

## Comments about the proposed Zoning Ordinance for Municipalities of the Northern Tier Coalition in Susquehanna County Pennsylvania

These comments are submitted to the Northern Tier Coalition at the April 30 2008 Hearing. As resident of Jessup Township, I have spoken at the Hearing on April 24 2008 and wish to clarify some of my main concerns in this comment. I have many more than is possible to write in so short a time, since the draft ordinance is so very long and complex. In fact, I believe the extensive verbiage and complexity of the ordinance is a severe problem with it. The complexity makes it very hard for residents and officials to fully comprehend and is likely to lead to time consuming, expensive, and unnecessary procedures, hearings and adjudications in the future.

At an earlier hearing, Mr. Bob Wert spoke extensively and submitted ten pages of formal comments on behalf of the County Economic Development Advisory Council. I defer to his expertise and ability to hit key points and problems with the proposed ordinance. I note that he has offered his time and expertise freely to the NTC to help cure these issues. I recommend serious consideration be given to take advantage of this offer; also, I offer to participate in any discussions and deliberations to facilitate an improved product.

Let me cite some major concerns:

\* The natural gas leasing, exploration, and extraction business is becoming a major activity in our region and the ordinance does not treat it well or fairly for the residents in different zoning districts ( R, RA, VC, and CI) . There is little ( and inconsistent) treatment of gas leasing and extraction, probably the most important economic and development issue in the county now. As an example, the ordinance specifies that gas can not be "extracted" from residential areas even though many "R" areas have large parcels indistinguishable from nearby "RA" parcels. This deprives some owners of large sums of lease and royalty money available to their more favored neighbors. Furthermore, since gas wells can be drilled horizontally for long distances and can extract from gas seams even further horizontally from the drill bit, this zoning restriction could prohibit drilling and extraction in parcels which adjoin the R parcels since the permitted well may drain gas from under the R parcel. This seems unfair, unnecessary and very likely to draw expensive litigation.

\* These problems are compounded by the designation of very large ostensibly rural agricultural parcels as R rather than RA in several townships, particularly so in Jessup. This results in severe restrictions on what is allowed compared to very similar neighboring parcels designated RA (Rural Agricultural) which is how most of the town is zoned. As noted, it excludes gas leasing or extraction as well as flagstone quarries.

\* A major concern is, as noted by Mr. Wert, the weak "grandfather" clauses for non conforming structures and lots which seem to allow the zoning authorities to place many future restrictions on sale or use of these properties. The "grandfather" clauses offer very little protection for property owners and nonconforming lots can face continuing re-

evaluation by authorities based on unclear aesthetic values that may evolve. This is compounded by specifications making houses that are less than 50 feet from the road right of way nonconforming. In Jessup, my informal ride-by survey indicates at least 1/3rd to 2/3rds of the occupied lots will become nonconforming due to this setback standard applied to existing houses, barns and other structures. It seems odd to create an ordinance which makes 50% or more of a town's structures non-conforming. Would it not be far simpler to state that all setback and associated standards ONLY apply to New Subdivisions or New Construction and do not apply to any existing structures? This would free many residents from needing to seek zoning board approval and waivers for minor items – and these procedures are clearly stated as more difficult and time consuming than for other permitted uses on conforming lots.

In this regard, Mr. Wert cites the wisdom of using a Land Ordinance (SALDO) as a first and less "intrusive" approach than zoning, noting that that approach is recommended in the Comprehensive Plan.

\* The permitted uses for R are few and the permitted uses for RA are many – BUT most of those permitted uses are "secondary" requiring a relatively complex multi-step process to get zoning authority approval. Some of the secondary uses seem strange to me, contradictory for a rural agricultural area. Specifically, Livestock operation is "Secondary" - does this mean that addition of a few sheep on a 100 acre farm requires a long multi-step process for approval?? In a RA zoned parcel?? I can't tell whether that is the intent or a misinterpretation. But if I can't read it from the ordinance, it will be a continuing thorn for others to understand as well.

As a horse owner, I think it odd that my horses seem far more restricted than cows and llama - even to the point of requiring "plans" for sedimentation and waste control that are not needed for other livestock. The restrictions and plans equally to a few personal use horses on very large acreage as for a commercial horse "stable" with a very large number of horses on 5 acres. In my specific case, having 4 or 5 horses on over 300 acres is treated as restrictively as having 50 horses on 5 acres in a commercial stable. Do we really need this sort of over regulation? Do we need to require sedimentation and waste (manure) control plans for a few horses on large acres? Do they damage the land more than cows?? Many restrictions may be reasonable for a commercial farm or stable which houses many horses in stalls with little pasture space. They are not needed for a few horses on large acreage which dwell primarily in their pastures or paddocks rather than in stalls, barns or small confined areas. The ordinance does not distinguish these cases. One is a concentrated commercial activity and the other is a normal and desirable rural activity – indeed it's why many of us choose to live here.

These problems seem to arise from poor definitions and lack of understanding of equine and other animal uses in a pleasant rural environment, as we have here in Susquehanna County. As an example of definitions that can cause endless (and probably unintended) grief, the definition of stable cite any building, enclosure, or "use of land". This seems to mean that those 50 foot setbacks apply not just to a barn or stable building but to the pasture land on which the horse grazes. Even though for many of us that pasture and fencing may have enclosed cows before; when we introduce a horse it now is a "stable" subject to setbacks and manure plans. Is this really the kind of friendly rural environment we seek to foster in Susquehanna County??

I know zoning has been worked on for long time and many people want to close the process with what they have. As always, there is little feedback till the draft product is presented. Then the complaints come from citizens who become aware at the "last moment" ( TWP leaders view) but the process really does keep people in the dark about the extensive impact and loss that they may face. From the citizen's view, it's only at the end that they can see what 's being proposed and become involved meaningfully. Many citizens tend to be somewhat apathetic and feel that "it" won't be a big deal or else my supervisors would really try to get me in the loop.

This one is a big deal and deserves a lot more thought and public input. As an example, Jessup Twp mailed each resident a survey asking if we supported use of tax funds for a new park or Little League facility. But no one did the same to inform people of the zoning ordinance and its impacts which are far more severe.

I could cite other points, but I believe these and those mentioned by Mr. Wert are enough to highlight major problems that should be addressed and fixed before proceeding with an Ordinance. This ordinance will have a dramatic effect on every resident of the NTC towns and will change the relaxed character of our community to our disadvantage.

I recommend that these issues be considered and that there be subsequent well publicized meetings between officials and concerned citizens to refine and revise the proposal. I urge that we do this to maintain our rural character.

Sincerely,

Eugene Famolari,

Jessup Township.

Email : [genef10@gmail.com](mailto:genef10@gmail.com)

(3 pages submitted)

