

Benner Township Supervisors & Planning Commission
1224 Buffalo Run Road
Bellefonte, PA 16823

October 11, 2018

To the Benner Township Supervisors and Benner Township Planning Commission,

I'm writing as a Benner Township resident about my concerns over the removal of Appendix A from the draft zoning ordinance. My husband Chris and I have two sons, 3 and 6 and have enjoyed living in the township for the past 7 years. I believe the omission of Appendix A (environmental regulations) from the newly proposed draft ordinance will have a negative impact on this township environmentally, economically, and aesthetically in the near future and 25, 50, and 100 years from now.

Additionally, it's my belief that the manner in which you have made development opportunities more convenient for builders/developers/contractors will have a negative impact on the township's ability to financially and efficiently adjust for a sudden increase in population, water use, and needs for infrastructure upgrades. Ideally residents would see a zoning plan where landowners can request to rezone their property as-needed, in order for risks and opportunities to be thoroughly assessed so we, as a township, can grow responsibly, troubleshoot potential pitfalls, and improve our processes on a case-by-case basis.

As a current employee of ClearWater Conservancy, I'm also writing with knowledge of our region's need for careful source water protection efforts and for planning to take place around conservation of our water resources for recreational opportunities, economic vibrancy, and human health. Some major concerns are listed below and have also been identified as concerns by fellow ClearWater staff members.

- Sec. A.6 Floodplain Ordinance should not be abandoned. The township has a legal responsibility under Pennsylvania Code to prevent development without a permit in a floodplain. Sec A.6 Floodplain Ordinance) seeks to carry out floodplain management responsibilities delegated by the COP as established by PA Flood Plain Management Act of 1978. Note A.6b.ii "It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere with the Township of Benner unless a Permit has been obtained from the Floodplain Administrator." ← **Comprehensive applicability which Twp shouldn't want to categorically abandon;**
- Additionally, given the Spring Creek's designation as a High-quality Cold water fishery, mandatory buffer / setbacks under section 102 are required. Per PA Code, Title 25, Chapter 102.14 -- if a project site is "located in an EV or HQ watershed and requires an NPDES Individual or General Permit for Discharges Associated with Construction Activities, **no earth disturbance activities may take place within 150 feet of a perennial or intermittent river, stream, or creek; lake or pond; or reservoir**".
- ClearWater does not support the removal of Sections A7, A8, A9, A10 due to significant negative impact such removal would have on water quality, fish habitat, nutrient/sediment pollution requirements, and bonding of Twp roads for timber harvesting operations -- **all leading to negative economic impact to the township.**
- Section A.13 – Spring Creek Canyon Overlay zone – requires the township to provide opportunity to view proposed zoning changes for consultation. **What feedback has been**

solicited from the PA Game Commission, PA Fish and Boat Commission, Penn State and Dept. of Corrections? If so, what has been their response?

Thank you for considering the inclusion of Appendix A in your new zoning ordinance for the health of our environment and economy, as doing so is the right thing to do for our children and their children.

Thank You,

A handwritten signature in black ink that reads "Andrea Murrell". The signature is written in a cursive, flowing style.

Andrea Murrell