

MINUTES
MIFFLIN COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY, JULY 24, 2008
MIFFLIN COUNTY COURTHOUSE, MEETING ROOM B – 3:30 P.M.

ATTENDANCE

Members

Jim Spendiff, Chairman
Dan Dunmire
Don Kauffman
Neal Shawver
Kay Hamilton
Susan Heimbach
Christian Aumiller

Others

Mark Sunderland, Mifflin County Commissioner
Doug Weikel, HRG
Nick Malawskey, The Sentinel

Staff

Bill Gomes, Director
Mark Colussy, Associate Planner

Item #1 – Call to Order

Jim Spendiff, Chairman, called the meeting to order at 3:30 p.m.

Item #2 – Record of Public Attendance

Jim reminded everyone to sign the attendance sheet.

Item #3 – Subdivision and Land Development Committee Report

Subdivision and Land Development Committee Plan Reviews: Dan Dunmire presented the Subdivision and Land Development Review Committee's report. There were 2 plans reviewed, both under municipal ordinances for which the Planning Commission provides recommendations only. The Subdivision Review Committee recommended approval of the comments and recommendations for the Walter W. Schmidt subdivision in Brown Township and the Eugene I. and Peggy L. Glick subdivision in Brown Township.

Mark Colussy discussed the Walter W. Schmidt subdivision in Brown Township, which was updated from the previous submissions in October and December 2007. Mark went over some of the comments and the updates that occurred since the previous plan submission. He also mentioned the language on the signature block on the plan needed to be corrected, and a comment to this effect was added. There was some discussion about the zoning of the property, the soils, setbacks, cartway width, driveway, street names and DEP sewage planning.

Mark also overviewed the Eugene I. and Peggy L. Glick subdivision in Brown Township. He reviewed the comments. There was some discussion about the floodplain, soils, driveway, deed restrictions, DEP sewage planning and signature blocks on the plan. Mark also mentioned that only one plan was submitted, which makes it difficult for the committee to review the plan. There was also discussion about potential NPDES requirements for this property if future development occurs.

Neal Shawver made a motion to approve the comments and recommendations as amended for the plans under municipal ordinances. Christian Aumiller seconded the motion. All members voted aye.

The Subdivision Review Committee report:

Name of Plan: Schmidt, Walter W.

Tax Map #: 14-01-106

Applicant Name: Schmidt, Walter W.

Plan Preparer: Taptich Engineering and Surveying

Action Taken: The County provides comments only.

Plan Summary: This plan proposes the subdivision of one (1) lot from the lands of Walter Schmidt. Lot #1 (2.36 Acres) is proposed as a non-building lot at this time since no sewage generating facilities are proposed. The future owner expects to construct storage units on this site. Land development plans depicting lot grading and storm water issues will be submitted prior to construction of the proposed improvements. Access to lot #1 will be via a proposed

driveway to be developed off of T-422. With the exception of a bank barn, the Residue land of Walter Schmidt is presently vacant and is used for agricultural purposes.

Review Comments (List from Review Committee):

Note: This plan was reviewed under the County Subdivision and Land Development Ordinance in October and December of 2007.

Soils - According to the County GIS files, some portion of this property appears to have prime farmland soils (HaB, HcB).

Setback Lines - What appears to be setback lines for Lot 1 are not labeled and should be labeled or added to a legend.

Cartway Widths - The cartway width should be shown on the plan for Piper, also known as Kerstetter, Drive (Brown Township Subdivision and Land Development Ordinance, Section 7.202. A11).

Driveway - It is recommended that the Township Roadmaster review access onto Three Cent Lane (T-422).

Street Names - As mentioned in the Mifflin County Subdivision and Land Development Review Comments dated 12/20/2007: Piper Drive, as listed on the plan, is in the County 9-1-1 database and post office listing as Kerstetter Drive. There are two residences along this drive that have an address on Kerstetter Drive. Showing this information on the plan should be considered to avoid further confusion with future subdivision/land development activity in the area. Since Carriage House Road extends to S.R. 655, it should be labeled near the intersection since the road, as shown, is not contiguous on the plan.

DEP Sewage Planning Module - A copy of the DEP "Request for Planning Waiver and Non-Building Declaration" form needs to be provided. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.

Signature Blocks on Plan - The Mifflin County Planning Commission Signature Block should be changed to remove "Approval (is) (is not) granted."

Other Comments:

1. There appears to be access or an opening between the Glick Property and Lot 1. Please confirm and clarify.

2. According to County Tax Assessment records, tax parcels 14-01-109A and 14-01-573 appear to be in the wrong location and should be swapped.

3. The narrative states that the residue is vacant except for a bank barn, yet there appears to be a house based on aerial photos. If so, this should be corrected.

4. The property owner listed as "Kersteter" is actually "Kerstetter."

5. Only one plan was submitted. The Mifflin County Planning requests at least three (3) plans for review. A second plan was later provided by the Township.

6. If there are any man-made features within 50 feet of the property (i.e. water and sewer lines, etc.), then they should be shown on the plan. (See section 7.302.A.23 of the Brown Township Subdivision and Land Development Ordinance)

7. Is the property to be served by public water? If so, there should be a letter from the Municipal Authority acknowledging the availability of public water. If not, what provisions are there for water service?

8. The Mifflin County Subdivision and Land Development Review Comments dated 12/20/2007 asked about clarification on a cul-de-sac at the end of Kerstetter (Piper) Drive. Is a cul-de-sac to be built? If so, the road will need to meet the specifications of the Brown Township Road Ordinance.

9. According to aerial photography, the building layout on T.M. 14-01-106B differs than what is shown on the plan. If there is a different building configuration than what is shown on the plan, the plans should be updated.

Name of Plan: Glick, Eugene I. and Peggy L.

File Number: 2008-07-002

Tax Map #: 14-08-114

Municipality: Brown Township (Municipal Ordinance)

Applicant Name: Glick, Eugene I. & Peggy L.

Land Owner Name: Glick, Eugene I. & Peggy L.

Plan Preparer: Taptich Engineering and Surveying

Action Taken: The County provides comments only.

Plan Summary: This project involves the subdivision of the Eugene and Peggy Glick Property in Brown Township, Mifflin County. One (1) lot is proposed at this time. Current Lot #1 is intended to be developed with single family residential structures. Current Lot #1 will be served with an on-lot sewage disposal system and private well to be developed by the future owner. Access to this lot will be via a private drive to be developed off of Green Lane. The Residue (~128 acres) presently houses a single family dwelling and associated outbuildings. The existing dwelling is served with an on-lot sewage disposal system and domestic water from private onsite source (private well).

Review Comments (List from Review Committee):

Floodplain - According to County GIS records, a portion of the residue lies within a 100-year floodplain. Therefore, Note 7 should be clarified to state proposed Lot 1.

Soils - According to the County GIS files, some portion of this property appears to have prime farmland soils (HaB, HcB). According to the County GIS files, some portion of this property appears to have hydric soils. The hydric soils information should be shown on the plan (AoB).

Driveway - It is recommended that the Township Roadmaster review for access onto Green Lane (T-457).

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 7.302.A.6 and 7.302.B.7 of the Brown Township Subdivision and Land Development Ordinance.

DEP Sewage Planning Module - A copy of the DEP "Component 1 Sewage Facilities Planning Module" should be submitted to the Brown Township Planning Commission. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.

Signature Blocks on Plan - The Mifflin County Planning Commission Signature Block should be changed to remove "Approval (is) (is not) granted."

Other Comments:

- 1. Only one (1) plan was submitted. The Mifflin County Planning Commission request at least three (3) plans be submitted for review. A second copy of the plan was later provided by the Township.*
- 2. The plan is not clear as to the property boundaries of the residual lot and the abutting properties. Multiple line types and weights are used on the plan. Consistency or a legend would be helpful.*
- 3. Dimensional information should be provided on the tract map for the residual lot. If survey data is not available, this information could be described by the existing mete and bounds description from the property deed. (See section 7.302.a.7 of the Brown Township Subdivision and Land Development Ordinance).*
- 4. Current Lot 1 does not meet the frontage requirement of section 504.a.1 of the Brown Township Zoning Ordinance. The lot width shall not be less than 150 feet. Frontage is defined in the Brown Township Subdivision and Land Development Ordinance in Section 2.2. Also, refer to section 4.205.B.*
- 5. If others will use the private right-of-way, a private right-of-way agreement should be put in place. If this private right-of-way is to have additional use, it may have the potential to become a private road, and therefore would have to meet the private road standards of the Brown Township Road Ordinance.*
- 6. If future subdivision of the residual lot is to occur, the applicant should provide additional right-of-way along Green Lane to meet section 41.A of the Brown Township Road Ordinance.*
- 7. It should be known that future development of the property could trigger the requirement of a NPDES permit.*

Item #4 – Mifflin County Agricultural Conservation Easement Program

Dan Dunmire gave an overview and update of the Agricultural Conservation Easement Program in Mifflin County. Dan indicated that the Planning Commission is taking more of a role in this land use program. He emphasized the importance of agriculture in Mifflin County and distributed a handout of the results of the 2002 agricultural census from the National Agricultural Statistics Service (NASS). The agricultural census is prepared every five years, and the 2007 information is still being compiled and has not been released yet. Some of the information provided in the county profile included the number of farms, land in farms, average farm size, production market value, average production market value, government payments and average government payments per farm. The types of farming in the county were also listed. Overall, the county was ranked 22 out of the 67 counties in the state in terms of agricultural receipts. Economically, there is no question that agriculture is important to the welfare of Mifflin County. Another benefit to preserving farmland involves environmental roles, such as stormwater, flooding prevention, wildlife habitats, global warming prevention, alternative energy and aesthetics.

Dan explained that the Agricultural Conservation Easement Program is necessary in preserving farmland because there has been an incredible loss of farmland to development in Pennsylvania. Between 1982 and 1997, approximately 1.14 million acres of farmland were lost to development, most of which occurred to the southeast and south central regions. Locally, there was a study completed in the 1990s, which indicated between 1975 and 1995 Mifflin County had approximately 3,000 to 3,500 acres of farmland converted to development. Dan explained that the number of subdivisions that have occurred over the past years will considerably increase the amount of farmland conversions in the county. Dan pointed out that the program is not an anti-development program. The purpose of the program is to preserve the very best farmland and possibly redirect potential development to other areas. He also discussed the best soils, which are located primarily in the best farmland.

The statewide program started with the passing of the Agriculture Security Area law of Act 43 in 1981, which created the concept of agricultural security areas to protect agricultural operations. Agricultural security areas are created by municipalities by landowner petition. Agricultural security areas are created with a minimum of 250 acres within a municipality, which can mean multiple landowners. The landowner(s) petition the municipality to create the agricultural security area, and the municipality processes the petition for public comment and public hearing. Once approved, the area is recorded in the Register and Recorder's office. Agricultural security areas do not restrict the use of the property by the

farmer, and the security stays with the farm even if sold or subdivided. The only way a property can be removed from the agricultural security area is if the municipality or landowner removes it. Benefits of an agricultural security area are protection from nuisance complaints, protection from local government laws/ordinances unreasonably restricting farm structures or practices, encouragement of the maintenance of viable farming and eminent domain. If an agricultural security area consists of at least 500 acres, the landowners can apply for the farmland preservation program. Dan indicated that every municipality in the county currently has agricultural security areas except for Brown Township, where he understands there is an effort underway to start an agricultural security area.

In 1988, Act 43 was further expanded to permit the purchase of conservation easements, which is the purchase of the development rights from the landowner. The first easements in the state were purchased in 1989 in Lancaster and Berks Counties, and in 1992 the Commissioners began a program in Mifflin County. A nine-member Agricultural Land Preservation Board was appointed, and money was appropriated for purchasing easements and operating the program. The program is currently co-administered by Dan and Ron Taverno of the Cooperative Extension office. Dan provided a summary of agricultural conservation easements purchased by the county as of June 2008. He also discussed funding for the program, which was first funded by a bond issue. A \$0.02 tax per pack of cigarettes was later instituted, which continues to help fund the program today, as well as Growing Greener funds (from solid waste landfill and transfer station tipping fees, dollars allocated from the state general fund, and local funds from the county, which are used to leverage state money. Interest on the rollback taxes from the Clean and Green program is another source of funds. There are also federal funds that can be applied for once a year.

Dan also discussed the application process and how farmland is selected for the Agricultural Conservation Easement Program. He distributed copies of the application packet. The program is advertised each year, applications are received, the farms are reviewed for minimum criteria (at least 50 contiguous acres, located in an agricultural security area, at least 50% of soils must be capability class 1-4, soils must be capable of producing a crop equal to or exceeding the countywide average for soil productivity) and the farms are ranked according to a land evaluation and site assessment. Dan briefly went over the land evaluation and site assessment worksheets in the application. He indicated that the program usually has enough funding for one farm per year; however, additional funding has allowed for more easement purchases in some years. Dan then discussed the process once a farm is selected. If not selected, he encourages farms to reapply each year.

Bill mentioned the Mifflin County Comprehensive Plan does contain a provision that prime farmland is encouraged to be preserved.

Item #5 – Public Comment

Doug Weikel of HRG, the consultant for the Stormwater Management Plan, attended the meeting to provide a project update. The next WPAC meeting was scheduled for September 16 at which time more definite conceptual solutions will be provided. Doug briefly discussed some stormwater matters in relation to agricultural preservation.

Item #6 – Other Business or Comments

- Mark Colussy discussed an ultimate right-of-way proposal. He indicated that a municipality in Juniata County has a provision in their subdivision and land development ordinance for an ultimate right-of-way. Mark explained that an ultimate right-of-way is slightly different than a usual right-of-way in that it acts like a 50-foot right-of-way exists even if there is not a full 50-foot right-of-way. The property owner would still own the land, but building could not occur within the area. Mark distributed sample ordinance language, the definition of an ultimate right-of-way and an example of how an ultimate right-of-way would work for a local property. This concept ensures building does not occur in case a municipality requires additional right-of-way in the future. The group discussed the pros and cons of this type of provision.
- Bill discussed a revised review certificate for the county signature block for subdivision and land development plans under municipal ordinances. He explained that the reason for the change is to

reflect the county's signature indicates the Planning Commission has reviewed the plan, as well as for consistent language. After some discussion, Dan Dunmire made a motion to adopt the revised review certificate for the county signature block for plans under municipal ordinances as follows:

MIFFLIN COUNTY PLANNING COMMISSION'S REVIEW CERTIFICATE

The Mifflin County Planning Commission reviewed this plan on _____, 20__, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. A copy of the review is on file at the office of the Mifflin County Planning and Development Department. This certificate does not indicate approval or disapproval of the plan by the Mifflin County Planning Commission, and the Commission does not represent or guarantee that this plan complies with the various ordinances, rules, regulations or laws of the local municipality, the Commonwealth or the Federal Government.

Susan Heimbach seconded the motion. All members voted aye. The revised language will be provided to the area surveyors.

- Bill indicated the Hazard Mitigation Plan would be presented by the consultant, Troy Truax of Delta Development, at the next meeting. The plan is to be adopted within the next couple of months.
- Bill reported the Mifflin County Public Sewer Plan was recently completed. The municipalities were provided with the final draft for review and comment. The plan will be presented to the Mifflin County Commissioners to be adopted on August 14.
- Bill mentioned he received a call from Lewistown Borough's solicitor indicating they were waiting on comments from the Planning Commission in regard to the Mifflin-Juniata Special Needs Center land development plan that was reviewed in October 2007. The property was located in Industrial and Residential zones, and therefore, a rezoning request was up for the Borough's approval. Bill had previously decided not to provide comments on the rezoning request since it was not a controversial matter. Bill suggested sending a letter to Lewistown Borough about the rezoning, as well as to express the Planning Commission's concerns about safety in relation to the project, such as the primary traffic lane within a few feet of the playground on the east side of the building, width of internal traffic lane, parking lot layout, sidewalks or walkway for handicapped accessibility and handicapped parking spaces locations. The Planning Commission concurred that a letter should be sent to the Borough.

The meeting adjourned at 5:00 p.m. upon a motion by Kay Hamilton that was seconded by Neal Shawver.

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