

**TOWNSHIP OF HEMLOCK**  
**ORDINANCE NO. 05-10-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HEMLOCK, COLUMBIA COUNTY PENNSYLVANIA, AMENDING ORDINANCE 1-11-2014, §27, ZONING, IN HEMLOCK TOWNSHIP.**

**NOW THEREFORE**, be it enacted and ordained, and it is enacted and ordained, by the Board of Supervisors of Hemlock Township, to amend the Hemlock Township Codified Ordinance (11-11-2014), Chapter 27, Zoning, Ordinance Number 8-9-2005 as follows:

- I. Hemlock Township Codified Ordinance (11-11-2014), Chapter 27, Zoning, Ordinance Number 8-9-2005, § 27-436. Solar Energy Facility; as amended by Ord. No. 03-09-2021 shall be deleted in its entirety and shall be replaced with the following:

Part 4, Supplementary Use Regulations. Amend the following Section;

**§ 27-436. Solar Energy Facility.**

1. Accessory Solar Energy Systems (ASES) or stand-alone solar arrays or solar roof panels constructed primarily for residential or individual use may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.

2. Principal Solar Energy Facilities may be permitted only in those districts and as specified in the "District Regulations," Part 3. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable state or federal regulations.

A. Permit Requirements for PSES Solar Energy Facilities.

(1) No person or entity shall construct, install, or otherwise operate a PSES, solar energy facility, without first securing a zoning permit from the Hemlock Township Zoning Officer.

(2) Any physical modification to an existing and permitted solar energy facility that materially alters the size, type, and number of solar collectors or other equipment shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

(3) No person or entity shall begin decommissioning a PSES, solar energy facility, without first securing a zoning permit from the Hemlock Township Zoning Officer.

B. Permit Application. At a minimum, the application

shall contain the following:

(1) A narrative describing the proposed solar energy facility, including an overview of the project; the project location; the approximate generating capacity of the solar energy facility; the approximate number, representative types and height or range of heights of solar collectors to be constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the solar energy facility.

(3) Identification of the properties on which the proposed solar energy facility will be located, and the properties adjacent to where the solar energy facility will be located.

(4) A site plan showing the planned location of the solar collectors, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the solar energy facility to the substation(s), ancillary equipment, buildings and structures, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(5) Documents related to decommissioning.

(6) Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Hemlock Township to ensure compliance with this Chapter.

### 3. Design and Installation.

A. Design Safety Certification. The PES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory

(ETL), or other similar certifying organizations, and shall comply with all other applicable fire and life safety requirements.

B. Uniform Construction Code. To the extent applicable, the solar energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 - 403.142.

C. Electrical Components. All electrical components of the solar energy facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

D. On-site transmission and power lines between solar collectors shall, to the maximum extent practicable, be placed underground.

E. Glare.

(1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(2) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

F. Safety/Warning Signage. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSES shall be locked to prevent unauthorized access or entry.

G. Signage. No signage other than the manufacturer's name/identification shall be on equipment.

H. Fencing. Prior to construction of the collectors, the facility owner shall install and thereafter maintain a security fence around the entire perimeter of the solar energy facility, which shall be between six (6) and ten (10) feet in height.

I. Setbacks. Solar collectors, inverters, and any other structures constructed or located in the developed area shall comply with principal structure setback requirements of the District. Where adjacent tracts, whether under the same or different ownership, are being developed for a PSES by the same developer, under the same lease terms, property line setback requirements between these adjacent properties may be zero feet from the

property boundary; provided, the adjacent owners submit in writing, to Hemlock Township, that these adjacent parcel owners wish to have zero feet setbacks from their adjacent property lines imposed on this PSES development.

J. Noise Management. A Noise Management Plan that address noise produced during construction and during the facilites operation, to be approved by the Planning Commission, shall be included with the SALDO application.

(1) The Plan at a minimum shall seperately address noise during construction and facility operations and include, migigation, an assessment of the noise that will emulate at the permeter fence and the contact information for the individual who is responsible for implimentation and complaince both during construction and operations.

(2) The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.

(3) During operation of the PSEF, audible sound shall not exceed a maximum of 60 dBA during daytime hours and 55 dBA during nighttime hours as measured at the exterior of any occupied building on a non-participating landowner's property.

K. Screening and buffering. Ground mounted PSEF shall be screened and buffered in accordance with the following standards.

(1) Vegetative buffering, to the extent practical, shall be installed around the entire perimeter of the PSEF installation, except where the reviewing body determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer or where the reviewing body determines that the solar panels cannot be viewed from a public roadway or residential building.

(2) The vegetative buffering, shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within fifty (50) feet of the required fencing.

(3) Vegetative buffering should be designed to emulate the mix of native species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the PSEF is proposed. The applicant shall assess the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the PSEF and document that the vegetative buffering is designed to emulate these characteristics. Arborvitae may be used as vegetative buffering.

(4) No less than 20% of vegetative buffering plantings shall be pollinator friendly species.

(5) Vegetative buffering shall be selected to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within thirty-six months of the installation of the PSEF.

(6) A combination of Natural topography and vegetation can serve as a buffer, provided that the PSEP will not be visible from public roads, public parks or existing residences on surrounding properties. Earthen berms may not be created to serve as a buffer.

(7) The buffering requirements of this section shall supersede the provisions of the Hemlock Township Zoning Ordinance and Subdivision and Land Development Ordinance as they may pertain to PSEFs.

#### 4. Use of Public Roads.

A. The applicant shall identify all state and local public roads to be used within Hemlock Township to transport equipment and parts for construction, operation, maintenance, and decommissioning of the solar energy facility.

B. The Hemlock Township Engineer, or a qualified third-party engineer hired by Hemlock Township and paid for by the applicant, shall document road conditions prior to construction or decommissioning. The Engineer shall document road conditions again 30 days after construction or decommissioning is complete, or as weather permits.

C. The facility owner shall be required to bond all roadways utilized in the development, construction, maintenance, and decommissioning of the project in accordance with Chapter 15, Part 3, Motor Vehicle Weight Limitation and Bonding, of the Hemlock Township Code of Ordinances.

D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

#### 5. Local Emergency Services.

A. The applicant shall provide a copy of the project summary

and site plan to local emergency services, including paid or volunteer fire departments.

B. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.

6. Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars in the aggregate. Certificates shall be made available to Hemlock Township upon request.

7. Decommissioning.

A. The facility owner and operator shall, at its expense, complete decommissioning of the solar energy facility, or individual solar collectors, within 12 months after the end of the useful life of the facility or individual solar collectors. The solar energy facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

B. Decommissioning shall include removal of solar panels or collectors, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

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

D. An independent and certified professional engineer shall be retained by the facility owner and operator to estimate the total cost of decommissioning ("decommissioning costs") without regard to salvage value of the equipment and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to Hemlock Township as part of the SALDO application, and every fifth year thereafter. The facility owner shall be responsible for Hemlock Township's cost in the review of the decommissioning costs.

E. Hemlock Township shall require the facility owner to post and maintain decommissioning funds in an amount equal to net decommissioning costs at the time of SALDO approval. The facility owner shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25

percent of the total decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating property owner posting the financial security; provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Hemlock Township.

F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance as may be acceptable to Hemlock Township.

G. If the facility owner fails to complete decommissioning within the period prescribed by Subsection 6A, then the property owner shall have six months to complete decommissioning.

H. If neither the facility owner or operator, nor the property owner complete decommissioning within the periods prescribed by Subsections 6A and 60, then Hemlock Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating property owner agreement to Hemlock Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that Hemlock Township may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated, and Hemlock Township concurs, that decommissioning has been satisfactorily completed, or upon written approval of Hemlock Township in order to implement the decommissioning plan.

#### 8. Public Inquiries and Complaints.

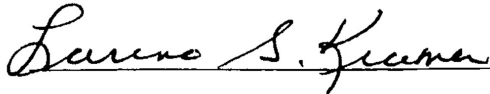
A. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

B. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

- II. Hemlock Township Codified Ordinance (11-11-2014), Chapter 27, Zoning, Ordinance Number 8-9-2005, Table of Uses (Section 27, Attachment 3:2) shall be amended to add Solar Energy Facility under Institutional section as a Conditional Use in the column for the Agricultural (A) District.
- III. Hemlock Township Codified Ordinance (11-11-2014), Chapter 27, Zoning, Ordinance Number 8-9-2005, Table of Uses (Section 27, Attachment 3:2) shall be amended to add Accessory Solar Energy Facility as a permitted use in all Districts under the Accessory Section.
- IV. **Effective Date:** This Ordinance shall be in full force and effect from and after the five (5) days following the enactment.

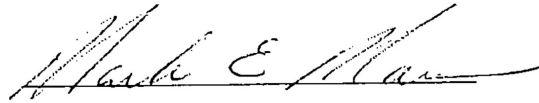
ENACTED AND ORDAINED into an Ordinance this 10<sup>th</sup> day of May, 2022.

Attest:



Larina S. Kramer  
Township Secretary

HEMLOCK TOWNSHIP



Mark E. Morrow  
Chairman, Board of Supervisors

(SEAL)

