



**PATTON TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA**

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**PLANNING COMMISSION  
COMBINED REGULAR MEETING AND  
WORK SESSION AGENDA**

**June 6, 2011  
Board Meeting Room  
Municipal Building  
7:30 PM**

**1. CALL TO ORDER**

Commission members should consider the addition or deletion of agenda items at this time.

**2. APPROVAL OF MINUTES**

Minutes from the Patton Township Planning Commission's May 2, 2011 combined regular meeting and work session are included with this evening's agenda for review, potential edits, and approval.

**3. PUBLIC COMMENTS**

Residents and property owners may address the Commission on issues of interest to the Township. Comments related to specific agenda items should be deferred until that point in the meeting.

**4. TEMPORARY USE PERMIT: PENN STATE FEDERAL CREDIT UNION**

The Penn State Federal Credit Union located at 1937 North Atherton Street is requesting a temporary use permit to display vehicles and motorcycles for sale on their premises once a month, beginning in May 2011 and ending in November 2011.

The vehicles and motorcycles, to be provided by local dealers, would be displayed in the grassy areas of the site, as shown on the attached illustration, and would not exceed a total of five (5). The purpose of the display is to attract new auto and motorcycle lending business

The bank is located in the C-1 Commercial zoning district, within which the retail sales of vehicles is permitted. Because of the proposed location of the displays, there will be no effect on the vehicular or pedestrian traffic circulation of the site. No additional lighting has been proposed.

This evening's agenda packet includes:

- Location Map
- A cover letter from Penn State Federal Credit Union
- Site Illustration

Recommendation:

Staff recommends approval of this permit with the following conditions:

- Prior to issuance of a permit, the proposed specific day/s of each month and hours of the sale need to be provided.

## **5. SEWAGE PLANNING MODULE: GREEN-ROGERS ESTATE**

Mr. Gary Green and Ms. Kathleen Rogers have submitted a Component 1 sewage planning module for the property at 423 Meeks Lane. (A request for planning waiver and non-building declaration accompanies the module. This is for the residual tract of land not being built upon.) The corresponding Tax IDs for the parcels, which contain approximately 123 acres and are situated within the A-1 Rural Zoning District, are 18-301-43, 43G and 43K. During the January 26, 2011 meeting of the Board of Supervisors, the Board approved, with conditions, the related subdivision for the site.

Act 537 Sewage Facilities' planning is the duty of local municipalities and each municipality is required to have an Act 537 Official Sewage Facilities Plan to adequately address sewage disposal needs. In Patton Township, adoption of a planning module by resolution of the Board of Supervisors is the vehicle for legally amending the Township's Official Plan for sewage disposal needs.

In reviewing a Component 1 sewage planning module, a municipality is provided with a document to satisfy the sewage planning for subdivisions of 10 lots or less for single-family dwellings to be served by on-lot disposal. All soil testing is field verified by the Township Sewage Enforcement Officer.

This evening's agenda packet includes:

- Component 1 Sign-off Sheets
- Planning Waiver and Non-Building Declaration Summary Sheet

Recommendation: Staff has reviewed the sewage planning module and finds it to be acceptable as submitted. The original copy has been returned to the developer with staff signatures.

The Planning Commission recommendation and any comments will be forwarded to the Board of Supervisors for their consideration during the June 15 meeting.

## **6. WIND ENERGY FACILITIES: DRAFT REGULATIONS**

Over the course of the past several months, staff has prepared draft regulations pertaining to wind energy facilities. As was determined during the January 10 meeting of the Planning Commission, the purpose of the regulations is to provide a set of development standards for both Residential Wind Energy Facilities (RWEF) and Commercial Wind Energy Facilities (CWEF).

In preparation of the regulations, staff and the Planning Commission previously reviewed source material which, in part, offered a comparison of existing local regulations (College, Ferguson, and Halfmoon Township), provided model regulations and suggested standards, and illustrated wind speed mapping along with data relevant to assessing the wind energy resource available in Patton Township. Although the draft proposes standards for the regulation of CWEFs, the available wind speed data indicates that the wind resource in the Township is not sufficient to encourage the installation of CWEFs in their current technology. The standards proposed for RWEFs are intended to impose the least regulatory burden possible so as to encourage the installation of RWEFs but yet also provide adequate protections for the public health, safety and welfare. In addition, the regulations are proposed to be included in Chapter 175: Zoning. Though there is more than one regulatory tool by which it is possible to regulate wind energy facilities, by far the most common and, perhaps, the most appropriate, is by way of zoning controls. In light of the often sensitive nature of the siting and operation of wind turbines, zoning allows the most direct regulation of such matters including, for instance, the permitted type (based on size and/or capacity) and location of turbines within in the Township.

During the May 2 work session of the Planning Commission, the Commission reviewed an initial draft of proposed regulations - Article VIII C: 175-40.7: Wind Energy Facilities. The members present formed a consensus to forward the draft, as written, to the next regularly scheduled meeting of the Planning Commission for the consideration of a recommendation to be made to the Board of Supervisors. Thus, the draft is brought before the Commission this evening for further review.

This evening's agenda packet includes:

- Draft Regulations: §175-40.7: Wind Energy Facilities
- Amendment to A-1 District: Addition of CWEF as a Conditional Use
- Proposed Alternate Standards for VAWTs: Clearance and Climb Prevention
- Wind Energy: An Overview
- Highlight of Proposed Standards: Spreadsheet
- Review Comments: Planning Commissioner, Mr. Paul Silvis; Supervisor, Mr. Jeff Luck.
- Windustry Conference Notes
- Federal Incentives for Clean Energy
- Partial List of Reference and Source Material

Discussion Item: In addition to any other matters discussed and in consideration of comments received, it is requested that the following specific issues also be discussed:

- Landowner Notification: Regarding the proposed requirement for landowner notification pertaining to RWEFs, it is suggested that the Planning Commission specifically address the related proposed wording. Please see 175-40.7.4.G.2 on page 7.

Should the Commission forward the proposed regulations to the Board of Supervisors for consideration of adoption, the following is a recommended timeline for that process:

1. Before forwarding the draft along with a recommendation to the Board of Supervisors for their consideration, direct staff to complete any suggested significant revisions prior to the July 11 meeting of the Planning Commission for further consideration at that time.
2. If the Commission feels that the draft is acceptable as written or if there are only minor requested changes to the proposed regulations resulting from this evening's meeting, the draft, along with the Commission's comments and recommendation, would be forwarded to the Board of Supervisor's for their consideration at a future meeting.
3. Following the review of the Board of Supervisor's at a future meeting, and if so authorized during that meeting, the proposed regulations would be considered for adoption during a public hearing to be held subsequent to advertisement of the regulations and in accordance with the Pennsylvania Municipalities Planning Code.

## **7. CURRENT WORK TASKS**

If the Commission has questions on any of the following items, the Township and CRPA staff will provide an update on the current planning work tasks:

- Wind Energy Facilities
- Excavations
- 2010 Census Data Evaluation
- Slopes and Natural Features (derived from Ridge Overlay)

## **8. STATUS REPORT ON PENDING ITEMS**

A) Actions taken by the Patton Township Board of Supervisors at their May 11, 2011 meeting:

1. The Board approved the following Temporary Use Permits:
  - Temporary Use Permit – Walmart Storage Containers
  - Temporary Use Permit – Walmart Bulk Merchandise Tent
  - Temporary Use Permit – Trinity Lutheran Church Special Events
  - Temporary Use Permit – Kish Bank Family Fun Day

B) Pending Commission Work Tasks:

- Reorganization of Zoning and Subdivision/ Land Development Regulations
- Airport Overlay District
- Homeowner's Association Regulations
- Fees in lieu of Parkland

C) The submission deadline for the July 11, 2011 Planning Commission meeting is June 7. To date, no new plans have been received.

**9. REPORTS**

Mr. Hermann will be asked to report on the recent progress of the Halfmoon-Patton Area Plan.

**10. OTHER BUSINESS**

**11. ADJOURN**

**FOR YOUR INFORMATION**

- A. Development Update
- B. BOS Representatives:

<b><u>BOS MEETING DATE</u></b>	<b><u>PLANNING COMMISSION REPRESENTATIVE</u></b>
June 15	Sharon Bressler
July 20	John O'Neill
August 18	Kate Domico
September 8	Paul Silvis
October 12	John O'Neill
November 2	Jeff Kokoskie
December 14	Chuck Seighman

**12. CALL TO ORDER – WORK SESSION**

Commission members should consider the addition or deletion of agenda items at this time.

**13. PUBLIC COMMENTS**

Residents and property owners may address the Commission on issues of interest to the Township. Comments related to specific agenda items should be deferred until that point in the meeting.

**14. EXCAVATIONS: DRAFT REGULATIONS PERTAINING TO CONSTRUCTION ACTIVITIES AND PYRITIC ROCK**

Previously, over the course of the past year and in relation to the issue of concern, two different sets of draft regulations were considered by the Planning Commission.

Firstly, the Bald Eagle Ridge Overlay District (BERO), which offered a form of comprehensive ridge protection regulations, did not move forward. Instead, staff was instructed to prepare regulations that would deal exclusively with the potential hazards associated with disturbing and exposing pyritic/sulfuric rock during a construction process. The main result of which could be the formation of Acid Rock Drainage (ARD).

During a work session held on February 7 of this year, the Planning Commission considered draft regulations titled "Deep Excavations", which regulated construction activities on the basis of the proposed depth of excavation. At that meeting, it was determined that the concept of using depth as a regulatory mechanism is flawed in that a specific depth of excavation could not be applied uniformly throughout the Township. (There is a correlation between the depth of the water table and the potential for ARD; however, the water table can fluctuate greatly from one location to another.) Staff was directed to propose a different regulatory mechanism and prepare a new draft.

During the past several months, staff continued to work closely with renowned geologists, Drs. David "Duff" Gold and Arnold Doden, in the formation of a new draft. As noted above, the draft is simply titled "Excavations".

This evening, the completed new draft of regulations is presented to the Planning Commission for initial consideration and discussion purposes. In essence, the regulatory elements of the new proposal have their basis in specific soil types, topographic settings and their underlying conditions (geologies), and a set of inspection and testing procedures intended to identify existing and/or the potential for ARD. In addition, the regulations are proposed to be included in Chapter 153: Subdivision and Land Development rather than in Chapter 175: Zoning. Therefore, the standards will apply not on the basis of a specific zoning district, but on the basis of specific criteria applicable to evaluating a site for ARD. The standards will pertain primarily to non-residential construction activities and multi-family activities when the criteria are met. Small-scale residential activities will be exempt. Please see the draft and accompanying documents for more information.

This evening's agenda packet includes:

- Draft Regulations: §153-34.3.1: Excavations; Including:
  - Appendix 1, Subsurface Conditions in Three Topographic Settings
  - Appendix 2, Flow Chart
  - Appendix 3, Soils Map (Soils as Indicators of the Potential for ARD)
  - Appendix 4, Residential Guide to Excavations and Pyritic Rock
- Evolution and Highlights of Proposed §153-34.3.1: Excavations
- Hazards Associated with Disturbing Pyritic Rock
- Assessing ARD Potential: Physical and Chemical Indicators
- Acid-Base Accounting
- Neutralizing ARD or ARD Potential: Alkaline Addition to Excavated Materials
- Legal Response from Planners Advisory Service: American Planning Association
- Partial List of Reference and Source Material

Upon review and discussion of materials provided, the Planning Commission should form a consensus on how to proceed further. The following are some options to consider:

1. Advance the draft regulations, as written or with any minor revisions, to the July 11 meeting of the Planning Commission for the consideration of a recommendation to be made to the Board of Supervisors.
2. Revisit the draft, along with any suggested significant revisions, during a future work session of the Planning Commission.

**15. CENSUS DATA ANALYSIS**

At the request of the Township Manager, staff has been in the process of evaluating the 2010 census data in relationship to the 2000 census data. The data is being further evaluated on the basis that the actual total population count resulting from the 2010 census differs significantly than the most recently available estimates published by the U.S. Census Bureau.

According to the U.S. Census Bureau, the total population in Patton Township in the year 2000 was 11,420; and in the year 2010 it was 15,311. The estimated total population for the Township in 2009 was 13,286. In looking at the population estimates on a year-to-year comparison, the expected increase in population for the Township is generally around 1.5%, plus or minus. Therefore, in using the 1.5% figure and the year 2009 estimate as our base, we could reasonably expect the estimated population for the year 2010 to be approximately 13,500. At that, we can see that the actual population in 2010 is elevated by a total of roughly 1,800, plus or minus, in comparison to what was expected.

In order to compare the data for each of the two census years, it is necessary to analyze it on as common a basis as is possible in order to produce accurate results. Census data is produced for a number of geographic and political subdivisions. The smallest of such subdivisions is the census block. However, with increasing populations, the Census Bureau must also adjust its census blocks from one census to the next. Therefore, staff has analyzed census blocks in customized groupings referred to as Common Data Areas (CDA). These CDAs consist of a group of census blocks in the Township that share common boundaries (usually roads) so that the data within the CDAs can be accurately compared, regardless of whether or not a particular 2010 census block is the same as it was in 2000. The CDAs have been developed by staff for analysis purposes only.

The evaluation is not yet complete; however, for informational purposes, this evening's agenda packet includes:

- 2009 Population Estimate
- Map: Common Data Areas
- Census Evaluation Notes

