

Dover Township  
Planning Commission Minutes  
December 2, 2020, *conducted virtually*

Using a virtual meeting format, Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:07 p.m. Members present: Anthony Pinto [arrived at 7:34 p.m.], Eric Harlacher, Justin Bigham, and Mark Miller. Absent with prior notice: Brian Kimball, Stephen Stefanowicz, and Michael Curley. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and three citizens.

It was noted that Mr. Miller will be a voting member for tonight's meeting.

I. **Minutes**

**Motion** by Harlacher, second by Bigham, to approve the minutes of the meeting of October 7, 2020. All members voted aye; motion carried.

II. **Zoning Case**

A. ZHB 20-4, Variance request by Charles and Sara Pifer for riding academy and boarding facility at 6810 Detters Mill Road; with dimensional Variance requested for 10-acre minimum requirement; Crossroads Village Overlay district

Mr. McLucas reported that tonight's meeting was not advertised in time to comply with the regulations for notices, etc. This discussion was *tabled* until a later date (determined to be December 9, 7 p.m.)

III. **Plans**

No plans at this time.

IV. **Other Business**

Public comment – None at this time.

Confirm 2020 attendance record and contact information for Planning Commission members -- Mr. McLucas requested any changes be submitted to him as soon as possible.

Draft Solar Ordinance discussion – Attorney David Jones was present with Brittany Staszak of Enel Green Power; Elise Anderson of Enel Green Power was also present.

The last version of the solar ordinance was revised 11/11/20, which is the version to which the discussion referred tonight. After last month's meeting, Attorney Jones revised the ordinance draft, and Attorney Rausch also made changes. Most noteworthy of Attorney Rausch's revisions was Section 5, # 2, -- soil limitations in the Ag district. Essentially, a solar farm is not permitted on prime agricultural soils.

Discussion was held, with Attorney Jones asserting that he doesn't believe they're destroying the land; not losing the use of the land. Bottom line, if the Township is allowing a solar farm in the Ag district, but not on prime land, essentially the Township is

saying “not in Ag district.” He explained how the soil will not be permanently destroyed. It will be fine to use as prime soil for agricultural uses after Enel leaves.

Chairman Hoffman feels that prime land is to be protected. Also, wouldn't it make sense to use land that can't be used for any decent production in an ag area? Attorney Jones posed, “how about if a landowner decides not to farm for crop use but wants to use it for solar farm use?” It's that landowner's choice.

Chairman Hoffman asked what's the purpose of building something that only lasts 15 years or so? Again, from Attorney Jones, that's the property owner's choice. How about a restaurant that was approved and failed? Surely that has happened in the Township. After the solar farm lease is up, the landowner can choose to renew or not to renew the lease if he/she wants. The property is still zoned the same. Chairman Hoffman does not think that solar panels are an agricultural function. [Mr. Pinto joined the meeting at this point, 7:34 p.m.]

Ms. Staszak noted that solar farming is indeed classed as farming and would qualify as an agricultural use.

Attorney Rausch noted that the zoning ordinance includes soils of first, second, and third classes. Are we concerned with all those classes? Or just the first one? Chairman Hoffman noted that Dover Township has very little first-class soil according to the state. Mostly second and third class, which is based on the soil's ability to sustain and grow a profitable crop. Many acres in the Township are not suitable for a profitable crop, for one reason or another.

Attorney Jones reiterated that Enel is willing to remove the panels at the end of the lease. If a house is built on farmland, it's not necessarily removed when the occupants are through with it. The farmland is still available for ag use.

Mr. Myers asked wouldn't the landowner calculate whether a crop or a solar farm would be more profitable?

Ms. Staszak confirmed that yes, they all evaluate and that's why they decide to lease their land to a solar farm. She reiterated that the land is regenerated and used after the removal of the panels.

It was confirmed that the battery storage area would be on concrete. Should there be an impervious area prohibition? Attorney Jones noted that less than 2% of the entire site would be impervious area. Ms. Staszak confirmed. What's 2% of 100 acres? About 8 to 10 acres.

How about if impervious areas not be located in the prime soils areas? And say that access roads/impervious areas can't exceed a certain percentage?

Ms. Staszak said that the inverter areas would be the problem because of their location on their smaller concrete pads. But Enel Green Power is willing to compromise and find a suitable solution.

Mr. Myers asked if the Township is willing to consider ANY disturbance of the prime soils or not?

Chairman Hoffman said that if a person builds a residence in the ag zone, part of the criteria is that the house is built on less than prime soils. Attorney Jones said that the soil would be permanently lost with a house being built. The question was asked is this ordinance for the Township or for a particular applicant? Answer – we need something because the Township ordinance is weak in the solar area.

Mr. Bigham approves of Attorney Rausch's addition. Specifically -- Section 5, #2, "Prime Soil Limitation in Agricultural Districts. In the A – Agricultural District – land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey shall not be eligible for a PSES.

So what does that leave for a solar farm? Several districts within the Township.

Ms. Staszak noted that adding that language omits a lot of land that is close to the transmission lines that are needed for the solar farm. The additional language eliminates quite a bit of land actually.

Procedure: a recommendation from the Planning Commission, then to the Board of Supervisors, then to YCPC, then to a public hearing. If the Board of Supervisors makes substantial changes, the ordinance would have to come back before the Planning Commission again for review. Mr. Hoffman is concerned that the public comments be addressed completely.

**Motion** by Harlacher, second by Bigham, to recommend approval to the Board of Supervisors of the red-lined draft of the solar ordinance, latest revision dated 11/11/20. All members voted aye; motion carried.

Well done, Mr. Rausch, on the solar ordinance draft.

Discussion was held on how to proceed with the discussion of the Zoning Hearing case.

How about next week for the discussion on the Zoning Hearing case – Wednesday, December 9? 7 p.m. Got it. Tonight's meeting will be *recessed* until that time.

The next **regular** meeting will be held on January 6, 2021, 7 p.m.

The meeting *recessed* at 8:35 p.m. until Wednesday, December 9, 7 p.m. using the same virtual platform.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary