



**PATTON TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

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**PLANNING COMMISSION
REGULAR MEETING**

**July 11, 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 June 6, 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: PATTON TOWNSHIP POLICE SAFETY FAIR

The Patton Township Police Department is requesting a temporary use permit to hold their annual Patton Township Safety Fair. This year's event is proposed to be held on September 17, 2011, in the Colonnade Shopping Center's parking lot (in front of Target, adjacent to Colonnade Boulevard).

It is expected that, as in years past, several local police departments, fire companies, and other first responders (such as LifeFlight) will set up various displays, demonstrations, and activities to educate and entertain the general public about safety issues. Food vendors will be

present as well. Ingress and egress will be through the Target's parking lots, and traffic patterns will be only slightly affected. There will be 10' x 10' canopies in place for shade and shower protection.

The Patton Township Police Department proposes holding this year's event from 9:00 AM until 4:00 PM. There have never been any problems or complaints with this fair in the past, thus, staff recommends approval.

The agenda packet includes a location map and cover letter submitted by Officer Tom Snyder of the Patton Township Police Department.

5. **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 June 6 regular meeting of the Planning Commission, the Commission reviewed an initial draft of proposed regulations - Article VIIC: 175-40.7: Wind Energy Facilities. Upon further discussion, the Commission suggested some revisions to the draft prior to considering a recommendation regarding the draft for the Board of Supervisors. Staff has since revised the draft accordingly and will present the new draft this evening for a recommendation to be made to the Board of Supervisors.

This evening's agenda packet includes:

- Revised Draft Regulations: §175-40.7: Wind Energy Facilities
- From June 6 Meeting: List of Revisions and Discussion Items
- Amendment to A-1 District: Addition of CWEF as a Conditional Use

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. If the Commission feels that the draft is acceptable as written or if there are additional, 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 the July 20 meeting.
2. Following the review of the Board of Supervisor's during the July 20 meeting, and if so authorized during that meeting, the proposed regulations would be considered for adoption during a future public hearing to be held subsequent to advertisement of the regulations and in accordance with the Pennsylvania Municipalities Planning Code.

6. 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.

Throughout this process, 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".

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.

During the June 6 work session of the Planning Commission, the Commission reviewed an initial draft of proposed regulations - 153-34.3.1: Excavations. 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: §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

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 August 1 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. Prior to the Board meeting at which the draft would be considered, staff will notify those individuals who attended the public meetings during which the original ridge protection regulations were reviewed to inform them of the progress of these proposed regulations.
4. 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:

- 2010 Census Data Evaluation
- Slopes and Natural Features (derived from Ridge Overlay)
- Reorganization of Zoning and Subdivision/ Land Development Regulations

8. STATUS REPORT ON PENDING ITEMS

A) Actions taken by the Patton Township Board of Supervisors at their June 15, 2011 meeting:

1. The Board approved the following Temporary Use Permits:
 - Temporary Use Permit – Penn State Federal Credit Union

2. The Board approved the following Sewage Planning Module:
 - Green-Rogers Estate
3. The Board approved the following Access Agreement:
 - Pediatric Dental Care and Orthodontics

B) Pending Commission Work Tasks:

- Airport Overlay District
- Homeowner's Association Regulations
- Fees in lieu of Parkland

C) The submission deadline for the August 1, 2011 Planning Commission meeting was June 28. 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:

BOS MEETING DATE

July 20
August 18
September 8
October 12
November 2
December 14

PLANNING COMMISSION REPRESENTATIVE

John O'Neill
Kate Domico
Paul Silvis
John O'Neill
Jeff Kokoskie
Chuck Seighman

