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## BEDFORD COUNTY PLANNING COMMISSION

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August 28, 2018

Bedford Township Supervisors  
ATTN: Janie McMillen, Secretary/Treasurer  
P.O. Box 148  
Bedford, PA 15522

Re: Bedford County Jail Solar Field Preliminary Land Development Plan Review

Dear Supervisors:

On August 10, 2018, the Bedford County Planning Commission received one copy of the above referenced land development plan containing Sheets No. 01 through 07 dated August 3, 2018 prepared by BL Companies, Inc. for developer RER Energy Group, the County Review application, and review fee. Since the Planning Commission does not charge review fees for municipal or municipal driven projects, on August 20, 2018 the review fee was returned in the mail to BL Companies, Inc. We completed our review in accordance with your subdivision and land development ordinance and under the auspices of Section 502(b) of the PA Municipalities Planning Code (MPC) Act No. 247.

This plan proposes the installation of 5,184 photovoltaic solar panels mounted at 25 degrees on an 8.37-acre portion of Tax Parcel E.09-0.00-012-A containing 31.812 acres (deed) owned by the County of Bedford at 425 Imlertown Road. The plans show the site for the new solar field, situated on the parcel just south of the County Jail, will contain +/- 5.84-acres enclosed with a 6-foot chain link fence with two 10-foot access swing gates. The plans also show a 15-foot wide vegetated drive for service truck use around the perimeter of the facility just inside the fence. Access to the solar field will be by a 12-foot wide gravel driveway that connects to the existing bituminous driveway/access road to the County Jail connecting to S.R. 1001 Imlertown Road. The plans show a typical centerline distance of 25.21 feet between rows of solar panels with a typical clear distance of 13.5 feet between rows. A 10-foot by 12-foot electrical gear concrete pad is located within the fenced solar field and plans show other electrical components situated to the southwest of the jail facility with an underground electrical conduit. The plans include vegetated drainage swales, check dams in an existing drainage swale, and other improvements within a designated NPDES boundary for stormwater discharges associated with construction activities. A small area of wetlands are mapped on the parcel outside of the proposed solar field. Lastly, plans show the parcel with three areas of existing spoil piles and depressions that need removed.

The following comments are for your consideration. They are based upon county and municipal plans and your municipal subdivision and land development ordinance. Our review comments are not intended to replace your own review or to offer either legal or engineering advice.

1. Section 503.1.A.3. – The plan shows in several places the name and address of the landowner as the Bedford County Jail, 425 Imlertown Road, Bedford. According to the property deed, the landowner is not the Bedford County Jail but the County of Bedford, now at 200 South Juliana Street, Bedford. Plan information should show the correct name and address of the record owner of the property.
2. Section 503.1.A.16 – A signed, notarized statement by the owner (County of Bedford) certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans and authorizing recording of the plans needs to be completed. Township approval should be contingent upon the Statement of Ownership being completed.

3. Section 503.1.A.19. – There is no Bedford Township Planning Commission. This review block should be removed from the Plan Cover Sheet. Additionally, we see no requirement in the ordinance for a municipal engineer’s review block to be on the plan for signature and space to fill in a date of signature. The engineer’s plan review is normally in the form of a letter addressed to the Supervisors.
4. Section 503.1.A.19. – The plan should include a review block for signatures of authorized persons of the County Planning Commission along with space to fill in date of signatures.
5. Section 503.1.B.1 – The plan does not show a scaled version of the exterior boundary of the tract, only the southern portion of the property developed as a solar field. However, Sheet No. 3 does show an overall, not to scale, depiction of the parcel. We have no issues should you decide to accept the plan as submitted.
6. Section 503.1.B.5. – Plan Sheet 3 of 7 shows overhead wires cutting across a portion of the parcel to be developed. Existing easements, locations, width and purpose are to be on the plan.
7. Section 503.1.C. – If preliminary plan is to proceed to a final plan with the posting of financial security, this ordinance section requires a note should be added to the plan stating that approval of the preliminary plan does not authorize construction of facilities, the sale of lots, or recording of the plan. Section 406.1 indicates that the developer should provide the Township with a cost estimate for the construction of such improvement or common amenities such as parking, stormwater basins and other related stormwater facilities, facilities, buffer or screen plantings that may be required, as well as soil erosion controls as required in Section 611(a)(3)(b).
8. Section 503.1.C.13. – If preliminary plan is to proceed with a final plan submitted after completion of required improvements, a statement should be added to the plan that approval of preliminary plan authorizes construction of facilities depicted on the plans, but does not authorize sales of lots, construction of buildings, use of facilities, or recording of the plan. Section 406 states that after preliminary plan approval, the developer has up to five years to submit a final plan for approval.
9. Section 504.1.7.(b) –The design of the stormwater management controls for the proposed improvements should be in accordance with the approval of the Township Engineer. Additionally, Section 609(e) on stormwater drainage states that the stormwater management plan needs be reviewed and approved by the Township Engineer, and include the developer/owner’s operation and maintenance plan of the stormwater management system. Adherence to approved stormwater requirements should ensure that needed management is provided.
10. General – Plan Sheet 05 of 07 provides information on the Operations and Maintenance Program of the Permanent Stormwater Facilities. It states that the permit applicant shall be responsible for the maintenance of permanent stormwater facilities located on the subject properties. The Township should be provided with clarification on who is the permit applicant, is it the developer (RER Energy Group), or the County of Bedford.
11. Section 504.2 – As a reminder your ordinance states that if required, the following documentation shall be submitted to the Township by the developer prior to final plan approval:
  - o A Soil Erosion and Sedimentation control plan review letter from the County Conservation District or an earth disturbance permit issued by DEP;
  - o Since the existing driveway connection to S.R. 1001 will be utilized to serve this development, information should be provided to the Township showing that there is an approved HOP at this location;
  - o An NPDES permit or other permits that may be required for discharges of stormwater; and
  - o If applicable, any documents pertaining to any proposed restrictive covenants.
12. General – It would be helpful if the plans provided information on the rows of solar panels such as how they are to be affixed on or in the land, type of structure, framing, their height, and type of ground cover at base of panels. In addition, the plans should show how the flow of electricity would be conveyed from the rows of panels (wiring/cablings underground or overhead).

13. General – The plan shows a small area of the solar field within Zone AE of the Dunning Creek floodplain. We recommend the plan show the base flood elevation or elevations of the solar field. Our understanding is that land may be platted for development with the provision that the developer install structures to preclude flood damage in accordance with the subdivision and land development ordinance and with other laws and ordinances regulating development.
14. General – The Township should be provided with more information on the project. Will the portion of the parcel be leased by the County to RER Energy Group and if so, for how many years? The Township may want to inquire if the lease includes a decommissioning plan to remove the solar panel systems at the end of their lifecycle that includes restoring the land to its original state.

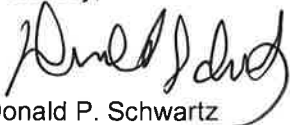
*Since the municipality has a subdivision & land development ordinance, the role of the County Planning Commission is limited to review and report on how the application fits with regard to the township or borough ordinance. The County Planning Commission can neither grant waivers from the requirements of township and borough ordinances, nor evaluate which sections of ordinances, if any, take precedence over others. The final decision on all issues relative to the approval of subdivision and land development plans rests with the local governing body. This report (review letter) is for the purpose of assisting the township or borough in the rendering of any decision or determination and shall be deemed to be recommendatory and advisory only.*

The above comments are designed to assist in implementing the comprehensive plan and your municipal subdivision and land development ordinance. The Planning Commission suggests all land development be performed in accordance with applicable Federal, State and Township regulations. Sole authority for approval or disapproval of this land development plan lies with your governing body.

We kept the plan and all other project information we received for our files. The plans should be revised to reflect any or all comments including those from the Township Engineer as well as any comments your Solicitor may have. We will sign the Bedford County Planning Commission Review block on the plan that ultimately meets with your approval.

If you have any questions, please do not hesitate to contact Rick Suder or me at 623-4827.

Sincerely,



Donald P. Schwartz  
Director

Cc: Bedford County Commissioners  
Andrew Biederman, RER Energy Group  
Alaric J. Busher, P.E., BL Companies, Inc.  
Kevin Hartman, P.E., GHD, Inc. (via email)  
Bradley D. Allison, Esq.