

BAILIWICK NEWS

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Benner Township Supervisors mull weakening watershed protection in Spring Creek Canyon; Halfmoon Township DRI Update

Benner Township mulling repeal of watershed-protection zoning provisions

Written Comments by David Roberts, submitted to the Benner Township Board of Supervisors ahead of their meeting, to be held at 7 p.m. on Monday, March 4, at 1224 Buffalo Run Road, Bellefonte, PA

I am a property owner and long time resident of Benner Township.

I respectfully submit comment concerning the proposed changes to zoning ordinances in Benner Township.

I strongly oppose the proposal to repeal the Spring Creek Canyon Conservation Overlay adopted by supervisors in 2010 to protect surface and groundwater in the region and minimize site disturbance.

The Spring Creek Canyon Conservation Overlay is needed in order to promote conservation and is an essential conservation measure for the protection of the surface water quality of Spring Creek and the groundwater drinking water sources for public and private uses, including agriculture.

It is well-documented that development and the resulting increase of impervious surfaces is a primary factor in the degradation of the water quality of trout streams. It is also well-documented that development and the increase of impervious surfaces reduces the overall health of forested areas.

And further, it is well-documented that development and the increase of impervious surfaces restricts the normal recharge of groundwater to the water supply aquifers.

I will be happy to provide references to science-based studies that document the threat of development and the increase of impervious surfaces to surface and ground waters essential to the health and wellbeing of both human and natural communities.

The Spring Creek Watershed Association is currently developing an Integrated Watershed Management Plan for Spring Creek that includes recommendations for the conservation and preservation of Spring Creek's surface waters and the groundwater resources of the Nittany Valley watershed.

This proposal by Benner Township to repeal the Spring Creek Canyon Conservation Overlay is directly opposed to the conservation of Spring Creek and the groundwaters of Nittany Valley and is detrimental to the health of the residents of Benner Township.

Please bear in mind that the Pennsylvania Constitution, Article I, Section 27, Natural Resources and the Public Estate, states:

“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

As a long term resident of Benner Township, I am opposed to the proposal to reduce allowable lot sizes from 1/2 acres to 1/3 acres on lands designated as forested conservation and agricultural lands.

The appeal of Benner Township as a place to live is based on the rural nature of Benner Township, its wooded areas, agricultural lands, and the Spring Creek Canyon trout streams.

The proposed zoning ordinance fails to protect these treasured assets of Benner Township.

The proposed changes to the zoning ordinance is in contradiction to the stated Purposes of the Ordinance of Benner Township including the stated purpose to protect our water, public grounds, prime agricultural lands, and natural resources.

The proposal is also inconsistent with the implementation of and adherence to the Nittany Valley Region Comprehensive Plan.

The proposal to decrease lot sizes, increase development, and repeal the Spring Creek Canyon Conservation Overlay is contrary to the needs and desires of many residents of Benner Township and is detrimental to the health and wellbeing of the residents of Benner Township and the environment.

I urge the Benner Township Supervisors to redraft the proposed zoning ordinance to restore the protections of Spring Creek and the forested conservation and agricultural lands provided in the current, existing zoning ordinance of Benner Township. I strongly oppose the repeal of the Spring Creek Canyon Conservation Overlay and the reduction of lot sizes in Benner Township.

It has been said that the Spring Creek Canyon Conservation Overlay is too restrictive.

I say to you that the overlay is restrictive for an excellent reason - the protection of Spring Creek's prime trout waters and the groundwater supplies of Nittany Valley.

Thank you for the opportunity to comment on this critical issue.

Oral Comments by David Roberts, prepared for presentation March 4.

I am David Thomas Roberts, long term resident of Benner Township at 1995 Valley View Road, Bellefonte, PA.

In addition to these spoken public comments I have submitted written comment concerning the draft Benner Township Zoning Ordinance of 2019. [See above.]

I am strongly opposed to the Benner Township Zoning amendment proposal to repeal the Spring Creek Canyon Conservation Overlay and to reduce building lot sizes from 1/2 to 1/3 acre.

Benner Township is a longstanding regional stakeholder in the development of the Conservation Overlay and the Spring Creek Canyon Master Plan.

Back in 2004, Benner officials recognized that growth could pose problems, but hoped to limit growth and minimize its impact. Officials recognized that our landscape holds many important and sensitive natural features. They recognized that undisturbed natural settings are necessary to purify our public water sources, and that these natural settings should be immune from rampant suburban growth.

Back in 2004 Benner officials were committed to preserving our fertile valley's agricultural areas and were committed to the conservation of Spring Creek Canyon.

The need for preservation and conservation in the Canyon has become more, not less, urgent in the last 15 years. This proposed repeal of the Conservation Overlay and the decrease of building lot sizes goes against all the past efforts of Benner officials and the public to preserve our water resources.

The Overlay was adopted by Benner supervisors in 2010 to protect surface and groundwater in the region and to minimize site disturbance.

The Spring Creek Canyon Conservation Overlay is even more essential in 2019 for the protection of the water quality of Spring Creek and for the protection of our shared water sources for public and private use, including water for drinking and agriculture.

Spring Creek is an internationally renowned fly-fishing stream and a protected Exceptional Quality Cold Water Fishery. The cold water trout habitats of Spring Creek are extremely sensitive to thermal impact from stormwater runoff and to pollution from development. This proposed zoning ordinance is a direct threat to Spring Creek and to our water resources.

The Canyon lands contain Native American cave dwellings, Revolutionary War-era settlements, industrial artifacts, and was the cradle of Centre County.

You have the choice here to preserve our lands for future generations or to 'Pave Paradise and Put Up Parking Lots.'

Bear in mind that Spring Creek Canyon holds 1,200 acres of environmentally sensitive land, 150 acres of land deemed not suitable for human intrusion, and 400 acres of Class 1 agricultural soils.

This environmentally fragile Canyon has been mostly closed to the public for more than 100 years. This proposed zoning ordinance will throw open the Canyon for development and destroy 100 years of protection.

This zoning proposal will also jeopardize the Canyon's use as a regional greenway to the detriment of the entire region.

The purpose of the Spring Creek Canyon Conservation Overlay, under threat by this zoning proposal, is to:

- Minimize disturbances;
- Promote conservation;
- Restore native plant communities,
- Create riparian buffers;
- Restore critical native wildlife habitat areas;
- Preserve our cultural and historic resources;
- Safeguard our vital groundwater recharge areas;
- Protect Spring Creek's surface water quality;
- Protect the economic value of Spring Creek to the community; and
- Balance recreation opportunities with sensitive environments.

Do you really wish to throw this all away?

Benner Township has also signed on to one of the most important recommendations of the 2009 Spring Creek Canyon Master Plan.

That recommendation – to adopt stream corridor overlay zoning in Bellefonte Borough and in Spring and Benner Townships – was fulfilled by Benner officials by resolution dated Feb. 7, 2010.

But now, nine years later, Benner is proposing to repeal the Overlay so vital to Spring Creek's survival as a exceptional cold water fishery.

The repeal of the Overlay protection by Benner Township will undermine and make ineffective the critical protections adopted in 2010 for the conservation of Spring Creek Canyon. The benefits that the existing Spring Creek Conservation Overlay provides to the many should not be overthrown by the interests of a few.

The Ordinances of Benner Township include the stated purpose to protect our water, prime agricultural lands, and natural resources. The proposed changes to the zoning ordinance are in contradiction to this stated purpose.

In addition, the Benner zoning proposal is inconsistent with the 2004 Nittany Valley Region Official Comprehensive Plan, officially adopted in September 2004 by the legislatures of Benner Township, Spring Township, Marion Township, Walker Township and the Borough of Bellefonte. (Benner Township further approved an “Implementation Agreement” for the Nittany Valley comprehensive plan, by resolution dated May 2, 2005.)

The 2004 Nittany Valley comprehensive plan includes the goal to protect important natural features and farmlands located just beyond public utility service lines and sewer service. These public sewer lines in Benner Township were installed as remedial sewer service to small pockets of older development, not to encourage new development. This zoning proposal plans to extend these very lines for new development in direct opposition to the Regional Plan.

The 2004 Nittany Valley comprehensive plan recommended for officials to find ways to compensate farmers for potential loss due to conservation zoning. This compensation recommendation was made to avoid this current situation.

Instead, this zoning proposal will throw open the doors to development in this sensitive area and officials have done little or nothing to find alternate ways to compensate landowners.

The 2004 Nittany Valley comprehensive plan calls for the protection of natural features in outlying rural areas and to discourage development to avoid stormwater drainage problems.

The 2004 Nittany Valley comprehensive plan promotes greenways along streams to protect surface water quality and to provide wildlife habitats and to vigorously defend the rural character of the region, including the lack of installed infrastructure.

Again, this proposal is in direct opposition to these goals.

Rather than to encourage rampant development, officials are tasked to devise proactive land use policy that eliminates incremental rezoning and eliminates development that lacks vision for the conservation of our natural resources.

Very importantly, and with true vision, the 2004 Nittany Valley comprehensive plan calls for avoiding undue influence from special interest groups. This zoning proposal will unduly benefit special interest groups to the detriment of the Nittany Valley community.

The 2004 Nittany Valley comprehensive plan called for officials to rein-in past practices that permitted the scattered and haphazard location of various developments and utility extensions, and to regulate point source pollution in Special Protection Waters such as Spring Creek.

Need I say again that this proposal is in direct opposition to this regional goal?

Our existing comprehensive plan policy for development calls for the protection of municipal and private water supplies, and for local officials to actively protect our invaluable surface and ground water resources.

Safeguarding public groundwater sources, along with wellhead and spring headlands is a particularly sound investment.

Protection is 40 to 50 times more cost effective than cleaning up a contaminated water source.

The 2004 Nittany Valley comprehensive plan’s overall strategy is for local zoning ordinances to reduce potential impacts upon the watershed by ensuring that less development pressure will be exerted in the areas where nature can continue to manage our water resources effectively.

This proposal will increase development pressure dramatically to the detriment of our natural water purifiers.

The Spring Creek Watershed Commission is proposing the adoption of a regional Water Resource Management Plan that highlights the scientific basis of the need and the means to protect and conserve Spring Creek’s water resources.

This zoning proposal is ill-timed and fails to consider the important work of the Spring Creek Watershed Commission and many other conservation groups in the region.

This zoning proposal will create destructive development opportunities within Benner’s protected Spring Creek Canyon, forest conservation zones, and agricultural lands for a handful of landowners and developers. This zoning proposal flies directly in the face of the stated purposes and objectives of Benner’s own zoning ordinance, the region’s comprehensive plans, the Spring Creek Canyon Master Plan, the Spring Creek Watershed Commission’s water resource management plan, and the desire of the region’s citizens for the conservation and protection of our natural resources.

I ask that the Spring Creek Canyon Conservation Overlay be preserved and not repealed. I ask that our forest conservation areas, agricultural lands, and water resources be responsibly preserved by Benner Township officials.

Thank you.

Halfmoon Township “Development of Regional Impact” update - See *Bailiwick News* Feb. 6, 2019 and Feb. 14, 2019 for background.

Posted Feb. 14, 2019 at Way Fruit Farm’s Facebook page:

For those of you who could not attend, here’s an update on the outcome of the Halfmoon Township meeting we’ve been posting about this week.

There was great attendance and an outpouring of community opinions shared tonight. Almost all attendees who spoke were opposed to the expansion of the growth boundary for a multitude of different reasons.

Based on public opinion, township supervisors voted to NOT forward the request for expansion of the growth boundary and thus public sewer to the Centre Region of Governments.

This means for the foreseeable future, Halfmoon township will embrace its rural charm.

There was discussion of more community involvement in the future and more transparency and communication to residents about township business. We will keep you up to date here when we know how that will be implemented.

Thank you all for your time and attention to this matter! Without your follow through after reading our

family farm's post here, the community might not have been heard and the outcome might have been different.

A perfect Valentine for our rural community!

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