

HALFMOON TOWNSHIP
Planning Commission Meeting
September 21, 2010 **7:00 pm**

Present: Danelle Del Corso, Larry Fennessey, Jordan Finkelstein, Lorin Nauman, John Stevens, Joe Tylka
Absent: Bob Eberhart; Susan Steele, Township Manager; Dave Piper, Zoning Officer; Sebastian DeGregorio, CRPA
Others present: James May, CRPA; D. J. Liggett, CRPA; Norman Lathbury, ASA Program; Melissa Gartner, recording secretary

1. Call To Order

Chair Lorin Nauman called the meeting to order at 7:03 p.m.

2. Citizen Comments

None.

3. Approval of September 7, 2010 Minutes

Motion. Mr. Tylka moved to approve the minutes of September 7, 2010. Mr. Finkelstein seconded. Vote: 6-0.

4. Reports

a. BOS Update

Ms. Steele did not attend the previous BOS meeting last week, but she did report that they approved the budget calendar and accepted the resignation of a Park Board member. This Thursday evening (September 23) will be the BOS retreat to discuss priorities so Ms. Steele can complete the budget. This will be a non-televvised meeting.

b. Zoning Officer's Report

Mr. Piper was not present.

c. Other

Mr. Fennessey reported that someone was drilling on Loveville Road. Some speculation was that Mr. Andrew Merritt was adding a geothermal system, but Mr. Fennessey said it didn't seem like that type of work.

5. Review of the Agricultural Security Area Program

Ms. D. J. Liggett and Mr. Norman Lathbury, Agricultural Security Area Program, came to answer questions from a previous PC meeting. The Ag Security Area program was a legislative response in the late 1970s to PennDOT's highway construction through farmland. The Ag Security Area law was passed in 1981. The program is designed to protect landowners from nuisance ordinances that municipalities might enact, concerning agriculture. He gave the example of someone complaining on laundry day because someone else spread manure; the farmer would

be protected in the event that the township tried to enforce a regulation against manure spreading. The ASA program gives the landowner some protection from eminent domain. The State legislature put together an agricultural land condemnation approval board, which would have to act on any land condemnation petitions before they could be enforced. The board can also intervene if farmland is affected when bridges or roadways need to be widened beyond vehicle right-of-way. Farmers can also apply for low interest loans from SEDA-COG or the Farm Service Agency.

In response to a ballot question in 1987, 70% in Centre County said yes to farm preservation. The first \$100,000 was allocated to this program. The easement purchase program means that the landowner is selling his development rights to the Commonwealth and/or the municipality where the property is located. Pennsylvania has purchased over 4,000 farms (140,000+ acres) and leads the nation in farm preservation.

The Ag Security program is based on voluntary participation. To qualify, a landowner must have a minimum acreage of 10 acres used for agriculture, or the land itself has a unique quality. The landowner then completes an application, and the municipality has 180 days to approve the application. If no action is taken, the property is automatically enrolled in the program. Mr. Tylka asked about the easement program, and Mr. Lathbury said that you must be located in the ASA before you can apply.

Once the County receives an application, an evaluation process begins. The Land Evaluation Site Assessment (LESA) uses a weighted score based on 100 points. Fifty percent of the score is based on soils. The more Class I soils a landowner has, the higher the score. Centre County has terrific soils, but unfortunately, Halfmoon Township's soil scores fall in the middle third. This is why Halfmoon has no land preserved in this program. The LESA also rates water, wind erosion, and development pressure. The program is obligated by law to take the farms with the highest scores.

Mr. Stevens asked if a property is in the ASA for seven years. Mr. Lathbury said that the landowner could still do whatever he wanted with the property during those seven years (i.e., sell it). If the township doesn't complete its seven-year review, all properties are automatically renewed.

Ms. Liggett said in response to a question from the September 7, 2010 meeting, existing property owners are notified by letter that they are going through the seven-year review process and invited to renew their membership in the ASA program. Ms. Steele said last year the Township sent out letters to present ASA property owners and any landowners who would be eligible for membership.

Mr. May clarified that the agricultural preservation board is a County board, and the condemnation approval board is a State board. He also asked about the soil weighting as 50% of the score and said that Halfmoon was at a disadvantage since their soils were not as competitive as other townships. Mr. Lathbury agreed, and said that even at 40%, Halfmoon's land scores didn't qualify.

Mr. Tylka asked about the scoring system and how it's related to the quality of the land. Mr. Lathbury agreed that they want to preserve the best soils. He added that 57 out of 67 counties in the state participate in the ASA program. The money is distributed in an interesting way and is tied to real estate transactions. He gave the

example of Allegheny County that has limited farms but still receives over \$1 million each year. Mr. May asked about the funding, and Mr. Lathbury said Centre County provides \$80,000 to last 8-9 years. The Commonwealth has received an average of \$300-400,000/year. Any money not spent within a two-year period then returns to a central fund for redistribution.

If a landowner wants to only enroll part of his/her property in the ASA program, the program will hire a surveyor to prepare a survey, which becomes the legal description of the easement. The property is appraised and the easement value is established as the difference between the market/development value and the agricultural value of the property. Centre County offers 100% of the easement value (not all counties do this). The program sends an offer to the farmer to approve or reject. If the farmer approves, the program staff prepares a sales agreement, and puts together all of the documentation and financial data to submit to Harrisburg. The landowner then presents the property to the State board and waits for its approval. If rejected, landowners have five ways to protest the ruling and try to get the state board to reconsider. Once the State board approves, it goes to the Controller's Office. As with a regular settlement, money is transferred and deeds are signed and recorded. It becomes a permanent easement. The only way to extinguish an easement is if the County holder submits to the State that this piece of land is no longer viable for agriculture, then it goes to the State Supreme Court.

Mr. Nauman summarized that anyone who is in ASA will stay in ASA, and those who wanted in could have returned the letter to enroll. Mr. Lathbury added if someone new still wants in, they can submit an enrollment form and the Township is obligated to act on it within 180 days.

Ms. Steele then clarified that the reason Halfmoon has its own Open Space Preservation Program, when the County has a similar program and is able to pay more per acre, is because Halfmoon's soils wouldn't qualify for the County program.

6. Items of Interest for the Planning Commission Work Plan

Mr. May referred to the memo sent out yesterday (September 20, 2010). Since most of the recent PC work has been on specific issues, this might be the time to step back and review broader issues facing the Township. He said it is important to have a good vision for where the Township wants to be in the future. From the Comprehensive Plan, we see that we don't need to expand the growth boundary for a long time. Items to consider:

- some type of transfer of development rights in the future – can they be sold if someone wants higher density elsewhere in the Township?
- clustering options – i.e., preserving part of a farm but subdividing for family
- bicycle/pedestrian plan – Patton and Harris Townships are working on this now
- wastewater strategy – as learned from the RVD, we don't have the soils for that type of development; the University Area Joint Authority (UAJA) is "next door" as a possible solution but has long-term implications for the Township

Ms. Steele mentioned the Township sent back the Code. She noticed six different definitions for "owner" and she thought this would be an easy project for the PC to work on in the future. The Township is going to budget \$4,000 each year for an annual Code Book update.

Ms. Del Corso asked if Mr. May's memo was to seed future PC discussions. She asked if the PC should make these into agenda items for future meetings. Mr. Fennessey asked about the BOS retreat on Thursday, September 23. Ms. Steele listed the tentative items for discussion and said the meeting was open to the public.

Mr. Fennessey suggested that since the RVD will be the biggest issue facing the BOS, and perhaps the PC should make a list of pros and cons. Ms. Steele said that the biggest hang-up with RVD was the wastewater issue. Now, discussions on increased density include UAJA as a good solution, but some developers (Poole, Hawbaker) don't see it as economically feasible. Ms. Del Corso suggested that since the PC discusses the RVD a lot, then the PC should take action and present information to the BOS. Ms. Steele said that the BOS is weighing what they should do, since they don't have to take action at this point. They may ask the PC to reconsider or address certain issues of the RVD (ex: affordable housing) and then it would come back to the PC for action.

Mr. Nauman asked if, in the future, someone wanted to build a microfiltration plant in Stormstown proper, would Halfmoon Creek be able to support the water flow from a plant? Mr. Fennessey said that it would be possible, but the problem is that a brand new system has not been built in Pennsylvania since the regulations have changed. Mr. Nauman asked, "How do we plan for growth if we can't plan for sewer?" Mr. May said that perhaps that is a good planning initiative, to see where in the Township growth could more easily occur. Ms. Liggett mentioned the 537 Plan done in 2005 indicated several locations where plants might be feasible, taking into consideration that the regulations have changed and the information is slightly outdated.

Ms. Del Corso recommended addressing this at the next PC meeting with a map and a structured discussion. Members agreed to wait until after the BOS retreat and if they would like PC input, this could be scheduled for the next PC meeting.

Mr. Tylka suggested one way to encourage people to sign up for the Open Space Program would be to protect their right to subdivide in the future down to a certain amount of acreage (ex: 15-acre lots). It could create a community that would have potentially a lot of 15-acre lots, rather than change to A15 or A25. Mr. Nauman said that the main objection he's heard to joining the Open Space Program is the 99-year lease requirement. They can't plan for 99 years out; 50 years is easier for them to understand but they feel 99 years ties the hands of their children in the future.

Mr. May finished the discussion by reminding the PC members that in the next 30 years, they will see approximately 400 new homes built in the Township. This is the time to start thinking of where they should be built. It is a large number of dwellings, but it would also leave a good deal of Township land left over.

7. Adjournment

Motion. Mr. Finkelstein moved to adjourn. Ms. Del Corso seconded. Vote: 6-0.

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary