

**Tulpehocken Township Planning Commission Meeting
February 4, 2021**

Present: Planning Commission Members: Scott Hetrick, Robert Sattazahn, John Zimmerman, Gary Deck, Chris Hartman, Matt Mack and Heather Claman. Laverne Frey was absent.

Other persons attending the meeting: Jeffrey Zimmerman.

The Planning Commission meeting began at 7:48 p.m. and continued with the pledge to the American Flag.

John Zimmerman made a motion to approve the minutes from the January 7, 2021 Planning Commission meeting, seconded by Gary Deck and approved unanimously.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: The plan has not been resubmitted. Time expires March 12, 2021, this will be two days after the Board of Supervisors meeting on March 10, 2021. The Planning Commission Secretary will contact Pioneer Management to forward a time extension letter prior to the March 4, 2020 Planning Commission meeting.

Sketch Plan for Cherry Hill Mennonite School: The Township just received a preliminary/final plan and payment for review of this project today. The Township Engineer will review the plan and present a letter at the March Planning Commission meeting.

New Plans: None.

Walk-In Discussions: None.

Other Business:

The Planning Commission Chairman, Scott Hetrick, will need to sign a planning module component 4A for the Forry Subdivision. This is very rare that the Planning Commission needs to sign this component, typically it is an exemption. The Forry Subdivision submitted an exemption because they did primary back up testing, that is usually part of the planning module. Due to having high nitrates at the site, an exemption cannot be granted. Therefore, the component needs to be completed. *Gary Deck made a motion to have Scott Hetrick, the Planning Commission Chairman, sign the component 4A for the Forry Subdivision, seconded by John Zimmerman and approved unanimously.*

The Recreation Board has recommended that the Planning Commission review a “fee in lieu” calculation; suggesting to refer to the calculation used by Bethel Township, Berks County and to recommend that the Board of Supervisors enact an ordinance with regards to collecting a recreation impact fee for all future development.

John Zimmerman stated that the Recreation Board is frustrated because there still isn't anything put in place for recreation. The Township has budgeted an amount each year for recreation purposes, however the suggestions and ideas that have been discussed over a number of years all pointed to the fact that the Township would have similar types of fees that adjoining Townships have in place. As a result, nothing specific is listed in the Township Ordinance. The SALDO provides for dedication of land within larger residential subdivisions, but it doesn't provide for money to be paid for a per lot basis. It is possible to negotiate for a waiver of the requirement for the dedication of the requirement of land with a developer on a case by case basis so that the Township could negotiate that they would pay a fee in lieu of dedication of land as provided in the SALDO. The consequence of that existing regulation in the SALDO is that the Township may not have a suitable place for recreation within the boundary of the subdivision. The developer isn't going to give the good land, he wants to give whatever is leftover and isn't necessarily suitable for recreation space. Under the Township's current Ordinance, we are not capturing the smaller subdivisions. If the Township would have a "fee in lieu of" program set up, every time there is a new residential lot, the Township could collect a fee on it, even if it is a one lot subdivision.

There is a Section 503 in the Municipalities Planning Code. This section is about provisions that the legislature allows us to include in the subdivision and land development ordinance.

Paragraph 11 states: Provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval. What that means is that you can include requirements in your SALDO for recreation to be provided for either by a developer constructing within the development recreation facilities or a payment of fees in lieu of constructing recreational facilities within the development. It can provide for the private reservation of land which means that recreational facilities would be located on private property. Or provide for public dedication of land so that it would be publicly owned recreation facilities. Any of those options are permissible for providing recreation facilities through a SALDO regulation.

- (i) The provisions of this paragraph shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of such provisions. That is the question right there. The Township needs to have this already enacted before an application of subdivision is submitted for the Township to enforce it. The Township already addresses bigger subdivisions, however smaller subdivisions or one lot subdivisions, the Township would have to enact an Ordinance to include them.
- (ii) The ordinance includes definite standards for determining the proportion of a development to be dedicated and the amount of any fee to be paid in lieu thereof. In the existing SALDO, only with respect to larger developments, there is a formula for how much land needs to be dedicated based on the area that is being developed. In a new regulation, we would need to have the same. A formula would need to be provided for recreational facilities within a subdivision or the

Township could state that we wouldn't want recreation facilities within the subdivision, we want a fee paid. In some cases, developers are happy to pay fees because they do not want to be bothered with recreation improvements. With regards to the Mountain Meadows development, the requirement of the ordinance is to put improvements in land that is set aside for recreation. If we work with just our existing regulations for this project, there is not only the value of land that could be negotiated for the developer to pay to the Township, but also the cost of installing recreation facilities meaning grading, providing playing fields and equipment. John Zimmerman asked why wasn't anything done then for Mountain Meadows Phase I and Village Estates then? Village Estates didn't have enough lots and there was not an answer on Mountain Meadows.

- (iii) The land or fees, or combination thereof, are to be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development. This means that if land is dedicated to the Township, we cannot turn around and sell the land. The Township would need to use the land for recreation only. The fees likewise. If the Township gets recreation fees it must be used for recreation only.

- (iv) The governing body has a formally adopted recreation plan, and the park and recreational facilities are in accordance with definite principles and standards contained in the subdivision and land development ordinance. The Township needs to have a plan that identifies what the recreation needs are for the community. It would take into account future growth in population and there would be a dollar figure associated with the acquisition and the improvement of those recreation facilities so that the Township could come up with an expenditure budget and that then is figured into what the fee should be. Also would need to take into account the value of land. John Zimmerman stated that the three township's spent a decent amount of money to have a joint municipal recreation study performed. What is the next step to get this particular adopted recreation plan in place? The first plan was step one, having the recreation study performed. Step two would be to take the recommendations from that study and become more specific and more defined for Tulpehocken Township. The Township needed to have the study done because it makes it easier to get additional funding for a more defined plan. The recommendations from the recreation study on location was improving existing recreation spaces such as the Rehrersburg Lions Club grounds and the Mt. Aetna playground. John Zimmerman stated that the Recreation Board would like to see is for the Planning Commission to put a format together and make a recommendation to move forward, to make sure these steps take place, so that we are not sitting here six months from now not having done anything.

John Zimmerman stated that the Recreation Board would like to get something in place to recommend to the Board of Supervisors to follow through with steps for a plan to get fees in place for future developers. Jeffrey Zimmerman stated that we need to invest in the future not worry about yesterday. Gary Deck stated that we did hire another full time road and

maintenance worker which should help out with additional work that recreation could bring in the future too. The Township Solicitor stated that the plan is not an easy thing to do. The most logical place for the recreation space would be the existing recreation space in the villages currently. The Township will need to work with the Lions Club in Rehrersburg and the Fire Company in Mt. Aetna to gain control of those locations to improve them. The Tulpehocken Administrative Building is another area that could potentially be used for recreation space if the school district would agree. The stumbling block for the fee in lieu of land is the recreation plan. Until the Township has a recreation plan that lays out specific projects with costs of those projects, the Township doesn't have the legal right to collect the fee in lieu. The Board of Supervisors need to discuss the topic of preparation of the recreation plan for Tulpehocken Township. We need a general plan for 8 to 10 acres, we do not need a specific location to start off. In order to have a plan that is going to be looked upon favorably in Harrisburg when looking for grant money, it has to include an analysis of the Township. What are the demographics in the community? What does the census information show for growth of the population? There is information in the joint municipal recreation grant study that could probably be used and another option would be to hire a consultant from YSM to perform an analysis for the Township as well. John Zimmerman stated that he wouldn't mind working on it if he would have guidelines on what to be doing and have someone look it over. There were recommendations on the existing recreation spaces currently in our Township.

The Township Engineer stated that there will be a nice sum amount from Phase I of Mountain Meadows once an amount is agreed upon.

The Township Solicitor stated that Bethel Township Berks County is collecting recreation fees from non-residential development and feels that is an aggressive approach to go for non-residential. The statute states Section 503 Paragraph 11 (continued from page 3):

- (v) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.

Would the Township want to impose a recreation fee on chicken houses? We see mostly small residential developments and chicken houses. 90% of that is chicken houses. The concept for the Township to charge non-residential development recreation fees could be to have chicken house employees wanting recreational facilities. The Township Solicitor feels that the intent of the statute is for residential development.

The Township Engineer stated that he could create a simple recreation plan with whatever facilities the Township would be interested in. Area for a plan would be the Rehrersburg Lions Club, Mt. Aetna playground area and the Tulpehocken Administrative Building. It could be given to the Recreation Board for their review and input for details. Then, to take Tulpehocken's information from the recreation study and plug that into an existing formulation to come up with a fee in lieu of land. A consultant from YSM did state in the past that she could help with a detailed recreation plan.

Maybe at some point in the future, the Rehrersburg Lions Club would work with the Township to lease or purchase their property. We could also reach out to the Mt. Aetna Fire Company

(who owns the Mt. Aetna playground) and the Tulpehocken School District (owns the Administrative Building).

The question is, will the state give the Township a grant if the Township only leases land and doesn't own the land? It would be easier for the Township to lease the grounds. The Township Engineer stated that he could reach out to Wayne Bowen who has worked on recreation plans and grants for other municipalities.

John Zimmerman stated that we need to have steps in place and a timeframe on getting this completed. Step 1-have a recreation plan in place. The Township Engineer will draft a plan, give to the Recreation Board for them to decide what recreation facilities we would like to see. The plan documentation with all of the verbiage would also need to be completed. **This has to be done before we enact an ordinance for fee in lieu of land.**

There aren't any walking trails in the Mountain Meadow's development currently. That may be a good idea too. The lot in Mountain Meadow's that is currently owned by Mt. Aetna Bible Church could be used for parking for people using walking trails or placement of a gazebo.

John Zimmerman made a motion to recommend to the Board of Supervisors to formally adopt a recreation plan and to take the necessary provisions to have the plan be created within the next 3 months and could be the basis for amending the SALDO to require fees in lieu for future subdivisions and land developments, seconded by Scott Hetrick and approved unanimously. If the Board of Supervisors agree to adopt a recreation plan, the Township Engineer will create a recreation plan for the Rehrersburg Lions Club lot, the lot the Township owns along Lions Park Drive, the Mt. Aetna playground lot, the Tulpehocken Administrative Building lot, and an eight (8) acre lot that is central and accessible between Mt. Aetna and Rehrersburg and drop off at the Township for the Recreation Board and Township to review.

****NOTE--The Township needs a recreation plan to allow the Township to either have land or fee in lieu of land provided for recreation from developers or new lots that go through the subdivision process.*

The Recreation Board feels like the Township should have something in place to collect recreation fees from individual lot owners that are building on their lot. The Township Solicitor stated that if the Township has a plan that is adopted by the Board of Supervisors and the plan is the basis for a per lot fee in lieu, then the Township could amend the SALDO to require the payment of that for individual lot. This would only be something that goes through the Planning Commission.

The Township could have asked for easements when the agricultural plans came through for land development. It does get a bit complicated with liability. Walking paths on existing farms was discussed, however it shouldn't be secluded because people want to be safe.

Some municipalities use a portion of their earned income tax revenue for farm preservation and recreation.

John Zimmerman stated the Recreation Board would like the Planning Commission to review a fee in lieu of calculation; suggesting to refer to the calculation used by Bethel Township, Berks

County and to recommend that the Board of Supervisors enact an ordinance with regards to collecting a recreation impact fee for all future development.

The Planning Commission has discussed this a number of times in the recent past. We need to move forward on this calculation as well. The Township Engineer is the Engineer for Bethel Township, Lebanon County as well. In their recreation plan it states that a minimum of .06 acre of land shall be reserved for parks and recreation purposes for each residential lot created for a single family dwelling. A minimum of .06 acre of land shall be reserved for park or recreation purposes when creating land development for multiple family dwellings. If fee in lieu of dedication is purposed, fee shall be based upon fair market value of the land required to be dedicated under that 0.06 acre requirement or \$750 per lot whichever is greater. It is a similar formula that the Township Solicitor has seen before. It makes sense to build and adapt on what someone else has done.

Gary Deck made a recommendation that we have a workshop for the Board of Supervisors, Planning Commission, Recreation Board, the Township Solicitor and the Township Engineer to meet and discuss the calculation for a recreation impact fee.

A per capita tax was discussed. We could only charge up to \$15.00. The Township Solicitor stated that in the second class Township code, there is a tax that is permitted for acquiring and maintaining and operating parks, playgrounds, play fields, gymnasiums, swimming pools and recreation centers. There is no cap on the tax millage. Tulpehocken Township tax millage is 1.60. The tax is only on people that own property, not renters.

John Zimmerman made a motion to recommend to the Board of Supervisors to refer to the Recreation Board letter dated February 3, 2021 to enact an ordinance to collect a recreation impact fee for future development. Seconded by Scott Hetrick, and approved unanimously.

****NOTE-Gary Deck will mention to the other Supervisors to set up a workshop to discuss creating a calculation for the recreation impact fee. The Board of Supervisors, Planning Commission, Recreation Board, the Township Solicitor and the Township Engineer are to attend.*

Robert Sattazahn made a motion to adjourn the meeting at 9:46 p.m., seconded by John Zimmerman and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary