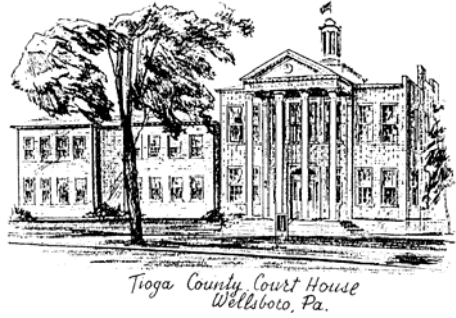


# Tioga County Planning Commission

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**Policy & Guidelines**  
  
**for**  
  
**Siting & Project Review**  
  
**of**  
  
**Wind Energy Facilities**  
  
**in**  
  
**County of Tioga , Pennsylvania**

**Adopted April 11, 2007**

## **PREAMBLE**

The intent and purpose of this document is to provide guidance for the development of Utility Scale Wind Energy Facilities in Tioga County. The factors outlined in this policy are for guidance for the Planning Commission, Wind Energy Companies intending to do business in Tioga County and for landowners and the public to understand the expectations of the Tioga County Commissioners and the Planning Commission in the approval process. The Planning Department will be responsible for the review of all applications for wind energy facilities as a Subdivision & Land Development. Bear in mind this policy addresses the authority of the County of Tioga but may be superseded by local municipal zoning and other ordinances. While this policy has attempted to address the factors to consider in the development of a utility scale wind energy facility there may be other factors and/or conditions identified during the preliminary and final review of a project that will be necessary. This policy can be modified and adjusted at any time during the process.

## **STATUTORY AUTHORITY**

Tioga County Subdivision and Land Development Ordinance adopted by the Tioga County Commissioners on July 26, 1994. Specific sections of the ordinance address this authority:

- 102.04 (5&6) Powers
- 102.05 Interpretation
- 103.01 Purpose
- 303.04 Engineering Costs
- 602.03 Modifications

## **CATEGORIES OF SITING FACTORS / PROCESS**

- 1. SITE LOCATION FACTORS**
- 2. PUBLIC & NEIGHBOR NOTIFICATION**
- 3. PRELIMINARY SITE EVALUATION PROCESS**
- 4. ENVIRONMENTAL REVIEW PROCESS**
- 5. IMPACT AREA REVIEW MANAGEMENT**
- 6. ZONING DETERMINATION & REGULATORY PROCESS**
- 7. PUBLIC REVIEW PROCESS**
- 8. SITE SPECIFIC DESIGN REVIEW**
- 9. LAND DEVELOPMENT (SALDO) REGULATORY PROCESS**
- 10. CONSTRUCTION MONITORING / INSPECTION**
- 11. IMPACT MONITORING / REPORTING**
- 12. IMPACT MINIMIZATION GUARANTEES**

# **WIND ENERGY FACILITY SITING FACTORS**

## **1. SITE LOCATION FACTORS**

- a) Windy location
- b) Large tract size
- c) Proximity to power transmission line + power grid connectivity
- d) Willingness of local utility to purchase wholesale power
- e) Accessibility for construction (e.g. existing roads + slope + bridge weight limits)
- f) Willing property owners as lessors

## **2. PUBLIC & NEIGHBOR NOTIFICATION**

- a) Developer responsibility unless county or municipality defines otherwise
- b) County Planning Agency or Municipality responsibility limits need to be defined
- c) Alert juncture – when to alert municipality / neighbors – needs discussion with developer
- d) Public notice as per PA MPC where Zoning Ordinance applies
- e) Public notice as per PA MPC advisable where only Subdivision Ordinance applies
- f) Public news releases (periodically or at certain stages); advisable for municipality to issue news release and clearly state the process and status

## **3. PRELIMINARY SITE EVALUATION PROCESS**

- a) Physical constraints
- b) Natural resource attributes (e.g. Natural Diversity Inventory habitat )
- c) Cultural resource attributes (e.g. Federal Register Historic buildings and Landmarks or National Natural Landmark designation at or near site)
- d) Known disqualification factors (e.g. zoning district prohibition of wind farm use or Wild Area / Natural Area designation)
- e) Baseline meteorological data
- f) Baseline avian, bat, amphibian, mammal habitat and migration patterns
- g) Wildlife habitat assessment
- h) Conservation Easement(s) limitations – if applicable

## **4. ENVIRONMENTAL REVIEW PROCESS**

- a) Visual impact (Scenic Viewshed + Nighttime Warning Beacon + Light Flicker visual impacts )
- b) Noise impact
- c) Vibration impact
- d) Electronic interference impact
- e) Airport glidepath impact
- f) Natural resource management compatibility
- g) Avian & Wildlife impact – the PA Game Commission Voluntary Agreement will be used to guide the pre and post construction monitoring of the facility

- h) Amphibian impact – check with PA Fish and Boat Commission
- i) Pre-construction Baseline Monitoring
- j) Forest fragmentation impact
- k) Construction impact
- l) Prior site uses and disturbance
- m) Archaeological / historic sites impact
- n) Water gaps/sensitive groundwater aquifer/recharge area impacts
- o) Public watershed area
- p) Designated Exceptional Value or High Quality streams
- q) Designated sanctuaries

## **5. IMPACT AREA REVIEW MANAGEMENT**

- a) Define impacted neighborhood (definition of neighborhood as to Abutting or Specific Geographic Area or Viewshed Area and/or Access Corridor)
- b) Neighborhood briefings
- c) Identify impacted and concerned parties
- d) Distinguish planning and zoning agency roles from developer representations
- e) List all permits and plan approvals needed and responsible agency
- f) Publish approximate timetables with public review points noted

## **6. ZONING DETERMINATION & REGULATORY PROCESS**

- a) Use determination as a development of regional significance (see PA MPC)
- b) Meteorological baseline facility stage
- c) Disposition of legal challenges (Zoning related)
- d) Special Exception / Conditional Use approval process
- e) Variance process to address height limits + setbacks + single principal use on a parcel (if restricted in applicable ordinance)
- f) Zoning Permit conditions of approval as safeguards for public safety, public health + overall community interest
- g) Land Development Plan requirements review and compliance determination
- h) Disposition of legal challenges (SALDO related)

## **7. PUBLIC REVIEW PROCESS**

- a) With zoning – consult County Planning Director, PA MPC and Solicitor
- b) Without zoning– consult County Planning Director, PA MPC and Solicitor
- c) County planning agency role – consult PA MPC and County Planning Director
- d) Municipality role– consult PA MPC and County Planning Director
- e) Adjacent municipality input role– consult PA MPC and County Planning Director
- f) Landowners of adjacent municipalities may have legal standing
- g) Plan approval and permitting process and timetable – may vary by site location which may trigger certain State agency requirements – check with PA Game Commission + PA Fish and Boat Commission + PA DEP + PHMC

## **8. SITE SPECIFIC DESIGN REVIEW**

- a) Stormwater - erosion + water quality / quantity / discharge velocity + discharge point location
- b) Seismic hazards assessment
- c) Soil / bedrock bearing capacity – foundation design review
- d) Acid soils and geology disturbance potential / mitigation
- e) Public safety review / mitigation
- f) Prior site uses and residual conditions
- g) Height of turbines proposed and regulated height limits
- h) Site and turbine lighting impacts – (turbine lights are FAA regulated)
- i) Individual turbine placement (setback from rim or terrain-specific limitations)
- j) Power transmission line routing + overhead vs underground
- k) Other relevant studies as needed for specific sites
- l) Turbine controls and brake systems
- m) Electrical power and emergency backup + electrical safety precautions
- n) Structural design safety and site design certifications
- o) Hazard warnings
- p) Setback standards from occupied structures
- q) Oil spill containment measures
- r) Placement relative to Exceptional Value or High Quality Streams
- s) Construction impacts

## **9. LAND DEVELOPMENT (SALDO) REGULATORY PROCESS**

- a) Distinguish PA MPC process
- b) Site owner(s) consent (PA MPC applicant requirement)
- c) Zoning compliance prior to SALDO process
- d) Compliance with SALDO requirements – or
- e) SALDO - Waiver/Modification process – needs to be section-specific
- f) Approval conditions – may address public safety, health, environmental impact and community impact – must be accepted by developer in writing
- g) Other permits required (e.g. FAA + NPDES + Wetlands + Building Permits)
- h) Project Decommissioning and Site Remediation and/or Restoration Plan
- i) Approved Plans – must be recorded with County Recorder of Deeds
- j) As-Built Plans – should be required to be filed with County Planning Agency and Municipality
- k) Facility modification and retrofit re-approvals required
- l) Complaints resolution procedures and reporting procedures need to specified
- m) Emergency response and rescue support arrangements – in written agreement form

## **10. CONSTRUCTION MONITORING / INSPECTION**

- a) Responsible agencies – need to identified and involved early
- b) Financial responsibilities of developer – must be in formal agreement
- c) Inspection capabilities of responsible agency need to be addressed

## **11. IMPACT MONITORING / REPORTING**

- a) Post-construction evaluations
- b) On-going operational evaluations
- c) Operational adjustments to minimize adverse impacts
- d) Scientific studies and reporting by independent experts

## **12. IMPACT MINIMIZATION GUARANTEES**

- a) Mitigation Measures
- b) Performance Surety Options
- c) Indemnification if appropriate legal authority applies
- d) Decommissioning trigger points and surety
- e) Host county/municipality negotiated contributions or PILOT Agreement  
(Payment-In-Lieu-Of-Taxes Agreement)