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The North Annville Township Board of Supervisors met at the Water Works Fire Hall at 6:30 p.m. on September 23, 2021 for the purpose of a public hearing. All members were present. Also present was: see attached attendance sheet in minute book.

Randy Leisure, Chairman, called the meeting to order at 6:30 p.m. Randy stated that the purpose of the hearing is for the supervisors to receive comments on the proposed Commercial Solar Use Ordinance no. 1-2021. Paul Bametzreider, Township Solicitor, stated that comments should be limited to the proposed ordinance and it's provisions.

Joe Miller was declared out of order after making multiple comments unrelated to the proposed ordinance.

Sue Forney questioned procedure, to which Paul replied that this hearing is being held under section 10609 of the Municipalities Planning Code. Upon completion of the hearing, the ordinance can be advertised for adoption at the October 11 regular monthly meeting of the supervisors.

For Planning Commission comments, Randy stated that certain setback wording in item #3 is confusing and suggested that the words "within a residentially zoned property" be removed, as this will clarify the language without changing the intent.

Sue Forney questioned whether or not substations and switching stations are the only types of structures. John Shaver questioned if provisions for battery houses should be included. Grady Summers stated that we are not discussing any specific plans and Randy stated that conditions to protect public health can be added at a later point in time. Paul cautioned against being too broad with the ordinance.

Brent Kaylor stated that he has two pages of comments related to the proposed ordinance. He began by stating that a reference to "Section 5.22" on page 2, section 2 should instead reference "Section 522."

Brent then suggested removing the entire section 4 regarding Municipalities Planning Code (MPC) procedure and referencing section 913.2 of the MPC in section "O" of the ordinance, in order to ensure that there is never a conflict between the ordinance and the MPC. Paul stated that section 4 was added because of residents' concerns; however, the removal of section 4 would be an option. Paul's concern with removing it would be the need for an additional hearing.

Brent continued by stating that the page 3, paragraph 2 language is overly restrictive because it states that the lot must be entirely in the township Agricultural zoning district. As such, having 6 of 100 acres zoned as R1 would disqualify a landowner from installing a solar farm on his or her land. Julie Kaylor questioned whether or not the supervisors could rezone a portion of every property as residential in order to disqualify every property owner from installing solar farms. Paul replied that it is not that simple, as rezoning is a process and the supervisors can't just arbitrarily rezone land.

Brent stated that page 4, paragraph 4 doesn't specify who selects the professional engineer or who pays for the assessment. Paul stated that the property owner or applicant would have an engineer and so would the Township. The applicant's engineer would submit an estimate for review by the County engineer on behalf of the Township.

Brent continued by stating that he believes the 25% lot coverage on page 4, paragraph 5 is unreasonable and will result in solar sprawl throughout the Township. He believes that it would

be better to change the eligible size of farms or allocate a total percentage of land in the Township for solar use. He also believes that the lot coverage defined in this section should include only the area actually covered by solar panels as well as any other impervious structures or pavements that form a part of the solar use. Other existing buildings should be precluded.

Brent continued by questioning the meaning of the independent agency language on page 4, paragraph 6. Paul stated that the intention is for an independent insurance agency. Brent questioned who would select the independent insurance agency, to which Paul replied that initially the agency would be chosen by the operator, after which the Board could choose the agency. Julie questioned whether or not a word or two could be added if it didn't change the intent of the ordinance, to which Paul replied that there is a fine line.

Brent continued by suggesting that page 5, paragraph 7 be revised to read "...all costs necessary to remove a defunct or non-functioning solar use (solar panel system and all implements related to the use) and return the land to its original state."

Brent continued by suggesting that page 5, paragraph 8 be revised to read "The applicant must install and maintain a stormwater management plan as required and approved by the Lebanon County Stormwater Management Ordinance." Aaron Miller stated that the existing words "must have" mean that the applicant must have the plan at the time of the hearing. Aaron continued by stating that the conditional use hearing is a detailed review of plans for things such as, but not limited to, the substation, types of panels and battery storage. In the absence of detailed plans, the applicant could simply do sketch plans.

Brent continued by suggesting that the words "by a sound level meter" be inserted following the word "measured" on page 5, paragraph 9.

Brent questioned why the Township is requiring a key on page 5, paragraph 10. Grady Summers replied that the intent is just for the Township to know who has a key, not for the Township to physically possess a key. Randy stated that the language is ok as written.

In reference to page 6, paragraph 11, Brent questioned the meaning of concentrated solar radiation, to which Paul replied that the language is ok as written.

Brent continued by referring to page 8, sections 5 & 6 by stating that there is no section title and they should be another condition of the conditional use.

Joe Miller questioned who will be checking to ensure that codes are being followed, to which Randy replied that all codes must be followed, with inspections to be performed by a qualified engineer. Paul stated that the Lebanon County Planning Department is the Township's zoning enforcement officer who will be responsible for enforcing the provisions of the Zoning Ordinance.

Randy stated that numbers 5 & 6 are out of order and that he gets lost by the numbering in the ordinance. Paul stated that what's occurring is that the numbers are related to the letters. Paul continued by stating that he will do some reformatting and add headings for numbers 5 & 6.

Grady Summers stated that he supports the proposed ordinance and continued by stating that it is well done and still allows for hundreds of acres of solar use.

Paul stated that he would have no problem with removing section 4. Chanda Tshudy stated that if section 4 is removed, a change in the Municipalities Planning Code would automatically apply to the ordinance and we are then counting on the state to decide for us. Paul stated that Chanda has a valid point, even though he doesn't foresee any massive changes from

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the state.

John Shaver stated that he likes what the supervisors have done with input from the community and Larry Buffenmeyer agreed.

The supervisors proceeded to take a recess from the hearing.

Coming back on the record following the conclusion of the recess, Paul stated as per public comments and the Board's understanding, the following amendments will be made to the proposed ordinance:

- (1) The period or dot on page 2, paragraph 2, letter O will be removed
- (2) On page 3, paragraph 3, the words "within a residentially zoned property" will be struck
- (3) Page 5, paragraph 7 will be amended to read "...all costs necessary to remove a defunct or non-functioning solar use (solar panel system and all implements related to that use) and return the land to its original state."
- (4) The words "by a sound level meter" will be added between "measured" and "from" on page 5, paragraph 9.
- (5) Headings will be added to numbers 5 & 6 on the second to last page
- (6) Grammar will be corrected

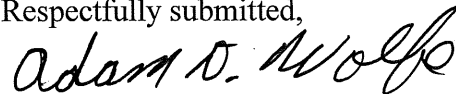
Randy stated that Paul's understanding of the proposed revisions is correct.

Adam made a motion to advertise the proposed commercial solar use ordinance, with the revisions as outlined by Paul, for consideration, passage and adoption at the October 11, 2021 regular monthly meeting of the Board of Supervisors. Clyde 2nd the motion, motion carried.

Randy stated that there is currently no set date for the Lebanon Solar Conditional Use Hearing. Paul stated that Lebanon Solar's attorney is attempting to obtain proposed hearing dates from Lebanon Solar. Randy stated that the Township will send proposed dates to Lebanon Solar if we do not hear from them by October 11.

There being no further business, the hearing was adjourned at 7:41 p.m.

Respectfully submitted,



Adam D. Wolfe, Secretary