

**TULPEHOCKEN TOWNSHIP JOINT PLANNING COMMISSION
AND BOARD OF SUPERVISORS MEETING**

March 2, 2023

Present: Planning Commission Members: Scott Hetrick, Laverne Frey, Robert Sattazahn, John Zimmerman and Gary Deck. Also Board of Supervisors members Gary Deck, Lester Feick and Harold Zimmerman. Township Solicitor- Michelle Mayfield, Township Engineer- Matt Mack and Planning Commission Secretary- Lisa Care

The Planning Commission meeting began at 7:35 p.m. and continued with the pledge to the American Flag.

Robert Sattazahn made a motion to approve the minutes from the February 2, 2023 Planning Commission meeting, seconded by Laverne Frey and approved unanimously.

Public Comments: None.

Active Plans: None

New Plans: None

A walk in discussion was held by a Resident regarding the hazards of rotten, standing trees along Route 419 near Stone Road. He reported that one tree fell a week ago on a Thursday evening and fell across the road. Cars were lined up on both sides of the roadway until the debris was cleared. The Resident's main issue is that there are still a couple of standing dead trees remaining along the road in this area which creates safety and hazardous conditions. The Resident did file a report at the Township Building last week and also contacted the electric company which they said the property owner is responsible. Route 419 is a PennDot road and the Township Solicitor suggested notifying PennDot and also contacting the property owner and following up with a letter of the notification and letting the property owner know that PennDot was contacted as well.

It was agreed to ratify any final action at the Board of Supervisors meeting to be held on Wednesday, March 8, 2023.

Other Business:

- a. **Solar Ordinance. Joint meeting with the Planning Commission members and Board of Supervisors to further discuss this topic and update ordinance.**

This is a continuation of discussion on this topic from the previous month's joint meeting. The Township Engineer provided multiple plans and maps indicating least productive farmland, preserved farms, prime soils, steep slopes, etc to help determine best areas for solar arrays. The maps do not take into consideration any areas that are wooded. The majority of our Township is prime soils as we do not have much industrial. Community solar is typically 25-70 acres, 30 acres on an average. Concerns are steep slopes, clearing of trees, glare and burnout from reflection. The Township Engineer stated there is minimal disturbance on flat land installations and the cost of areas with slopes will require storm water. The Township Engineer stated that ordinance can specify a certain amount of tree removal per the size of the property as solar panel installs are not tree farming or timbering of the wood. For a

commercial operation, the Township Solicitor stated that the surface area of all solar panels for any related structure should not exceed 20 percent of the lot area. Also stated that a six foot fence would be a requirement, starting six inches from the bottom and screening to a minimum height of six feet. Driveway paving, at a minimum, to be paved to the gate for accessibility. Also the members discussed setbacks to be set at 50 feet in the front, 50 feet to each side of the property and 50 feet to the rear for the panels or any associated structures. Fencing and screening setbacks to be set at 15 feet and then an additional 35 feet for the panels and any associated structures.

One of the planning commission members questioned what happens when these panels are no longer operational. If they are inactive for 6 months, then decommissioning must start. As listed in the minutes from last month's meeting, the Township establishes a decommissioning agreement and escrow, which is reviewed every 5 years, to assure the Township has the funds to remove the equipment if the facility owner or operator fails to complete decommissioning. The escrow is 125% of the estimate of decommissioning and this estimate is adjusted if necessary at each review.

Currently solar panels are not PUC protected and therefore are exempt from zoning. All solar farms are by special exception and go through a hearing. Two of the planning commission members drew an overlay section from Cherry Hill road, Four Point road, Teen Challenge road down to Deck road to identify as an area for solar. The name "Green Energy Overlay" was assigned to this identified district for solar farms.

Review of amendments:

20 percent of the panels of the lot area
50 foot setbacks for panels and/or associated structures for front, side & rear of property
15 foot setbacks for fencing
6 foot fencing and vegetative screening to be provided to prevent glare
After one year of installation, the landscaping should be re-evaluated to identify any burnout and install additional landscaping if necessary.

The Township Engineer will update a map with the overlay district and the Township Solicitor will update the ordinance.

John Zimmerman made a motion to amend the agenda to include April Planning Commission meeting date, seconded by Robert Sattazahn and approved unanimously.

Laverne Frey made a motion to reschedule the April 6, 2023 meeting to April 3, 2023, seconded by John Zimmerman, approved unanimously.

Ratify at Board of Supervisors on Wednesday, March 8, 2023.

b. Wireless Communications Facilities.

The Township Solicitor provided a draft of a Zoning Ordinance Amendment regarding wireless communication facilities for compliance with Act 50. It was agreed to further review and discuss this draft at the combined Planning Commission and Board of Supervisors meeting to be advertised and held on March 2, 2023.

There are three types of wireless communication facilities; Towers, non-towers (such as church steeples) and small wireless (which is on utility poles and in use of right-of-ways). The Township has some control but not a lot. Need to secure financial security for the removal of non-towers. The Township fees are set by resolution that were passed last time for the amount

of funds to the Township for towers. Township gets application fee plus yearly fee for tower but not a right-of-way fee. The Township Solicitor will confirm the fees as well as a Township road versus a State road right-of-way. This ordinance will roll into the solar ordinance as there is not much for discussion.

c. Animal Units.

Any Resident having animals for use as therapy shall obtain a letter from their Doctor as such per our Township Solicitor. It was discussed to amend the regulation to be the same per acre regardless of the total parcel size. The Township Solicitor stated to define animal equivalent unit (AEU) of 1,000 pounds of live weight of animals on an analyzed basis regardless of the actual number of individual animals comprised in a unit. These units shall be calculated as provided under the Pennsylvania nutrient and owner management act regulations. For purpose of this calculation the acreage shall include land suitable for the application of manure which may include rented or leased land outside of the parcel of the agricultural operation it is located, including outside the Township and such acreage that may not be physically connected.

Gary Deck made a motion to recommend to the Board of Supervisors to amend the ordinance to make a change of an animal unit per acre regardless of total parcel size with a description of what an animal unit is and the need to have a nutrient management plan, seconded by Robert Sattazahn and approved unanimously.

For the Board of Supervisors, Harold Zimmerman made a motion to authorize the Township Solicitor to draft an amendment of the zoning ordinance to make a change of an animal unit per acre regardless of total parcel size with a description of what an animal unit is and the need to have a nutrient management plan, seconded by Lester Feick and approved unanimously (3-0).

d. Tulpehocken Area School District parking lot plan.

This will not be land development as no buildings are associated with it. The School District is looking for a waiver to not require an escrow because they are a public entity. Per the Township Solicitor and Engineer, an inspection agreement would still be required to cover the costs for 10 years, so an escrow for that per the ordinance needs to be obtained and also a maintenance agreement that they will maintain it with a storm water plan, U&O and zoning permit.

The Township Engineer will prepare a letter for the Board of Supervisors to review for the waiver request at the meeting scheduled for March 8, 2023.

Laverne Frey made a motion to adjourn the meeting at 10:00 p.m., seconded by John Zimmerman and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Lisa Care, Planning Commission Secretary