

MANAGING GRID-SCALE SOLAR

Public Input Helps County Draft Zoning Amendment

Montour County listened to its residents' concerns about large-scale solar installations and then added an amendment to its zoning ordinance to address the issue. This article explains the county's process of developing the solar amendment, including resident listening sessions, research, drafting, and review.

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Editor's note: This is the fifth article in a series designed to inform municipal officials and employees about grid-scale solar projects. PSATS has partnered with the state Department of Environmental Protection (DEP) to provide these educational opportunities.

In August 2020, 14 residents upset about a proposed 1,000-acre grid-scale solar development in their county voiced their objections at the Montour County Planning Commission meeting. Planning staff knew nothing about the proposed development.

Residents had concerns about clear-cutting timber, bulldozing fields, depreciating property values, and other issues. They wanted the planners to deny a permit for the facility.

The local steam generation company — PPL, then Talen Energy — wanted to install solar panels on 700 acres of land they owned, plus 300 additional leased acres.

“Industry was knocking at the door,” says Greg Molter, director of planning, zoning, human services, and veterans affairs for Montour County. “People were knocking down the door. We had to do something.”

The residents showed up at three more monthly planning meetings. A company representing the industry asked the planning commission to revise the county’s zoning ordinance. The county commissioners agreed, and the planning team began to gather all the information it could.

Getting public input

The planners researched solar ordinances already in place in Pennsylvania and neighboring states. They studied the language in those documents to

see which concerns were addressed and how. PSATS is currently educating other township and county officials about large-scale solar development in the commonwealth.

The Montour County Planning Commission, which governs four municipalities in the county that have adopted the county zoning ordinance, held a “listening session” in each municipality to which residents were invited to voice their concerns and ask questions of the planners. Industry representatives were not invited.

The county had a land-use attorney at each session to validate the planners’ statement of the law: If a municipality has a zoning ordinance — and these municipalities did — they must allow a place for every potential land use. The planners could not just disallow a use throughout their jurisdiction.

People were concerned about being able to see the panels from the road or from their houses, noise or glare from the facility, or loss of property value for neighbors. Other people were concerned about loss of farmland, how the solar facility would be decommissioned at the end of its useful life, and who would pay for that.

The Montour planning team had about 25 people at three of the four public meetings. In one municipality, the only two people who showed up were landowners advocating for the opportunity to lease their land for grid-scale solar development. They said that it could be a way to diversify their farm business, allowing them to keep farming some of their land.

Molter, who is also a supervisor for Derry Township in Montour County, recommends that municipalities that are considering permitting these kinds of operations visit several fully installed operational facilities in person and consider how the potential issues

are dealt with at that site.

“Solar is being championed by our leaders both at the state and federal level, so that’s what we have to deal with now,” he says. “We have to use the best practices we can to manage it.”

Drafting an amendment

Working from the premise that most any challenge to a solar project can be mitigated through technology or investment, and using the knowledge they’d gained from residents, site visits, and their review of many other solar zoning ordinance amendments, the planners drafted an amendment to the county zoning ordinance.

Next, they asked three of the major grid-scale solar development companies for comments on the draft ordinance.



Montour County planners drafted an amendment to the county zoning ordinance to address the issues surrounding grid-scale solar development.

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The planners considered the industry comments this way: If two or more of the companies commented negatively about a proposed part of the ordinance, the planners would reconsider that section and possibly modify the language if the companies' thinking made sense.

Conversely, if two of the companies said that a certain requirement was okay, they let it stand. Having industry review the draft ordinance was helpful in making sure that developers understood the language.

Next, the planning commission held a public hearing about the proposed amendment. Finally, the county commissioners approved the amendment in September 2021. Since then, many of the Montour County townships not covered by the county zoning ordinance have adapted this solar amendment for their use.

Molter says that residents and industry appreciated that the planning commission was trying to do their best for both sides, and they wanted to help people keep their farms. He notes, though, that if a municipality does not have zoning, municipal officials may be unable to require solar developers to address residents' concerns about a proposed project.

The planner emphasizes that he does not oppose or support solar energy facilities. He just wants to provide guidance for safe and efficient development while protecting the land and community residents.

To learn more about grid-scale solar and related ordinance review and development, email Tom Murphy, PSATS' solar program educator, at tmurphy054@gmail.com, or call the PSATS office at (717) 763-0930. Additional resources on grid-scale solar development can be found in the *Municipal Officials' Guide to Grid-Scale Solar Development in Pennsylvania* at www.marcellus.psu.edu/solar. ♦

WANT TO DRAFT AN AMENDMENT?

Consider these steps when crafting solar development regulations

Townships that want to draft a solar ordinance or amendment to an existing ordinance can learn from Montour County's approach. Here are some things to consider to help the process:

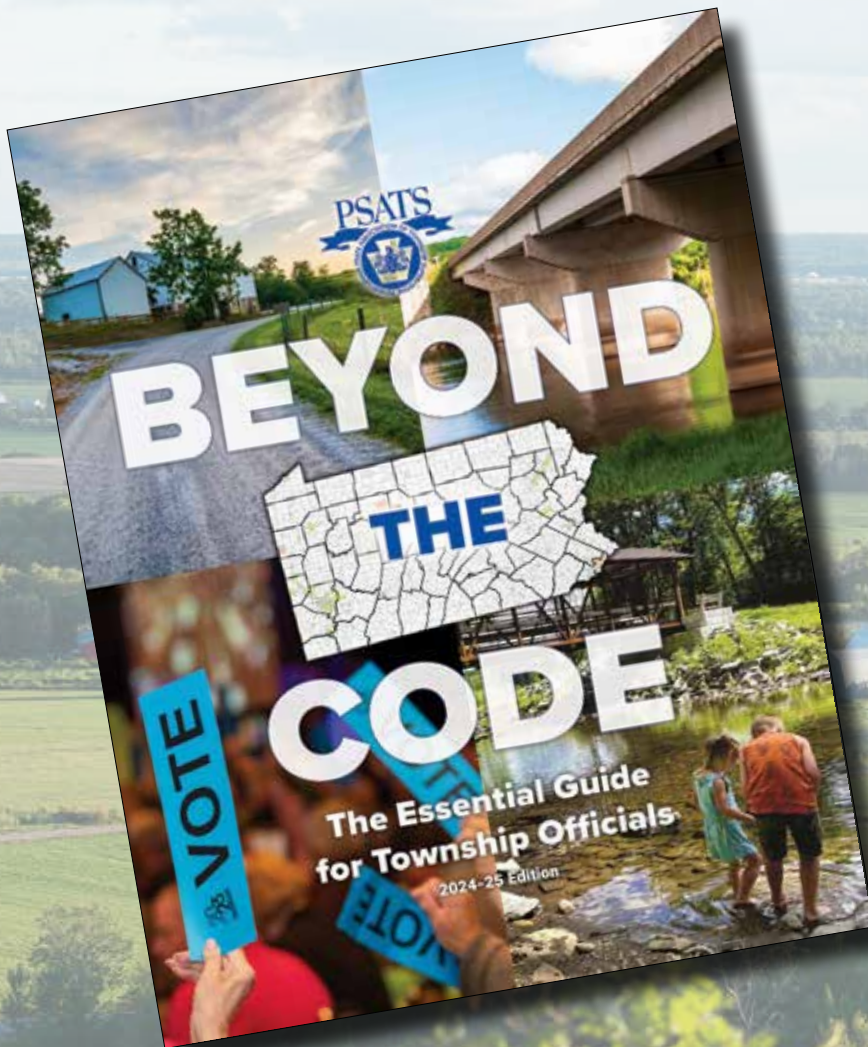
- Always be completely upfront with everyone involved, including residents. No surprises.
- Let residents' concerns drive the focus of the ordinance. Hold listening sessions to gather public input.
- Legal counsel is important at the listening sessions to help citizens understand the legalities of zoning.
- Review many other solar zoning ordinances and visit similarly sized operational sites before drafting an ordinance.
- Ask for and consider industry feedback on the draft ordinance.



Utility-scale solar installations need not preclude farming on the same site. Townships can craft ordinances or amendments to encourage such dual uses to address one of the prevalent concerns about these facilities: loss of farmland.



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