

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
DATE AND TIME: Monday, April 26, 2010, 3:00 p.m.

I. Call to Order: Chair Groff opened the Public Meeting @ 3:00 p.m., beginning with roll call of the LCPC Members.

MEMBERS: Commissioners Dennis Groff, Ray D’Agostino, Leo Lutz, David Kratzer, Jr., Kathy Wasong, Matthew Young, and David Zimmerman were present.

Commissioners Thomas McDermott and Tim Roschel were not present.

STAFF: James Cowhey, Frank Behlau, Jane Pugliese, Scott Standish, Mike Domin, Justin Evans, Mary Frey, Randall Heilman, Emma Hamme, Tara Hitchens, Pat Kadel, Gwen Newell, Dean Severson, Brad Stewart, Danny Whittle, and Carol Youtz were present.

OTHERS:

Frank Christoffel, IV	LCAR (<i>Lancaster Association of Realtors</i>)
Bill Finch	Community Energy, Inc.
Mitch Hanna	Senator Smucker’s Office
Jim Huber	Manor Township
Jim Kendau	Architectural Concepts, Inc.
Russell Redding	Secretary for PA Department of Agriculture
Jeffrey Reitz	Light Heigel / Associates, Inc.
Phyllis Stellfox	LHOP (<i>Lancaster Housing Opportunity Partnership</i>)
Jim Thomas	Attorney for Community Energy, Inc.

II. Call to Audience:

III. Approval of the Minutes of Prior Meetings – April 12, 2010: Ms. Wasong made a motion to approve said minutes. The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

IV. Appointments, Presentations and Reports:

A. Scheduled Public Presentations:

1. Mr. Standish, Director for Long Range / Heritage Planning Division introduced Mr. Domin, who serves as Principal Long Range and Heritage Planner.

Mr. Domin gave a brief overview on Trail Planning in Lancaster County. He informed the Commission of the progress, development, and challenges of developing new trails in Lancaster County. He stated that the *Greenscapes* plan serves as a vision for trails and natural areas in our community. Mr. Domin further described the different types of trails and their benefits. He indicated that participation in trail planning activities presently include efforts at the State, County, Municipal, and Non-Profit levels.

The Commission offered their concerns regarding the potential misuse of adjacent properties by trail users; particularly as it relates to agricultural communities. Their hope would be to see more education, signage, fencing, and to encourage more stakeholder meetings with the farm community, law enforcement, and emergency personnel.

Mr. Domin and Mr. Standish both concurred and reassured the Commission that their concerns are valid and will encourage further dialogue amongst the agricultural community and trail proponents.

B. Committees and Task Forces: **None.**

C. Reports and Presentations From LCPC Staff:

1. Mr. Cowhey, Executive Director, acknowledged and introduced Mr. Russell Redding, Pennsylvania Department of Agriculture Secretary. He further reported that the deadline for the Communities Initiative Grant's guidelines has been pushed back for a month.
2. Mr. Behlau, Director for Community Planning Division gave updates on the Regional Planning and informed the Commission that the LCPC Website has added CPDs toolbox topics, "Rural Areas Designation Process" and "Wastewater Strategies for Rural Areas".
3. Mr. Standish, Director for Long Range / Heritage Planning Division, reported a brief update of the preservation trades class offered by Thaddeus Stevens College of Technology while he distributed brochures of same.

4. Chair Groff requested on behalf of the Commission that Staff provide a presentation on new National EPA (*Environmental Protection Agency*) guidelines implemented for the Pennsylvania State level of the MS4 (*Municipal Separate Storm Sewer System*) Permit regulations regarding Stormwater Management. He asked to include how are the municipalities to respond; how much it may cost; and present Regional efforts.

VI. New Planning Matters for Discussion and Action:

The Commission proceeded to Agenda item, **Roman Numeral VI. B.2.**, Community Planning Review, **#18-25A**, East Drumore Township, due to time constraints.

B. Community Planning Reviews:

2. **#18-25:**

- A. East Drumore Township, **(4)** to Add a provision to the Ordinance for uses not specifically permitted or denied and to Provide for procedures and standards for the review of conditional use applications.

Mr. Severson, Agricultural and Rural Lands Planning Specialist, respectfully addressed the Commission regarding CPF #: **18-25A**, East Drumore Township. He described Staff's decision for dividing the Staff Review of the proposal, first to review the solar farm proposal (CPF #: **18-25A**), and secondly the proposed rezoning and minor text amendments (CPF #: **18-25B**) He briefly summarized the Staff review along with recommendation for disapproval, and emphasized that Staff is supportive of alternative energy, but that the proposal conflicted with the County's Rural Strategy and Rural Vision.

The Commission had concerns including: (1) whether the farm was a candidate for agricultural preservation; (2) if the proposal would be near a Village Growth Area; (3) if the property was enrolled in the Clean and Green preferential tax assessment program, and the impact this proposal would have on its Clean and Green status. The Commission understands that alternative energy can be a positive land use, but from a Lancaster County agricultural point of view, there must be a paradigm shift to provide for additional non-agricultural uses. Agriculture never requests to move lands nor does agriculture request to be provided for.

Mr. Finch of Community Energy gave a brief overview of the proposed plan and introduced Mr. Thomas, Solicitor representing Community Energy.

Mr. Thomas acknowledged the Commission's concerns regarding policy and technical matters, and hoped to clarify those concerns.

Mr. Redding, PA Dept of Agriculture Secretary, respectfully addressed the Commission, and elaborated on the importance for supporting the proposed plan. He stated that the deciding factor in utilizing Executive Order 2003-2, is whether the proposed use is a permanent conversion, and that each project must be judged individually for its impact on farmland and prime agricultural soils. Mr. Redding also stated that, regarding the Keystone Initiative, this project is unique and did not involve the provision of infrastructure that could spur development in areas not planned for growth.

Lastly, Mr. Cowhey conveyed that Lancaster County views its prime agricultural soils (*Class 1 and 2*) as a sacred resource, and would critically examine the location of the proposed use and its impact on these prime agricultural soils.

Ms. Wasong made a motion to approve and forward the above Staff Review for the item listed under **Roman Numeral VI. B.2.A.** The motion was seconded by Mr. Lutz. The motion carried unanimously.

V. Previously Postponed Planning Matters for Discussion and Action:

A. Lancaster County Comprehensive Planning Items: **None.**

B. Community Planning Reviews:

1. **#4-81**, Brecknock Township, Proposed Amendment to the Zoning Ordinance by Amending Section 110-7, Definitions, regarding definitions for “farm” and “impervious surface”; by Amending Section 110-20, Forest Recreation (FR) District, and Section 110-22, Residential Medium (RM) District, regarding bed-and-breakfast establishments; by Amending Section 110-23, Neighborhood Commercial (NC) District, and Section 110-24, Highway Commercial (HC) District, regarding the commercial keeping of poultry, livestock, bees, and wild or domestic animals; and by Amending Section 110-27, Accessory Buildings, Structures and Uses, Section 110-28, Erection of More Than One Principal Building On A Lot, Section 110-38, Agricultural Uses, Section 110-40, Family Farm Support Business, Section 110-59 Standards for Accessory Dwellings, Section 110-60, Animals and Animal Shelters, and Section 110-84, Sign Standards Determined By Use of Sign, regarding miscellaneous Amendments, (*Postponed from the April 12, 2010 Meeting*)

Vice-Chair D’Agostino made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral V. **B.1.** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

2. **#4-82**, Brecknock Township, Proposed Amendment to the Zoning Ordinance by Amending Section 110-7, Definitions, regarding definitions for “DER” and “parent tract”; and by Amending Section 110-18, Agricultural (AG) District, Section 110-19, Agricultural-2 (AG-2) District, and Section 110-20, Forest Recreation (FR) District, regarding cross-references, maximum number of lots, number of principal uses, and minimum lot size, (*Postponed from the April 12, 2010 Meeting*)

Ms. Wasong made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral V. **B.2**. The motion was seconded by Mr. Lutz. The motion carried unanimously

- C. Subdivision and Land Development Plan Items – Approvals: **None**.
- D. Subdivision and Land Development Plan Items – Advisory Reviews: **None**.
- E. Other Planning Matters: **None**.
- F. Additions to the Agenda (with 24-hour Public Notice): **None**.

VI. New Planning Matters for Discussion and Action:

- A. Lancaster County Comprehensive Planning Items: **None**.
- B. Community Planning Reviews:
 1. **Combined Report:** **#13-31**, Conoy Township, Proposed Official Map.
#16-59, West Donegal Township, Proposed Official Map.
#25-54, Elizabethtown Borough, Proposed Official Map.
#46-120, Mount Joy Township, Proposed Official Map.

Mr. Kratzer made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI. **B.1**. The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

2. **#18-25:**
 - B.** East Drumore Township, **(1)** to Rezone a tract along Black Bear Road from R-1 to Agricultural; **(2)** to Add municipal government uses as a special exception in Agricultural, R-1 and C-1 Districts; **(3)** to Define “conditional use”, **(5)** to Modify the requirements for storage of flammable fuels in Commercial Districts; **(6)** to Prohibit parking or storage of unregistered vehicles in R-1 and R-2 Districts; **(7)** to Increase the permitted size of certain signs in Commercial Districts; **(8)** to Increase the minimum fair market value of work which shall require a building permit from \$1,5000 to \$2,500 and to Eliminate the requirements that the plot plan accompanying a

building permit application be drawn to scale; and **(9)** to Reduce certain lot width, depth and maximum coverage requirements in Agricultural Districts and eliminate a note concerning side yard requirements in Commercial Districts.

Mr. Zimmerman made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI. **B.2.B.** The motion was seconded by Mr. Young. The motion carried unanimously.

3. **#35-94**, Leacock Township, Proposed Zoning Ordinance & Map with Rezoning of four tracts of land from Suburban Residential (SR) to Commercial (C-1) and Village Residential (V-R).

Vice-Chair D'Agostino made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI. **B.3.** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

4. **#54-88**, Rapho Township, Proposed Rezoning of 5.17 acres situated on the southwest corner of Strickler Road and McKinley Drive from Agricultural to Industrial.

Mr. Young made a motion to acknowledge the above Withdrawal for the item listed under Roman Numeral VI. **B.4.** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

5. **#54-89**, Rapho Township, Proposed Rezoning of approximately .62 acres situated on the northwest corner of Main Street and McKinley Drive from R-2 Residential to Mobile Home Park.

Ms. Wasong made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI. **B.5.** The motion was seconded by Mr. Lutz. The motion carried unanimously.

C. Subdivision and Land Development Plan Items – Approvals:

1. **#73-81-2**, Robert Porterfield, Martic Township, (*Withdrawn*)

Mr. Young made a motion to acknowledge the above Withdrawal for the plan listed under Roman Numeral VI. **C.1.** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

2. **#86-9-1**, J. Mervin & Anna Mae Miller, Elizabeth Township, (*Conditionally Approved*)

Ms. Wasong made a motion to approve the above Staff Review, for the plan listed under Roman Numeral VI., **C.2.**, conditioned upon adequately satisfying the comments of the respective review memorandum. The motion was seconded by Mr. Kratzer. The motion carried unanimously.

3. **#97-74-1**, Fivepointville Fire Company, Brecknock Township, (*Conditionally Approved*)

Mr. Lutz made a motion to approve the above Staff Review, for the plan listed under Roman Numeral VI., **C.3.**, conditioned upon adequately satisfying the comments of the respective review memorandum. The motion was seconded by Ms. Wasong. The motion carried unanimously.

D. Subdivision and Land Development Plan Items – Advisory Reviews:

1. **#73-132-8**, Metro Bank, Airport Road, Manheim Township
2. **#76-69-7**, Hernley Subdivision, Mount Joy Township
3. **#78-527-1B**, Phase 2 of Conoy Crossing Elizabethtown Borough and West Donegal Townships
4. **#79-106-4B**, Western Heights Water Authority, Earl Township
5. **#95-57-2**, Quality Mulch Products, LLC, Ephrata Township
6. **#04-85-1**, Manheim Township School District, Proposed 5 & 6 Grade Facility, Manheim Township

Mr. Zimmerman made a motion to approve and forward the above Staff Reviews for the plans listed under Roman Numeral VI. **D.1. thru D.6** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

E. Other Planning Matters:

- 1) Requests for Waivers:
 - a. **EH10-2**, Jarrod C. Johnson, Little Britain Township, Section 303 Plan Processing Procedures, (*Conditionally Approved*)

Ms. Wasong made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI. **E.1)a.** The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

- b. **SK10-5**, Alvin B. & Katie K. Beiler and Jacob B. Beiler, Colerain Township, Section 303 Plan Processing Procedures, (*Conditionally Approved*)

Mr. Zimmerman made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI. **E.1)b.** The motion was seconded by Mr. Kratzer. The motion carried unanimously.

- c. **#99-122A**, Daniel Beiler, Sadsbury Township, Section 303 Plan Processing Procedures, (*Conditionally Approved*)

Ms. Wasong made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI. **E.1)c.** The motion was seconded by Mr. Lutz. The motion carried unanimously.

2) Requests for Time Extensions:

- a. **#71-224-1**, Koser Arch Street, Conoy Twp, 90-Day Extension of Time, (*Approved*)

Vice-Chair D'Agostino made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI. **E.2)a.** The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

3) Unconditional Preliminary Plan Approvals:

- a. **#85-367-4**, Wesley United Methodist Church, Colerain Township, (*Approved*)

Mr. Young made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI. **E.3)a.** The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

F. Additions to the Agenda (with 24-hour Public Notice): **None.**

VII. Old Business: **None.**

VIII. New Business and Discussion Items:

- 1. Mr. Domin, Principal Long Range and Heritage Planner, gave a brief synopsis of his draft review of the Holtwood Hydroelectric Project – Land and Shoreline Management Plan. He described the proposed conservation initiative proposed by PPL which would involve transferring land within the corridor to local, state and non-profit entities to ensure permanent preservation. He mentioned that Staff is fully supportive of this initiative.

IX. Adjournment: Chair Groff made declaration to adjourn the meeting at 5:50 p.m.

PLEASE NOTE: The next scheduled meeting of the Lancaster County Planning Commission will be held on Monday, May 10, 2010.