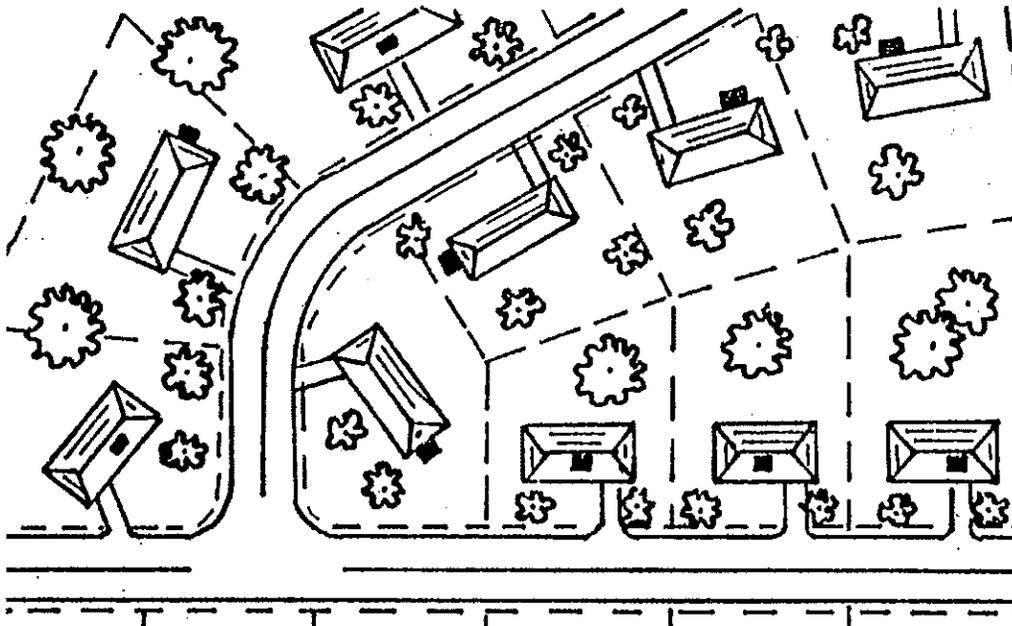


SOMERSET COUNTY SUBDIVISION and LAND DEVELOPMENT ORDINANCE



**SOMERSET COUNTY PLANNING COMMISSION
300 NORTH CENTER AVENUE, SUITE 540
SOMERSET, PENNSYLVANIA 15501**

AUGUST 13, 2013

SOMERSET COUNTY

SUBDIVISION & LAND

DEVELOPMENT ORDINANCE

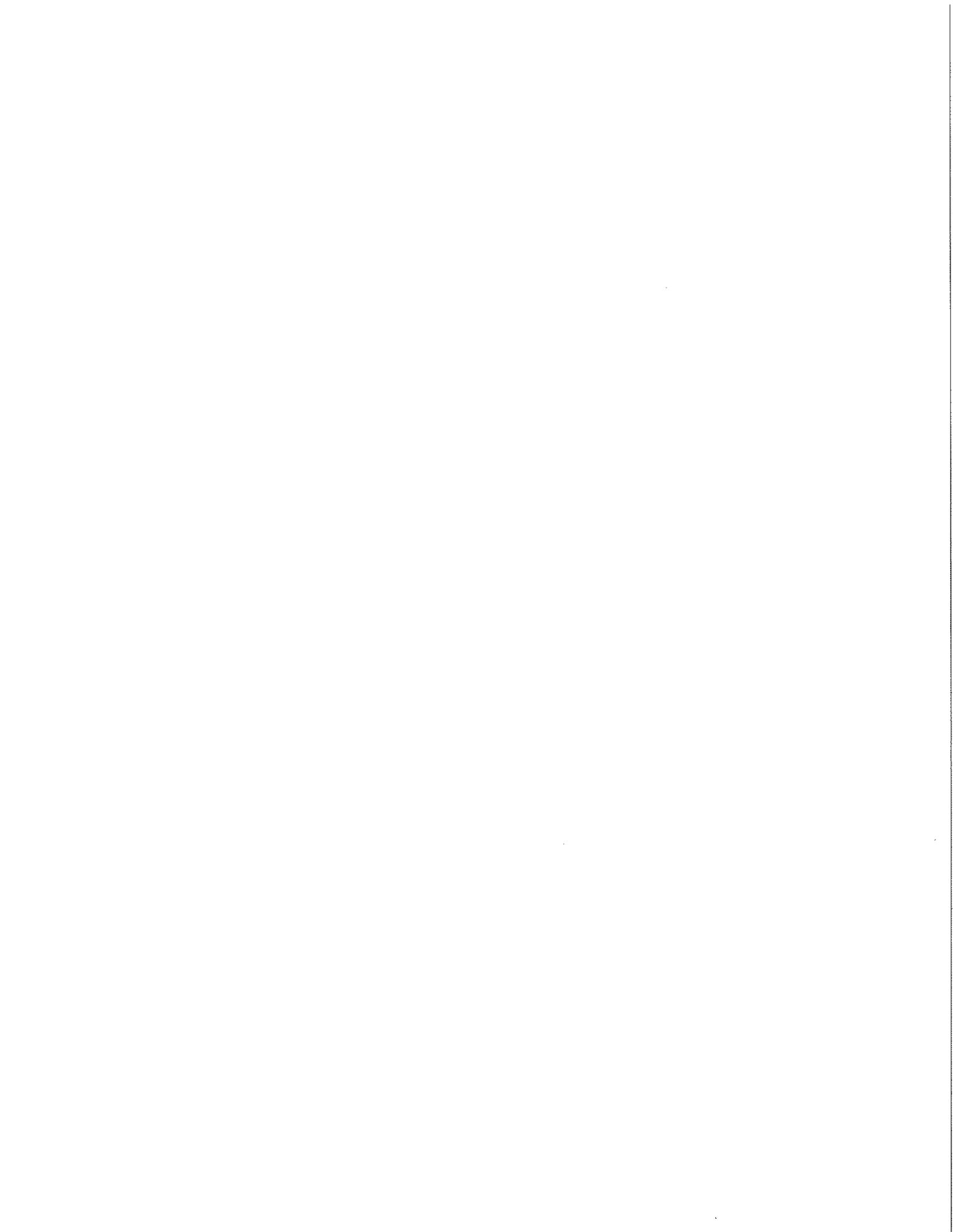
Prepared for:

SOMERSET COUNTY BOARD OF COMMISSIONERS
300 NORTH CENTER AVENUE, SUITE 500
SOMERSET, PENNSYLVANIA 15501

Prepared by:

SOMERSET COUNTY PLANNING COMMISSION
300 NORTH CENTER AVENUE, SUITE 540
SOMERSET, PENNSYLVANIA 15501

AUGUST 13, 2013



CERTIFICATION OF ADOPTION

The undersigned, of the County of Somerset, Pennsylvania, do hereby certify that the foregoing and attached Ordinance was duly adopted by a majority vote of the entire Board of Commissioners of Somerset County, at a duly advertised, a called and held public meeting of said Board of Commissioners, which meeting was held at 10:30 o'clock a.m., prevailing time, on Tuesday the 13th day of August, 2013, at the Commissioners Board Room, the County's usual meeting place, in Somerset Borough, Somerset County, Pennsylvania.

CERTIFIED this 13th day of August, 2013.

SOMERSET COUNTY
BOARD OF COMMISSIONERS



John P. Vataavuk, Chairman



Joe Betta, Vice Chairman



Pamela A. Tokal-Ickes, Secretary

Attest:



Sonya Augustine, Chief Clerk

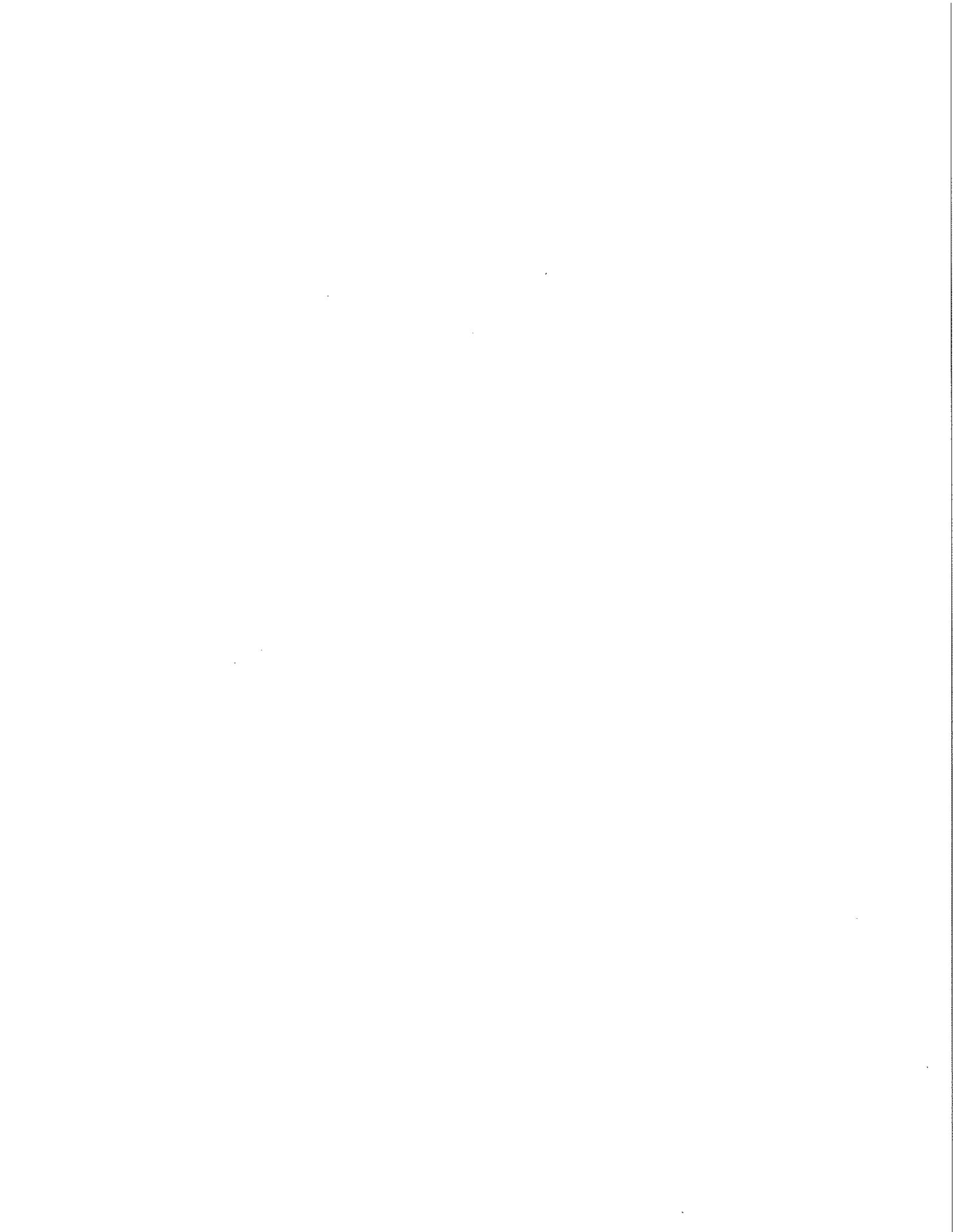


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**ARTICLE I
GENERAL PROVISIONS**

SECTION 101 SHORT TITLE

This ordinance shall be known and may be cited as "The Somerset County Subdivision and Land Development Ordinance".

SECTION 102 PURPOSE

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the citizens of Somerset County. Those areas, which are subject to hazards of life, health, or property, as may arise from fire, flood, disease, subsidence, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- B. To guide the future growth and development of the County;
- C. To protect and preserve the value of land throughout Somerset County and the value of buildings and improvements upon the land; and to minimize the conflicts among the use of land and buildings;
- D. To assure adequate and efficient transportation, sewage, water, and other requirements and facilities;
- E. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic through the county, having particular regard to the avoidance of congestion in the streets and highways, and to provide for the proper location and width of streets;
- F. To insure that public and private facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- G. To establish standards of design and procedures for subdivisions, re-subdivisions and land developments, in order to further the orderly layout and use of land;
- H. To preserve the natural beauty, topography, and environment of the county and to insure appropriate development with regard to these natural features;
- I. To provide for adequate storm water management practices and improvements as required in Pennsylvania Act 167 of 1978, 32 P.S. 680.1 et seq;
- J. To provide an implementation tool in carrying out the adopted Somerset County Comprehensive Plan and its amendments.

SECTION 103 AUTHORITY & JURISDICTION

The authority of the Somerset County Commissioners to adopt this Ordinance regulating subdivision and land development within Somerset County is granted by Article V of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. Section 10101 et seq.

The Somerset County Planning Commission is hereby delegated the authority to administer and enforce all provisions of this ordinance.

SECTION 104 INTERPRETATION

Where provisions of this ordinance conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

SECTION 105 REPEAL

This Ordinance replaces the Somerset County Subdivision and Land Development Ordinances, adopted July 12, 1963, May 28, 1991, March 1, 1997, January 1, 1998 and April 6, 2004 and such ordinances are hereby repealed. All ordinances or parts of ordinances in conflict with or inconsistent with this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. Any ordinance(s) that contain more restrictive requirements shall continue in full force and effect.

ARTICLE II DEFINITIONS

SECTION 201 TENSE, GENDER, & NUMBER

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense, words used in the masculine gender include the feminine and neuter.

SECTION 202 TERMS OR WORDS NOT DEFINED

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 203 SPECIFIC TERMS

Terms or words used herein, unless otherwise stated, shall have the following meanings:

Applicant - a landowner (including his heirs, successors and assigns) who has filed an application for subdivision or land development.

Application for Development - the document required to be filed with each subdivision or land development plan submitted. (See Appendix)

Block - a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Buffer strip or area - an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit the view of and/or noise from the site to adjacent sites or properties.

Building - a structure designed to be used as a place of occupancy, storage or shelter.

Building Footprint - building footprint is the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Campground - any portion of land, used for the purpose of providing a space or spaces for travel trailers, recreational vehicles, tents or other temporary forms of living accommodations, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupying of a space. A campground includes the improvement and development of land under common ownership for seasonal or leisure time activities, not used for year-round dwelling.

Cart-way - the area of a street within which vehicles are permitted, including travel lanes and parking areas but not including shoulders, curbs, or sidewalks.

Certificate of Completion - certificate that is to be obtained prior to occupying the building in a major land development or prior to selling lots within a major subdivision.

Commission - the Somerset County Planning Commission.

Communication Tower - Any form of tower, including but not limited to manned communication towers, unmanned communications towers, communication facilities, equipment shelters, transmitters, relay facilities, cell towers, television towers, radio towers, etc.

Condemnation - the seizure, as of property, for public use.

Developer - any landowner, or agent of a landowner (who has been given appropriate authorization by the land owner); and with acknowledged permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

Dwelling Unit - any structure or portion thereof, designed to be occupied as separate living quarters for the exclusive use of a single family maintaining a household.

Easement - an interest held by one person in land of another whereby the first person is accorded limited use of such land.

Eminent Domain -the power of the state to take private property for public use with payment of compensation to the owner.

Engineer - a Professional Civil Engineer licensed as such in the Commonwealth of Pennsylvania.

Incidental Boundary Change - the adjustment or modification of a boundary line, between abutting property owners, in which

1. The land is not part of a recorded plan and,
2. The modification does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Change, to less than the area required under Article V, Section 504.B, Items 1, 2, and 3 and,
3. The change does not eliminate access to any parcel or tract and,
4. Provided that any area which is subject of any Incidental Boundary Change shall be added to and shall become a part of the property of one of the abutting property owners and shall not be a separate parcel or tract for any purpose whatsoever under this Ordinance. (For recorded plans refer to Section 309)

Land Development - any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i). a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on lot or lots regardless of the number of occupants or tenure; or
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land
3. Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988) shown below:

Section 503(1.1) - Provisions for the exclusion of certain land development from the definition of land development only when such land development involves:

- 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 lot or lots subordinate to an existing principal building;
 - c. or the addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For purposes of this sub clause, 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 proper authorities have approved initial plans for the expanded area.
4. Residential Land Developments containing less than four (4) residential units are exempt from filing a plan, except where spaces or units are leased or rented.
 5.
 - a. Non-residential land developments that are less than 8,000 sq. ft. of cumulative building footprint or that have a total cumulative building footprint less than 15% of the parcel being developed shall follow Section 1005. Buildings will maintain side and rear setbacks equal to or greater than the building area in square feet divided by 300 feet. However, minimum building setbacks may be reduced to those set forth in Section 1005(A) if a year-round visual screening is provided in the side yard and rear yard between residential and non-residential uses unless an acknowledged waiver, submitted in a recordable form, is obtained from abutting property owners. A copy of the executed waiver must be included with the submission. Waivers shall be recorded. The minimum building setbacks shall not be less than those set forth in Section 1005(A).
 - b. All other non-residential land developments shall follow the regulations set forth for Major Plans except those that qualify to use Section 1005 as defined above.
 - c. The preparation of a non-residential land development plan and the procedures for submission, review and approval of that plan shall be the same as those used for a subdivision, as defined in this Ordinance, except as specifically modified by this Ordinance.

6. In order to claim an exemption as mentioned in (4) or (5), above, the developer must submit a Minor Land Development Sketch to the Planning Commission. (see Section 1005 for requirements)
7. The installation of wind energy tower(s), unmanned communication towers, unmanned communication facilities and associated equipment shelters (which may include towers, transmitters relay facilities, and associated equipment shelters) shall be required to file a land development plan.
8. A land development plan is not required for buildings constructed within a mine permit area, unless the building or buildings will remain after mining operations have ceased. A plan will be filed as needed.
9. The conversion of an existing building is exempt from filing a land development plan.

Landowner - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person that has a proprietary interest in land.

Landscape Architect - Professional Landscape Architect licensed as such in the Commonwealth of Pennsylvania.

Lease - Use of or occupation of land or holdings during a specific period in exchange for rent.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Reverse Frontage - a lot extending between and having frontage on a major street and a minor street, and with access solely from the latter.

Marker - a demarcation on the ground, through artificial or natural means, that delineates the boundary of the lot or lots on the plan.

Mining operation – The process or business of extracting ore or minerals from the ground.

Mobile home - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Manufactured Housing Units]

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Municipality - a borough or township.

Non-residential land development – Developments where the principal proposed use is non-residential such as, but not limited to, industrial parks, shopping centers, malls, office complexes, and other commercial and industrial uses.

Occupied Residence or Occupied Commercial Structure – Any residence or commercial structure that has an assessed value.

Open space - a parcel or parcels of land or an area of water, or a combination of land and water within the subdivision and designed and intended for the use of residents of a development, including but not limited to: streets, off-street parking areas, and areas set aside for public facilities.

Original Parcel - the original parcel as recorded in the Recorder of Deeds Office of Somerset County as of the date of this ordinance or as specified elsewhere in the ordinance.

Permanent Monument - A physical structure being of reasonably permanent character (for example: Artificial Monuments - abutments, stone markers, concrete markers, iron pin set in concrete and railroad rail set in concrete; and Natural Monuments - streams, rivers, lakes, ponds, trees, ledges, and rock outcrops).

Plan - the map, plan, or record of a subdivision and any accompanying materials, as described in this ordinance.

Plan, Master - a plan filed pursuant to Section 303.

Public Notice - notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

Right-of-Way - a right of passage or travel for general or limited purposes over the land of an owner given to another person or persons. A right of passage over another's land.

Sketch, Minor Land Development - A sketch to be provided to the Planning Commission, by a developer that wishes to utilize the Land Development Plan exemption for certain land developments, as defined in these regulations. (See Section 1005)

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Street, Cul-De-Sac - a minor street with a single common ingress and egress and with a turn-around at the end.

Street, Major - those streets that collect minor streets; State Route numbers with two or three primary digits (i.e., SR-0030, SR-0985, SR-0160, SR-0031, SR-0653, SR-0056, etc.).

Street, Minor - those streets which are used primarily for access to abutting properties and carry limited volumes of traffic (all township and borough roads and all four digit State Route Numbers (i.e., T-591, T-482, T-890, T-223, SR-1004, SR-4024, SR-3003, SR-2005, etc).

Structure - mode of building, construction, or organization consisting of walls and a roof.

Subdivider - See Developer and/or Landowner.

Subdivision - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building, or lot development. The acquisition of a parcel by adverse possession shall also be considered a subdivision. The claimer shall be responsible for filing the subdivision plan.

The division of a parcel, held in interest by two or more owners, shall be considered a subdivision if one or all of the owners desire to separate their interest from that of the other(s).

Provided, however, that the following shall be exempt:

1. The subdivision by lease of land for agricultural purposes into parcels, not involving any new street or easement of access for any residential dwelling;
2. An Incidental Boundary Change as defined herein;
3. The granting of an easement or right-of-way,
4. Consent line agreements or property line agreements.
5. The mortgage of a portion of land shall not be considered a subdivision unless the mortgagee defaults on the mortgage. The mortgagee shall be responsible for filing the subdivision plan.
6. The division, addition, or development of a parcel or parcels of land for the purposes of a public or private cemetery is exempt from filing a subdivision or land development plan.
7. Dedication or conveyance of land to governmental bodies for construction, re-construction or relocation of roadways shall require the filing of a minor subdivision plan however the lot or lots will not be counted as a lot for purposes of determining the type of subdivision plan that will be required. If the land ceases to be used for the initially intended purpose, a re-evaluation of the type of plan required will be made.
8. The subdivision of land for the purpose of installing communication towers, radio towers, television towers, commercial wind energy facilities, pump stations, water tanks, storm water facilities, sewer plants, electrical power sub-stations, utilities, water treatment facilities or any other facility not involving a new residential, commercial or industrial building will require the filing of a minor subdivision plan, however, the lot or lots will not be counted for purposes of determining the type of subdivision plan that will be submitted. If the land ceases to be used for the

initially intended purpose, a re-evaluation of the type of plan required will be made.

9. The lease of a parcel of land for the purpose of installing communication towers, radio towers, television towers, commercial wind energy facilities, pump stations, water tanks, storm water facilities, sewer plants, electrical power sub-stations, utilities, water treatment facilities or any other facility not involving a new residential, commercial or industrial building will require the filing of a minor subdivision plan, however, the lot or lots will not be counted for purposes of determining the type of subdivision plan that will be submitted. If the land ceases to be used for the initially intended purpose, a re-evaluation of the type of plan required will be made.

The type of the subdivision shall be determined by counting the total number of lots that have been previously subdivided and intend to be subdivided, from the original lot since, after the date of this ordinance, and then adding the number of lots in the proposed subdivision.

- A. Major Subdivision - 10 lots or more (cumulative from the date of this ordinance) including the original parcel, (see Section 403);
- B. Minor Subdivision - 1 to 9 lots (cumulative from the date of this ordinance), not including the original parcel, (see Section 402);
- C. Lots that are fifty (50) acres or greater in size shall be considered original lots newly created under this ordinance.

Subservient - Serving or acting in a subordinate capacity; subordinate.

Surveyor - Professional Land Surveyor licensed as such in the Commonwealth of Pennsylvania.

Temporary facility – A building, structure or activity that will remain on any site less than two years,

Tower facility – Communication tower, radio tower, television tower, cell tower or any other such tower not covered by Section 1006 Wind Energy Towers.

Vacant land - Land which is not developed, including land which may have previously been developed but there has been a discontinuation of activity exceeding one year.

Wind Energy Tower(s) – Any structure with moveable blades that generates energy by way of wind power, where the power generated exceeds 100 kilowatts.

**ARTICLE III
SUBMISSION & REVIEW PROCEDURE**

SECTION 301 PRE-APPLICATION PROCEDURES

- A. Copies of this ordinance shall be available for review by any person seeking information regarding subdivision and/or land development standards and procedures in Somerset County. Any prospective developer or subdivider may schedule a meeting with the Planning Commission staff to discuss and review any tentative plan and/or provisions of this ordinance.
- B. The Planning Commission is only responsible for insuring that the developer meet at least the minimum requirements in this ordinance and those regulations set forth in Act 247, The Pennsylvania Municipalities Planning Code. The local municipalities are not responsible for insuring the provisions of this ordinance are met. There are other Federal, State, and Local laws, requirements and ordinances which may need to be addressed prior to land subdivision and development; for example, but not limited to:
- Pennsylvania Department of Environmental Resources-stream encroachment, sewage modules, sewage feasibility studies, ground water studies, culverts and bridges;
 - Pennsylvania Department of Transportation - state highway access permits, culverts and bridges; Pennsylvania Public Utilities Commission - public water supplies;
 - Environmental Protection Agency - wetland encroachment;
 - Pennsylvania Fish Commission - stream changes;
 - Pennsylvania Historical Commission - changes to properties on the National Register of Historic Places;
 - Somerset County Conservation District - soil erosion and sedimentation control plans;
 - U.S. Postal Service and/or 911 addressing office - street names;
 - Local Municipalities - public road dedications, sewage modules, building permits, flood plain compliance, building code enforcement and storm water management ordinances;
 - Local Zoning Ordinances;
 - American National Standards Institute (A.N.S.I.).
 - United States Army Corps of Engineers
 - Americans with Disabilities Act

- Department of Labor and Industry
- Pennsylvania Farmland and Forestland Assessment Act 1974 (Act 319) (Clean and Green)
- Municipal Act 167 Storm Water Management Ordinances
- Pennsylvania One-Call (811) for utility line locations;

It is the developer's responsibility to insure all necessary items are addressed prior to Final Plan submission. The Commission may require of the developer copies of reports and approvals of the applicable agencies prior to Final Plan approval.

- C. A subdivider may not transfer title to a lot within a major subdivision, nor may a developer occupy any unit of a major land development (residential or non-residential) until such time as a Certificate of Completion has been obtained. Sales contracts on lots are acceptable provided legal title remains in the name(s) of the land owner.
- D. A subdivider or developer may not begin construction within any development until a plan has been submitted and approved by the Somerset County Planning Commission.

SECTION 302 TYPES OF SUBDIVISIONS

- A. Major Subdivision - 10 lots or more (cumulative from May 28, 1991), including the original parcel; (see Section 403);
- B. Minor Subdivision - 1 to 9 lots (cumulative from May 28, 1991), including the original parcel, (see Section 402);
- C. Lots that are fifty (50) acres or greater in size shall be considered original lots newly created under this ordinance.

SECTION 303 SUBMISSION & REVIEW OF A MASTER PLAN

- A. Developers may submit a Master Plan to the Commission for review, comment and approval at the option of the developer. Master Plans are not required for any subdivision or land development. The developer may submit any portion or area of the Plan to which Article V - Design Standards applies. The developer may select any single standard for review and approval by the Commission or may select additional standards for review and approval.
- B. All Master Plans shall include all information required under section 303, section 401, and Article V with respect to a particular standard for which review is sought sufficient to allow the Commission to adequately and reasonably review the plan.
- C. To the extent that the developer submits a Master Plan under the provisions of this subsection and in compliance with any or all of the requirements of this Ordinance (or variances of specific sections hereof), the Commission shall review the Development Plan submission and shall approve or disapprove those items for which specific

submissions are made. All items for which no specific submission is made shall not be considered approved or disapproved.

- D. The Master Plan and filing fee shall be submitted to the Planning Commission for review and approval.
- E. The approval of a Master Plan shall be valid for a period of five (5) years within which time a formal final plan (prepared in accordance with the provisions of this ordinance shall be submitted to the Commission, or the Master Plan approval shall lapse unless specifically extended in writing by the Commission.
- F. The Master Plan shall be a non-recordable plan.
- G. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).

SECTION 304 SUBMISSION, REVIEW AND RECORDING OF A MINOR SUBDIVISION PLAN

- A. Submission requirements of a Minor Subdivision Plan shall include the delivery of a minimum of five (5) copies of the plan, application, and the application fee to the Planning Commission offices for their review (the plan must be prepared in accordance with Section 402). The submission package must also include an executed municipal and/or DEP sewer approval or waiver document, a letter from the municipal officials accepting an existing system, or a non-building declaration, or a waiver document, or a current 10 acre exemption form or a sewer permit. In all cases the documents provided must specifically identify, by name, acreage, date or number the lot for which the document is to be used. The submission package will not be accepted and will be returned to the developer or subdivider unless the sewer documents are included.

If the subdivision is located within an area covered by an adopted Act 167 Storm Water Management Plan Ordinance, the requirements of that municipal ordinance shall be addressed prior to submission of the plan. A copy of the municipal approval or exemption must accompany the plan submission.

The submission package will not be accepted or will be returned to the developer or subdivider if it does not include all of the required items.

- B. The plan must either be recorded at the Somerset County Recorder of Deeds Office, with each deed in said plan or as a plan of lots (in the Plot Book of the Recorder of Deeds Office). The plan shall be recorded within 90 days of the approval, and if not so recorded the approval shall become null and void.
- C. For the purposes of this ordinance, a Minor Plan may be submitted for recording in the form of:
 - 1. An 18" by 24" mylar, or whatever other media type and size, that is acceptable for recording at the Somerset County Recorder of Deeds Office,

2. A paper copy of the plan, no larger than 8-1/2" X 14" (or reducible to that size), for recording with the deed(s) of transfer. Any reductions shall not limit or reduce the clarity of the information shown on the plan. If it does, a larger plan size must be submitted for recording in the Plot Book. The recorded plan must be able to be clearly read.
- D. Action shall be taken by the Commission within fifteen (15) working days or the plan shall be deemed approved.
 - E. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).
 - F. Plans will not be pre-reviewed unless it has been determined, by the staff, that there are extenuating circumstances. The instances or circumstances, where a pre-review will be conducted, will be determined and approved by the staff prior to plan submission.

SECTION 305 SUBMISSION OF A MAJOR PLAN

- A. From the time an application for approval of a plan is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.
- B. Major Plans and all required supporting data, folded no larger than 8-1/2" x 14", shall be submitted by the developer or authorized representative to the Somerset County Planning Commission. The submission package will not be accepted or will be returned to the developer or subdivider if it does not include all of the required items.
- C. Submission of the Major Plan shall comprise:
 1. An application;
 2. A minimum of five (5) blue-line or black-line paper prints of the Plan, which shall fully comply with the requirements of this ordinance;
 3. The Commission may request that the developer provide the results of studies that other agencies have required of the developer;
 4. One (1) Variance Request Form, completed by the owner, if deemed necessary by the developer, subdivider, or Commission;
 5. One (1) copy of all other required information as outlined in Article IV, Section 403;
 6. Application fee or resubmission fee (see Appendix).

7. A plan, of a size that is acceptable for recording at the Somerset County Recorder of Deeds Office, must be recorded in the Plot Book,
 8. The submission package must also contain an executed municipal and/or DEP sewer approval or waiver document. The package will not be accepted and will be returned to the developer or subdivider unless the sewer approval is included.
 9. If the subdivision falls within an area covered by an adopted Act 167 Storm Water Management Plan Ordinance, the requirements of the municipal ordinance shall be followed and will supersede the requirements found in Section 506. A copy of the municipal approval shall be included with the Major Plan submission.
 10. The submission package will not be accepted and will be returned to the developer or subdivider if it does not include all of the required items.
- D. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).
 - E. Resubmissions of Major Plans: A letter shall be submitted along with the revised plan and shall specifically outline the revisions made to the plan. A revision date shall be placed prominently on the plan.

SECTION 306 REVIEW OF A MAJOR PLAN

- A. When a Major Plan has been officially submitted in a completed form, it will be placed on the plan review list. Plans will be reviewed in the order in which they are received, in completed form.
- B. After plan review and upon correction of all plan deficiencies, the Planning Commission staff will approve the plan.
- C. Requests for variances cannot be acted upon by the staff and must be considered by the Planning Commission Board. Requests for variances must be submitted on variance request forms no less than 7 calendar days prior to the scheduled meeting. Meetings are scheduled or cancelled at this time, and agendas are sent out to board members. If a variance is received after the deadline, it will be acted on at the following scheduled meeting.
- D. During review of the Major Plan, the Commission may consider any reports from the site reviews, recommendations from the municipality and/or its engineer, results from the on-lot percolation tests, hydrologic studies and/or sewage feasibility studies, before making its final decision.
- E. The decision of the Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address (as shown on the plan) not later than fifteen (15) days following the decision.
- F. Plans will not be pre-reviewed unless it has been determined, by the staff, that there are extenuating circumstances. The instances or circumstances, where a pre-review will be conducted, will be determined and approved by the staff prior to plan submission.

SECTION 307

RECORDING OF THE MAJOR PLAN

- A. Upon the issuance of a Certificate of Completion for the Plan, by the Commission, the subdivider shall within ninety (90) days of such issuance record the plan in the Somerset County Recorder of Deeds Office. If the subdivider fails to record the Plan within such period, the action of the Commission shall become null and void, unless the Commission grants an extension of time, in writing. An extension to a plan approval shall be considered, by the Board after receiving a written request to do so by the subdivider.
- B. One (1) copy of the recorded Plan shall be returned to the Somerset County Planning Commission for their permanent files or, notice shall be given to the Commission regarding the recording of the plan (date and where recorded).
- C. One (1) copy of the approved Plan will be submitted to the Municipality, by the Planning Commission.
- D. Original signatures, in black opaque ink, shall appear on the mylar of the plan, or whatever other media type and size acceptable to the Recorder of Deeds Office. Original signatures shall also appear on at least one print of the plan. The Planning Commission, for their files, will retain this plan.
- E. The approved plan shall be recorded prior to the selling of lots and/ or prior to the occupancy of a non-residential structure.

SECTION 308

PLAN REVISION PROCEDURES

Any revision which includes changes to a recorded plan, shall be considered a subdivision and shall comply with the requirements of this ordinance.

- A. Plan Revision Procedures:
 - 1. The revision of a lot(s) of a previously approved plan shall be reviewed by the staff and approved or disapproved by the staff.
 - 2. Lot lines may be changed from those shown on a recorded plan, provided that on making such changes:
 - a. The portion of the plan wherein the change is made, must be recorded at the Somerset County Recorder of Deeds Office, within ninety (90) days of the approval by the Commission or the Commission's issuance of the Certificate of Completion (depending on the type of plan), and if not so recorded the approval shall become null and void;
 - b. Easements and rights-of-way reserved for drainage shall not be changed;
 - c. Street locations and block sizes shall not be changed;
 - d. No new lot shall be created.
 - 3. In every case, wherein lot lines are changed, as permitted by the above, the developer shall prepare a new Plan and shall submit the new Plan to the

Somerset County Planning Commission. The new Plan shall specifically identify the previously recorded plan that is superseded, and shall contain a reference where the previous plan has been recorded. A copy of the previously approved and recorded subdivision plan shall also be submitted with the proposal.

4. The developer shall record the new plan in accordance with Section 304, Section 307, Section 402, or Section 403 of this ordinance.
5. The developer shall have the Recorder of Deeds Office place a statement on the previously recorded plan (or in some other recordable reference that is acceptable to the Recorders Office) which indicates there has been a revision to that plan and which states where the revision is recorded. The developer shall return, to the Commission, verification of the note placement, or recordable reference, by means of a receipt from the Recorder of Deeds Office.
6. The signatures of both the subdivider(s) and/or current lot owner(s)(of the lot or lots being revised) shall be acknowledged on the revised lot plan.
7. Revisions that are more complex and involve revisions to items other than lot lines shall be considered a new subdivision plan submission. The signatures of the subdivider(s) and any lot owner(s) within the plan, shall be acknowledged on the newly submitted subdivision plan.
8. In all cases, a copy of the previously recorded plan shall be submitted with the proposed plan revision.

SECTION 309 PLAN RE-SUBDIVISION PROCEDURES

A. Re-subdivisions Procedures:

Any re-subdivision which includes changes to a recorded plan, shall be considered a subdivision and shall comply with the requirements of this ordinance.

1. The re-subdivision of a lot(s) of a previously approved plan shall be reviewed by the staff and approved or disapproved by the staff.
2. The developer shall record the new plan in accordance with Section 304, Section 307, Section 402, or Section 403 of this ordinance.
3. The developer shall have a statement placed on the previously recorded plan (or in some other recordable reference that is acceptable to the Recorders Office), which indicates there has been a re-subdivision of that plan and where the re-subdivision plan is recorded. The developer shall return, to the Commission, a verification of the note placement or recordable reference. This may be accomplished by means of a receipt from the Recorder of Deeds Office,
4. Each lot, within a plan approved and recorded prior to May 28, 1991 that is proposed for re-subdivision shall be considered an original parcel.
5. For re-subdivisions of lots approved and recorded prior to May 28, 1991, the type of plan required to be filed will be determined by totaling the number of lots within

the proposed re-subdivision. The number of lots will begin accumulating with the initial re-subdivision and shall be cumulative thereafter. This re-subdivision procedure shall only apply to plans recorded prior to May 28, 1991. All other re-subdivisions shall use the cumulative method outlined under the definition of subdivision.

6. The numbering system of all re-subdivided lots shall retain the integrity of the original lot number and shall have an alphabetical or numerical prefix or suffix attached to the original lot number (ie. Lot 1-A, Lot 1-1, Lot 1-01, A-1, etc.)
7. Developer(s) and/or Subdivider(s) shall prepare a Plan of Re-subdivision and shall submit the Plan to the Somerset County Planning Commission for approval. The Plan shall specifically identify the previously recorded lot plan and shall contain a reference where the previous plan has been recorded. A copy of the previously approved and recorded subdivision plan shall be submitted with the proposal.
8. The approved Re-subdivision plan must be recorded at the Somerset County Recorder of Deeds Office, within ninety (90) days of the approval by the Commission or the Commission's issuance of the Certificate of Completion (depending on the type of plan), and if not so recorded the approval shall become null and void;
9. In all cases, a copy of the previously recorded plan shall be submitted with the proposed re-subdivision.

SECTION 310 INCIDENTAL BOUNDARY LINE CHANGES

- A. An Incidental Boundary Line Change can only occur between landowners that join each other and whose lots are not parts of a recorded plan. The parcel that is proposed to be conveyed, as part of an Incidental Boundary Line Change, must be combined with the grantee's parcel and must be included in the grantee's new tract description. The end result of a conveyance of this type must be one tract of land for the grantee.
- B. A copy of the final recorded documents shall be delivered to the Somerset County Planning Commission office along with the verification of the Assessment Office (see Section 310.E below). The staff may review the proposal prior to recording if requested by the parties involved.
- C. No size limitations are placed on Incidental Boundary Line Changes, provided the proper procedures are followed.
- D. Consent Line Agreements and/or Boundary Line Agreements do not constitute a subdivision or an Incidental Boundary Line Change.
- E. The owners or parties to the Incidental Boundary Line Change must provide proof that the parcels have been consolidated by the assessment office into one parcel with one tax number.

Incidental Boundary Change - the adjustment or modification of a boundary line, between abutting property owners, in which:

1. The land is not part of a recorded plan and,
2. The modification does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Change, to less than the area required under Article V, Section 504.B, Items 1, 2, and 3 and,
3. The change does not eliminate access to any parcel or tract and,
4. Provided that any area which is subject of any Incidental Boundary Change shall be added to and shall become a part of the property of one of the abutting property owners and shall not be a separate parcel or tract for any purpose whatsoever under this Ordinance. (For recorded plans refer to Section 308 or 309)

The following wording may be used as part of the deed recital:

The within conveyance is an Incidental Boundary Line Change as defined in Article II, Section 203 of the Somerset County Subdivision and Land Development Ordinance ("Ordinance"), enacted May 28, 1991, as amended, as said conveyance is of property not part of a recorded plan and does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Line Change, to less than the area required under Article V Section 504.B, Items 1, 2, and 3 of the Ordinance. By acceptance and recording of this deed, Grantees, for themselves, their heirs, successors and assigns, covenant, agree and declare that the within conveyed parcel described as follows:

"Insert description of parcel to be conveyed"

shall be merged with their property shown in Somerset County Record Book Volume _____, Page _____, and which is described as follows:

"Insert description of the currently owned tract"

such that the two parcels shall become one parcel. Any conveyance of less than the two merged parcels shall constitute a subdivision under the Somerset County Subdivision and Land Development Ordinance.

ARTICLE IV
PLAN REQUIREMENTS

SECTION 401 **MASTER PLAN**

A Master Plan (see Section 303) shall contain the following information:

1. General shape of the property;
2. Name of municipality in which the subdivision is located;
3. Name and the current mailing address of the owner or agent, if different than the owner. Documentation shall be provided at the time of plan submission noting the agent's authority to sign the plan on behalf of the owner (see Landowner Consent Form in Appendix);
4. North point and date;
5. Proposed general street and lot layout, and right-of-way;
6. Tax Map Number(s) of the parcel(s) being subdivided including the municipal number;
7. Minimum lot size proposed;
8. Proposed use of the land;
9. Total acreage of the parcel being subdivided;
10. Total number of lots proposed;
11. General location map of the tract;
12. Any item(s) for which the developer desires approval.

SECTION 402 **MINOR SUBDIVISION PLAN (1 to 9 lots or units)**

(NOTE: THE LAND OWNER SHALL CONSIDER THE POSSIBLE FUTURE DEVELOPMENT REQUIREMENTS OF THE BALANCE OF THE OWNER'S OR *DEVELOPER'S* LANDS).

- A. The Minor Plan shall be clearly and legibly drawn to a commonly accepted engineering scale. The scale shall be of a size that is large enough to provide clear details of all plan components. The Minor Plan shall be folded no larger than 8-1/2" X 14". No plan shall exceed 36" in width. All paper plans larger than 8 -1/2" by 14" shall be folded.

Plans that are intended to be recorded in the Plot Book of the Recorder of Deeds Office shall be of an adequate size to accommodate the Recorder's stamp and recording seal. Plans that are prepared at legal size (8-1/2" by 14") cannot be recorded in the Plot Book unless adequate space has been provided for the Recorder's stamp and recording seal

on the front of the plan. The plan preparer must check with the Recorder's Office for spacing requirements.

- B. The Minor Plan shall include the following information:
1. A survey of the lot or lots certified by a Pennsylvania Professional Land Surveyor;
 2. Access shall be provided to each lot by one of the following methods:
 - a. Access to a single lot may be by way of a sixteen and one half (16 1/2') foot right-of-way,
 - b. Access may be provided to a maximum of four (4) lots by a minimum thirty-three (33') foot wide right-of-way.
 - c. Access to five (5) or more lots must follow the road construction standards found in Section 502.
 - d. However in all of the three methods set forth immediately above:
 1. Consideration of the future development of the remaining land in the residual tract shall be made prior to limiting the width of a right of way and;
 2. If the road is to be dedicated to the municipality, consideration must be made as to the adequacy of the width of the right of way for possible future municipal dedication;
 3. Access directly to an existing Federal, State or Municipal road right of way;
 4. Access to a proposed lot may also be across other lands of the grantee; however, a deed restriction shall be placed on the lot and a note on the plan which restricts the future conveyance of that lot until such time as an appropriately sized right of way is provided to access the lot.
 5. In all cases found in Section 402.B.2, the location of the right of way shall be specifically identified on the plan or provided in a separate document that is prepared in a recordable form.
 3. Tax Assessment map number including the municipality number, the map number, and the parcel and sub-parcel numbers of the tract being divided;
 4. Name of the owners of all abutting land and the name of all abutting subdivisions, including the deed book and page number or the plat book and page number of those parcels. Abutting owners and/or subdivisions shall include the owners and/or subdivisions that are located across private or public roadways, rivers, etc.;
 5. The owner(s) signature(s) in ink, and acknowledged before a notary shall appear on the plan to be recorded. Original signature(s) shall also appear on at least

one blue line or black line prints submitted for approval. This print will remain in the files of the Somerset County Planning Commission.

(Sample acknowledgement)
NOTARY PUBLIC STATEMENT
COMMONWEALTH OF PENNSYLVANIA (or other)
COUNTY OF SOMERSET (or other)

On this, the ____ day of _____, _____, before me, the undersigned officer, personally appeared

Signature

Signature

Typed or printed name

Typed or printed name

who being duly sworn according to law, deposes and says that (she/he/they)(is/are) the owner(s) and/or equitable owner of the property shown on this plan, and that (she/he/they) acknowledge(s) the same to be recorded as such according to law.

Witness my hand and seal the day and date above written.
(Leave adequate space for seal here) (Notary signature here)

My Commission expires

Notary Public or other officer

If the plan is being signed by an Executor, Executrix, Power of Attorney or something other such official, documentation shall be provided at the time of plan submission noting the individual's authority to execute the submitted document.

If the source of title has more than one recorded owner; all recorded owners shall sign the plan and if all owners' signatures do not appear on the plan, documentation shall be provided at the time of plan submission noting the signer(s) authority to sign the plan on behalf of those not signing;

6. Title Block - including the name of the plan, municipality, date of the plan and/or plan revision, graphic scale, and the name and the current mailing address of the recorded owner(s) and developer or agent, if different than the owner.

The site data, composed of items 3, 7, 8, 9, and 10 shall be placed on the plan in a distinctive manner at or near the plan's title block.

7. Deed book and page number of the tract or tracts being subdivided. If the source of title has more than one parcel, specifically identify the parcel being divided and provide a copy of the source of title document along with a plot of the original parcel.

8. Proposed use of the land for the lot or lots being created;

9. Total acreage of the parcel being subdivided (the acreage of the original parcel);

10. Total number of lots proposed with this submission, including the original parcel;
11. Location map of the tract (1"=2000') that outlines the shape of the lot;
12. Acreage of the lot or lots;
13. An approval block for the Authorized Commission signature and date. The space provided shall be large enough so that a normal signature (approximately 3/8" X 2-1/2") and approval date including month; day and year can be legibly affixed to the plan. Signature blocks that have been reduced such that a legible signature cannot be affixed to the plan will be returned. If a separate signature page is submitted, an approval block shall also be provided on the subdivision or land development pages;
14. A statement indicating whether sewer approvals or waiver has or has not been obtained for the proposed lot or lots must be shown on the plan. An effort shall be made to determine if an existing system has been permitted. All correspondence with municipal and Commonwealth officials shall be documented and submitted along with the plan. (See Sections 304 and 305);
15. Certificate for any subdivision that proposes to access on a Pennsylvania State Highway stating "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the State Highway Law, before driveway access to a state highway is permitted." This statement must be placed on the plan even if the site has an existing driveway.
16. A north arrow;
17. Name of the Professional Land Surveyor responsible for the preparation of the plan,
18. The name(s) of the street(s), which will access the lot or lots. In the event that the access will be provided over a new street, right-of-way or easement, the street name must be approved by the E-911 Addressing Manager.
19. Location and material of all monuments and lot markers must be identified on the plan;

Markers shall be accurately placed at the intersection of all lines forming angles and at changes of direction of lines in the boundary (perimeter) of the property or portion of the property being divided; Markers shall be set at all lot corners.

In the event that a lot corner falls within an inaccessible area such as a stream center, the staff may waive this requirement, provided offset or reference markers are set on line, and are identified on the plan. The Surveyor and Planning Staff will make the determination as to inaccessibility;

Lot markers may be of a less permanent nature than Permanent Monuments, i.e. iron pins, spikes, pipe, nails, and other commonly used survey lot markers.

20. If the subdivision is located within a zoned area, it shall be so designated on the plan and the provisions of the zoning ordinance shall be addressed prior to plan submission;

C. The Minor Plan shall:

1. Be submitted to the Somerset County Planning Commission for their review and approval (Section 304). The Commission within ~~ten~~ fifteen (15) working days will take action or the plan shall be deemed approved.
2. Be recorded at the Somerset County Recorder of Deeds Office, with the deed of each parcel to be conveyed or as a plan of lots;
3. The plan must be recorded at the Somerset County Recorder of Deeds Office, within 90 days of the approval, and if not so recorded the approval shall become null and void.
4. A copy of the recorded plan, or some other acceptable notice, shall be returned to the Commission Offices. The notice must indicate the date of the recording, and the recording reference.

D. Expired minor subdivision plans:

1. An approved plan that has not been recorded within the 90 day period mentioned above, can be re-approved for additional 90 day periods provided that:
 - a. The request is made in writing, to the Commission,
 - b. The regulations have not been changed or amended since the approval was last granted,
 - c. Plans with a blank signature block must be delivered to the Commission for approval. The plans shall include updated or current signatures, if any changes have been made to the originally submitted plan,
 - d. A separate application fee is submitted to the Planning Commission, making the check payable to the Somerset County Treasurer.
2. If the plan has expired, having never been recorded, and the owner does not wish to have the plan re-approved, they must forward a letter to the Planning Commission stating their intent to void the plan. The plan will then be removed from the Planning Commission files and returned to the owner.

SECTION 403

MAJOR SUBDIVISION PLANS AND LAND DEVELOPMENTS

- A. The Major Plan shall be prepared on whatever other media type and size acceptable to the Recorder of Deeds Office and drawn at a commonly accepted engineer's scale not smaller than one (1) inch equals one hundred (100) feet and the Major Plan shall be not greater than the recording size requirements of the Somerset County Recorder of Deeds Office. At the discretion of the staff, a smaller scale may be allowed for major subdivision plans, provided the required details have not been diminished.

Any other prints or supporting data shall not be larger than 30" x 42". If the plan requires more than one sheet, match lines and a key diagram shall be provided to show the location of each section.

- B. The Major Plan shall be prepared in accordance with the design standards of this ordinance and shall show the following information:
1. Title Block - including the name of the subdivision, municipality, graphic scale, and date of the plan;
 2. Name and current mailing address of the recorded owner and developer or agent, if different than the owner;
 3. North point;
 4. Name of the Pennsylvania Professional Land Surveyor, Professional Engineer or Professional Landscape Architect responsible for the plan preparation as may be applicable by state law;
 5. Deed book and page number of the tract or tracts being subdivided or developed. If more than one parcel is mentioned in the source of title, specifically identify the parcel being subdivided or developed and provide a copy of the deed of the original parcel and a plotting of the deed being subdivided;
 6. A location map for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals two thousand (2,000) feet and showing the relation of the property to adjoining properties and to all streets, roads, and municipal boundaries within one thousand (1,000) feet of any part of the portion of the property being subdivided. The area of the proposed development shall be outlined on the location map;
 7. Tract boundaries of the portions of the property being subdivided or developed showing bearings and distances and a statement of total acreage of the original parcel;
 8. Names of the owners of all abutting land and the names of all abutting subdivisions, with the Deed Book and Page number or Plat Book and Page number, where recorded. Abutting owners and subdivisions shall include those located across public or private roadways, rivers, etc.;
 9. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, railroads, quarries, strip mines, sink holes, flood plain areas, culverts, bridges, water courses and other significant man-made or natural features within the proposed subdivision;
 10. All existing streets, easements, and rights-of-ways, including numbers, names and legal widths within or abutting the subdivision or development;
 11. Lot lines with dimensions for each lot to the nearest one hundredth foot and bearings to the nearest degree and minute including a numbering

system to identify each lot (lot identification number shall account for all lots subdivided after May 28, 1991) and the acreage to the nearest one hundredth for each proposed lot;

12. The site data shall include the proposed use, number of lots (including the original parcel) or units, minimum lot area, total number of acres in the original tract that is being subdivided or developed and, the tax map number including the municipality number, the map number, and the parcel and sub-parcel number of the tract being subdivided or developed. The items mentioned shall be placed on the plan in a distinctive manner at or near the plan's title block.
13. Location and width of all proposed streets, easements, and rights-of-way;
14. Official Street names and/or numbers where identified on the Penn-DOT General Highway Map for Somerset County. Legislative Route (LR) Numbers are no longer used; State Route (SR) Numbers must now be used to identify state highways;
15. Location and material of all permanent monuments and lot markers;
16. Easements and/or rights-of-ways for proposed utilities, if proposed;
17. A completed Variance Request Form, if proposed;
18. Surveyor's, Professional Engineer's or Landscape Architect's seal, signature, and certification; as permitted by law. A Landscape Architects' and Professional Engineer's certification may be used to certify a land development plan (as allowed in P.L. 913, No. 367 of May 23, 1945 "Engineer, Land Surveyor and Geologist Registration Law" and P.L. 1527, No. 535 of 1965 "Landscape Architects' Registration Law"), provided, however, that the tract perimeter surveys and lot divisions shall be the function only of the Professional Land Surveyor;
19. An approval block for the Authorized Commission signature and date. The space provided shall be large enough so that a normal signature (approximately 3/8" X 2-1/2") and approval date including month, day and year can be legibly affixed to the plan. If a separate signature page is submitted, an approval block shall also be provided on the subdivision or land development page.
20. A statement indicating whether sewer approvals have or have not been obtained for the lots shown on the plan.
21. Contours at intervals of not greater than twenty (20) feet;
22. Any changes that may be proposed by the developer in the provisions of the zoning applicable to the area to be subdivided or developed. If the subdivision is located within a zoned area, it shall be so designated on the plan and the provisions of the zoning ordinance shall be addressed;

23. The owner(s) signature(s) in ink, and acknowledged before a notary shall appear on the plan to be recorded. Original signature(s) shall also appear on at least one blue line or black line prints submitted for approval. This print will remain in the files of the Somerset County Planning Commission.

(Sample acknowledgement)

NOTARY PUBLIC STATEMENT
COMMONWEALTH OF PENNSYLVANIA (or other)
COUNTY OF SOMERSET (or other)

On this, the ____ day of _____, _____, before me,
the undersigned officer, personally appeared

_____	_____
Signature	Signature
_____	_____
Typed or printed name	Typed or printed name

who being duly sworn according to law, deposes and says that (she/he/they)(is/are) the owner(s) and/or equitable owner of the property shown on this plan, and that (she/he/they) acknowledge(s) the same to be recorded as such according to law.
Witness my hand and seal the day and date above written.

(Leave adequate space for seal here)

(Notary signature here)

My Commission expires

Notary Public or other officer

If the plan is being signed by an Executor, Executrix, Power of Attorney or some other such official, documentation shall be provided at the time of plan submission noting the individual's authority to execute the submitted document.

If the source of title has more than one recorded owner; all recorded owners shall sign the plan and if all owners' signatures do not appear on the plan, documentation shall be provided at the time of plan submission noting the signer(s) authority to sign the plan on behalf of those not signing;

24. Adequate space to accommodate recording information with the Somerset County Recorder of Deeds;
25. Certificate for any subdivision that proposes to access on a Pennsylvania State Highway stating "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the State Highway Law, before driveway access to a state highway is permitted." This statement shall appear on the plan even if the lot(s) currently has an established access.

C. The Major Plan shall be accompanied by supplementary sheets (as required) for improvements that have been proposed or as may be required by applicable ordinances or statutes, such as, but not limited to:

1. Cross-sections; profiles and specifications for street improvements,
2. Sizes and locations of proposed sanitary sewers lines. The location of, or distances to, the existing line to which the proposed line will be connected shall also be indicated along with the size of the existing line;
3. Sizes and locations of proposed storm water facilities. The location of, or distances to, existing facilities that will be utilized shall also be indicated along with the size of the existing facilities;
4. Sizes and locations of proposed water distribution system. The location of, or distances to, the existing line to which the proposed line will be connected shall also be indicated along with the size of the existing line;
5. Where public water and/or public sewerage facilities or connections are proposed; written assurances, from the supplying agency, to the Commission that such facilities are available shall be provided;
6. A copy of any deed restrictions or covenants related to the approval of this subdivision or land development plan or which will run with the land;
7. Proposed Street names, to be accompanied by a letter from the E-911 Addressing Office approving the names;
8. A Certificate of intent to dedicate or to not dedicate the streets within the subdivision or land development shall be shown on the plan;

D. The Plan shall:

1. Be submitted to the Somerset County Planning Commission for their review and approval (Section 305);
2. Be recorded at the Somerset County Recorder of Deeds Office within ninety (90) days of the date the Commission grants a Certificate of Completion, after which the approval shall become null and void.

E. The property owner or subdivider shall be required to provide improvements, or a suitable guarantee pursuant to Article VI, hereof, said improvements to be constructed pursuant to the standards established in this Ordinance or such other applicable ordinance(s), statute(s), or law(s).

SECTION 404 OBTAINING A CERTIFICATE OF COMPLETION

A. A Certificate of Completions is required for all non-residential land developments and all Major Subdivisions. A Certificate of Completion may only be obtained upon the completion and certification of all required improvements, or the posting of an adequate security (see Article VI) with the Commission.

Non-residential land developments must obtain a Certificate of Completion prior to beginning business operations at the site.

Residential developments must obtain a Certificate of Completion prior to the conveyance of lots or units.

- B. In order to obtain a Certificate of Completion, the developer must have first obtained a plan approval from the Board and must have either installed the required improvements or posted an adequate security with the Board for the installation of those improvements.
- C. As may be permitted by the Registration Law, the Engineer's, Landscape Architect's or Surveyor's certification of the completion of required improvements shall be submitted to the Commission. The certification shall cite the specific items and sections of the ordinance, which are being certified.
- D. After the staff has reviewed the certifications, the Certificate of Completion will be issued or denied. The staff shall have a maximum of ten (10) working days in which to review the certifications that have been submitted by the Engineer, Landscape Architect or Surveyor.
- E. Failure to obtain a Certificate of Completion as specified above will result in the termination of further activities at the site until such time as the Certificate of Completion is obtained.
- F. The Request for a Certificate of Completion shall be accompanied by supplementary sheets and/or certifications by a Pennsylvania Registered Surveyor, Registered Landscape Architect, or Registered Professional Engineer (as applicable) for improvements required by applicable ordinances and statutes, such as, but not limited to:
 - 1. Street Improvements;
 - 2. Storm Water detention and conveyance facilities;
 - 3. Water Distribution systems;
 - 4. Public Sewer systems;
 - 5. Landscaping,
 - 6. Parking lots or areas,
 - 7. Street signs,
 - 8. Monuments and Lot Markers,
 - 9. Mobile home lot and site improvements,
 - 10. Campground lot and site improvements,
 - 11. Cluster development site improvements,

12. Non-residential land development site improvements,

In the event any or all of the improvements are to be turned over to the municipality or municipal authority, a copy of the municipal or municipal authority's approval of the construction of those improvements shall be provided at the time the request for a Certificate of Completion is made.

- G. A Certificate of Completion may be granted for a portion of a subdivision or land development, provided the required improvements have been installed and certified (as provided for elsewhere in this regulation) for that portion of the subdivision or land development.

ARTICLE V DESIGN STANDARDS

SECTION 501 DESIGN STANDARDS

- A. The standards and recommendations contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety, and general welfare.
- B. Whenever a municipality or the County in its ordinances, regulations, and/or resolutions imposes more restrictive standards and requirements than those contained herein, such other ordinances, regulations, and/or resolutions shall be observed; otherwise, the standards and requirements of these regulations shall apply.
- C. Article V – Design Standards apply only to Major Subdivision and Major Land Development Plans, except as modified elsewhere in this ordinance.

SECTION 502 STREETS - MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS

- A. General Standards:
 - 1. The location and width of all streets shall conform to the requirements of this ordinance. Additionally, all proposed streets shall be consistent with any duly adopted street, road, or highway plans.
 - 2. Proposed streets shall extend any existing streets from adjacent property at the same width, but not less than the minimum required under this ordinance. If development of adjacent property can reasonably be expected to occur within the foreseeable future, the Commission may require rights-of-way to connect proposed streets to such adjacent property.
 - 3. Where a subdivision is adjacent to or contains an existing street with a width or alignment less than that required by this ordinance, the Commission may require the reservation of land sufficient to widen the street or correct the alignment.
 - 4. Private streets, or streets not offered for dedication, are prohibited unless they meet the design standards of these regulations.
 - 5. Pedestrian streets intended for use by pedestrians shall be exempt from this section.
 - 6. Streets not intended for through traffic and only intended to access parking areas, such as in a condominium and town-house development, or in a non-residential development, shall also be exempt from this section, provided the streets are constructed in a mud free condition. This standard must be requested by the developer and approved by the Board prior to plan submission. If approved, setback requirements are also waived for these interior roadways.
- B. Street Widths and Pavement in Major Subdivisions: Minimum street widths, right-of-way widths, and cart-way widths shall meet the standards of the municipality in which the subdivision is located or as provided for below. New half or partial streets shall be

prohibited. In areas of high-density use such as areas requiring additional parking and commercial or industrial areas, the Commission may require additional street pavement and right-of-way widths.

1. Whenever the municipal government has adopted a street construction standard and the street is to be dedicated to the municipality, the municipal standards of street construction shall be used. A copy of the current municipal standards shall be delivered to the Commission along with the plan, at the time of the submission;
2. Whenever the municipal government does not have an adopted street construction standard and the street is to be dedicated to the municipality, the municipality shall dictate the road construction standards to be used by the developer for acceptance into their road system. A copy of the standards provided by the municipality shall be delivered along with the plan, at the time of the plan submission;
3. Whenever there are no municipal road construction standards, and/or the road is not to be dedicated to the municipality, the roads shall be constructed in mud free condition and shall use the following construction standards:
 - a. All roads shall have a right-of-way no less than thirty-three (33') feet in width,
 - b. All roads shall have a minimum cart-way width of eighteen (18') feet,
 - c. All roads shall have access to and from an existing Township, Borough, State or Federal highway,
 - d. All roads shall be capable of being driven safely at fifteen (15 m.p.h.) miles per hour,
 - e. All roads shall have a minimum base of eight (8") inches crushed aggregate material, compacted to six (6") inches,
 - f. All roads shall have two applications of bituminous surface treatment consisting of a minimum of three-tenth (0.3) gallon of E-3 or E-5 liquid asphalt emulsion or RC-800 liquid asphalt per square yard,
 - (1.) The application and use of these materials shall be in compliance with the rules and regulations of the Pennsylvania Department of Environmental Protection (D.E.P.) and the Federal Environmental Protection Agency (E.P.A.)
 - g. Each application of bituminous surface treatment shall also consist of a minimum of twenty-two (22) pounds of PA Specification No. 1-B crushed limestone per square yard.
 - h. All roads shall have a minimum shoulder width of four (4') feet on each side of the road,
 - (1.) Shoulders shall be of compacted earth or Pa. Specification Quarry Waste,

- (2.) The slope of the shoulder shall not exceed one (1") inch per foot,
 - (3.) The shoulder shall have at least one (1) application of MC-30 liquid asphalt, applied at a rate of twenty-five hundredths (0.25) gallon per square yard.
- i. Roads shall not have a centerline grade greater than twelve (12%) percent or less than seventy-five hundredths (0.75%) percent.
 - j. Roads shall have installed adequate drainage facilities, designed to avoid standing water,
 - (1.) The design shall be in compliance with the rules and regulations governing the installation of the facilities, as may be required by other agencies (i.e. Pennsylvania Department of Transportation, etc.).
 - k. Roads shall have installed the traffic control devices and road signs as may be required to meet the design requirements of the roadway and this ordinance. The devices shall meet the requirements of the Pennsylvania Department of Transportation),
 - l. All dead end streets shall have an acceptable turn around (cul-de-sac or hammer-head), and shall use the same construction standards found herein for roads,
 - m. Subdivisions, which utilize this road construction standard, shall have an established Homeowner's Association, which shall have set forth adequate restrictions or provisions for the continued maintenance and upkeep of the roads within the subdivision. Documentation showing that a Homeowner's Association is formed or will be formed (including the provisions for maintenance and upkeep of roads) shall be delivered to the Commission office at the time the plan is submitted for review.
 - n. The plan shall have a notation placed upon it which states that the roads are private roads and will not be dedicated to the municipality, and if the roads are to be dedicated to the municipality, it shall be the sole responsibility of the Homeowner's Association to upgrade the road(s) to meet the road construction standards of the municipality at that time.
 - o. Parking: Street with setback parking shall use, as a minimum requirement, the following standards for roadway width:
 - (1.) Two-way street with parking on one side, or both sides;
 - (a.) Right-of-way - 40'
 - (b.) Cart-way - 20'
 - (c.) Parking width - 8'
 - (2.) One-way street with parking on one side or both sides;
 - (a.) Right-of-way - 33'

(b.) Cart-way - 10'

(c.) Parking width - 8'

p. Horizontal Curves:

- (1.) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves;
- (2.) Minimum centerline radii for horizontal curves shall be two hundred (200) feet;
- (3.) A tangent of at least one hundred (100) feet shall be introduced between all reverse curves;
- (4.) Combinations of the minimum radius and maximum grade shall be avoided.

q. Intersections:

- (1.) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees or more than one hundred twenty (120) degrees;
- (2.) No more than two streets shall intersect at the same point;
- (3.) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty (150) feet between centerlines measured along the centerline of the street being intersected;
- (4.) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed seven (7) percent within fifty (50) feet of the intersection of the nearest right-of-way;
- (5.) Street right-of-way lines shall be parallel (concentric) with the street or a straight-line connection between curb arcs at intersections.

r. Sight Distances at Road Intersections: Adequate site distances shall be provided at all road intersections. Documentation of the adequacy of the site distances shall be provided at the time of submission and shall include but need not be limited to evaluation of the: proposed road speeds, topography, horizontal and vertical road curvatures, road alignments, etc.

s. Dead-End Streets:

- (1.) Dead-end streets are prohibited unless designed with a cul-de-sac or other acceptable turn-around (approved by the Planning Commission) at the street's termination;

- (2.) Any temporary dead-end street shall be provided with a temporary all-weather turn-around until such time as the street is extended;
- (3.) The minimum radius to the cart-way edge or curb line of a cul-de-sac shall be forty (40) feet and the minimum radius of the right-of-way line shall be fifty (50) feet;
- (4.) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in a manner described in this ordinance (Section 506).

t. Street Names:

- (1.) Approval from the E-911 Addressing Office must be obtained prior to plan submission for any proposed street names.
- (2.) Written approval from the E-911 Addressing Office is required for all proposed street names.

u. Driveways:

- (1.) Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest road right-of-way;

C. Street Design standards in Minor Subdivisions (1 to 9 lots): A minimum thirty-three (33') foot right-of-way shall be provided to all lots, except as specifically outlined in Section 402.B.2.

SECTION 503 BLOCKS

- A. Length: Block lengths should not exceed twelve hundred (1,200) feet or be less than five hundred (500) feet, except as the Commission considers necessary to secure efficient use of the land or desired features of street layout.
- B. Width: Residential blocks should be of sufficient width to accommodate two (2) tiers of lots, except where prevented by the size of the lot or by topographical conditions. When prevented by lot size or topographical conditions, a single tier may then be used.

SECTION 504 LOTS

A. General Standards:

- 1. The depth of residential lots shall not be more than three (3) times their width;
- 2. All lots shall have direct access to a street, either by an existing street or by way of a proposed street within the subdivision or land development;
- 3. Double or reverse frontage lots should be avoided except where required to provide separation of residential developments from streets or to overcome specific disadvantages of topography, orientation, or traffic safety;

4. All lots which are reverse or double frontage shall have the front and rear yard identified on the plan and permanent plantings (or acceptable fencing, structures, or acceptable deed restriction) shall be placed to preclude any access through the rear yards on a common street;
5. Corner lots shall have access limited to only one street.

B. Lot Sizes:

(NOTE: LOT SIZE SHOULD BE CHECKED WITH THE MUNICIPALITY OR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PRIOR TO LOT DESIGN)

1. In subdivisions and land developments not served by sanitary sewers nor public water facilities, and not required by the Commission to be constructed, each lot shall have a minimum lot area of twenty thousand (20,000) square feet for each unit, and a minimum frontage of sixty (60') feet except that lots which front on the turn-around of permanent dead-end streets shall front on such turn-around for a minimum distance of forty (40') feet.
2. In subdivisions and land developments that have sanitary sewers or public water facilities, or either of the facilities will be constructed or guaranteed to be constructed to serve the subdivision or land development, each lot shall have a minimum lot area of twelve thousand (12,000) square feet for each unit, and a minimum frontage of sixty (60') feet except that lots which front on the turn-around of permanent dead-end streets shall front on such turn-around for a minimum distance of forty (40') feet;
3. In subdivisions and land developments served by sanitary sewers and public water facilities, or the facilities will be constructed or guaranteed to be constructed to serve the subdivision or land development, each lot shall have a minimum lot area of seventy-five hundred (7,500) square feet for each unit, and a minimum frontage of sixty (60') feet except that lots which front on the turn-around of permanent dead-end streets shall front on such turn-around for a minimum distance of forty (40') feet.

C. Building Setbacks:

1. Setbacks along road frontages shall be no less than twenty-five (25') feet, measured from the edge of the road right-of-way;
2. All side and rear setbacks shall be no less than ten (10') feet, measured from the edge of the road right-of-way or property line;
3. Refer to the Somerset County Interchange Zoning Regulations or local municipal zoning regulations for the required minimum setbacks within zoned areas.

SECTION 505 WATER SUPPLY

- A. Whenever an existing public or approved community water system is available to proposed subdivision or land development, a distribution system shall be considered to

furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants. A copy of the approvals of such systems by the appropriate public agency may be required before approval of the plan.

- B. Where such systems are not accessible, and particularly where on-site sanitary sewage disposal systems are to be used, an approved community water supply system shall be considered.

SECTION 506 STORM DRAINAGE

These requirements will only apply to Major Land Developments and Major Subdivisions that do not fall within an Act 167 Storm Water Management Ordinance Area or when an NPDES permit is not required.

- A. All run-off shall be computed using the Soil Conservation Service's Engineering Field Manual data for 25-year storm, 24-hour frequency (Type 2 Storm).
- B. The minimum storage capacity shall be that volume required by routing the after development 10-year storm, 24-hour frequency (Type 2 Storm) released at a rate not to exceed the pre-development 25-year storm, 24-hour discharge.
- C. All impoundments or retention basins shall be designed in accordance with the Soil Conservation Service Engineering Standard for Ponds (Chapter 378) and shall be certified by the design engineer or surveyor.
- D. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, from a 25-year storm, 24-hour frequency (Category 2 Storm), or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities.
- E. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- F. The Rational Method may be substituted in instances where the development area is less than 5 acres.
- G. In areas covered by an adopted Act 167 Storm Water Management Ordinance Plan, the requirements of the municipal ordinance shall be followed and will supersede the requirements found in this section. A copy of the storm water plan that has been submitted to the municipality shall be included with the plan submission. A copy of the approved plan shall be delivered to the Planning Commission.

SECTION 507 PUBLIC USE & SERVICE AREAS

Utility Easements:

- A. Easements with a minimum width of twenty (20) feet shall be provided for all utilities intended to service the lots. If proposed utilities are to be dedicated to a utility company,

municipal authority or some other department, the requirements of that agency shall be followed. No structure or trees shall be placed within such easements;

- B. Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper size and locations for utility easements;

SECTION 508 MONUMENTS AND MARKERS

- A. A minimum of two (2) permanent monuments shall be placed within a major subdivision, with one (1) additional permanent monuments required for each additional ten (10) lots, or fraction thereof. Permanent monuments are not required for major land developments;
- B. Markers shall be accurately placed at the intersection of all lines forming angles and at changes of direction of lines in the boundary (perimeter) of the property or portion of the property being divided;
- C. All monuments and markers shall be placed by a Surveyor, or under the direction and supervision of a Surveyor;
- D. Markers shall be set at all lot corners. In the event that a lot corner falls within an inaccessible area such as a stream center or road center, the staff may waive this requirement, provided offset or reference markers are set on line, and are identified and dimensioned on the plan. The Surveyor and Planning Staff will make the determination as to inaccessibility;

Lot markers may be of a less permanent nature than Permanent Monuments, i.e. iron pins, spikes, pipe, nails, and other commonly used survey lot markers. Wooden stakes or hubs must be avoided in marking lots.

- E. All monuments and lot markers shall be identified on the plan;
- F. Leased areas to be used for agricultural purposes, wind turbines or towers facilities are exempt from this requirement.

ARTICLE VI IMPROVEMENT SPECIFICATIONS

SECTION 601 GENERAL REQUIREMENTS

Physical improvements to the property being subdivided or developed shall be provided, constructed, and installed as shown on the approved Plan, in accordance with the requirements of these regulations, or other local ordinances and regulations. All improvements shall be constructed in accordance with the design specifications of this ordinance or as are required under other ordinances and statutes.

SECTION 602 REQUIRED IMPROVEMENTS

The following improvements shall be provided by the developer or subdivider in all subdivisions and land developments requiring Major plan approval:

- A. Cart-way Paving & Right-of-Way Widths: The materials used and the construction of all vehicular rights-of-way and cart-ways shall meet the requirements of *Section 503* Article V or as specifically provided for in other sections of this ordinance.

- B. Storm Water Controls and Facilities: All storm water controls (i.e., ditches, culverts, ponds, detention basins, storm sewers, etc.) shall be installed and operational prior to the issuance of a Certificate of Completion by the Commission (see Section 506). If the subdivision or land development is located within an area covered by an adopted Act 167 Storm Water Management Plan Ordinance, the requirements of that municipal ordinance shall be addressed and a copy of the municipal approval or exemption shall accompany the improvement certifications.

- C. Monuments & Markers: Monuments and markers shall be installed in accordance with Section 508.

- D. Landscaping: as provided on the Landscaping Plan (see Article XI).

- E. Water & Sewer Lines: If water or sewer lines are proposed within a major subdivision or a land development, those facilities shall be installed. The Surveyor or Engineer, responsible for the sewer and water design, shall then be required to certify the installation and adequacy of those facilities.

If the proposed sewer or water line is to be dedicated to a municipality or to a municipal authority, the Surveyor's or Engineer's certification must be accompanied by a statement from the municipality or municipal authority which indicates the facilities have been designed and constructed in accordance with their construction standards and have been inspected and approved by the municipality or municipal authority or their agents.

- F. Street Signs: In subdivisions or land development that propose new streets, street names signs shall be installed, by the developer, and shall meet the specifications of the municipality in which the subdivision or land development is situated.

SECTION 603

COMPLETION OF IMPROVEMENTS OR GUARANTEE THERE OF
PREREQUISITE TO THE ISSUANCE OF A CERTIFICATE OF
COMPLETION

- A. Prior to the issuance of a Certificate of Completion by the Somerset County Planning Commission, the improvements, as stated in Section 602 of this ordinance, shall be inspected and certified (as permitted by law) by a Surveyor, Landscape Architect or Engineer, unless otherwise stated, as being installed in accordance with the design specifications and this ordinance. A statement from the municipality, accepting the water, sewer or storm water lines as constructed, would also satisfy this requirement.
- B. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivider or agent shall provide for the deposit with the Somerset County Planning Commission, hereinafter referred to as the "Commission", financial security in an amount sufficient to cover the costs of any such improvements.
1. Without limitation as to other types of financial security which the Commission may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this ordinance;
 2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth;
 3. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the plan for completion of such improvements;
 4. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion of the required improvements for which financial security is to be posted. Labor costs will be estimated utilizing state prevailing wage rates. The cost of the improvements shall be established by submission to the Commission of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by an estimate prepared by the Registered Engineer or Registered Surveyor responsible for the design;
 5. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) cent for each one-year (1) period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year (1) period by using the above bidding procedure;

6. In the case where development is projected over a period of years, the Commission may authorize submission of plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development;
7. As the work of installing the required improvements proceeds, the party posting the financial security may request the Commission to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Commission, and the Commission shall have forty-five (45) days from receipt of such request within which to allow the Registered Engineer or Registered Surveyor to certify, in writing, to the Commission that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Commission shall authorize release by the bonding company or lending institution of an amount as estimated by the Registered Engineer or Registered Surveyor fairly representing the value of the improvements completed, or if the Commission fails to act within said forty-five (45) day period, the Commission shall be deemed to have approved the release of funds as requested. The Commission may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements;
8. Where the municipality accepts dedication of all or some of the required improvements following completion, the Commission may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements;

A copy of the executed deed of dedication shall be provided upon acceptance of the road or utility installed.

9. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the County or municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section;
10. In addition, all improvement guarantees shall include the county's cost of administering the completion of improvements (2% of the cost of the required improvement installation) in the event the subdivider or developer defaults. The improvement guarantee is to protect the public and the purchasers of the property being developed by providing additional guarantees that the required

improvements will be installed. It shall not be used for, or in any way tied to, payments to contractors or sub-contractors;

11. All improvements shall be installed within one calendar year (36 months) unless other provisions have been made with and approved by the Somerset County Planning Commission Board at least 2 months prior to the end of the 36 month period.
12. Any financial security posted with the County shall be automatically renewable unless written notice is given to the Planning Commission at least 2 months prior to the expiration date of the security posted.

SECTION 604 RELEASE FROM IMPROVEMENT GUARANTEES

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Commission, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the engineer, surveyor and/or landscape architect.
- B. The Commission shall, within ten (10) days after receipt of such notice, direct and authorize the engineer, surveyor and/or landscape architect to inspect all of the aforesaid improvements. The engineer, surveyor and/or landscape architect shall, thereupon, file a report, in writing, with the Commission, and shall promptly mail a copy of the same to the developer by certified or registered mail.
- C. The report shall be made and mailed within thirty (30) days after receipt by the engineer, surveyor and/or landscape architect of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the engineer, surveyor and/or landscape architect, the report shall contain a statement of reasons for such non-approval or rejection.
- D. The Commission shall notify the developer, within 15 days of receipt of the engineer's, surveyor's and/or landscape architect's report, in writing by certified or registered mail of the action of said Commission with relation thereto.
- E. If any portion of the said improvements shall not be approved or shall be rejected by the Commission, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- F. Where herein reference is made to the Engineer, Surveyor, and/or Landscape Architect he shall be an Engineer, Surveyor and/or Landscape Architect employed by the Commission or County or is engaged as a consultant thereto. If an Engineer, Surveyor and/or Landscape Architect are engaged to inspect the site or improvements, the cost shall be borne by the developer.
- G. The Commission or County may choose to accept the certification of the design Engineer, Surveyor and/or Landscape Architect as verification of ordinance compliance and/or installation of improvements. Any costs shall be borne by the developer.

ARTICLE VII

MOBILE HOME LAND DEVELOPMENTS (MANUFACTURED HOUSING UNITS)

SECTION 701 SUBMISSION & REVIEW PROCEDURE

The developer shall apply for approval of a mobile home land development in accordance with the procedure established in Article III of this ordinance. Mobile Home Land Developments shall be considered a Major Plan.

SECTION 702 PLAN REQUIREMENTS

The plan requirements shall be the same as those established in Article IV of this ordinance.

SECTION 703 DESIGN STANDARDS

The design standards of Article V and the Improvement Specifications of Article VI shall apply for mobile home land developments hereunder, except as specifically modified below:

- A. Lots:
1. Density: The maximum number of lots within each mobile home Land development shall not be more than eight (8) lots per acre;
 2. Lot Sizes:
 - a. The minimum lot size shall be not less than five thousand (5,000) square feet of area. The minimum width of any lot shall be not less than fifty (50) feet. The minimum length of each lot shall be not less than one hundred (100) feet;
 - b. Where on-lot sewage is proposed, the minimum lot size shall be increased to a size sufficient to accommodate the proposed system, and to provide the isolation distances required by the Department of Environmental Protection, and any other distances required herein;
 - c. All lots shall abut on a street.
 3. Lot Improvements - Home Site:
 - a. Gradient: There shall be a longitudinal gradient of between 0% to 5% and an adequate crown or cross gradient for surface drainage;
 - b. Construction: Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used;
 - c. Monuments and lot markers are not required for Mobile Home Land Developments. The Land Development Owner shall address disputes between tenants.

4. Required Off-Street Parking:

- a. Off-street parking areas shall be provided in all mobile home land developments for the use of the development occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each lot, and shall be constructed and maintained in a mud-free condition;
- b. Each off-street parking space shall be a minimum of 9 feet by 18 feet and shall not exceed a distance of one hundred and fifty (150) feet from the lot that it is intended to serve.

B. Setbacks, Buffer Strips, & Screening Requirements:

1. The minimum distance between homes shall be not less than twenty (20) feet;
2. Homes shall be located at least fifty (50) feet from any park buildings;
3. Any exterior wall of a home shall be at least twenty-five (25) feet from the street right-of-way;
4. All homes, auxiliary park buildings and other structures shall be located at least forty (40) feet from the mobile home land development boundary lines. The minimum buffer strip may be reduced to twenty-five (25) feet if a vertical, permanent year-round screening of plantings or fencing, at least seven (7) feet in height, is provided.

C. Water Supply:

1. General: Adequate water supply meeting the current standards of the Pennsylvania Department of Environmental Protection shall be provided for all homes in the land development;
2. Individual Connections:
 - a. Individual water riser pipes having an inside diameter of no less than one-half (1/2) inch shall be provided to each lot and shall terminate no less than four (4) inches above the ground level;
 - b. A shut-off valve, below the frost line, shall be provided near the water riser pipe on each home site;
 - c. A curb stop shall be provided within three (3) feet of the main line that services the home.

D. Sewage Disposal:

1. General: All mobile home land developments shall be connected to a public sewage system, or the development shall provide sewage facilities adequate to meet the current standards of the Pennsylvania Department of Environmental Protection.

2. Individual Connections:

- a. Individual sewer riser pipes having at least a four (4) inch diameter shall be located on each home site and shall extend at least four (4) inches above the ground level;
- b. Provisions shall be made for capping the sewer riser pipe when the home site is unoccupied.

E. Open Space: A minimum of ten percent of the gross area of the mobile home land development shall be provided as open space.

F. Streets: The street system and parking areas shall be constructed to provide a sound, all-weather driving surface. It shall provide a mud-free condition and be adequately drained to avoid standing surface water. Maintenance and upkeep of the street system and parking areas shall be provided for as a covenant of the plan.

Curb Intersections for mobile home land developments: Entrance design shall be such that it provides access for a minimum housing unit length of eighty (80) feet.

G. Storm water facilities: (see Section 506 or local Act 167 Storm Water Regulations)

SECTION 704 IMPROVEMENT SPECIFICATIONS

The land development shall be completed pursuant to applicable standards established in Article VI and including any lot or site improvements required under this article.

ARTICLE VIII

CAMP, CAMPGROUND AND RECREATIONAL VEHICLE PARK LAND DEVELOPMENTS

SECTION 801 SUBMISSION & REVIEW PROCEDURE

The developer shall apply for approval of a camp and/or campground in accordance with the procedure established in Article III of this ordinance. Camp, Campground and Recreational Vehicle Park Land Developments shall be considered a Major Plan.

SECTION 802 PLAN REQUIREMENTS

The plan requirements shall be the same as those established in Article IV of this ordinance.

SECTION 803 DESIGN STANDARDS

- A. General Standard: Any camp or campground shall comply with any applicable provisions of state laws regulating camps or campgrounds, and all applicable design standards, improvement specifications and regulations set forth in this ordinance, except as modified below:
- B. Streets:
1. The street system and all proposed parking and loading/unloading areas shall be designed in compatible relationship with the general layout of all buildings and camping spaces, with loading and maneuvering areas and with pedestrian ways and parking areas so as to minimize potential conflicts of movement between the various types of traffic, including pedestrian, and further to reduce congestion and avoid hazardous intersections;
 2. The street system shall be adequate to accommodate the type and volume of traffic anticipated to be generated by this land development;
 3. The street system shall be privately owned, constructed and maintained, and shall be designated as such on the Plan. The street system shall be designed for safe and convenient access to all camping spaces and facilities;
 4. The street system shall be constructed to provide a sound, all-weather driving surface. It shall be in a mud-free condition and drained to avoid standing surface water. Maintenance and upkeep of the street system shall be provided for as a covenant of the plan.
- C. Lots:
1. Individual camping spaces shall be no less than two thousand four hundred (2,400) square feet with a minimum lot width of thirty (30) feet;

2. Each camping space shall be directly accessible from an internal street or pedestrian way.

D. Setbacks, Buffer Strips, & Screening Requirements:

1. Every effort shall be made to protect adjacent land areas from the potential effects or nuisances from the proposed land development, including the provision of appropriate building setbacks and/or permanently landscaped buffer strips;
2. Individual camping spaces shall not be located within twenty-five (25) feet of the edge of the cart-way of an interior street. Recreational vehicles shall not be located closer than ten (10') feet from the edge of the cart-way of an interior street.

- E. Water & Sewer Systems: Water and sewer disposal system connections shall be provided to each camping space as set forth in Article V and Article VI or shall have provided an adequate central water and sewer system;

- F. Storm water facilities: (see Section 506 or local Act 167 Storm Water Regulations)

SECTION 804 IMPROVEMENT SPECIFICATIONS

The camp or campground land development shall be completed pursuant to applicable standards established in Article VI, except as specifically provided for in Section 803 and including any improvements required under this article.

Monuments and markers will not be required for camps and campgrounds.

ARTICLE IX

RESIDENTIAL CLUSTER SUBDIVISION OR LAND DEVELOPMENT

SECTION 901 PURPOSE

The cluster method of subdivision for construction of only residential properties is designed to permit flexibility and variety of housing types in residential communities and to allow creative design and planning in constructing residential communities at increased densities. The residential cluster development is intended to encourage the preservation of existing topography while providing community open spaces in a somewhat different manner than typical subdivisions otherwise contemplated under this ordinance. The residential cluster development includes: townhouse, condominium, zero-lot line development, duplexes, apartment buildings, plus such other development types as may be approved by the Commission for treatment hereunder.

SECTION 902 PLAN REQUIREMENTS

The plan requirements shall be the same as those established in Article IV of this ordinance. Residential Cluster Subdivision or Land Developments shall be considered a Major Plan.

SECTION 903 DESIGN STANDARDS

- A. General Standards: Any residential cluster subdivision shall generally comply with the applicable provisions of this ordinance and all standards and regulations set forth in this ordinance except as specifically modified in this section.
- B. Parking: Parking shall be provided in residential cluster subdivisions at a minimum of one and one-half (1-1/2) parking spaces per residential unit and at a minimum size of nine (9) feet by eighteen (18) feet.
- C. Streets:
 - 1. The internal street system within the residential cluster subdivision shall be adequate to accommodate the type and volume of traffic anticipated to be generated within and through the subdivision;
 - 2. The internal street system shall provide a minimum cart-way width of eighteen (18) feet and shall be designed for safe and convenient access to all residential units;
 - 3. The internal street system shall be constructed in a manner that will provide a sound, all weather, and mud free driving surface; Maintenance and upkeep of the street system and parking areas shall be provided for as a covenant of the plan.
 - 4. The internal street system will be provided with adequate drainage facilities that will avoid standing surface water;
 - 5. The internal street system shall be and remain a private street, not subject to dedication or transfer to the appropriate municipality unless so designated on the

final subdivision plan. If a street is to be dedicated to the municipality, the street construction standards of that municipality shall be used in the construction of the street.

- D. Public Water and Community Sewage: All residential cluster subdivisions shall have public water supply systems and community sewage systems under the then applicable rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection.
- E. Lots:
 - 1. The minimum lot size otherwise provided under Section 504 of this ordinance shall not be applicable to residential cluster subdivisions;
 - 2. Lot sizes shall be so located as to provide a minimum distance between buildings of not less than twelve (12) feet for purposes of access to all sides of any such buildings located within a residential cluster subdivision.
- F. Open Space: Open space shall be a minimum of two thousand (2000) square feet for each residential unit located within the subdivision. Developer shall make arrangements reasonably acceptable to the Commission for the maintenance and care of the open or green space (whether by incorporated association, unincorporated association or otherwise) whereby the owners of all of the individual residential units within the subdivision are responsible for the maintenance and control of the open or green space. Such measures shall be set forth in recordable form (whether by note on the subdivision plan or otherwise) so as to notify the owners of all units within the subdivision and third parties of the obligation of maintenance.
- G. Setbacks: Setbacks shall not apply to attached decks or decking.

SECTION 904 IMPROVEMENT SPECIFICATIONS

The residential cluster subdivision or land development shall be completed pursuant to applicable standards established in Article VI, except as modified in this section and shall include any improvements required under this article.

ARTICLE X

NON-RESIDENTIAL LAND DEVELOPMENT

SECTION 1001 DEFINITION

For the purpose of this Ordinance, Non-Residential Land Developments shall be developments where the principal proposed use is non-residential such as, but not limited to, industrial parks, shopping centers, malls, office complexes, and other commercial and industrial uses. Agricultural uses shall be exempted.

SECTION 1002 PLAN REQUIREMENTS

- A. Non-residential land developments that are less than 8,000 sq. ft. of cumulative building footprint or that have a total cumulative building footprint less than 15% of the parcel being developed shall follow Section 1005. Buildings will maintain side and rear setbacks equal to or greater than the building area in square feet divided by 300 feet. However, minimum building setbacks may be reduced to those set forth in Section 1005(A) if a year-round visual screening is provided in the side yard and rear yard between residential and non-residential uses unless an acknowledged waiver, submitted in a recordable form, is obtained from abutting property owners. A copy of the executed waiver must be included with the submission. Waivers shall be recorded. The minimum building setbacks shall not be less than those set forth in Section 1005(A).
- B. All other non-residential land developments shall follow the regulations set forth for Major Plans except those that qualify to use Section 1005 as defined above.
- C. The preparation of a non-residential land development plan and the procedures for submission, review and approval of that plan shall be the same as those used for a subdivision, as defined in this Ordinance, except as specifically modified by this Ordinance.

SECTION 1003 NON-RESIDENTIAL LAND DEVELOPMENT DESIGN STANDARDS

- A. Relationship to Adjoining Properties:
 - 1. A permanently landscaped ten (10') foot visual buffer strip shall be provided between all non-residential land developments and any adjacent residential development, in order to help protect the residential development from potential adverse effects from the proposed non-residential land development; Landcape buffer shall achieve eight (8) ft. height in five (5) years or less.
 - 2. Factors such as drainage, lighting, noise, odor, and surrounding land uses shall be considered during design of the site. Any adverse impacts to adjacent properties shall be addressed, so as to minimize those adverse impacts. The efforts used to address adverse impacts shall be identified in a report prepared by the owner/developer of the property.

B. Streets:

1. The internal street system within the non-residential development shall be sized so as to adequately handle the proposed type and volume of traffic anticipated to be generated within and through the development.
2. The internal street system shall provide a minimum cart-way width of twenty (20) feet;
3. The internal street system shall be designed for safe and convenient access to all units;
4. The internal street system, including truck loading and maneuvering areas, shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water. Maintenance and upkeep of the street system and parking areas shall be provided for as a covenant of the plan.
5. The internal street system shall be and remain a private street, not subject to dedication or transfer to the appropriate municipality, unless so designated on the plan. If a street is to be dedicated to the municipality, the street construction standards of that municipality shall be used in the construction of the street.
6. All streets and access roads shall be designed so they are compatible with the layout of the structures within the proposed development;
7. Truck loading and maneuvering areas shall be designed to reduce congestion, avoid hazardous intersections, and to minimize potential conflicts between the movement of various types of traffic, including pedestrian;
8. Intersections with existing public streets shall be designed to avoid hazardous intersections and congestion, including the installation of traffic control devices. Coordination with the Municipality affected or the Pennsylvania Department of Transportation, during the design of the intersection, is advisable.

C. Parking areas: Areas for off-street parking shall be provided and located to adequately serve the intended use(s) of the proposed development. The spaces shall be designed in order to provide safe and easy ingress and egress and shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water.

D. Loading and Unloading Areas: Areas that are provided for the loading or unloading of delivery trucks, or for the servicing of buildings by refuse trucks, shall be adequate in size and shall be located so as not to interfere with the use of streets, pedestrian ways, parking areas, and access roads within the development. The areas shall be constructed in a manner that will provide a sound, all-weather driving surface that is in a mud-free condition, with adequate drainage facilities so as to avoid standing surface water.

SECTION 1004 IMPROVEMENT SPECIFICATIONS

The non-residential land development shall be completed pursuant to the standards established in Article VI and including any improvements required under this article. Monuments will not be required for non-residential land developments.

SECTION 1005 MINOR LAND DEVELOPMENT SKETCH

A. Sketch requirements will include:

1. Building location within the property boundary,
2. Municipality,
3. Intended use of the building or addition,
4. Tax map and parcel number of the parcel(s) including the municipal number,
5. Size of the building and /or addition,
6. Property owner's name, current address and telephone number,
7. A statement, signed by the property owner(s), verifying the accuracy of the information provided on the sketch.
8. Minimum building setbacks from adjoining side and rear property lines of no less than ten (10) ft., and no less than twenty-five (25) ft. from the front property or street right-of-way line shall be maintained, or as set forth in Section 1002(a)
9. The sketch does not need to be professionally prepared.
10. In areas covered by an adopted Act 167 Storm Water Management Plan, the requirements of the municipal ordinance shall be followed. A copy of said approval or exemption shall be submitted along with the proposed plan.
11. If the proposed minor land development falls within a zoned area, the requirements found in the zoning regulation must also be addressed and a copy of the zoning approval shall be included with the submission package.
12. Sewer approval or waiver document for any proposed buildings.

B. A complete submission will include a one completed application, a sketch (three copies) prepared as shown above and an application fee. An acknowledged application addendum (see appendix) is required for all turbine and tower sketches. Multiple submissions of a sketch will require a separate application fee for each submission.

C. A decision will be made by the staff, within fifteen (15) working days, as to whether the request will be granted. The property owner will be notified either by mail or phone.

- D. A Surveyor shall provide a certification that the setback distances identified on plans for wind energy towers and towers. The certification shall state (as a minimum) that no existing occupied buildings or structures are located within the setback distance shown on the plan.
- E. Plans for Wind Energy Towers (Section 1006) and Tower Facilities (Section 1007) shall be recorded at the Recorder of Deeds Office within 90 days of the date of the approval letter.

SECTION 1006 WIND ENERGY TOWER(S)

- A. No wind energy tower(s) shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a land development plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance waiver as set forth in the Ordinance Appendix, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind energy tower(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same. Such easement, covenant or consent before recording shall be submitted to the Planning Commission for approval at the same time the land development plan is submitted for approval. Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the Commission.
- B. Unless satisfactory evidence is furnished to the Planning Commission that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of wind energy tower(s) and restoration of the site at the time when the wind energy tower(s) no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the Commission that such security has in fact been provided, the developer shall meet the following requirement:

The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the County Planning Commission to estimate the cost of decommissioning and removal of the wind energy tower(s) and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the Planning Commission and landowner upon receipt. If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners. The escrow agent shall provide those funds to the party removing such tower(s) and restoring the property

in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

The submission of a land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that (i) the salvage value of the tower(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and, (ii) if the developer or then owner fails to remove the tower(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the County may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning. The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration. Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration. Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the tower(s) to the contractor retained for the removal and restoration.

Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the County.

SECTION 1007 TOWER FACILITIES

- A. No tower facility shall be located within a setback determined by adding the height of the tower plus one hundred feet (100') measured from the center of the tower to any off-site occupied residence or occupied commercial structure existing at the time of the filing of a land development plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance waiver as set forth in the Ordinance Appendix, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or shadows which may arise as a result of the location of the tower facilities within the established setback distance of an existing residential or commercial structure on the property of the owner executing same. Such easement, covenant or consent before recording shall be submitted to the Planning Commission for approval at the same time the land development plan is submitted for approval. Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the Commission.

- B. Unless satisfactory evidence is furnished to the Planning Commission that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the tower facilities no longer have a useful life, which

provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the Commission that such security has in fact been provided, the developer shall meet the following requirement:

The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the County Planning Commission to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the Planning Commission and landowner upon receipt. If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.

The escrow agent shall provide those funds to the party removing such tower(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

The submission of a land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that (i) the salvage value of the tower(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and, (ii) if the developer or then owner fails to remove the tower(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the County may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.

The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning. The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration. Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration. Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the tower(s) to the contractor retained for the removal and restoration.

Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the County.

- C. Temporary facilities shall not be required to file a Minor Land Development Plan.

ARTICLE XI

LANDSCAPING STANDARDS

SECTION 1101 PURPOSE

- A. A Landscaping Plan shall be submitted as part of all Major land development plans. The Landscaping Plan shall be designed in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasant site character.
- B. Major Subdivision plans will only be required to address Section 1103.
- C. The Landscaping Plan may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other material such as rocks, water, sculpture, art, walls, fences, paving material, and street furniture. The plan may also include existing site materials.

SECTION 1102 LANDSCAPE PLAN

The Landscape Plan may be in sketch or drawing form and a written narrative if desired by the developer. The plan need not be prepared or certified by a registered landscape architect.

The plan shall show the location and type of any landscaping materials, which are to be added to the site and how the materials will be located. Information of species, heights, and calipers of plantings to be added shall be included. Where existing plantings are to be retained, the applicant shall include in the plan methods for protecting them during construction.

SECTION 1103 SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS

- A. Topsoil preservation: Any topsoil located on the existing site that is moved during the course of construction, by the developer, shall be redistributed on all re-graded surfaces so as to a depth of at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. The developer shall not be required to add topsoil to the site, but shall be required to redistribute existing topsoil. Any topsoil in excess of the amount needed to comply with the provisions hereof may be removed from the site.
- B. Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried on the site.
- C. Protection of existing plantings: Every reasonable effort shall be made by the developer to save existing trees and shrubbery.
- D. Slope plantings: Landscaping of all cuts and fills and/or terraces shall be done to prevent erosion.
- E. Additional landscaping: In non-residential developments, all areas of the site not occupied by buildings or improvements shall be landscaped.

- F. Planting specifications: Deciduous trees proposed to be added to the site should have at least a one (1") inch caliper at planting. Only nursery grown plant materials should be used. The developer shall replace dead or dying plants during the following planting season.
- G. Maintenance: The owner or occupants of all lots or area within the land development or subdivision shall be jointly and severally responsible for maintaining all required landscaping in good condition.

SECTION 1104 BUFFERING

- A. All land developments shall provide buffering when topographical or other barriers do not provide reasonable screening and there is a need to shield abutting properties from any adverse external effects of development or to shield the proposed development from negative impacts of adjacent uses.

Year-round visual buffering or screening shall be provided in the side yard and rear yard between residential and non-residential uses unless an acknowledged waiver, submitted in a recordable form, is obtained from the abutting property owner(s). A copy of the executed waiver must be included with the submission. Waivers shall be recorded. Towers and Wind Turbines are exempt from this requirement.

- B. In high-density land developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences or walls to screen dwelling units for privacy.
- C. Where intensive land uses abut dissimilar uses, a buffer strip a minimum of ten (10') feet in width shall be provided.
- D. Garbage collection areas shall be screened on three sides by a visual buffer strip a minimum of five (5') feet in width or by the installation of some other type of acceptable screening.
- E. Buffers shall provide maximum visual screening to adjacent properties.
- F. If planted berms are used, the minimum top width shall be four (4') feet, and the maximum side slope shall be two (2) to one (1).
- G. Plant materials, used in buffer areas, shall be sufficiently large and planted in such a fashion that a year-round visual screen at least eight (8') feet in height is produced, within 5 years.
- H. Buffers shall be measured from side and rear property lines.

SECTION 1105 PARKING LOT LANDSCAPING

- A. Within a land development, parking lots shall be provided with a landscaped strip a minimum of five (5') feet wide along three sides of the parking area.
- B. Parking lot street frontage and perimeter landscaping shall be a minimum of five (5) feet wide and contain a minimum of one tree for each two hundred (200) square feet of

required landscape area. To determine the number of required trees to be placed in street frontage and parking lot perimeter landscape areas the lineal distance of those areas is multiplied by 5 feet and then divided by 200. The resulting number will equal the total number of trees to be provided in the perimeter landscape buffer. Any decimal amount will require the additional tree.

Care shall be taken to provide salt hardy plants in the areas abutting streets.

All landscaping on the street frontage shall be placed so that it will not obstruct sight distance.

SECTION 1106 WALLS AND FENCES

- A. Walls and fences shall be erected in conformance with any zoning regulations where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
- B. The design and materials used should be functional and compatible with existing and proposed site architecture.
- C. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

THESE LANDSCAPING STANDARDS SHALL APPLY TO THE FOLLOWING:

- 1. ARTICLE VII - MOBILE HOME SUBDIVISION LAND DEVELOPMENT;
- 2. ARTICLE VIII - CAMPS & CAMPGROUNDS LAND DEVELOPMENTS;
- 3. ARTICLE IX - RESIDENTIAL CLUSTER SUBDIVISION / LAND DEVELOPMENTS;
- 4. ARTICLE X - NON-RESIDENTIAL LAND DEVELOPMENTS, EXCEPT AS MODIFIED IN SECTIONS 1005, 1006 AND 1007.

**ARTICLE XII
ADMINISTRATION, AMENDMENT, SEVERABILITY**

SECTION 1201 REVISION & AMENDMENT

- A. Any revisions, modifications or amendments to this ordinance shall be made in accordance with the procedure established by law, after a public hearing on the proposed revisions, modifications, or amendments.
- B. In addition, in the case of amendment other than that prepared by the Somerset County Planning Commission, the Somerset County Board of Commissioners shall submit each amendment to the Somerset County Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

SECTION 1202 VARIANCES

- A. The provisions of these regulations are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of Somerset County.
- B. The Somerset County Planning Commission shall have the right, in unusual situations; to vary these regulations conditionally in individual cases as may be necessary:
 - 1. In the public interest;
 - 2. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land development;
 - 3. To encourage practices which are in accordance with modern and evolving principles of site planning and development;
 - 4. To encourage the use of renewable energy systems and energy-conserving building design.
- C. No such variance shall nullify the intent and purpose of these regulations. A variance requested by the subdivider/developer shall be reviewed as a request for treatment as a "hardship" as defined in Act 247, the Pennsylvania Municipalities Planning Code, as amended.
- D. Any requested variance shall be submitted on the Request for Variance Form (see Appendix).
- E. The list of any variances and the reasons for them shall be entered into the minutes of the Somerset County Planning Commission.
- F. Modifications to variances shall be clearly defined and entered on the Final Plan and signed by the Chairman of the Somerset County Planning Commission.

SECTION 1203 RECONSIDERATION, APPEALS, & CHALLENGES

Reconsideration, appeals, and/or challenges to a decision of the Somerset County Planning Commission shall be made pursuant to Act 247, as amended, the Pennsylvania Municipalities Planning Code.

SECTION 1204 FEES

- A. The Somerset County Commissioners shall establish by resolution a collection procedure and Schedule of Fees to be paid by the subdivider at the time of filing a Plan.
- B. The Schedule of Fees shall be posted in the Somerset County Planning Commission Office or in such other place as they may designate.
- C. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for a Certificate of Completion.
- D. If a Plan is not submitted to the Commission in a complete form as required by this ordinance, a new application and filing fee will be required. The Commission will return the incomplete plan but retain the initial filing fee.

SECTION 1205 PREVENTATIVE REMEDIES

- A. In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. A municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

SECTION 1206 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under the Pennsylvania Municipalities Planning Code, shall upon being found liable therefore in a civil enforcement proceeding commenced by the Commission, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Commission the right to commence any action for enforcement pursuant to this section.
- D. Statute of Limitations - If no action is taken by the Commission, against a violator of these regulations, within a period of ten (10) years following a violation, no action will be pursued by the Commission.

SECTION 1207 KEEPING OF RECORDS

The Somerset County Planning Commission shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. All records shall be available for public review and inspection.

SECTION 1208 RESPONSIBILITY

The subdivider shall be responsible for observing the procedures established in this ordinance and for submitting all plans and documents as may be required.

SECTION 1209 CONFLICTS

All existing ordinances or regulations or parts thereof, which are contrary to the provisions of

this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Any entity regulated by the Pennsylvania Public Utility Commission shall be exempted from the provisions of this Ordinance to the extent provided by applicable law.

SECTION 1210 SEVERABILITY

Should any article, section, subsection, paragraph, clause, phrase, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the regulation as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

APPENDIX



Resolution

Office of the Commissioners

County of Somerset, Pennsylvania

**RESOLUTION #11 of 2013
SOMERSET COUNTY SUBDIVISION & LAND
DEVELOPMENT ORDINANCE – FEE SCHEDULE**

WHEREAS, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, authorizes the governing body to prescribe reasonable fees with respect to the administration of a subdivision and land development ordinance;

THEREFORE, Somerset County lists the fee schedule as attached.

ADOPTED this 13th day of August, 2013.

SOMERSET COUNTY BOARD OF COMMISSIONERS



John P. Vataavuk, Chairman

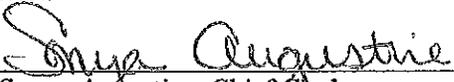


Joe Betta, Vice Chairman

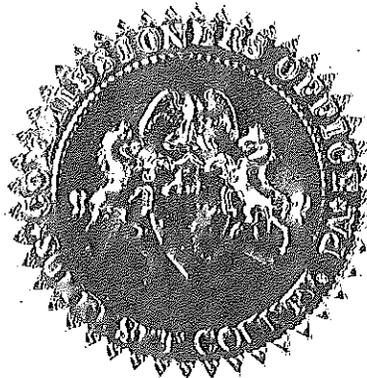


Pamela A. Tokar-Ickes, Secretary

Attest:



Sonya Augustine, Chief Clerk



APPLICATION FEE SCHEDULE SOMERSET COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE

The filing fee will be considered part of the application package and shall be submitted by the developer, or his agent, at the time the plan is delivered to the Somerset County Planning Commission Offices. ***No application packages will be accepted by the Planning Commission without the appropriate fee attached.***

The following fees will be required, as part of the submission package beginning on the effective date of the Somerset County Subdivision and Land Development Ordinance.

Master Plan	\$30
Major Subdivision Plan (over 9 lots)	\$120
Minor Subdivision Plan (1-9 lots)	\$30
Non-Residential Land Development Plan	\$120
Minor Non-Residential Land Development Plan	\$30
Mobile Home Land Development	**
Residential Cluster Subdivisions & Land Development	**
Camps & Campgrounds Land Development	**

An additional fee of \$10 must be submitted for unfolded plans.

**The application fee for this type of development will be based on the total number of units within the development. After determining the total number of units, apply the appropriate fee level as set forth for subdivisions:

1-9 units	\$30
Over 9 units	\$120

Special or unusual costs, associated with a plan review, will be the responsibility of the developer or shall be otherwise provided for by the developer.

APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT APPROVAL SOMERSET COUNTY PLANNING COMMISSION

GENERAL INFORMATION:

Name of Development _____

Owner _____

Address _____

Telephone Number _____

Applicant _____

Address _____

Telephone Number _____

Surveyor (Engineer where applicable) _____

Address _____

Telephone Number _____

DEVELOPMENT DATA:

Somerset County tax map number (s) of the parcel being divided or developed:

Municipality _____

Location of the Development or Subdivision (directions to the site) _____

Proposed Use (s) _____

Total Acreage _____ Total number of lots _____ Minimum lot size _____

Water Supply System Public _____

Private _____

Sewer Disposal System Public _____

Private _____

Length of new streets to be constructed _____

(Additional sheets may be attached and a narrative may be submitted with this application.)

Note (Please Read Carefully)

Upon signing this application, the Owner/Subdivider has read the attached Fact Sheet and does hereby grant permission to the Somerset County Planning Commission, their staff, and /or their agent (s) to enter upon the above mentioned parcel (s) for the purpose of site inspections (s). Said approval shall extend until such time as final plan approval signatures of the Somerset County Planning Commission have been affixed to the plan.

SIGNATURE OF OWNER(S) _____ DATE _____

CONTRACTUAL CONSENT OF LANDOWNER

(I) (We), the undersigned, being the owner(s) of _____ acres of land located in _____, Somerset County, as described in the deed(s) recorded in _____ (Township, Borough, City) the Recorder of Deeds Office Book(s) and page(s) _____ and by tax map number _____ or tax identification number _____ upon which the

(Name of Developer, Engineer, or Surveyor)

proposes to engage in design of a subdivision of land or in land development activities for which an application for approval will be made to the Somerset County Planning Commission and of which application this consent will be made a part, **DO HEREBY ACKNOWLEDGE THAT THE APPLICANT HAS THE RIGHT TO ENTER UPON AND USE THE LAND FOR THE PURPOSES OF SUBDIVISION OR LAND DEVELOPMENT ACTIVITIES.** Furthermore, (I) (We), the undersigned, do hereby irrevocably grant to the applicant and the Somerset County Planning Commission, the right to enter upon the aforesaid land during the application and approval process, during the development activity(ies) and upon the conclusion of development activities for the purpose of inspecting the site. (I) (We) do hereby grant in addition to the Applicant and the Somerset County Planning Commission, for the aforesaid period of time, a right of entry across any adjoining or contiguous lands owned by (us) (me) in order to have access to the land described herein. It is specifically agreed and understood that this contractual consent gives the Applicant and the Somerset County Planning Commission the right to enter, inspect and study, the land and does not constitute any ownership interest by the Applicant or Somerset County Planning Commission in the aforesaid land.

This Consent shall not be construed to impair any contractual agreement between the Applicant and the landowner.

(INSERT ADDITIONAL PROVISIONS OR RESTRICTIONS)

In witness whereof and intending to legally bind (myself) (ourselves), (my) (our) heirs, successors and assigns, (I) (we) have hereunto set (my) (our) hand(s) and seal this _____ day of _____, _____ (year)

LANDOWNER

(Print Name)

By: _____
(Signature) (Seal)

(Print Name)

By: _____
(Signature)

(Print Name)

ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

LANDOWNER

STATE OF _____ :
COUNTY OF _____ : ss

On _____, before me, the undersigned Notary, personally appeared

_____ (Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and who acknowledged that _____ (he, she or they) executed the same and desires it to be recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) _____ My Commission Expires: _____
Notary Public (Date)

LANDOWNER

STATE OF _____ :
COUNTY OF _____ : ss

On _____, before me, the undersigned Notary, personally appeared

_____ (Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and who acknowledged that _____ (he, she or they) executed the same and desires it to be recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) _____ My Commission Expires: _____
Notary Public (Date)

ACKNOWLEDGEMENT OF CORPORATIONS

LANDOWNER

STATE OF _____ :
COUNTY OF _____ : ss

On _____, before me, the undersigned Notary, personally appeared

who acknowledged (herself) (himself) to be the _____ of _____ (Title of Person)

_____ (Name of Corporation), a

corporation, and that (she) (he), as such officer, being authorized to do so, executed the foregoing instrument on behalf of the said corporation and desires that this instrument be recorded.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal.

(SEAL) _____ My Commission Expires: _____
Notary Public (Date)

This instrument has been recorded in _____
County, Pennsylvania, this _____ day of _____
(year), at Book _____, Page(s) _____

(Signed) + (Print Name)

(Seal)

VARIANCE REQUEST FORM

Subdivision Name: _____

Municipality: _____

Article	Section	Sub-Sec	Variance Request	Reason For Request

Owner(s) Signature: _____

Date: _____

Planning Commission Chairperson: _____

Date Of Approval: _____

BEFORE THE SOMERSET COUNTY PLANNING COMMISSION
SOMERSET COUNTY, PENNSYLVANIA

In Re:

Subdivision of Land or Land Development

Township/Borough
Somerset County, Pennsylvania

COMPLETION OF SUBDIVISION IMPROVEMENTS BOND

Know all men by these presents that we, _____ Husband and Wife, as Principal, are held and firmly bound unto the County of Somerset in the penal sum of \$ _____ lawful money of the United States, to the payment of which well and truly to be made, we hereby find ourselves, jointly and severally, and our heirs and assigns firmly by these presents.

Whereas, on the _____ day of _____, Principal executed a certain Subdivision Plan known and identified as the _____ Subdivision for property owned by the Principal situate in _____ Township, Somerset County, Pennsylvania, and thereafter submitted said Plan to the Somerset County Planning Commission for subdivision approval; and,

Whereas, the Somerset County Planning Commission has determined that improvements to the said property must be made by the Principal prior to receiving final approval for said Subdivision, said improvements being in the nature of access roadways and storm water retention; and,

Whereas, the Principal has obtained firm bids for the cost of completing said improvements, true and correct copies of which are attached hereto, and said bids require the expenditure of a total of \$ _____ for the completion of said improvements; and,

Whereas, the Principal has obtained an Irrevocable Letter of Credit from the _____ which is attached hereto as an exhibit, in the amount of \$ _____ payable to the benefit of the County of Somerset, being equal to 110% of the cost of said improvements, to secure Principal's completion of said improvements.

Now, therefore, the condition of this obligation is such that, if the above-named Principal shall complete the aforesaid improvements with effect and shall pay all expenses and costs as may be necessary thereto, then this obligation shall be void, otherwise to remain in full force and effect. As work of installing the improvements proceeds, Principal may request the Somerset County Planning Commission to release or authorize the release from time to time, such portions of the Letter of Credit necessary for the payment of the costs thereof in accordance with the provisions of the Somerset County Subdivision and Land Development Ordinance.

In witness whereof, the Principal has hereunto set their hands and seals this _____ day of _____, _____.

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA) SS:
COUNTY OF SOMERSET)

On this, the _____ day of _____, _____, before me a notary public, the undersigned officer, personally appeared _____ and _____ known to me (or satisfactorily proved) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT APPROVAL
SOMERSET COUNTY PLANNING COMMISSION
ADDENDUM TO APPLICATION

Section (A)

No off-site occupied residence or occupied commercial structure exists as of the time of this filing within _____ feet of the _____ (turbine or tower).

Section (B)

The applicant shall immediately following the first year of operation and every fifth year thereafter retain an independent engineer acceptable to the County Planning Commission to estimate the cost of decommissioning and removal of the _____ (turbine or tower)-and restoration of the site, net of any expected salvage value of the _____ (turbine or tower) and its components and the applicant shall submit such report to the Planning Commission and landowner upon receipt. If the independent engineer concludes that such decommissioning, removal, and restoration will cost in excess of the estimated salvage value, the applicant shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a letter of credit, or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the applicant and the property owner for the benefit of the property owner, as well as the applicant subject to claims of the landowners.

The escrow agent shall provide those funds to the party removing such _____ (turbine or tower) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.

_____ hereby agrees to comply with Section _____ (turbine or tower) of the Somerset County Subdivision and Land Development Ordinance and as further stated in this Addendum.

_____ Signature

_____ Date

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF:

Sworn To and Subscribed To
Before Me This _____ Day of _____

_____ NOTARY PUBLIC

NON-DISTURBANCE WAIVER

THIS WAIVER, entered into this ____ day of _____, by and between:

_____, hereinafter referred to as "Property Owner"

AND

_____, hereinafter referred to as "Developer"

WHEREAS, Property Owner is the owner of a parcel of land situate in _____, Somerset County, Pennsylvania, more particularly described in Somerset County Deed Book Volume _____, at Page _____, upon which is currently erected a residential building ("Building"); and

WHEREAS, Developer proposed to erect a wind tower or towers ("tower") which will be within the setback requirements of the Somerset County Subdivision and Land Development Ordinance ("Ordinance") from Property Owner's Building; and,

WHEREAS, Property Owner has agreed to provide Developer with a Consent and Waiver as required by the Ordinance.

NOW THEREFORE, intending to be legally bound hereby, Property Owner agrees as follows:

1. Property Owner does hereby consent to the erection of the Tower within the setback requirements from his/her/its Building.
2. Property Owner further releases Developer, its successors and assigns as well as the County of Somerset, and any of its agencies, of and from any and all claims, damages and/or losses resulting from higher noise levels, visual impacts, flickering reflections and/or shadows, or from the collapse of all or any portion of the Tower which may arise as a result of the location of the Tower within the established setback distance from Property Owner's Building.
3. This Waiver shall be a covenant running with the land and shall inure to and be binding on the parties hereto, their heirs, successors and assigns. It shall further be recorded among the records of the Recorder of Deeds of Somerset County, Pennsylvania.

IN WITNESS WHEREOF, Property Owner has set their hands and seals the day and year first above written.

Witness

COMMONWEALTH OF PENNSYLVANIA)

ss:

COUNTY OF SOMERSET)

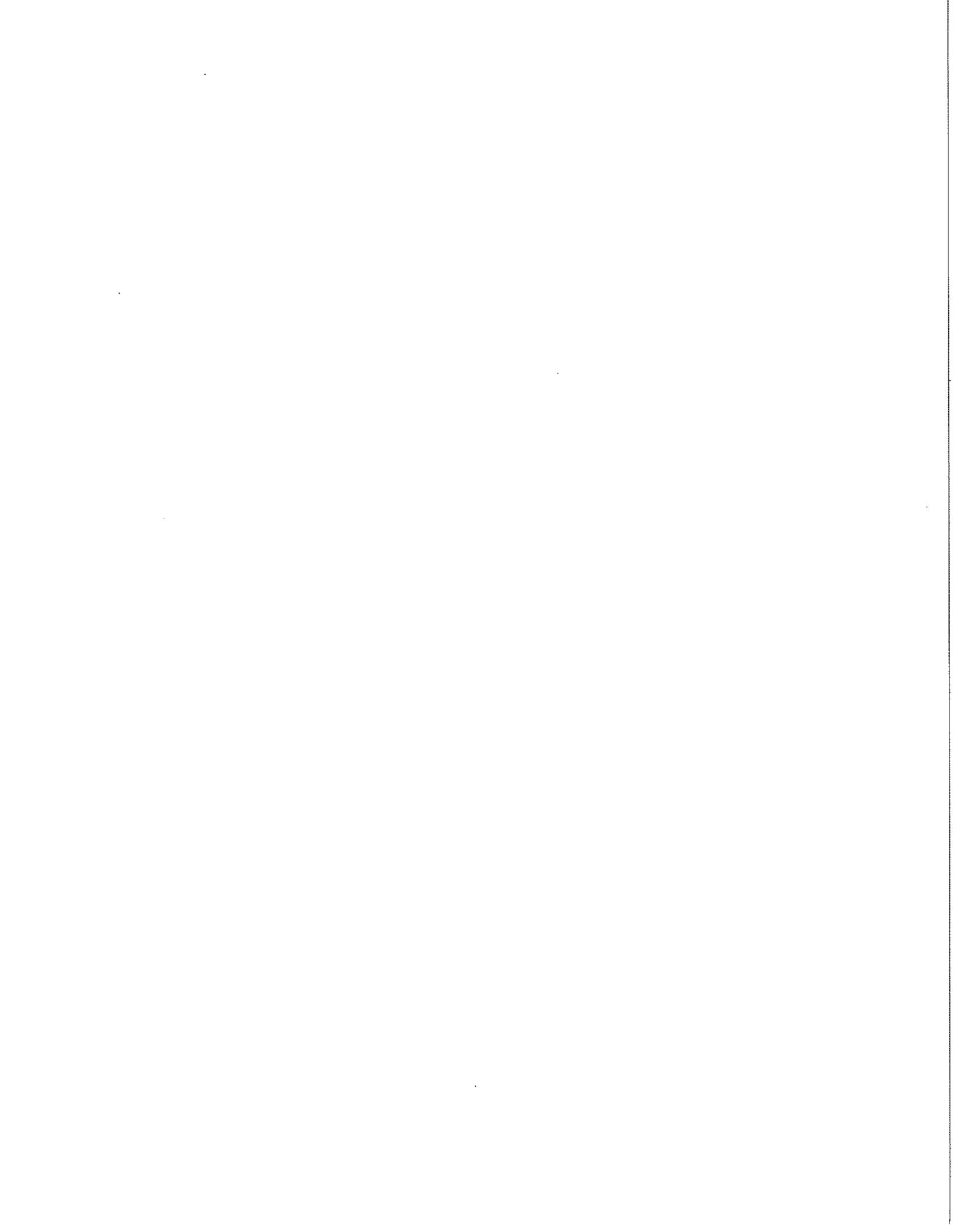
On this, the ____ day of _____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

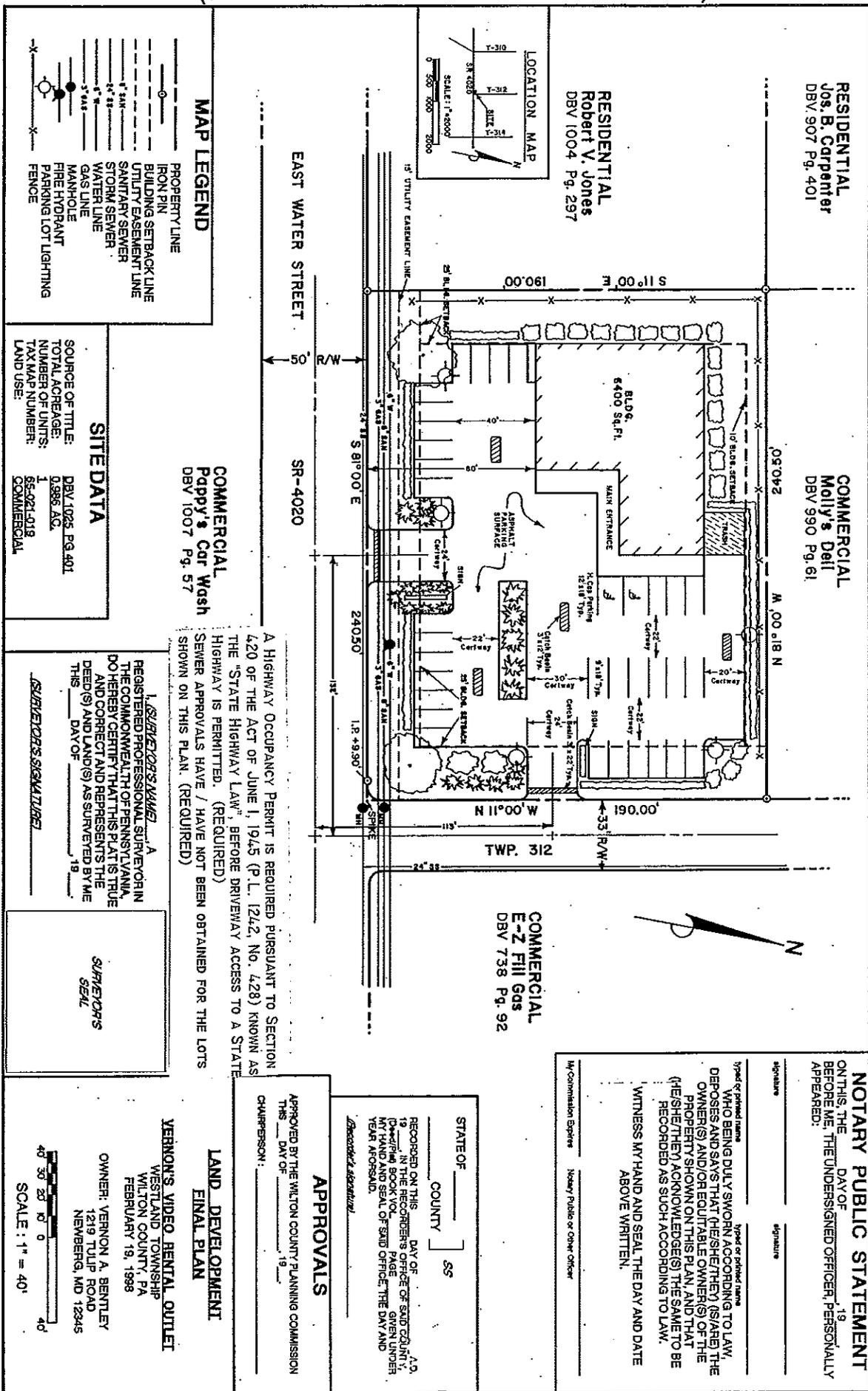
Notary Public





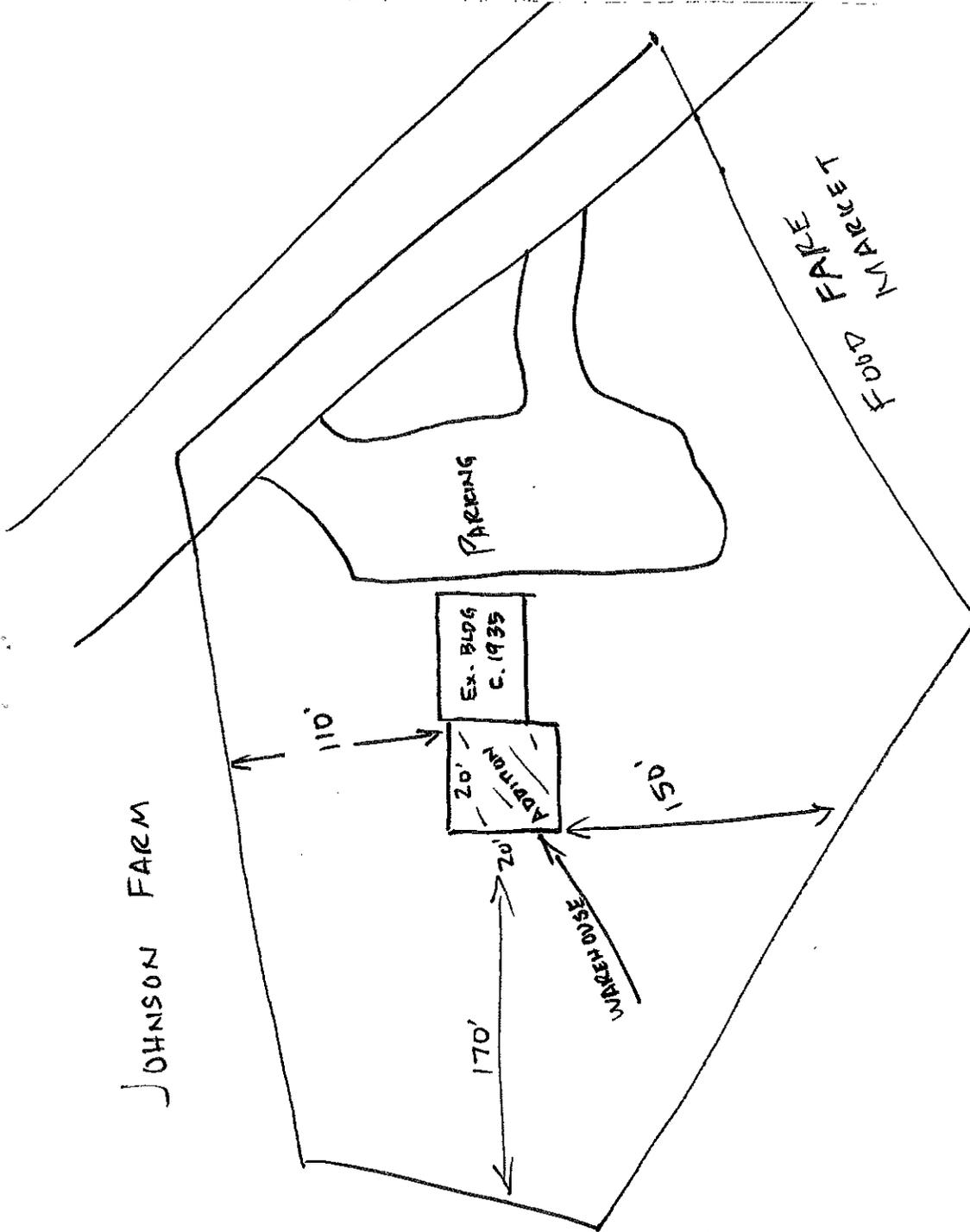
MAJOR LAND DEVELOPMENT PLAN

(MAY NOT INCLUDE ALL REQUIREMENTS)





MINOR LAND DEVELOPMENT PLAN



JOHNSON FARM

PARKING

Ex. Bldg
C. 1935

20'
20'
ADDITION

WAREHOUSE

110'

170'

150'

FORD MARKET

OAK RIVER
SUBDIVISION

SOMERSET TOWNSHIP
20' X 20' ADDITION TO WAREHOUSE
400 SQUARE FEET
42-077-033-001 TAX MAP #

DAYE MILES
6337 DINYIDDEY ROAD
CLEAR MOUNTAIN, VA
22333

PH: 707-114-0055

I hereby verify the information on this plan is accurate
Daye Miles

