

[REDACTED]

February 18, 2025

[REDACTED]

Via First Class U.S. Mail and Email

Robert A Willig
Senior Deputy Attorney General
Office of the Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 16222
[REDACTED]

Re: Clarion County, [REDACTED] ACRE Complaint

Dear Mr. Willig:

This office serves as Solicitor to Clarion County. Please accept this correspondence as the County's response to the ACRE request filed by [REDACTED] or [REDACTED] dated January 16, 2025. The issue is whether [REDACTED] proposed high tunnels are exempt from Storm Water Management and Land Development.^{1, 2} They are not exempt.

The County's Ordinances Are Authorized Local Ordinances

This ACRE request is brought under the Agriculture Code. 3 Pa. C.S. §101 *et seq.* "An owner or operator of a normal agricultural operation may request the Attorney General to review a local ordinance believed to be an unauthorized local ordinance...." 3 Pa. C.S. § 314. An "unauthorized local ordinance:"

- (1) Prohibits or limits a normal agricultural operation unless the local government unit:
 - (i) has expressed or implied authority under State law to adopt the ordinance; and
 - (ii) is not prohibited or preempted under State law from adopting the ordinance.
- (2) Restricts or limits the ownership structure of a normal agricultural operation.

3 Pa. C.S. § 312.

¹ In his January 16 letter, [REDACTED] includes many inaccuracies, misstatements of law, unsupported allegations, and speculative hearsay. Much of what is included is irrelevant to the issue of whether [REDACTED] high tunnels are exempted from regulation. The lack of a response to any averments, opinions, speculations, and conclusions should not be interpreted as tacit agreement. Indeed, the County disagrees with just about everything written and reserves all objections.

² The Clarion County Stormwater Ordinance and SALDO are both available on the County's Planning Index page here: <https://www.co.clarion.pa.us/government/departments/planning/index.php>

[REDACTED]

As will be demonstrated below, the County's SALDO and Stormwater Ordinances are not unauthorized local ordinances. They do not prohibit or limit a normal agricultural operation outside of State law. If [REDACTED] high tunnels created an impervious area that totaled less than 25% of the existing structures, they would be exempt from stormwater regulation, but the proposed high tunnels would increase the impervious area by more than 100%. The ordinances are not prohibited or preempted by State law. Indeed, the County's SALDO is specifically authorized by the Pennsylvania Municipalities Planning Code (53 Pa. Stat. Ann. § 10101, *et seq.*) (the MPC) and the Stormwater Ordinance is empowered by the Pennsylvania Stormwater Management Act (32 P.S. § 680.1 *et seq.*), the County Code (16 Pa.C.S.A. § 101 *et seq.*), and the MPC. Moreover, the Stormwater Ordinance specifically prohibits measures that conflict with state law. *See* Section 301. Both ordinances were revised with input from the Pennsylvania Department of Environmental Protection (PADEP). Lastly, they do not restrict or limit the ownership structure of a normal agricultural operation in any way.

The Proposed High Tunnels are Not Exempt from Stormwater Regulations

By way of background, in the early 2010s, the Commonwealth directed the counties to adopt new Stormwater Management Ordinances to comply with the Pennsylvania Stormwater Management Act and the Clean Streams Law. Clarion County adopted its Stormwater Ordinance in 2013 and updated it in 2020. Both times the County worked with PADEP to ensure that the ordinance complied with state law. It is important to note that the County's Stormwater Ordinance exempts "agricultural activities," but agricultural activities do not include the construction of new buildings or impervious areas such as what is proposed by [REDACTED]. *See* Clarion County Stormwater Ordinance at Article 2, p. 6.

In 2018, the Pennsylvania Stormwater Management Act was amended³ to define high tunnels and create an exemption from stormwater management for high tunnels under certain circumstances. The Stormwater Management Act defines a high tunnel as follows:

A "high tunnel" "[i]s used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity ... or for the storage of agricultural equipment or supplies.... Has a metal, wood or plastic frame, ... When covered, has a plastic, woven textile or other flexible covering, [and] [h]as a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

32 Pa. Stat. Ann. § 680.4.

[REDACTED] writes that [REDACTED] high tunnels are "Act 15 of 2018 compliant" because "they are moveable, lack permanent foundations, and are designed specifically for agricultural production." [REDACTED] letter at p. 1. Although [REDACTED] did not cite the correct definition of a high

³ What [REDACTED] refers to as Act 15 of 2018 was an amendment to the Stormwater Management Act. This letter will cite the Stormwater Management Act (32 P.S. § 680.1 *et seq.*).

[REDACTED]

[REDACTED]

tunnel, the County does not dispute that the structures at issue are high tunnels. So, we must turn to whether they are exempt from stormwater regulations.

A high tunnel is exempt from stormwater regulation if:

(i) the high tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner's total contiguous land area; and

(ii) the high tunnel meets one of the following:

(A) The high tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line.

(B) The high tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%.

(C) The high tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing storm water runoff in a manner consistent with requirements of this act.

32 Pa. Stat. Ann. § 680.11.

As noted in his letter, [REDACTED] purchased, for his company, two contiguous parcels totaling 40 acres with an existing farm. [REDACTED] letter at p. 1. The square footage of the existing farm structures is 9,149 sf. See the proposed plan and calculations attached hereto as **Exhibit 1**. This means that [REDACTED] could construct a 2,287.25-sf⁴ high tunnel that would be exempt from stormwater regulation. Each of the four proposed 2,880 sf structures alone would exceed the statutory exemption. Therefore, [REDACTED] plan is not exempt from County stormwater regulation because it will create an impervious area exceeding 25% of all structures on the owner's contiguous land.

The Proposed High Tunnels Constitute a Land Development

The Clarion County SALDO defines Land Development, in relevant part as:

(a) Improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels for any purpose involving: (i) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively,⁵ or a single nonresidential building on a

⁴ $9,149 \times .25 = 2,287.25$

⁵ Contrary to [REDACTED]'s assertion that he could incrementally add high tunnels to cover the entire parcel without triggering stormwater regulation ([REDACTED] letter at p. 3), the square footage is calculated cumulatively.

[REDACTED]

[REDACTED]
[REDACTED]
lot or lots regardless of the number of occupants or tenure;

(c) Pursuant to Section 503(1.1) of the MPC, the following are not considered to be land developments:

(ii) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building....

See SALDO at Section 106, p. 4. Unlike the Stormwater Ordinance, there is no exemption for agricultural uses in the SALDO for Land Development (although there is an exemption for certain subdivisions⁶). Accessory buildings are exempt, but an accessory structure must be secondary or supportive of the principal use of the property. For example, a small storage shed for equipment or a garage that supports business operations would typically be considered an accessory structure. Based on [REDACTED] letter, the primary intended use of the proposed high tunnels is "agricultural production" designed to expand the capacity of the principal business activity, not to serve as an incidental or subordinate use. Because the proposed high tunnels are integral to the core operation of the business (i.e., horticultural production for an online nursery) and significantly expand the property's primary use, they are not exempt from Land Development as accessory structures and therefore require Planning Commission approval.⁷

Almanac's New Land Development Application Will be Approved

Since filing this ACRE request, Almanac has submitted a new Land Development Application and accompanying Small Project Stormwater Management Application for one building (high tunnel) and a driveway that only creates 4,680 sf. of impervious surface. A true and correct copy is attached hereto and incorporated herein as **Exhibit 2**. Because it does not create 5,000 sf of impervious surface, [REDACTED] new Land Development is exempt from PADEP's requirement for a written Erosion and Sediment Control (E&S) Plan. See 25 Pa. Code §102.4(b)(1). Following the State law, the County's Stormwater Ordinance states:

Agricultural activities are exempt from requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code Chapter 102.

⁶ The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings is exempted from the definition of a Subdivision. See SALDO at p. 7.

⁷ [REDACTED] makes numerous references to his high tunnels as "movable." See [REDACTED] letter generally. To the extent it is implied that a "movable" structure may be exempt from Land Development, it is not. The SALDO defines "structure" as "[a]ny man-made object having an established stationary location on or in land or water, whether or not affixed to the land." See SALDO at Section 106, p. 7.
[REDACTED]



GABRIEL FERA

PC

See County Stormwater Ordinance at Section 302 D. Although constructing a high tunnel and driveway are not “agricultural activities,” because a written E&S Plan is not required by PADEP, as confirmed by the Clarion Conservation District (see the December 10, 2024 letter included in **Ex. 2**), the County approved [REDACTED] Small Project Stormwater Management Application. See **Ex. 2**. The County anticipates approving the Land Development at the next meeting of the Planning Commission.

Although this new Land Development is not part of this ACRE review, it demonstrates the County does not prohibit or limit normal agricultural operations outside of State law. It should be noted that this Land Development is intended to be a phased approach that will allow [REDACTED] to at least get started with its plans without triggering the PADEP’s requirement for a written E&S Plan. However, new additions are considered cumulatively under State and County regulations. See 25 Pa. Code § 102.5; SALDO at p. 4; and Stormwater Ordinance at §301 G.1.,2. Accordingly, [REDACTED] next phase will trigger a Large Project Stormwater Management Application, requiring a written E&S Plan, and a new Land Development approval.

As always, if you have any questions, please feel free to contact me at the office.

Very truly yours,

By:

[REDACTED]
[REDACTED]

[REDACTED]



CLARION COUNTY PLANNING COMMISSION APPROVAL

Preliminary approval granted by the Clarion County Planning Commission.

Date _____ Approval Number _____

Chairman or Vice-Chairman _____ Director or Planning Commission Administrator/Planning Assistant _____

OWNERS ADOPTION AND ACKNOWLEDGMENT OF NOTARY PUBLIC

We, owners of the land shown on the enlarged site plan, hereby adopt this plat as its land development and irrevocably dedicate all streets and other property identified for dedication on the plat to Ashland Township. This adoption and dedication shall be binding upon its heirs, executors, and assigns.

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and the County of Clarion, personally appeared the above named _____ and _____ and acknowledge the foregoing adoption and dedication to be their act.

Witness my hand and notarial seal this _____ day of _____, 20____.

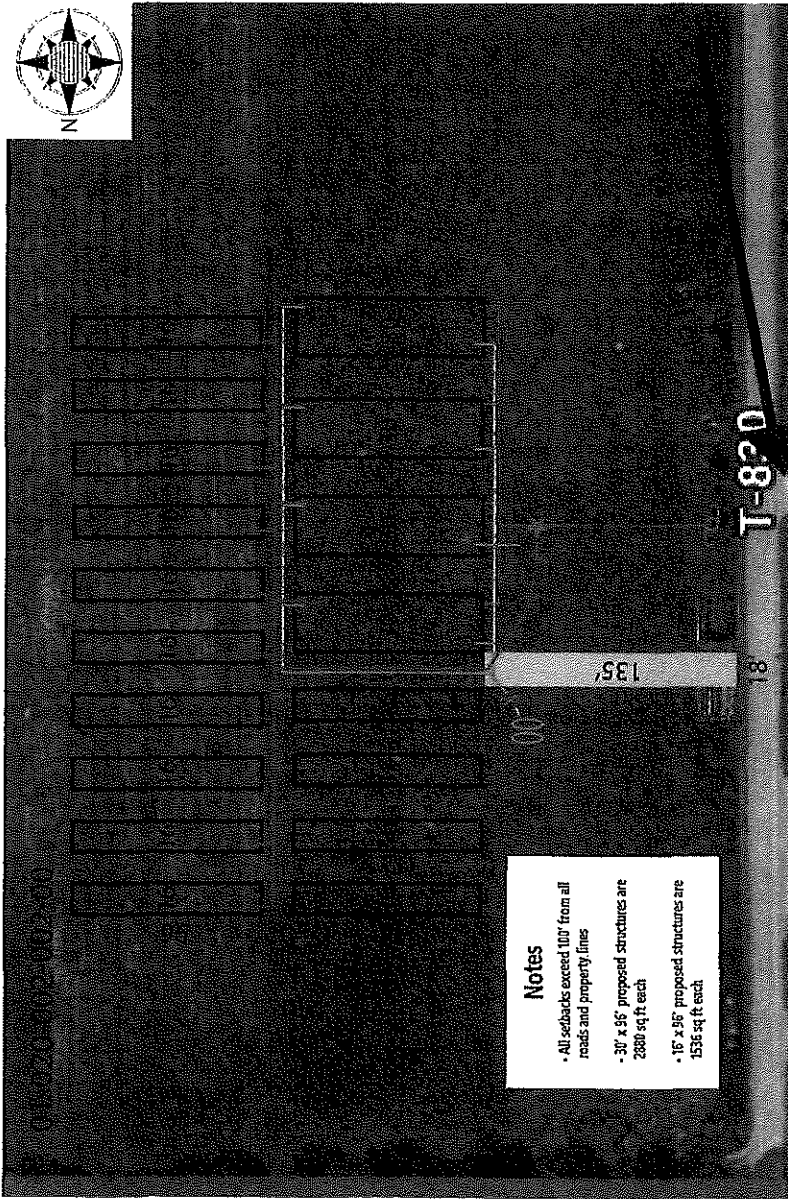
My commission expires the _____ day of _____, 20____.

Notary Public

Ashland Township, Clarion County

**Preliminary Approval,
Land Development**

EXHIBIT I



Location Map

All proposed structures will be Act 15 of 2018 compliant.

Proposed structures may be erected or disassembled as required for operational requirements.

Sizes and locations of proposed structures are subject to change, although setbacks will be met and total square footage of structures will not exceed those of plat plan.

Scale:
1 mi

● Project Location

Legend

- Property Boundary
- Water Line
- Water Well
- Proposed Structure*
- Buried Electric Line
- Propane Tank
- Propane Line
- Utility Pole
- Electrical Pedestal
- Graphic Scale

100'

12/17/24

[REDACTED] AND DEVELOPMENT - SQUARE FOOTAGE EXISTING:

FLAT BARN	-	1,200 SF.	(30'x40')
ATTACHED SHED	-	680 SF.	(17'x40')
ATTACHED "	-	680 SF.	(17'x40')
GRAIN STORAGE	-	153 SF.	(9'x17')
GARAGE	-	2 1,120 SF.	(28'x40')
DWELLING	-	960 SF.	(24'x40')
CORN CRIB	-	96 SF.	(4'x24')
BARN	-	2,160 SF.	(36'x60')
GARAGE	-	2,100 SF.	(35'x60')

TOTAL = 9,149 SQUARE FEET (EXISTING STRUCTURES)

* 25% OF EXISTING STRUCTURES = $.25 \times 9,149 \text{ SF.} = \underline{2,287 \text{ SF.}}$

* PROPOSED HIGH TUNNELS = 14 BLDGS. (96'x116') = 21,504 SF.




* PROPOSED HIGH TUNNELS - 14 EACH - EXCEED THE EXISTING STRUCTURES BY 940%.

ONE HIGH TUNNEL = 1,536 SF. = $\frac{1,536 \text{ SF.}}{9,149 \text{ SF.}} = \underline{16.8\%}$ OF EXISTING STRUCTURE

Clarion County



12/19/2024, 4:08:41 PM

-  Parcel_CAMA_
-  Road Centerlines
-  Township Boundaries

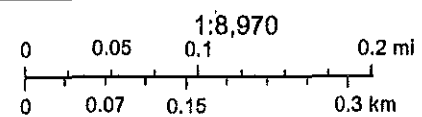


EXHIBIT 1

State Use 201
Print Date

309 # 1

Card # 1 of 1

Print Date

CURRENT OWNER										TOPO										UTILITIES										STRT/ROAD										LOCATION										CURRENT ASSESSMENT										8024 CLARION, PA																													
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RECORD OF IMPROVEMENTS

DWELLING		CONSTRUCTION		FINISH		ELECTRICAL		PLUMBING		MECHANICAL		PAINT		TOTAL	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	ATTN SHEED	1	CONCRETE	1	PLASTER	1	NO HEATING	1	BATHS	1	NO PLUMBING	1	NO PAINT	1	NO TOTAL
2	ATTN SHEED	2	CONCRETE	2	PLASTER	2	HOT AIR-FORCED	2	SINK AND WATER ONLY	2	NO PLUMBING	2	NO PAINT	2	NO TOTAL
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4	ATTN SHEED	4	CONCRETE	4	PLASTER	4	STRESS	4	EXTRA FIXTURES	4	NO PLUMBING	4	NO PAINT	4	NO TOTAL
5	ATTN SHEED	5	CONCRETE	5	PLASTER	5	HOT WATER-VAPOR	5	NO PLUMBING	5	NO PLUMBING	5	NO PAINT	5	NO TOTAL
6	ATTN SHEED	6	CONCRETE	6	PLASTER	6	TRADITION	6	NO PLUMBING	6	NO PLUMBING	6	NO PAINT	6	NO TOTAL
7	ATTN SHEED	7	CONCRETE	7	PLASTER	7	CENTRAL AIR COND.	7	BATH - FLOOR	7	NO PLUMBING	7	NO PAINT	7	NO TOTAL
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41	ATTN SHEED	41	CONCRETE	41	PLASTER	41	NO HEATING	41	NO PLUMBING	41	NO PLUMBING	41	NO PAINT	41	NO TOTAL
42	ATTN SHEED	42	CONCRETE	42	PLASTER	42	HOT AIR-GRANARY	42	OUTSIDE WATER	42	NO PLUMBING	42	NO PAINT	42	NO TOTAL
43	ATTN SHEED	43	CONCRETE	43	PLASTER	43	STRESS	43	EXTRA FIXTURES	43	NO PLUMBING	43	NO PAINT	43	NO TOTAL
44	ATTN SHEED	44	CONCRETE	44	PLASTER	44	HOT WATER-VAPOR	44	NO PLUMBING	44	NO PLUMBING	44	NO PAINT	44	NO TOTAL
45	ATTN SHEED	45	CONCRETE	45	PLASTER	45	TRADITION	45	NO PLUMBING	45	NO PLUMBING	45	NO PAINT	45	NO TOTAL
46	ATTN SHEED	46	CONCRETE	46	PLASTER	46	CENTRAL AIR COND.	46	BATH - FLOOR	46	NO PLUMBING	46	NO PAINT	46	NO TOTAL
47	ATTN SHEED	47	CONCRETE	47	PLASTER	47	SOURCE	47	BATH - FLOOR	47	NO PLUMBING	47	NO PAINT	47	NO TOTAL
48	ATTN SHEED	48	CONCRETE	48	PLASTER	48	OIL FURNACE	48	NO PLUMBING	48	NO PLUMBING	48	NO PAINT	48	NO TOTAL
49	ATTN SHEED	49	CONCRETE	49	PLASTER	49	GAS FURNACE	49	FIREPLACE STAKES	49	NO PLUMBING	49	NO PAINT	49	NO TOTAL
50	ATTN SHEED	50	CONCRETE	50	PLASTER	50	ELECTRIC	50	FIREPLACES	50	NO PLUMBING	50	NO PAINT	50	NO TOTAL
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53	ATTN SHEED	53	CONCRETE	53	PLASTER	53	WALL UNITS	53	UNIT SYSTEM	53	NO PLUMBING	53	NO PAINT	53	NO TOTAL
54	ATTN SHEED	54	CONCRETE	54	PLASTER	54	NO HEATING	54	NO PLUMBING	54	NO PLUMBING	54	NO PAINT	54	NO TOTAL
55	ATTN SHEED	55	CONCRETE	55	PLASTER	55	HOT AIR-GRANARY	55	OUTSIDE WATER	55	NO PLUMBING	55	NO PAINT	55	NO TOTAL
56	ATTN SHEED	56	CONCRETE	56	PLASTER	56	STRESS	56	EXTRA FIXTURES	56	NO PLUMBING	56	NO PAINT	56	NO TOTAL
57	ATTN SHEED	57	CONCRETE	57	PLASTER	57	HOT WATER-VAPOR	57	NO PLUMBING	57	NO PLUMBING	57	NO PAINT	57	NO TOTAL
58	ATTN SHEED	58	CONCRETE	58	PLASTER	58	TRADITION	58	NO PLUMBING	58	NO PLUMBING	58	NO PAINT	58	NO TOTAL
59	ATTN SHEED	59	CONCRETE	59	PLASTER	59	CENTRAL AIR COND.	59	BATH - FLOOR	59	NO PLUMBING	59	NO PAINT	59	NO TOTAL
60	ATTN SHEED	60	CONCRETE	60	PLASTER	60	SOURCE	60	BATH - FLOOR	60	NO PLUMBING	60	NO PAINT	60	NO TOTAL
61	ATTN SHEED	61	CONCRETE	61	PLASTER	61	OIL FURNACE	61	NO PLUMBING	61	NO PLUMBING	61	NO PAINT	61	NO TOTAL
62	ATTN SHEED	62	CONCRETE	62	PLASTER	62	GAS FURNACE	62	FIREPLACE STAKES	62	NO PLUMBING	62	NO PAINT	62	NO TOTAL
63	ATTN SHEED	63	CONCRETE	63	PLASTER	63	ELECTRIC	63	FIREPLACES	63	NO PLUMBING	63	NO PAINT	63	NO TOTAL
64	ATTN SHEED	64	CONCRETE	64	PLASTER	64	PIPELESS FURNACE	64	NO PLUMBING	64	NO PLUMBING	64	NO PAINT	64	NO TOTAL
65	ATTN SHEED	65	CONCRETE	65	PLASTER	65	FLOOR FURNACE	65	NO LIGHTING	65	NO PLUMBING	65	NO PAINT	65	NO TOTAL
66	ATTN SHEED	66	CONCRETE	66	PLASTER	66	WALL UNITS	66	UNIT SYSTEM	66	NO PLUMBING	66	NO PAINT	66	NO TOTAL
67	ATTN SHEED	67	CONCRETE	67	PLASTER	67	NO HEATING	67	NO PLUMBING	67	NO PLUMBING	67	NO PAINT	67	NO TOTAL
68	ATTN SHEED	68	CONCRETE	68	PLASTER	68	HOT AIR-GRANARY	68	OUTSIDE WATER	68	NO PLUMBING	68	NO PAINT	68	NO TOTAL
69	ATTN SHEED	69	CONCRETE	69	PLASTER	69	STRESS	69	EXTRA FIXTURES	69	NO PLUMBING	69	NO PAINT	69	NO TOTAL
70	ATTN SHEED	70	CONCRETE	70	PLASTER	70	HOT WATER-VAPOR	70	NO PLUMBING	70	NO PLUMBING	70	NO PAINT	70	NO TOTAL
71	ATTN SHEED	71	CONCRETE	71	PLASTER	71	TRADITION	71	NO PLUMBING	71	NO PLUMBING	71	NO PAINT	71	NO TOTAL
72	ATTN SHEED	72	CONCRETE	72	PLASTER	72	CENTRAL AIR COND.	72	BATH - FLOOR	72	NO PLUMBING	72	NO PAINT	72	NO TOTAL
73	ATTN SHEED	73	CONCRETE	73	PLASTER	73	SOURCE	73	BATH - FLOOR	73	NO PLUMBING	73	NO PAINT	73	NO TOTAL
74	ATTN SHEED	74	CONCRETE	74	PLASTER	74	OIL FURNACE	74	NO PLUMBING	74	NO PLUMBING	74	NO PAINT	74	NO TOTAL
75	ATTN SHEED	75	CONCRETE	75	PLASTER	75	GAS FURNACE	75	FIREPLACE STAKES	75	NO PLUMBING	75	NO PAINT	75	NO TOTAL
76	ATTN SHEED	76	CONCRETE	76	PLASTER	76	ELECTRIC	76	FIREPLACES	76	NO PLUMBING	76	NO PAINT	76	NO TOTAL
77	ATTN SHEED	77	CONCRETE	77	PLASTER	77	PIPELESS FURNACE	77	NO PLUMBING	77	NO PLUMBING	77	NO PAINT	77	NO TOTAL
78	ATTN SHEED	78	CONCRETE	78	PLASTER	78	FLOOR FURNACE	78	NO LIGHTING	78	NO PLUMBING	78	NO PAINT	78	NO TOTAL
79	ATTN SHEED	79	CONCRETE	79	PLASTER	79	WALL UNITS	79	UNIT SYSTEM	79	NO PLUMBING	79	NO PAINT	79	NO TOTAL
80	ATTN SHEED	80	CONCRETE	80	PLASTER	80	NO HEATING	80	NO PLUMBING	80	NO PLUMBING	80	NO PAINT	80	NO TOTAL
81	ATTN SHEED	81	CONCRETE	81	PLASTER	81	HOT AIR-GRANARY	81	OUTSIDE WATER	81	NO PLUMBING	81	NO PAINT	81	NO TOTAL
82	ATTN SHEED	82	CONCRETE	82	PLASTER	82	STRESS	82	EXTRA FIXTURES	82	NO PLUMBING	82	NO PAINT	82	NO TOTAL
83	ATTN SHEED	83	CONCRETE	83	PLASTER	83	HOT WATER-VAPOR	83	NO PLUMBING	83	NO PLUMBING	83	NO PAINT	83	NO TOTAL
84	ATTN SHEED	84	CONCRETE	84	PLASTER	84	TRADITION	84	NO PLUMBING	84	NO PLUMBING	84	NO PAINT	84	NO TOTAL
85															

OFF - 1185
OFF - 1445
ISFR - 5765

EXHIBIT 1

2007 ADDITIONS

ISFR - 5766	- 5744
DFP - 1448	- 766
<hr/>	
TOTAL: 6910	

CURRENT OWNER				TOPO				UTILITIES				STRT/ROAD				LOCATION				CURRENT ASSESSMENT				8024																																																																																																																											
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CLARION COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
LAND DEVELOPMENT APPLICATION
PRELIMINARY APPROVAL

Parcel Owner(s): _____

Parcel Address: _____

Parcel Municipality: **Ashland Township**Tax Map #: ☐ 0 1 - 0 2 0 - 0 0 2 - 0 0 2 - 0 0

Land Development Type (Check All That Apply):

Commercial ☐Addition ☐Parking Area ☐Industrial ☐Multi-Family Dwellings ☐Communications Tower ☐Streets ☐Easements ☐Other ☒

Brief Description of Project:

High Tunnel Greenhouses for the Production and Storage of Agricultural CommoditiesTentative Start of Construction **Jan.** ☐ **2,025**
Month YearTentative End of Construction **Dec.** ☐ **2,029**
Month Year

I, the undersigned developer, do hereby give permission to the County of Clarion for any one or more of its representatives to enter upon this property for the purpose of reviewing this land development.

Permission Granted By: _____
Signature

Submitted By: _____

Return To: Name: _____ Phone Number: _____

Address: _____

Email: _____

An application packet will not be considered complete until all required documentation is submitted.
Refer to Section 305. Incomplete application packets will not be reviewed.

OFFICIAL USE ONLY

☐ NOTICE: Part or all of this property may be in a flood hazard area.
Please see attached.

Filing Date: _____

CLARION COUNTY PLANNING COMMISSION APPROVAL

DATE _____

Chairman _____

Application for final land development approval must be submitted within 60 days of the issuance of the final Certificate of Occupancy and must be submitted no later than _____ or this approval becomes null and void.

LAND DEVELOPMENT PLAN REQUIREMENTS CHECKLIST
PRELIMINARY APPROVAL

Land Development Project Name: [REDACTED]

Parcel Owner: [REDACTED]

Municipality: **Ashland Township**



Plan Requirements	Reference	Yes	No	Comments	PD
Documentation					
Completed & Signed Application	304	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Completed Checklists	304 (B) & (C)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Plat with All Signatures	304 (D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Public Water Approval	305 (F)(1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Sewage Approval	305 (F)(1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Filing Fee	107&303 (E)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Conservation District Approval	305 (F)(1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Driveway Approval	305 (F)(1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Proposed Deed Restrictions	305 (F)(2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Details for New Streets, Sewer, Water and Storm Sewers	305 (F)(3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Letter on Installation	305 (F)(4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Landscape Plan	305 (F)(5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Circulation Plans	305 (F)(6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
General Plan Requirements					
Title Block	305 (E)(3)(a)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Certificate Blocks	305 (E)(3)(b)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
North Point, Scale and Legend	305 (E)(3)(c)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Location Map	305 (E)(3)(d)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Tract Boundaries & Acreages	305 (E)(3)(e)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Tax Map Number(s)	305 (E)(3)(f)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Adjacent Parcels Information	305 (E)(3)(g)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Highway Occupancy Notice	305 (E)(3)(q)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Estimated Acreage of Disturbance <3,000SF	302 (A)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Building Setback Lines	315 - 320	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Existing Features					
Structures, Driveways, Utilities	305 (E)(3)(h)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Streets, Sidewalks, Alleys	305 (E)(3)(i)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Property Line, Easements, ROW	305 (E)(3)(j)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Watercourses, Lakes, Ponds	305 (E)(3)(k)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Floodways and Floodplains	305 (E)(3)(k)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Topographic Data	305 (E)(3)(r)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Zoning Districts	305 (E)(3)(p)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Proposed Improvements					
Streets, ROWs & Easements	305 (E)(3)(l)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Site Conditions	305 (E)(3)(m)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Public Water & Sewer Lines	305 (E)(3)(m)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Structure Dimensions	305 (E)(3)(n)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Playgrounds & Public Use Areas	305 (E)(3)(o)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Contours	305 (E)(3)(r)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Additional Documentation					
Airport Zoning App. Signed	305 (E)(3)(P)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Modification Application Signed	502	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Build-Out Schedule for [REDACTED]

Project Overview:

- **Location:** [REDACTED]
- **Parcel Number:** [REDACTED]
- **Owners:** [REDACTED]
- **Purpose:** Horticultural/Agricultural production and storage
- **Compliance Statement:** All proposed structures are Act 15 of 2018 compliant, with setbacks exceeding 100 feet from all property lines, streams, and watercourses.

Build-Out Plan (January 2025 - February 2025)

Site Preparation

- Obtain all necessary permits and approvals.
- Prepare areas for driveway and high tunnel installation using stone or soil as needed.
- Confirm compliance with all setback requirements.
- Grades are natural and pre-existing, and no site work is planned beyond driveway construction and building up pad sites for plants and the high tunnel.

Driveway Construction

- Construct a 1,800 sq. ft. driveway (100 ft x 18 ft) with a crowned center for proper runoff management.

High Tunnel Assembly

- Assemble one (1) 30' x 96' high tunnel (2,880 sq. ft.) as indicated on the stormwater map.
- Maintain existing raised berms and grades to direct runoff as per the stormwater management plan.

Completion Deadline: February 28, 2025

Additional Notes:

1. This schedule assumes favorable weather conditions and minimal unforeseen delays.
2. Stormwater management includes best management practices for effective runoff control and integration with existing site features, such as berms and pond proximity.
3. Grades are natural and pre-existing, with minimal site work planned other than driveway construction and pad preparation for high tunnels and plants.

Clarion Conservation District

249 S 2nd Ave, Clarion, PA 16214

Tel 814-393-6139

www.clarionconservation.com



DECEMBER 10, 2024

[REDACTED]
[REDACTED]
[REDACTED]

Re: Hoop House Build
Ashland Township, Clarion County

To whom it may concern,

[REDACTED] have proposed construction of multiple agricultural hoop houses. To meet Pennsylvania Code Title 25. Environmental Protection, Chapter 102. Erosion and Sediment (E&S) Control, the implementation and maintenance of E&S best management practices (BMPs) are required to minimize the potential for accelerated erosion and sedimentation, including those activities which disturb less than 5,000 square feet.

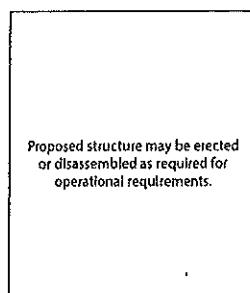
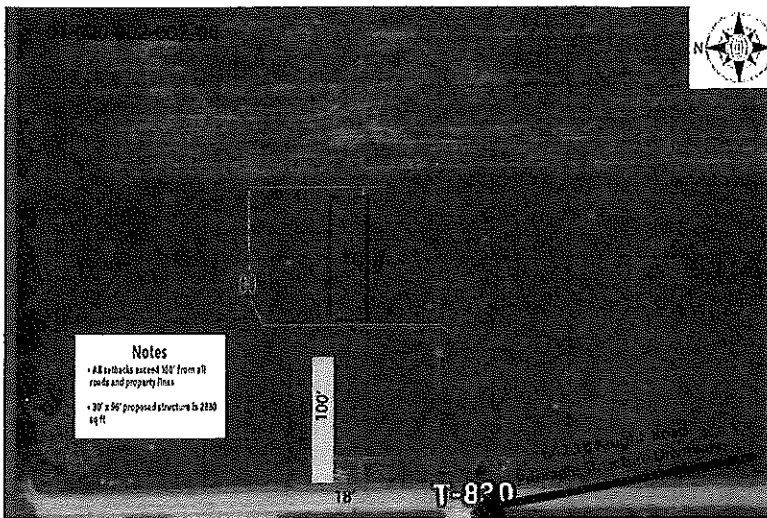
If the earth disturbance will result in a total earth disturbance of 5,000 sq. ft. or more a written E&S plan must be developed and implemented. Refer to Chapter 102.4 for further information. If a complaint is received by the District office (CCD) or the Department of Environmental Protection (DEP) at any point during the life of the project, a written E&S plan submission may be required.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]

Cc: Ashland Township

[REDACTED]



Legend	
	Property Boundary
	Water Line
	Water Well
	Proposed Structure
	Buried Electric Line
	Propane Tank
	Propane Line
	Utility Pole
	Electrical Pedestal
Graphic Scale	
100'	

CLARION COUNTY PLANNING COMMISSION APPROVAL

Preliminary approval granted by the Clarion County Planning Commission.

Date _____ Approval Number _____

Chairman or Vice-Chairman _____

Director or Planning Commission Administrator/Planning Assistant _____

OWNERS ADOPTION AND ACKNOWLEDGMENT OF NOTARY PUBLIC

We, owners of the land shown on the enlarged site plan, acknowledge the accuracy of this plat as it represents our proposed development in Ashland Township. Since this is an agricultural accessory structure and a private driveway, there's absolutely nothing to dedicate.

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and the County of Clarion, personally appeared the above named Justin Fulk and Stephanie Fulk, and acknowledge the foregoing adoption and dedication to be their act.

Witness my hand and notarial seal this 28 day of January, 20 25.

My commission expires the 22 day of June, 20 28.

Commonwealth of Pennsylvania - Notary Seal
Caroline L. Grubel, Notary Public
Clarion County
My commission expires June 22, 2028
Commission number 1062730

Caroline L. Grubel
Notary Public

Ashland Township, Clarion County

**Preliminary Approval,
Land Development**

EXHIBIT 2



Clarion County Small Project Stormwater Management Application

Name [REDACTED]
Mailing Address [REDACTED]
Email [REDACTED]

Phone Number [REDACTED]
Municipality Ashland Township
Tax Map # [REDACTED]

Project Description High Tunnel and Driveway for Agricultural Production

Please check one: ☐ Residential ☐ Commercial ☒ Agricultural

To Calculate Proposed New Impervious Surfaces, Please Complete This Table.					
Proposed New Surface Type	Length	X	Width	=	Proposed Impervious Area
Buildings	96	x	30	=	2,880
		x		=	0
		x		=	0
		x		=	0
Driveways	100	x	18	=	1,800
		x		=	0
Parking Areas		x		=	0
		x		=	0
Patios/Walks		x		=	0
		x		=	0
Other		x		=	0
		x		=	0
Total New Impervious Surface Area to be Managed (sum of all areas)					4,680

If the Total New Impervious Surface Area is LESS THAN 5,000 SQUARE FEET,

Read, Acknowledge and Sign Below.

I declare that I am the owner or owner's legal representative and acknowledge by my signature below that the information provided is accurate and submission of inaccurate information may result in a stop work order or permit revocation. I further acknowledge that employees of Clarion County and/or the municipality are granted access to the above described property for review and inspection as may be required.

Although I have provided this completed form and the project map, I acknowledge Clarion County and/or the municipality may request additional reporting and/or management should public health or safety or property or the environment be threatened.

If the Total New Impervious Surface Area is GREATER THAN 5,000 Square Feet,
Please Refer to the Clarion County Stormwater Management Ordinance for Required Information.

Signature [REDACTED]

Print Name [REDACTED]

Date 1-28-25

Reviewed and Approved By: [Signature]

FOR OFFICIAL USE ONLY

Date: 01-28-2025

Small Project Stormwater Management Map

