hundred and eighty (180) days of the cessation of operation.”

The Applicant has a bonding requirement in its lease agreements with the landowners and will add the Township as an additional beneficiary to the bond as a condition of the issuance of a building permit, if approved, so as to provide for the removal of the improvements within one hundred eighty (180) days of the cessation of the operation of the solar farm should the Applicant or its successor operator at the time fail or refuse to do so.

“8. The Applicant must have an approved Stormwater Management Plan as required by the Lebanon County Stormwater Management Ordinance.”

Upon receiving approval for this conditional use, conditioned on this requirement, Applicant will obtain the requisite Stormwater Management Plan approval and provide it to the Township as a part of the Land Development Plan approval process.

Fee of \$ _____ received on _____ Check #

I hereby certify the above to be correct and accurate. Furthermore, I waive my right to have a stenographic record of the hearing proceedings; in lieu thereof, I agree to the utilization of a sound recording tape to record the proceedings of the hearing. I further agree to payment of a fee of \$3.00 per page of hearing transcript, upon appeal of any decision in conjunction with this case and will pay the required minimum deposit fee.