

JANUARY 2, 2024 BOARD OF SUPERVISORS MINUTES:

The Straban Township Board of Supervisors met this date, as publicly advertised, at 6:45 p.m. in the meeting room of the Straban Township Municipal Building, 1745 Granite Station Road, Gettysburg, PA 17325 with Board Chair Tony Sanders presiding. Others in attendance were: Vice Chair Fred Kammerer; Supervisor Alan Zepp; Samuel E. Wiser, Jr., and Robin K. Crushong, Office Manager/Secretary-Treasurer.

Others in attendance were: Erik Vranich, Keller Engineers; Shannon Schake, Zoning Officer; Riley Redding; Linda Adams; Tony Yonnone, SolAmerica; Sandy & Lawrence Martin; Cory Dillinger, Granite Hill Solar; Brock Grim; Gerald Black; Robert Niner; Ryan Reeve; George Mauser; Pam Redding; Brian Redding; Douglas Redding; Debbie Redding-Arnold; Robert Arnold; Christine Redding; Dakota Myers; Nick Basile; Don Miller; Mark Dellinger; Scott Myers; Chad Waddell; Lenny Hare; Kimberly Guise; and Skip Strayer.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF STRABAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF STRABAN TOWNSHIP, CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF STRABAN, BY AMENDING DEFINITIONS AND PROVISIONS RELATING TO SOLAR ENERGY SYSTEMS AND ACCESSORY STRUCTURES AND AMENDING THE ZONING MAP TO CREATE AN OVERLAY DISTRICT FOR SOLAR ENERGY SYSTEMS

Mr. Sanders opened the hearing.

Mr. Wiser stated that this Ordinance was dully advertised and posted. This Ordinance does a few things in that it creates a Solar Energy Systems overlay in the northeastern corner of the township where principal solar energy systems would be permitted as a by right use. There is a much larger portion of the township that solar energy systems are permitted by right so this would make a smaller geographical area which those systems would be permitted. In addition to the overlay there are a couple of modifications to the underlying solar energy systems. They update some of the existing regulations that are in place for principal solar energy systems as well as solar systems. We have received comments from the Straban Township Planning Commission who has spent a lot of time reviewing the draft ordinance as well as the Adams County Planning Department which comments were received today. There are three (3) minor modifications to the draft that was advertised that the staff recommends to the Board of Supervisors. They are not substantial amendments but clarifications. Mr. Wiser read those modifications. The first is to incorporate a County recommendation to Section 140-21.D(2)(v) and the modification would be to insert "Landscaping shall also blend in with existing tree lines and existing vegetation, wherever possible." This is on page 9 of the draft Ordinance. The second recommendation is also based on the County comments received today. The modification is to Section 140-21.D(2)(w) to insert the following language "This shall include any agricultural BMPs that are still required to be maintained within the lifespan of the practice, unless approval is obtained by the funding agency for any impact associated with the Principal Solar Energy Systems (PSES) project." This modification would also be on page 9 of the draft Ordinance. The third change would be in Section 140-21.D(2)(bb) which would say that Principal Solar Energy Systems (PSES) would not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. That is the existing language and the inserted language would be "This shall include any indicator lights/beacons which shall

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not be visible beyond the property line of the project site, whether solid or flashing.” There is also a number of numbering sections to be adjusted.

Mr. Wiser also gave some additional background that Solar Energy Systems have been permitted for almost 18 years. It was around 2006 that the code was amended by a different set of Board of Supervisors to allow for solar energy system uses within the township. There was an amendment in the mid-2010 that added some additional language to the regulations regarding principal solar energy systems. This is the first time that the Township has considered an overlay district specifically for principal solar energy systems.

Mr. Wiser stated that we do request that you provide your name and address for the Minutes before you begin speaking.

Mr. Sanders opened the floor for public comment.

Brian Redding – Orrtanna, PA - landowner (Buohl Properties) 2145 Old Harrisburg

Rd – His family owns multiple properties in the township. On the 153-acre parcel on Old Harrisburg Road, they have an existing lease based on the existing zoning. The lease was entered into about 2 ½ years ago. They would like to exercise their rights and continue with that contractual obligation. Currently this is a use by right under the R-R District and the R-1 District. The proposed ordinance removes that right from nearly all property owners other than a small map overlay that already has solar projects in it. There is nothing being considered for a special exception or a conditional use. The current solar projects are under construction right now and they are construction sites. Mr. Redding believes in a few months all the people will calm down. Modifications to the current ordinance makes more sense than taking the rights of landowners away. It should be the landowner’s decision as to what they want to do. Mr. Redding stated that he is not aware of any organized groups, petitions, signs or compelling arguments in opposition to the solar facilities land use that would justify such a drastic change to the zoning ordinance. He is not sure where this is coming from. Solar is low impact use that goes away in a predetermined amount of time. There are very few uses like that. Houses do not go away. The Planning Commission indicated that they were trying to achieve some sort of balance. Removing landowner’s rights from 2/3 of the township landmass is a strange way to achieve that balance. There are no provisions for small community solar projects such as my wife and her sister’s which is less than 20 acres on a 153-acre farm. The Straban Township Planning Commission did not even have the Adams County Planning Commission comments to take into consideration before voting to forward this amendment to the Board of Supervisors. Some other townships table the matter if the Adams County Planning Commission comments are not in. Mr. Redding tried to review the County comments today when he went into the office but they were not at the office. Mr. Redding respectfully asked that the Board of Supervisors return this draft to the Planning Commission for consideration of the written and oral recommendations of solar professionals and the Adams County Planning Commission. Mr. Redding directed a question to Mr. Wiser concerning the public notice, mail notice and electronic notice and posting within the municipality. It was posted by the overlay section. This is not a comprehensive zoning. He feels that an attempt should have been made to notify the landowners.

Pam Redding – Orrtanna, PA – landowner (Buohl Properties) 2145 Old Harrisburg

Rd – Mrs. Redding requested and received a map amendment in order to do solar on my

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property. She did not hide that from anybody. She owns her land and pays her taxes and she would like to preserve this for generations to come. The current contract will keep that farm in her family for the future. She stated that many of the people in the room had taken the opportunity to put solar on their farms. She did not feel that what is happening here is giving her the right or anyone in this township the right to their own property. She stated "You bought your property but you did not buy your view. If you don't like the way something looks around you, build a fence or find a bigger property that you do not have to see other people's things that you dislike." She asked the Board to further review what is being proposed by professionals that do this.

Cory Dillinger - Granite Hill Solar – He wanted to confirm that Granite Hill's current project which is at the Planning Commission level would not be subject to the ordinance and the overlay district. The only other item is that the amendment provides for the solar overlay district to be established on all Project parcels but portions of Parcel ID 38H09-0020 and the entirety of Parcel ID 38H09-0021. They would request that the overlay be expanded to cover the foregoing parcels so the Granite Hill Solar project would not be a nonconforming use on those parcels in the future and any nonconformities would be limited to differences in the current ordinance and future ordinance.

Mr. Wiser stated that he spoke to Mr. Dillinger's partner Andrew Miller along with Erik Vranich and Shannon Schake and the township is on the same page that any plans submitted prior to an amendment taking place is viewed in accordance with the Subdivision and Land Development Ordinance in place at the time that plan was submitted. So, this particular plan was submitted a number of months ago so it is being reviewed in accordance with the ordinance in place at that time and will continue to be reviewed in accordance with the ordinance in place at that time. Erik Vranich and Mr. Wiser did talk about the portion of the Granite Hill project that would not be within the overlay zone. Mr. Wiser does not attend the Planning Commission meetings but he understands that there was a fair amount of discussion about where this zone would be located and the Planning Commission was aware that a portion would not be located in the overlay zone but they still made the recommendation to proceed with the zone as presented to the Board this evening.

Erik Vranich stated that the Planning Commission discussed it at length and this is what the Planning Commission came up with to present to the Board.

Cory Dillinger, I would just request that the Board amend the overlay zone to include these properties.

Brock Grim – 694 Good Intent Rd – He bought his property in 2022 and got word that solar facility was coming to that farm so he came into the office to see the plans and see how he was going to be affected. There is a reason to have zoning. He does not believe it should have been allowed in the residential districts at all. Moving forward I do agree it should be removed from residential. There are supervisors here tonight that have solar leases. He showed his view prior to the solar project and after the solar project came in. We are not in an industrial zone. His complaints about the solar surrounding him were the flashing lights and noise issues. These sound issues, were they something that was approved when these plans came through? Was it discussed how loud these sounds would be?

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Tony Sanders stated that it was absolutely all discussed. In 2019 when they were here doing their pitch, everything you are upset about and everything that everyone is concerned about it was all discussed. Without having one here and seeing how it operates, we had to take their words for what they said and that is some of the problems that are arising.

Mr. Grim played a recording of the sound that he hears in his living room watching a football game. He is very frustrated. Everyone can do on their property what they want to but when it disrupts your neighbor, he does not think that is very fair. I would like to know if the township is going to do anything retroactive about the lights?

Mr. Sanders stated that the township is working on the lights issue. Not sure much we can do about the noise issue.

Lenny Hare – 49 Red Bridge Rd – He understands that he did not pay for his view, but he have common sense and respect which a lot of people just want the money. It's called greed. He listened to the banging all summer long. He works in construction. The banging stopped; they were supposed to plant trees. There are a couple little trees out front. He will not be living by the time they get big enough to block it. He would like to sell his property but no one is going to come back his lane to see those solar panels and pay \$300,000.00. That where it affects him. It's not his view but he works hard all my life and lives here in Hunterstown where it is quiet and peaceful. Adams County is no place for solar panels. We don't even benefit from the electricity. The noise, you have to do something about that. The residents of Straban Township cannot be expected to live like this.

Riley Redding – He complimented the township on establishing a solar project area. He thinks this is going in a good direction. The only issue he has is the damage they have done to township roads. Are they required to fix the roads?

Mr. Sanders stated they are supposed to.

Mr. Redding stated that Good Intent Road has been beaten terribly. Trucks all summer long. I walk the road all the time and it is not safe to walk on the roads. It's a burden on all of us. We all have rights.

Tony – SolAmerica – 190 Ottley Drive, Atlanta, GA 30324 – He provided comments at the Planning Commission and also to Shannon Schake to be shared with the Board. The Board did receive these comments. There is opportunity here for compromise. He requested the Planning Commission to consider small community projects like the ones he is proposing. There are reasonable compromises that you should consider. The best solution would be to send it back to the Planning Commission to evaluate some of his comments. He thought some of the members of the Planning Commission actually agreed that these were things that they did not think of. They are worth discussing further. If the Board agrees, he would hope that the Board would send them back and let them discuss those comments. He discuss the procedure of the notice and he does not think that it was sufficient. There are at least thirty (30) leases that you could have notified them at least. You could have notified at least 1,000 landowners; you didn't

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have to but you should have. You certainly could have done thirty (30). He went over his proposed revisions with the Board. He has an issue with the \$500,000.00 financial security. If you make changes or even if you don't make changes, the \$500,000.00 financial security on a project that might only cost \$50,000.00 is an enormous burden on the project that might only be serving like 30 households. Maybe consider a dollar amount security. He asked if the Board had any questions, he would like to answer the questions. The small projects that we are doing do not have substations so there would be no noise from substations like you heard here tonight.

Mr. Sanders stated that it is not the substation it is the inverter from the AC to the DC. The substation is on Riley Road.

Mr. Kammerer stated that the noise is not loud, it just carries.

Mr. Yononne would like to make myself a resource for the Board. He is not opposed to the ordinance, solar companies actually like structure, but he wants to make sure that the Board knows the difference between what they have now and the community solar facilities that he is proposing.

Mr. Sanders asked Mr. Wiser to explain the notice and posting – Section 609 of the Municipalities Planning Code – establishment of a new district in the township in which certain uses are to be provided so in accordance with the Municipalities Planning Code the required notice was provided, the ad put in the newspaper, posting at the township office as well as posting at conspicuous places along the area that is to be rezoned. So the requirements of the Municipalities Planning Code was met. That does not preclude you from going above and beyond that but that is up to the discretion of the township.

Tony Yonnone – So the part about conspicuous location. My understanding is the conspicuous location is just around the overlay district. But all of R-1 and R-R are being rezoned. A right is being taken away from them.

Sam Wiser stated that they are not being rezoned. The zoning remains the same, a use is being removed from the entirety of the district.

Tony Yonnone – You are interpreting the State statute to say that if a right is taken away, notice is not required in that zone.

Sam Wiser – correct. It is a text amendment. That part is removing a portion of the map amendment.

Debbie Redding-Arnold – 525 Swift Run Rd – Resident of Straban township and I am in favor of the change. It is better to look at the whole totality and what is best for the whole township and not for each individual person. I also feel like if the ordinance is passed there should be no exceptions because when you start to make exceptions you start making exceptions for one and not another. I thank you for your endeavors and I support the change.

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Brian Redding – one final comment, but it does use the word “amendment” so to me it should have been mailed. You did everything else. I think it is pretty horrific to take a landowner’s rights away. Let them decide.

Robert Niner – 99 Pine Tree Rd – I think anytime there is change you are going to have folks not happy. I don’t think people knew what the solar was, they only saw the dollar signs. I am definitely for limiting the solar. This is going to affect businesses. I also believe you should be able to do what you want with your property. A lot of work has been put into this.

Pam Redding – When we requested a map amendment we took the responsibility it was on us to pay for all of the advertising, all of the mailing and when we requested those changes all of our neighbors were notified on how their rights were going to change. I think I should have been notified that my right was going to be changed and not for the better. The dollar signs are so that we can pay our taxes. Farming is not where it is at. We are losing farms left and right. It’s not greed. It is a matter of keeping what we have. You did not properly inform us when we were losing our rights.

Kim Guise (Buohl Properties) 2145 Old Harrisburg Rd - Basically at the last meeting we were told that you wanted a balance in the township of agriculture, commercial, etc. That is what we choose for our property as well. This small project is 19 acres of 153-acres. It is to pay our taxes so that our kids do not have to sell the farm. The rest of the land is being farmed. We chose balance but you are taking that right away from us. We struck that balance for our property.

Tony Sanders - After setting through Mr. Redding at this hearing and at the Planning Commission meeting, and everyone asking what is driving this? Why the drastic change? I want to make it clear that I have no ties to any solar project. I see all that is going on being a Road Crew member and a supervisor. Ms. Christine Redding stated at the Planning Commission meeting there is a fine line. Yes, that line is fine. We are elected and set up here by the residents of the township to try and find common ground and keep everyone happy, which is impossible. Christine Redding also said change is inevitable. Some people call it progress; I don’t know. Mr. Redding you said the taxes are great. What a tax base! I did research myself through the County. Assessing these properties with solar on them would be \$73.00 total in the township taxes. Mr. Redding you were paying \$2.86 to the township for all the services we provide for snow plowing, nice roads to drive on, mowing, trash pick-up. That amounts to \$34.99 with the solar panels on it. It was taken out of Clean and Green because obviously solar panels are not farm related. The Schumm property behind you was \$4.00 up to \$38.92 to the township. Kevin Myers property increase to \$35.53. A great tax base for the township is hardly the right words in my opinion with what things cost. You also said that all of this was not affecting our infrastructure at all. You said sewer and water but you left out the road infrastructure. Looking at Good Intent Road, the Township spent a lot of money on that road a few years ago and it’s a good thing. That’s the only reason the road is holding up. Other roads

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that are being damaged are Riley Road and Sibert Road. Joe Green was not forthcoming in all the stuff he told all of us at the beginning. That is pretty unfair as you feel things are pretty unfair to you right now. No one told us there would be 70,000 ton of stone throughout these projects, trucks running all day, litter, etc. I picked up littler on Goldenville Road today. I have been trying to get the pipe fixed on Goldenville Road. All I get is we will get it fixed. As we all know, water along the road is the worst enemy of any road. So, they are supposed to fix our roads. I am familiar with construction areas too and there is no reason someone cannot pick a ballast off the road or the shrink wrap, water bottles, etc.

In my opinion, we have to curve it somewhere because we don't own the view but if people would have a little bit more respect for their neighbor the township would not have to get involved nearly as much. Whether it is Shannon doing zoning or complaints about trash or the road crew to talk to your neighbor about a tree when your neighbor lives 5 feet away from you, you can't tell them that you can't see out your driveway you have to come to the township and file a complaint. Why, because they do not care about their neighbor anymore.

I have listened to you and I take everything into consideration what I see at work and when I'm not at work. When I drive up Rt 394 past the Distelfink and I see those Christmas lights blinking, I ask myself, what is that? It was said at the beginning of this project that there would be no lights on any solar facility.

The township has started a Land Conservation Fund to help combat some of this. We feel it is a good thing to do. There are a lot of different options and sometimes you miss them, like with the zoning, you think you have everything allowed for because if you don't have it allowed for it can then go anywhere and then something new pops up.

A few of these arrays are only 20 acres but as it currently stands the township could see 16-17 properties with 20-acre arrays on each property. I asked the question; can we at least use the power? I was told then that once it is in the power line it is just power and is not designated as solar or gas generated. It is still a concern of mine. If you can't sell to MetEd cheaper than someone else, they are going to try and get it from the cheapest place. I have to look out for the whole township, 4,900 residents that we are suppose to be standing up for and looking out for their best interests. It is a hard job.

We were told that we are rushing this through however, we started back in March 2023. We have not heard from any resident that said the solar facilities are a good thing. We are changing the uses not taking rights away. I have lived here my whole life and I don't plan on moving.

Skip Strayer - 917 Hoffman Road - Gettysburg School taxes should never be raised again. The Township gets very little and Gettysburg School gets a lot. Tony Sanders stated that the millage rate is currently 11.258.

Dakota Myers - 250 Goldenville Road - From day one we have looked out for our neighbors at the Myers property. When the tree plantings were done there was a mistake so we went out of our way to replace the trees that were missing to do a favor for our neighbor. We

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do want to be nice to our neighbors. We put solar in to preserve the land. We are still farming the other 30 acres.

With no further comments, Mr. Sanders moved, seconded by Mr. Kammerer to adjourn the hearing at 7:53 p.m. this date.

Respectfully submitted,

Robin K. Crushong, Office Manager/Secretary-Treasurer