



PLANNING DEPARTMENT
Cumberland County

Cumberland County Review Report

Cumberland County Planning Department
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Recommendation: *Approval With Comments*

<i>Name of Amendment:</i>				
Floodplains and Solar Farms				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Silver Spring Township	7/6/2023	7/24/2023	SH	KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

Explanation of Amendment:

Silver Spring Township submitted a zoning ordinance text amendment that will regulate FEMA floodplains and solar farms in the township. The language will amend the Silver Spring Township Zoning Ordinance that was adopted in March of 2022.

The FEMA floodplain language was provided by the Pennsylvania Municipal League and based on FEMA and PEMA requirements.

The proposed language is generally consistent with the Silver Spring Township Comprehensive Plan and the Cumberland County Comprehensive Plan.

Technical Comments and Recommendations:

Floodplain Ordinance Comments:

- Page 32, section 415-219.E.3.a. CCPD does not typically review applications for activity in a floodplain unless a subdivision or land development plan review is required. We recommend that this language be modified to state that information may be forwarded to the County Planning Commission at the discretion of the township floodplain administrator.

Solar Ordinance Comments:

- Page 3, proposed section 444.D and F. The proposed language requires 250' setbacks from any property line and 500' setbacks from any residential use or zone. These figures appear to be excessive when compared to other uses in the I2 district and to solar requirements in other municipalities. For example, existing section 215.D indicates that any lot in the I2 district that adjoins land in a residential zone shall maintain a 75-foot setback. The township should consider a justification or rationale for the proposed solar setback requirement, or using the setbacks established in the I2 district.
 - The proposed language seems excessive for a small solar facility that provides energy to the grid.

- b. A solar farm is only permitted in the I2 district. The setback requirements should be reduced when abutting industrial land uses or agricultural land zoned for industrial use as these will not impact residences.
 - c. In addition to the setbacks, the ordinance requires 80% screening at a height of 6 feet, and earthen berms at the discretion of the board.
 - i. The landscape screening requirements in SLDO 611.04 do not include specific design criteria. The township should consider adding design criteria for the screening around a solar farm. How many rows of offset trees are required? How many trees may be evergreen?
 - d. The setback requirements should not apply when a proposed solar farm will abut another solar farm on an adjoining lot.
 - e. The ordinance should permit stormwater management facilities and parking lots in the setback area.
 - f. The ordinance should offer a reduced setback requirement or other incentive in exchange for amenities such as permanently preserved farmland or sensitive areas, public walking trails, etc.
3. Page 4, section 444.G. This section requires compliance with maximum lot coverage and stormwater management regulations. The township may also consider including language released by the Pennsylvania Department of Environmental Protection. The language includes a list of conditions that will make solar panels ‘pervious’, thus not required to comply with post construction stormwater management and best management practices.
4. Page 4, section 444.M. The ordinance requires a solar farm to begin decommissioning within 12 months of cessation of energy generation. CCPD recommends another deadline to dismantle and remove the entire decommissioned solar energy system. In addition, the ordinance should include a requirement to return the site to its original condition (removal of berms, stormwater facilities, access roads, etc.).
- a. The township may also require financial security in the amount needed to completely return the site to its original condition.
5. Page 4, section 444.N.
- a. Existing section 301.5 (page 159) indicates that solar energy units are permitted in any zone and subject to the requirements of the zone. The proposed definition of ‘solar farm’ only applies to collection systems that produce energy for sale and/or off-site use.

What percentage of energy must be used on-site for the requirements in section 301.5 to apply? The township should consider clarification.
 - b. The township should consider adding separate requirements for the installation of a solar farm on an existing rooftop. For example, will a solar farm installed on the rooftop of a warehouse, or a retail store need to provide setbacks that exceed those required for the building?

“Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records.”