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Add Solar Requirements to Zoning Ordinance to Save Money and Time

Addressing grid-scale solar development in local zoning ordinances increases efficiency and allows municipalities to set their baseline requirements for these projects.

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Editor's note: This is the fifth and final 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.

Researchers from Penn State Dickinson Law recently analyzed all 2,500-plus municipal zoning ordinances in Pennsylvania and found that only 55 specifically addressed grid-scale solar development (GSSD). A solar development ordinance lays out the baseline for how a municipality will allow such a project to proceed to development.

The research assessed the common

practices in GSSD ordinances in this state and around the country. Results showed that many municipal zoning ordinances in Pennsylvania explicitly or implicitly prohibit GSSD. Given the rising interest in grid-scale solar, addressing this potential land use before it is proposed may give a municipality more control over the outcome.

Why have a solar ordinance?

When a zoning ordinance has clear language about GSSD and any site requirements, it saves time and money for both municipal officials and solar developers. The requirements are laid out up front, and the developer can decide whether they are generally acceptable or if it would prefer to work with a different municipality. Laying out minimum expectations for a land use also reduces the frequency of developers asking for variances.

If municipalities permit this land use, it's important that they approach GSSD efficiently because Pennsylvania has experienced a tenfold increase in grid-scale solar over the past decade, and this growth is expected to increase in the near term.

In Pennsylvania, townships adopt zoning under the Municipalities Planning Code. Responsibility for siting GSSD generally lies at the township level, although some counties administer zoning that municipalities adopt.

It's most efficient to incorporate solar

A solar development ordinance **lays out the baseline for how a municipality will allow such a project to proceed to development.**



Solar ordinances should address agrivoltaics, or placing grid-scale solar panels on land also used for farming.

development language in a zoning ordinance before a solar developer comes knocking. This allows the municipality to permit this development only where it best serves the community's interests. The ordinance language will also create a consistent framework for officials to apply to projects of different sizes, locations, and technologies.

When a municipality is ready to develop a solar ordinance, staff should seek the expertise of their solicitor and/or a consultant familiar with the technology and solar development trends. The ordinance should be compatible with existing land use plans and regulations.

What should a solar ordinance address?

A solar ordinance defines relevant terms and identifies the districts where GSSD is allowed and/or prohibited. For each district in which it is allowed, the ordinance should note whether GSSD is a:

- permitted use, meaning that anyone may choose this land use;
- special exception use, which requires approval from the local zoning board; or
- conditional use, which requires approval from the municipality's elected officials.

A solar ordinance should address the unique challenges that stem from GSSD. It's typically most effective to spell out the desired outcome and let the developers decide how best to achieve it. For example, an ordinance may state that solar panels may not be seen from the road. It's then up to the developer to determine if it will use fencing, vegetation, berms, or some other method to block the view.

Among other issues, a solar ordinance should include the municipality's requirements for:

- site layout;
- setbacks;
- panel height;
- maximum lot coverage;
- agricultural soils;
- fencing;
- screening;
- vegetative buffer maintenance;
- site buffers;
- stormwater management;

Here's where to find more information

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.

- traffic impacts;
- battery storage;
- glare/reflection mitigation; and
- site decommissioning.

'Future-proof' your solar ordinance

GSSD technology is changing rapidly. For example, more sites are being built with electricity storage facilities so municipalities may wish to include provisions for battery placement and safety in their ordinances. Future green hydrogen production could also be a related consideration.

Another expanding trend is community solar, in which local residents pay a monthly fee to receive electricity from a shared solar facility. While community solar is not yet legal in Pennsylvania, municipalities can help

their solar ordinance remain relevant for years by addressing this change that could come from the state legislature. Still another hot issue in GSSD is the inclusion of agrivoltaics — when grid-scale solar panels are placed on land also used for farming.

Grid-scale solar development may not fit into every community's plans, but if a municipality wants to benefit from the expected economic infusion from GSSD, community leaders should define their terms before a project is proposed. Having requirements spelled out will reduce the time and cost needed for municipalities to assess GSSD proposals. Requirements may be restrictive or less so, but the most important thing is that they are clear. ♦



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