

MISCELLANEOUS

- 1. MINOR LAND DEVELOPMENT POLICY**
- 2. ACCESS CORRIDOR TRANSFER POLICY**
- 3. UPDATED AND REVISED MEMORANDUM OF UNDERSTANDING (8 different versions)**
- 4. POLICY UPDATES FOR ADMINISTRATION OF THE CENTRE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE: Amended Receipt and Review Policy; Definitions of “Public Water Supply” and “Areas Where Public Water Is Available”; and, “Submission Checklist” to effect a complete submission package.**

Adopted by the Centre County Planning Commission June 16, 1992;
Including Addendum No. 1, Adopted May 17, 1994 &
Text Additions (reference page 3), Adopted July 18, 1995

**CENTRE COUNTY PLANNING COMMISSION POLICY REGARDING
LAND DEVELOPMENT PROPOSALS**

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania amended the Pennsylvania Municipalities Planning Code through the passage of Act 170 of 1988; and,

WHEREAS, the provisions of Act 170 include a new definition of "land development"; and,

WHEREAS, nonresidential structures not previously contained within the definition of land development, are now subject to the jurisdiction of the Centre County Subdivision and Land Development Ordinance; and,

WHEREAS, administrative practice requires the introduction of new procedures to clarify the application of the Centre County Subdivision and Land Development Ordinance to minor matters subject to the definition of land development;

NOW, THEREFORE, BE IT RESOLVED that the Centre County Planning Commission shall adopt a policy regarding waivers of the plan processing procedures for certain proposals defined as Minor Land Developments. The policy shall apply to existing and proposed nonresidential and applicable residential buildings and will be applied, as hereafter described, to other similar land development activity deemed to be of a minor nature, and which otherwise creates no significant community impact.

For the purpose of the administration of the definition of land development, the Commission shall consider all nonresidential and applicable residential buildings as subject to the requirements of the Centre County Subdivision and Land Development Ordinance. However, those activities clearly subject to this administrative policy shall be processed under the provisions hereafter described for a Minor Land Development.

For the purpose of this policy, the following definitions will apply:

Building - a structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

Building: Principal - the main or primary building.

Building: Accessory - a subordinate building, the use of which:

- a) is customarily incidental to that of the Principal Building on the same lot;
- b) is not used for dwelling purposes nor normally occupied by personnel associated with the use.

Building: Farm - a building, or buildings, used as a part of one of the following activities:

- a) the tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry;
- b) horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other plant materials;
- c) and forestry uses related to the harvesting of lumber products.

Building: Temporary - a building not intended for permanent occupancy or use. Temporary buildings will be removed from the site within a three (3) year time period.

Impervious Surface - a surface which prevents the penetration of water into the ground.

In order to further the administration of the ordinance, a waiver procedure is hereby instituted that will facilitate and expedite the processing of Minor Land Development proposals.

A Minor Land Development is intended to be a land development, as defined in the Pennsylvania Municipalities Planning Code, which after appropriate review and analysis by the Planning Office staff, is determined to be of such size and scope as to be considered as having only minor countywide or local community impact.

In order to qualify for this waiver, a land development proposal will be evaluated based upon the following definitions and additional criteria listed:

1. **Nonresidential Minor Land Development:** For the purpose of this policy, a Minor Land Development shall be defined as a land development involving a single nonresidential building of 2,000 square feet or less; or,

A Nonresidential Minor Land Development shall also be defined as a land development involving a single nonresidential building addition if **any one** of the following criteria is met:

- a) The total area of the existing building, added to the total square feet of the building addition, does not exceed 7,500 square feet; or,
- b) The total area of the building addition does not exceed 1,500 square feet, regardless of the size of the existing building; or,
- c) The total area of the building addition does not exceed a twenty percent (20%) increase in the ground floor area, regardless of the existing building size.

NOTE: Item c) is to accommodate larger nonresidential buildings in excess of 7,500 square feet, where the improvements to the building and the facilities servicing the building are determined to be of a minor community impact.

2. **Residential Minor Land Development:** For the purpose of this policy, a Residential Minor Land Development shall be defined as a land development involving a second single-family residential building on the same lot of record.
3. **Additional Minor Land Development Criteria:** In addition to the above criteria listed for Minor Land Developments, a proposed building or building addition must be consistent with the local municipal building and zoning ordinance or other applicable land use controls, must be approvable by the local municipal sewage enforcement officer, and have assured accessibility to a public thoroughfare.

Minor Land Development status may be denied if it is determined by the Planning Office staff or the Commission that the proposed building or building addition may potentially create a significant community impact, which would be inconsistent with the stated purpose of this policy which is to provide waivers of the plan processing procedures for activity deemed to be of a minor nature.

Factors to be considered in the determination of significant community impact will include, but not be limited to: 1) the increased number of vehicle trips, 2) the increased number of employees, and 3) the increased area of impervious surface created. A finding of significant community impact may be determined if one or more of the above listed criteria exceeds twice the magnitude of the existing conditions.

4. **Major Land Development:** For the purpose of this policy, a Major Land Development shall be defined as a land development involving a single nonresidential building or building addition, or a residential building that exceeds the above listed criteria for Minor Land Development.
5. **Exemptions:** The following shall be exempt from the definition of Minor or Major Land Development; therefore, no plan submission is required:
 - a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

- b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or,
- c) The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park, until plans for the expanded area have been approved by proper authorities.

6. Further Interpretation of Exemptions: The submission of Minor or Major Land Development Plans shall not be required for the following:

- a) The reuse, for a single purpose, of existing nonresidential buildings;
- b) Temporary buildings, including construction offices or trailers;
- c) Structures or their accessory facilities, such as communications towers, signs, billboards, driveways, parking lots, airport runways, and public utility structures or their accessory facilities;
- d) Single residential building on an existing lot of record;
- e) Any accessory building, the use of which is clearly and customarily incidental to that of the main or principal building;
- f) All nonresidential farm buildings, including principal and accessory buildings such as barns, implement storage sheds, silos, and corn cribs. (This exemption shall not include a second residential building or retail-commercial building(s) that is intended for the sale of farm or non-farm related products. These buildings will be subject to the provisions of Sections 1, 2 and 3 of this policy.)

7. **Submission Process:** The applicant or agent shall submit for review the following:
(It is suggested that the applicant or agent meet with the Planning Office staff to discuss the intent of the proposal.)

- a) A completed application form;
- b) An informal sketch, which delineates the nature of the proposal; and,
- c) Other such information that is relevant to the impact criteria as described above.

Upon receipt of the above listed information, the staff shall render its determination within ten (10) working days as to the status of the proposal, and declare whether the submission falls within and is consistent with the criteria to establish a Minor Land Development. The decision of the staff may be appealed directly to the Planning Commission upon written request by the applicant, in which case the decision of the Commission will be rendered at its next scheduled meeting, and the staff will notify the applicant with ten (10) working days after Commission action.

Upon the determination of a Minor Land Development by the staff (or by the Commission), the following procedure shall be followed:

1. The application, sketch plan, and other submitted documentation will be accepted and put on record with no further submission requirements.
2. The applicant will be notified in writing. The following agencies, as appropriate, or other agencies shall also be notified of the determination:
 - a) The Local Municipality
 - b) The Centre County Conservation District
 - c) The Centre County Assessment Office
 - d) The Pennsylvania Department of Transportation
 - e) The Pennsylvania Department of Environmental Resources

ADDENDUM NO. 1 to the CCPC Policy Regarding Land Development Proposals, as adopted by the Commission on May 17, 1994.

8. **Replacement In Kind:** The replacement of a building due to "Acts of God" (e.g., including but not limited to, fire, flood, and/or storm damage), or the replacement of an existing building for the same or similar use (e.g., replacement of an existing mobile home with the construction of a permanent structure, or the replacement of an existing nonresidential use at approximately the same dimensions and location) will constitute a Replacement In Kind activity.

Accordingly, the proposal will be considered exempt from the definition of Minor or Major Land Development as long as the following conditions apply:

- a) Damage to the existing building makes it essentially uninhabitable; or,
- b) Repair of the damage to the existing building renders it essentially more costly to repair than to replace;
- c) Applicant provides written confirmation from the local governing officials to indicate that the proposal meets or exceeds all applicable land use controls regulated locally;
- d) Applicant provides written confirmation from the appropriate State officials to indicate that the proposal meets or exceeds all applicable State regulations; and,
- e) In the case of a proposal whereby the property owner wishes to remain in the existing building while constructing the adjacent replacement building, applicant shall provide written evidence from the appropriate local official

indicating that the building permit contains a stipulation stating that once the replacement building is satisfactorily completed and able to be occupied, the existing building shall be immediately removed from the property. Further, the building permit shall contain a reasonable time limit for the completion of the project, and a statement included to indicate that the building permit will be revoked by the local governing body and the development activity be considered "in violation" if the property owner doesn't faithfully comply with the agreed upon stipulations.

--- RESOLUTION ---

CENTRE COUNTY PLANNING COMMISSION POLICY
REGARDING "ACCESS CORRIDOR" TRANSFERS

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania amended the Pennsylvania Municipalities Planning Code (Act 27 of 1968), through the passage of Act 170 of 1988; Act 209 of 1990; and, Act 131 of 1992; and,

WHEREAS, the provision of Act 247, as amended, includes an updated definition of "subdivision"; and,

WHEREAS, a subdivision of property that contains an Access Corridor¹ for the purpose of transfer of ownership is a "division of land" that is technically subject to regulation under the requirements of the Centre County Subdivision and Land Development Ordinance; and,

WHEREAS, numerous property subdivisions have occurred (and are proposed to occur) that are specifically related to the following:

- A. Subdivision and transfer of a portion of an Access Corridor due to the abandonment of use (by a public agency²); and/or,
- B. Subdivision and transfer of a portion of a private property for the creation of an Access Corridor (by a condemnation action, offer/deed of dedication,

¹ Access Corridor - Any property or portion of property that contains an access way (often called an "Easement" or "right-of-way") which is intended to be used by a public agency and is usually acquired by an offer/deed of dedication, or by condemnation action; also, any property presently owned by a public agency that is to be transferred due to an abandonment of use.

² Public Agency - Includes, but is not limited to, the federal, state and local municipalities, railroads, utility companies, authorities, etc.

- C. Subdivision and transfer of a portion of a private property to expand an existing Access Corridor (by a condemnation action, offer/deed of dedication, or similar).

NOTE: For illustrations of the above, reference the Examples Sheet (as attached).

WHEREAS, administrative practice requires introduction of a policy and procedure to clarify application of the Centre County Subdivision and Land Development Ordinance related to access corridor subdivisions and corresponding property conveyances and transfers.

NOW, THEREFORE, BE IT RESOLVED that the Centre County Planning Commission shall adopt a Policy regarding waivers of certain plan requirements and processing procedures for proposals defined as Access Corridor Transfers. The Policy shall apply to existing and proposed Access Corridor subdivisions, and will be applied, as hereafter described, to other similar activities deemed to be of a minor nature, and which otherwise creates no significant community impact.

For the purpose of the administration of the activity defined as an Access Corridor Transfer, the Commission and staff shall consider the proposed property division and conveyance as subject to the requirements of the County Ordinance. However, those activities that are subject to this administrative Policy shall be processed under the provisions hereafter described.

- In order to affect a reasonable administration of the County's Ordinance, a procedure is hereby instituted that will facilitate and expedite the processing of an Access Corridor Transfer and offer a form of administrative relief, by Policy.
- Upon receipt of an Applicant's request for a review of a proposal, the staff (or Commission, where necessary) shall make a determination indicating that the proposal is of a size and scope considered as having only minor county-wide scope or community impact.

- Processing under this Policy may be denied by the staff (or the Commission) whereby the subdivision is determined to create a significant impact which would be inconsistent with the stated purpose of this Policy, which is to provide an exemption to the subdivision plan processing procedure allowing for the creation of an access corridor parcel deemed to be of a minor nature and scope.

- **Submission Process:** The Applicant or agent shall submit for review the following: (NOTE: It is suggested that the Applicant or Agent first meet with the Planning Office staff to discuss the intent and scope of the proposal.)
 1. A completed Application Form, entitled: Request For Information Form-Access Corridor Transfer Proposal; (copies available at the Centre County Planning Office);
 2. The above form shall be accompanied by a detailed sketch plan showing the parcel being subdivided from the present property and the nature of the proposal; and,
 3. Applicant (the property owner/subdivider) shall produce evidence of ownership (i.e., "source of title" by recorded deed or equivalent), and will be required to produce an "accurate description" of the parcel being subdivided (by bearings and distances generated by a registered surveyor or equivalent alternatives such as railroad centerline easement stationing or PennDOT centerline descriptions).

NOTE: Example of Disclaimer Statement, to address the above concern:

"Applicant understands that Centre County Government, by requiring compliance with the Municipality Planning Code of the Commonwealth of Pennsylvania, and the Centre County Subdivision Ordinance, by issuing a uniform parcel identifier number, and by accepting applicant's deed for recording, does not guarantee applicant's title to the property recited in the deed. Applicant shall be responsible to verify his/her title through a title search performed by a lawyer. Applicant waives any claim, action, cause of action, or demand, it may have now or in the future against Centre County Government, its agents and employees, for any damages or costs applicant may incur in obtaining good title to the property."

4. Upon receipt of the above listed information, the staff, within ten (10) working days, shall render its determination as to the status of the proposal and declare whether the submission falls within the criteria established in the County's Policy.
5. If the decision is favorable:
 - a) The Application, detailed sketch plan, and other submitted documentation will be acknowledged as "granted approval" and will be placed on file as such, with no further submission requirements.
 - b) The Applicant shall be notified in writing, and the appropriate agencies will be similarly notified concerning the County's determination. All applicable parties (e.g., Local Municipal Officials, Centre County Assessment Office, Recorder's Office, and the Pennsylvania Department of Transportation) will be provided a copy of the detailed sketch plan, corresponding survey documentation, and source of title for their files.
 - c) The Applicant will also be instructed that this determination does not negate the responsibility to comply with the County's Uniform Parcel Identifier Ordinance and/or all other applicable Federal, State, or Municipal rules and regulations prior to deed transfer and recording.
6. If the decision is unfavorable:
 - a) The Applicant will be notified in writing, and the appropriate agencies will be similarly notified of the County's decision.
 - b) The decision of the staff may be appealed directly to the Centre County Planning Commission upon written request of the Applicant (to be received a minimum of 15 days prior to their next scheduled meeting), in which case, the decision of the Commission will be rendered at its next scheduled meeting, and the staff will notify the Applicant within ten (10) working days after the Commission's action.