

## ***Local zoning is perhaps best control over Marcellus play, planner says***

Friday, July 9, 2010

With Pennsylvania's Marcellus shale-gas epoch still in its infancy, some experts doubt we have seen one-10th of what is yet to come and recommend that municipalities brace themselves for rapid change.

"People who are not in the Marcellus areas have no clue how big this is going to be," said Kurt Hausammann Jr., planning director for Lycoming County. "This has the possibility to change our whole way of life."

"We have a large amount of state land in our county, and probably a third to a half of that is leased," he said, "and then probably about three-fourths of the private land is leased."

Hausammann will be the featured speaker during a free, Web-based seminar titled, "Natural Gas Development Land Use Controls in Lycoming County," which will air at 1 p.m. on July 15. Sponsored by Penn State Cooperative Extension, the "webinar" will provide an overview of land-use planning strategies as shale-gas exploration intensifies across Pennsylvania counties.

Information about how to register for the webinar is available at <http://extension.psu.edu/naturalgas/webinars> [1]. Online participants will have the opportunity to ask the speakers questions during the session.

Despite potential impacts from gas exploration on local populations, the Pennsylvania Supreme Court last year ruled that local governments may not enact specific ordinances targeting gas-drilling operations. However, there still may be some avenues to assert some influence, and Hausammann identifies local zoning regulations as the best tools for the job.

"You have to regulate it through zoning," he said. "You can't do a stand-alone ordinance targeting oil and gas, but if you don't have zoning, there's nothing you can do."

Hausammann, a member of the American Institute of Certified Planners, has held

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several planning posts in municipal and county governments over the last 30 years. He noted that Lycoming County is central to the entire Marcellus play.

In 2008, the county averaged about one application per month for new drilling permits, according to Hausammann. He said that figure has continued to climb to about three permit applications per week, and that three weeks ago, the county received 25 applications for new drilling permits.

He said part of this rise is due to the number of drilling rigs becoming available in the area, and part is due to gas companies setting up shop locally. Companies such as Weatherford, Halliburton, Chief and Anadarko all recently have placed regional offices in Lycoming County. He said Lycoming's central location, quality rail service and proximity to a good highway system make it an attractive site for operations to fan out in all directions from a central hub.

Hausammann said his county's task force has worked hard to provide solutions for its zoning, trying to fine-tune language so that it's understood both by gas companies and municipalities. In August, a proposed ordinance will be sent out to 17 partner municipalities for comments and recommendations, and then his office will prepare a final draft for the county commissioners in September. Once it is adopted, it will be published and available as a model for other municipalities.

"Our ordinance is geared toward health, safety and welfare. We're not gearing it toward aesthetics," Hausammann said.

He contended that regulations based on the quality of the viewshed might be on "shaky ground," and that by regulating land use, the county could "remain on firm footing" by staying with considerations of health, safety and welfare.

The primary limit on drilling is based on population density. Drilling is prohibited in two specific districts: "rural centers," or villages occupying less than a total of 50 acres, and "neighborhoods," which could be parcels such as trailer parks occupying as little as 10 acres. "A district like that would be ruined if you put a 5-acre pad in there," Hausammann said.

Within these districts, the noise regulations in the zoning ordinance also apply. While operations are exempt from noise ordinances during the drilling or

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fracking phases, any permanent facilities such as processing stations or compression stations must be enclosed in a building so that they are quiet, he said.

Hausammann said that the ordinance also outlined a set of best-management practices (BMPs) that do not carry the force of law, but he said that so far, gas companies have been very willing to comply with the suggestions contained within the ordinance.

These BMPs include pad sites being set back as far as possible from ridge lines, so that they are not clearly visible from valley floors once the drilling rigs have been removed. Derricks also should be set back from public trails and roadways by a distance at least three times the height of the derrick, so that in the event one fell over, it would not block any public right-of-way.

The ordinance also recommends clearing no more native vegetation and trees than necessary. Hausammann said that gas companies have been following this recommendation and that many pads are not visible from a ground approach because the tree line runs right up the edge of the 5-acre pad. Other BMPs include co-location of pipelines along the same right-of-way, and shrinking the easements for rights-of-way to 30 feet from 50 feet after the production phase is complete.

He said that gas companies have been very cooperative both in helping develop language for the ordinance and in following its recommendations. He added that there are many economic benefits to both to gas companies and local municipalities.

"Many companies and many local people are making a lot of money, either through leases, royalties, trucking companies or water companies selling water," Hausammann said. "We all know what our economy is like in Pennsylvania. There are economic benefits to be recognized."

"In Lycoming County, our goal is to have reasonable regulation," he said. "We don't believe in over-regulation."

The "Natural Gas Development Land Use Controls in Lycoming County" webinar is part of an ongoing series of workshops addressing issues related to the state's Marcellus shale gas boom. One-hour webinars also will be held at 1 p.m. on the

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following dates:

Aug. 19: "Local Natural Gas Task Force Initiatives"; Presenters: Mark Smith, Bradford County; Pam Tokar-Ickes, Somerset County; and Paul Heimel, Potter County.

Sept. 16: "Natural Gas Experiences of Marcellus Residents: Preliminary Results from the Community Satisfaction Survey"; Presenter: Kathy Brasier, Penn State.

Previous webinars, which covered topics such as water use and quality, gas-leasing considerations for landowners and implications for local communities, can be viewed at <http://extension.psu.edu/naturalgas/webinars> [2].

For more information, contact Joann Kowalski, extension educator in Susquehanna County, at 570-278-1158 or by e-mail at [jmk20@psu.edu](mailto:jmk20@psu.edu).

Links:

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[1] <http://extension.psu.edu/naturalgas/webinars>

[2] <http://extension.psu.edu/naturalgas/webinars>

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