PALMYRA TOWNSHIP – WAYNE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF LARGE-SCALE (PRINCIPAL) SOLAR ELECTRIC ENERGY FACILITIES AS WELL AS OTHER LARGE SCALE SOLAR ENERGY FACILITIES

SECTION 1: TITLE

This Ordinance shall be known as the Palmyra Township's Principal Solar Electric Energy Facility Ordinance.

SECTION 2: PURPOSES

The statutory intent of this Ordinance is to adopt reasonable building, operational, and decommissioning requirements of all large-scale (*principal*) solar electric energy facilities as well as other large-scale (*principal*) solar energy facilities to be located within the Township, and to set forth safety standards, all of which are intended to protect the public health, safety and welfare of the residents of Palmyra Township, as well as the owners of property within the Township.

SECTION 3: DEFINITIONS

A. "Applicant" is the Landowner or Developer and includes their heirs, successors and assigns, who has filed an application for development of a Principal Solar Electric Energy Facility under this Ordinance.

B. "Facility Owner" means the person or entity having an equity interest in the Principal Solar Electric Energy Facility, including their heirs, successors and assigns.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Principal Solar Electric Energy Facility.

D. Principal Solar Electric Energy Facility means a Large-Scale Solar Electric Energy Facility, whose main purpose is to generate and supply electricity and consists of one or more Solar Electric Systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities for sale or transmission into the electric grid as well as systems that capture solar energy and convert it to thermal power. These facilities shall not include Accessory Solar Electric Energy Systems meant for residential or commercial on-site usage, even if excess electricity is fed into the grid. ***Any system over 1 megawatt will be considered Large Scale.***

E. "Solar Electric / Energy System" means the components and subsystems that, in combination, convert solar energy into electric energy suitable for use. The term includes but is not limited to photovoltaic and concentrated solar power systems.

F. "Solar Farm". The location of the Principal Solar Energy Electric Facility. The solar farm shall be located on a parcel or combined parcels of land with a minimum acreage of Fifty (50) acres.

SECTION 4. <u>APPLICABILITY</u>

A. This Ordinance applies to any Principal Solar Electric Energy Facility proposed to be constructed after the effective date of the Ordinance. Any pending application for a Principal Solar Electric Energy Facility shall be subject to the requirements and conditions of this Ordinance under the Pending Ordinance Doctrine.

B. A Principal Solar Electric Energy Facility constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modification or alteration to an existing Principal Solar Electric Energy Facility that materially alters the size, type or components of the Principal Solar Electric System shall require a permit under this Ordinance. Routine operation and maintenance or like-kind replacements do not require a permit.

SECTION 5. PERMIT REQUIREMENTS

A. No Principal Solar Electric Energy Facility, or addition of a Solar Electric System to an existing Principal Solar Electric Energy Facility, shall be constructed or located within Palmyra Township, Wayne County, Pennsylvania, unless a permit has been issued to the Facility Owner or Operator approving construction of the Principal Solar Electric Energy Facility under this Ordinance.

B. A Principal Solar Electric Energy Facility is considered a Conditional Use in their allowed Districts (C-1 & I -1) and as such a Conditional Use Permit Application with accompanying documentation will be required with the fee amount of the current Non-Residential Conditional Use Application.

C. Any physical modification to an existing and permitted Principal Solar Electric Energy Facility that materially alters the size, type and number of Solar Electric Systems or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

D. No permit shall be issued for a Principal Solar Electric Energy Facility unless the minimum lot size (Fifty Acres) for a solar farm is depicted and thereafter verified on the permit application.

SECTION 6. PERMIT APPLICATION

A. The permit application shall demonstrate that the proposed Principal Solar Electric Energy Facility will comply with this Ordinance.Among other things, the application shall contain the following:

1. A narrative describing the proposed Principal Solar Electric Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Principal Solar Electric Energy Facility, the approximate number, representative types and height or range of heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.

2. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Principal Solar Electric Energy Facility is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the Principal Solar Electric Energy Facility ("Participating Landowner Agreement"). As a conditional requirement, the Facility Owner must provide a copy of an interconnection agreement with PJM and/or PPL and/or such other utility entity.
3. Identification of the properties or portions thereof on which the proposed Principal Solar Electric Energy Facility will be located, and the properties adjacent to where the Principal Solar Electric Energy Facility will be located. Identification shall include the name of the current property owner of the property proposed for the contemplated facility as well as all other adjoining owners by name and tax parcel numbers. Identification shall also include any properties situated on any adjoining state or township roadway, for which the adjoining property owners share a common boundary line with the property upon which the facility is proposed.
4. A site plan showing the planned location of each Principal Solar Electric Energy Facility property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Principal Solar Electric System to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
5. Documents relating to decommissioning, including a schedule for decommissioning. The projected cost of decommissioning must be set forth with supporting estimates by a qualified expert or company. A bond in the amount determined by the qualified expert will be necessary as stated in Section II – Decommissioning, letter D of this document.
6. Such other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by the Palmyra Township Board of Supervisors recommended by the Township Engineers to ensure compliance with this Ordinance.

B. Within thirty (30) days after receipt of a permit application, Palmyra Township will determine whether the application is complete and advise the applicant accordingly.

C. Within sixty (60) days of a completeness determination, Palmyra Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

D. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Palmyra Township will make a decision whether to issue or deny the permit application.

E. Throughout the permit process, the applicant shall promptly notify Palmyra Township of any changes to the information contained in the permit application.

F. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

SECTION 7. <u>DESIGN AND CONSTRUCTION</u>

A. Design Safety Certification: The design of the Principal Solar Electric Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRC), ETL, Florida Solar Energy Center (FSEC) or other similar certifying organizations.

B. Uniform Construction Code: The Principal Solar Electric Energy Facility and the Solar Electric System shall be constructed to and comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they related to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.

C. Visual appearance: Power Lines:

1. Principal Solar Electric Energy Facilities shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.
2. Principal Solar Electric Energy Facilities shall not display advertising on required fencing. Manufacturer identification plates are allowed on structure, as well as information of the facility owner and signs relative to safety and voltage warnings.
3. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

D. Fencing and Warnings:

1. A Principal Solar Electric Energy Facility shall be enclosed by a fence with a minimum height of Eight (8) feet, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. Welding wire fencing is preferred over chain link fencing.
2. Clearly visible warning signs shall be placed on the fence, barrier or Principal Solar Electric Energy Facility perimeter to inform individuals of potential voltage hazards.
3. Additional Visual Appearance Requirements:

Where in the judgment of the Board of Supervisors, and concerns of neighboring property owners, natural vegetation may be required along the perimeter fencing. In the event that natural vegetation is dead, it shall be replaced within ninety (90) days of said event, or in the event of winter, by the first of May.

E. Entrance Road

The Applicant shall depict the location of any entrance to the proposed solar farm upon an accompanying map to the application. The entry road shall be a minimum of Sixteen (16) feet wide with a Four (4) foot shoulder on each side. The entry road is to be maintained by the facility owner to provide access for any emergency vehicles.

SECTION 8. SETBACKS

A. Property lines: All Principal Solar Electric Energy Systems shall be located within the current parcel required setback boundaries. These distances shall be measured from the closest edge of the Principal Solar Electric Energy System to the property line. All stated improvements must be within set back boundaries.

B. A Principal Solar Electric Energy Facility shall be sited in such a way that it presents no threat to traffic or to public health and safety.

SECTION 9. NOISE

The Solar Electric Energy System shall be designed and otherwise positioned so as to limit the amount of noise emitted to neighboring properties as much as reasonably capable.

SECTION 10. OWNERSHIP CHANGES

Any change of ownership of the Facility Owner whether by deed and/or transfer of shares of a corporate entity and/or of a limited liability company, whether in whole or fractional part, shall require notification to the Township within thirty (30) days of said transfer occurrence and shall conform to the provisions of this ordinance.

SECTION 11. DECOMMISSIONING

A. The Facility Owner and Operator shall, at their expense, complete decommissioning of the Principal Solar Electric Energy Facility or individual Solar Electric System within twelve (12) months after the end of the useful life of such Facility or System. A Principal Solar Electric Energy Facility or System will be premised to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months unless under repair or renovations.

B. Decommissioning shall include removal of all Solar Electric Energy Systems, buildings, cabling, electrical components, roads, foundations and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. The estimated cost of decommissioning shall be secured by a Bond or such other security to ensure the completed decommissioning of the Solar Electric Energy components. The amount of the bond shall be adjusted if necessary every three (3) years to adjust for the estimated cost of decommissioning with factoring inflation costs as well as any further salvage values for component.

SECTION 12. REMEDIES

A. It shall be unlawful for any person, firm or corporation to violate or fail to comply with or take any action that is contrary to the terms of this Ordinance or a permit issued under this ordinance or cause another to violate or fail to comply, or take any action which is contrary to the terms of this Ordinance or a permit issued under this Ordinance.

B. If, after thirty {30) days from the date of the notice of violation, Palmyra Township determines, in its discretion, that the parties have not resolved the alleged violation, Palmyra Township may institute civil enforcement proceedings or any other remedy at law or in equity to ensure compliance.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect within five (5) days of enactment.

ORDAINED AND ENACTED this _____ day of _____, _____.

Attest: PALMYRA TOWNSHIP BOARD OF SUPERVISORS:

Secretary Shayla Gouger	Supervisor Peter Steffen
Supervisor Joseph Kmetz	Supervisor Richard Hillreigel