

## PEQUEA TOWNSHIP PLANNING COMMISSION

MINUTES of March 1, 2012

**Call to order:** A regular meeting of the Pequea Township Planning Commission was held on March 1, 2012. The meeting convened at 6:41PM in the main meeting room of the township's municipal building at 1028 Millwood Road, Willow Street, PA 17584. Members of the commission in attendance were: Mrs. Lucy Gillichbauer, Mr. Bill McCord, Mr. Robert Reidenbach, Jr., Mr. Bill Schall and Mr. Fred Witmer. Others in attendance were: Zoning Officer Mr. Mark Deimler and Mr. Randy Heilman.

New member Mr. Bill McCord was introduced & welcomed.

Mr. Witmer moved to accept the February 2, 2012 minutes as written, seconded by Mrs. Gillichbauer. The minutes were approved as submitted.

Mr. Deimler provided a brief background for the purpose of the Revised Zoning Ordinance submitted to the planning commission in January of 2012. He stated that it was the philosophy of the current Board of Supervisors to provide zoning regulations in Pequea Township that obviously protect the township but relax many of the existing regulations in the current ordinance that are restrictive and obstructionist. He cautioned that the Township not go from one extreme to another that could leave the township wide open to exposure due to things that might be missing, or not completely thought through, in the new ordinance. Based on his experience he said that a zoning ordinance generally begins with the planning commission, or with a steering committee of citizens, who work together with a planner in an effort to meet the goal(s) of the Township. It is not unusual for this process to take many months and perhaps as many as eighteen months. Based on his understanding, the Revised Zoning Ordinance was written without planning commission, or citizen, involvement. Additionally, the synergy of a current Comprehensive Plan, from which a zoning ordinance is devised should be examined since the current Plan, written in 2005, pre-dates the Penn Grant Commons & Summerfield developments. These developments could be used in a revised Comp Plan to help justify the containment of future R2 (residential) expansion and the subsequent preservation of farm land. He expressed concern over the atypical manner in which the Revised Zoning Ordinance was written & presented. Under the current zoning ordinance, everything in the ag zone requires a burdensome special exception through the zoning hearing board. He noted that a farmer needs the freedom to do certain things by right such as sell off a certain number of lots, based on a sliding scale, without the requirement of going to the zoning hearing board for a special exception. The Revised Zoning Ordinance now includes single-family subdivisions by right, but that every farm only gets a single one-lot subdivision. It further includes a clause for a descendant of a farmer that has some legal implications which has raised the concern of the township solicitor. He said that the township must decide if it is going to severely limit a farmer's ability to subdivide with a one-lot maximum regardless of farm size. If that is the case, then some re-wording of the Revised Zoning Ordinance is necessary. Alternatively, the township could adopt some of the county's documentation which could serve as a

guide for the township to effectively manage its agricultural areas and then incorporate parts of it into the Revised Zoning Ordinance.

Mr. Heilman confirmed that the Revised Zoning Ordinance is currently under informal review at the Lancaster County Planning Commission and that they will provide a professional and thorough review of it which can serve as a guideline for the township. Mr. Deimler recommended that the planning commission table their review of the Revised Zoning Ordinance until Mr. Heilman's group has submitted their analysis. He further commented that while the township had spent \$10,000 for the current revision, it would not be uncommon for a rural township with similar characteristics to spend \$80,000 for a properly prepared document in conjunction with a professional planner. Alternatively, an existing ordinance available from the county could be accommodated to fit the specific needs of the township for a substantially less investment. Likewise, another municipality's zoning ordinance, or even a part of it, that has already undergone any local revision, could possibly be further tailored to fit the specific needs of Pequea Township.

Mr. Deimler then discussed the Rivera special exception request with the planning commission. He explained that the vacant one-half acre lot adjacent to the Rivera's residence at 357 Long Lane is undersized by current zoning regulations which by definition makes it a non-conforming use. The lot had been subdivided back in the late 1960's and is considered a separate parcel from their residence incurring its own tax liability which has been paid for by the Rivera family. The current zoning ordinance says that non-conforming lots of record require a special exception approval by the zoning hearing board in order to build upon it. The Riveras have had it perked & probed, have shown that a house can be constructed on the lot, have shown that they can put a well on the lot in addition to meeting all other standards of the township. He confirmed that the Riveras have easily met all the criteria required to construct a home. Mr. Deimler stated that, in his professional opinion, they have voluntarily done their due diligence and that there was no reason that they should legally be turned down for their request.

The planning commission declined official comment.

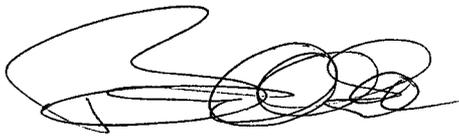
Mr. Heilman provided a brief synopsis of the Lancaster County Planning Commission's informal review process, as well as his 23 year experience in community planning. He then explained the planning commission's role in municipal government and how this visionary role of a community's future varies greatly from one municipality to another depending upon the legislative body to which the commission answers. He affirmed that a municipality's Comprehensive Plan, which is the statutory responsibility of the planning commission, is a guidance tool or a policy document. It is then implemented via a sub-division and land development ordinance, a zoning ordinance and an Act 537 Plan. He emphasized the relevant importance of amending an outdated comprehensive plan while concurrently renewing the zoning ordinance. In fact, the county generally suggests that municipalities do just that since the two documents should speak to each other. He said that when this collaboration doesn't exist, municipalities often find themselves being challenged with lawsuits. Quoting from one of the documents available from the Department of Community and Economic Development he said "*An important power of local government*

*is to plan for and guide the way land resources are used. A planning commission can play a significant part in guiding the use of land resources."*

Mr. Heilman then led a discussion about the various levels of involvement that the county planning commission could contribute in assisting the planning commission with revising or creating documents based upon the needs of the township and the delegation of the governing body.

The members of the commission decided to pre-approve the minutes via e-mail and then ratify the approval at the following planning commission meeting in order to expedite the process of getting the minutes to the following Board of Supervisor's monthly meeting.

The meeting was adjourned at 8:30PM.



Bill Schall, Secretary



Date of Approval