

**BEFORE THE BOARD OF COMMISSIONERS
OF LOWER ALLEN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

IN THE MATTER OF AN ORDINANCE OF : **Docket No. SWM 2022-01**
THE BOARD OF COMMISSIONERS OF :
LOWER ALLEN TOWNSHIP, CUMBERLAND :
COUNTY, PENNSYLVANIA TO BE KNOWN AS :
THE “LOWER ALLEN TOWNSHIP STORM :
WATER MANAGEMENT ORDINANCE” :
IMPLEMENTING THE REQUIREMENTS OF :
THE CUMBERLAND COUNTY STORM WATER :
MANAGEMENT PLAN AND ACT 167 OF 1978 :
THE PENNSYLVANIA STORM WATER :
MANAGEMENT ACT (AS AMENDED) BY :
DELETING CHAPTER 184 STORM WATER :
MANAGEMENT ORDINANCE AND BY :
ENACTING A NEW CHAPTER 184 STORM :
WATER MANAGEMENT ORDINANCE :

ADJUDICATION

BY THE BOARD OF COMMISSIONERS: August 22, 2022

Staff (herein “Staff”) of Lower Allen Township, (herein “Township”) filed with the Board of Commissioners (herein “Board”) proposed Ordinance 2022-02, deleting Chapter 184 Storm Water Management Ordinance and by enacting a new Chapter 184 Storm Water Management Ordinance. The draft ordinance was docketed to Docket Number SWM 2022-01 and was presented to the Board at its regularly scheduled meeting on June 13, 2022. The Board authorized the solicitor and Staff to prepare an ordinance and to advertise according to the public notice provisions of the Municipalities Planning Code and the Pennsylvania Storm Water Management Act.

A public hearing was held on August 8, 2022 pursuant to the advertising requirements of the Municipalities Planning Code and the Pennsylvania Storm Water Management Act. The proposed ordinance was advertised on the home page of the Lower Allen Township website and the Township Facebook page on July 12, 2022. Public legal notices were published in the *Patriot-News* on July 12, 2022 and July 19, 2022. The proposed Ordinance enactment was also published in the Summer 2022

edition of the Lower Allen Township newsletter. The proposed storm water management ordinance was also available at the Lower Allen Township Community Development service counter for public inspection.

The Board has reviewed the draft ordinance, testimony and exhibits and has opted to approve the Lower Allen Township Storm Water Management Ordinance as follows:

I. FINDINGS OF FACT

1. Staff presented the draft ordinance 2022-02 to the Board on June 13, 2022. A public hearing was held on August 8, 2022.

2. Staff transmitted the proposed ordinance to the Lower Allen Township Planning Commission by Memorandum dated June 15, 2022.

3. Staff transmitted the proposed ordinance to the Cumberland County Planning Department by letter dated June 15, 2022.

4. Staff presented the proposed Ordinance to the Lower Allen Township Planning Commission at its June 21, 2022 public meeting.

5. Staff presented the proposed Ordinance to the Lower Allen Township Stormwater Authority at its July 7, 2022 public meeting.

6. By Memorandum transmitted from its office, dated July 6, 2022, the Cumberland County Planning Department offered comments for consideration. The comments indicated that while the plan was consistent with the County's model ordinance, several comments were provided. Staff has responded to these comments. Specifically:

- a) A definition of "hydrologic soil group" will be added to the Ordinance text.
- b) Section formatting will be corrected as suggested.

These corrections are not substantive, so no additional public review is required to make these revisions.

7. At the public hearing, the Township presentation was provided by Rebecca Davis, Director of Public Works. Ms. Davis testified that the Township is required by the Pennsylvania Storm Water Management Act (Act 167 of 1978) to prepare a Stormwater Management Ordinance.

8. Ms. Davis also explained that the Pennsylvania Department of Environmental Protection has prepared a model ordinance for local governments. Municipalities that have a Phase 2 NPDES MS4 Permit are required to adopt the model ordinance by September 30, 2022.

9. The new Township Ordinance will replace the current Township Ordinance at Chapter 184 of the Codified Ordinances, the Stormwater Management Ordinance.

10. The Township entered four (4) exhibits into evidence:

- a) The Proof of Publication for the public hearing was Exhibit # 1.
- b) A summary of substantive ordinance changes was Exhibit #2.
- c) The Cumberland County Planning Department Comments were Exhibit #3.
- d) The Staff responses to the Cumberland County Planning Department Comments were Exhibit #4.

11. There was testimony from two (2) Township residents.

12. Richard Schin represented the Lower Allen Township Stormwater Authority as one of its Board members. He testified that the Township must enact the new Stormwater Ordinance to comply with State law.

13. Joseph Swartz testified that Township residents will need education about the new Ordinance. He requested that the Township use its best efforts to provide information to its residents about the new Ordinance.

14. Additional testimony was offered by John M. Eby, Building and Zoning Coordinator and Sewage Enforcement Officer, in response to Commissioner questions about the new Ordinance and its enforcement.

15. Enactment of Ordinance 2022-02 as proposed by the Staff will have no adverse effect on the public health, safety, or morals of the citizens of the Township.

II. CONCLUSIONS OF LAW

1. The Board of Commissioners has the power to enact Storm Water Management Ordinances under authority of Act 167 of 1978 as amended, the Pennsylvania Storm Water Management Act. (32 P.S. 680.1 *et seq.*)


2. The Township has complied with the requirements of Section 609 of the Pennsylvania Municipalities Planning Code (53 P.S. Section 10609, as amended) by providing for public notice and public hearing on this matter.

3. Enactment of Ordinance 2022-02 as proposed by the Staff will have no adverse effect on the public health, safety, or morals of the citizens of the Township.

III. DECISION

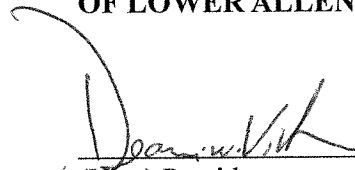
By reason of the foregoing, Enactment of Ordinance 2022-02 is approved.

ATTEST:
(Corporate Seal)



(Assistant Secretary)

**BOARD OF COMMISSIONERS
OF LOWER ALLEN TOWNSHIP**



(Vice) President