

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

FERGUSON TOWNSHIP PLANNING COMMISSION REGULAR MEETING AGENDA Monday, September 28, 2020 6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/89652035066>

Meeting ID: 896 5203 5066

Mobile Call-in: +1-646-558-8656; 896 5203 5066# US (New York)

- I. Call To Order
- II. Approval of Special Meeting Minutes—September 1, 2020
- III. Approval of Regular Meeting Minutes—September 14, 2020
- IV. Approval of Special Meeting Minutes—September 15, 2020
- V. Approval of Special Meeting Minutes—September 16, 2020
- VI. Citizen Input
- VII. Community Planning

A. Zoning Map Amendments

On November 18, 2019, Ferguson Township Board of Supervisors held a public hearing and amended Chapter 22, Subdivision and Land Development Ordinance and Chapter 27, Zoning Ordinance. The next step in amending the zoning ordinance is amending the Ferguson Township Zoning Map. Amending the zoning map modifies the district boundaries in areas identified by the Board during their February 3, 2020 meeting. Zoning map amendments are a technical, non-substantive exercise that will replace the current zoning district classifications of the properties that have been identified.

The areas that have been identified during the first phase of the rewrite process are outlined below and maps of these areas (existing and proposed) are attached to the memorandum dated September 24, 2020 from Jenna Wargo, Director of Planning and Zoning, summarizing the recommendations as discussed during the September 15, 2020 Joint Special Meeting with the Board of Supervisors.

- Ridge Overlay District (Rural Residential)
- Harner Farm Lots (Rural Agricultural)
- Penn State University lands (Agricultural Research)
- The Meadows (Rural Agricultural)
- Rock Springs (Rural Agricultural)

This evening, the Planning Commission is being asked to review the memorandum outlining the zoning map amendment recommendations and recommend approval to the Board of Supervisors.

Staff Recommendation: That Planning Commission recommend to the Board of Supervisors to approve the zoning map amendments as outlined in the memorandum from the Director of Planning & Zoning, dated September 24, 2020 and authorize staff to advertise a public hearing.

B. Draft Workforce Housing Ordinance

On September 1, 2020 and September 16, 2020, two Joint Special Meetings were held with the Board of Supervisors to review and discuss the draft Workforce Housing Ordinance amendment. Included with the agenda is the updated draft Workforce Housing Ordinance based on comments received during the joint special meetings.

Provided with the agenda is the draft amendment to the Workforce Housing Ordinance. This ordinance would be applicable to the following developments within the Traditional Town Development (TTD) or Terraced Streetscape (TS) Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu.

The memorandum dated September 24, 2020 from the Director of Planning & Zoning summarizes the updated draft based on the discussions from the September 16, 2020 Joint Special Meeting.

Staff Recommendation: Planning Commission recommend approval to the Board of Supervisors of the draft Workforce Housing Ordinance and to authorize staff to advertise for a Public Hearing to amend Chapter 27, Section 716 Workforce Housing Ordinance.

VIII. Official Reports and Correspondences

- A. Board of Supervisors**
- B. CRPC Report**
- C. Land Development Plans**
- D. Staff Updates**

VIII. Adjournment

FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION

Special Meeting
Monday, September 1, 2020
4:00 PM

ATTENDANCE

The Joint Board of Supervisors and Planning Commission held a special meeting on Monday, September 1, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman Laura Dininni, Vice Chair Prasenjit Mitra Patty Stephens Lisa Strickland	Staff:	Dave Pribulka, Township Manager Jenna Wargo, Planning/Zoning Director Kristina Aneckstein, Community Planner Jeff Ressler, Zoning Administrator
PC:	Jeremie Thompson, Chair Jerry Binney, Vice Chair Rob Crassweller Ellen Taricani		

Others in attendance included: Rhonda Demchak, Recording Secretary; Betsy Dupuis, Attorney, Babst, Calland, Clements & Zomnir; Charles Suhr, Attorney, Stevens & Lee; Joseph Green, Attorney, Lee, Green & Reiter, Inc.; Marc McMaster, Real Estate Agent, State College; Missy Schoonover, Executive Director, Centre County Housing and Land Trust; Derek Anderson, Pine Hall TDD Developer; Robin Homan, Ferguson Township Resident

CALL TO ORDER

Mr. Miller called the Monday, September 1, 2020, Joint Board of Supervisors and Planning Commission Special meeting to order at 4:00 p.m.

Mr. Pribulka noted that the Joint Board of Supervisors and Planning Commission Special meeting had been advertised as a virtual meeting. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call of both the Board of Supervisors and Planning Commission and there was a quorum.

I. CITIZENS INPUT

None.

II. COMMUNITY PLANNING

A. Draft Workforce Housing Ordinance Discussion

1. Mr. Pribulka gave a brief overview of the ordinance which applies to zoning districts where the provisions of workforce housing units are required or incentivized. Currently, Ferguson Township requires a contingency of workforce housing to be built in the Traditional Town Development (TTD) Zoning District and it is incentivized in the Terraced Streetscape (TS) District. The original

ordinance was adopted in 2015 and achieves a very specific objective of establishing a legacy workforce housing program through deed-restricted, owner-occupied units.

Ms. Wargo presented slides that outlined the draft Workforce Housing Ordinance amendment. Items related to the amendment that staff would like to discuss are as following:

- Fee-in-lieu Calculation: How is the fee-in-lieu spent and what is the mechanism the Township will use to decide that?
- Incentives

Ms. Wargo reviewed the Fee-in-lieu calculation and noted that in theory the in-lieu fees should be similar to the cost of producing a unit on-site if the formulas used result in fees that are too high or too low can distort the market, affect developers' decisions, and ultimately affect where and how much workforce housing is built. Setting the fee is complicated because there are numerous factors that are weighed in, such as real estate market trends, construction financing, and the need for affordable housing at various income levels. Ms. Wargo noted that most communities keep fixed fees current by enabling the governing body to annually approve a change to the fee calculation that allows for regular increases (and potentially decreases) in response to market conditions. These numbers are typically tied to cost of construction and local land values. Ms. Wargo reviewed the three main methods for calculating fee-in-lieu: Affordability Gap Method; Production Cost Method; and the Indexed Fees Method (based on project characteristics). There are pros and cons to each method and there has been no research conducted on which method of calculating the in-lieu fees is more effective. The Affordability Gap method is most commonly used because it is easier to understand conceptually and relies on more readily available data. Ms. Wargo noted that staff is recommending this method.

With regards to incentives, Ms. Wargo noted that most communities offer significant incentives to developers to offset the cost of providing affordable units. Communities seek to offer incentives to offset some of the costs of providing affordable units. They do not reduce and do not completely eliminate the economic impact on development. The Township should not take these incentives lightly. They come at a real cost to the public sector and we need to carefully weigh the costs and benefits of each incentive and evaluate them. Tax abatements and fee waivers reduce revenues available to municipalities. Even planning incentives such as, density bonuses, they appear free, but result in increased infrastructure and other public costs. In the current draft ordinance, off-street parking may be available but is not required for the workforce unit. Ms. Dininni inquired if anyone has asked the State College Area School District about the tax abatement. Mr. Pribulka noted that they have not contacted anyone at the administration. Mr. Pribulka indicated that in the past the school district has not participated in past economic development programs but would pursue further discussions with them. Ms. Dininni expressed concerns with absolving parking. Ms. Wargo noted that in the current draft, parking with workforce units would not be required, typically with the workforce units they are near public transportation. Also, parking is expensive to build so that is why municipalities don't require parking for workforce units. Mr. Miller asked if these incentives are in addition to what is required. Ms. Wargo noted that in the current draft, the Township is requiring 10% of the units proposed must be designated as Workforce units and that is the industry standard for affordable housing requirements. These incentives would be for the required units. Mr. McMaster noted that the parking aspect in the TTD will not be much of an incentive for where they are located. However, in a suburban area, parking is expected and if additional parking is not available for free it will be difficult to rent or sell. Units usually require 2-3 parking spots. Ms. Wargo noted that the developer doesn't have to take advantage of any of the incentives. Ms. Dininni noted that she supports the multi-family units but expressed concerns with a townhouse or single-family dwelling. Mr. Mitra inquired about the reason for the incentives. Ms. Wargo stated that the incentives are being proposed to be given to the developer for providing the required workforce housing units because they are expensive to build. Typically, municipalities

provide incentives to help with the costs. Ms. Dininni noted that it should not be completely up to the developer. Mr. Mitra noted that perhaps this is assessed on a case-by-case basis and agrees with Ms. Dininni. After continued discussion, Ms. Wargo noted that parking could be for multi-family units only. Mr. Miller expressed concerns with cutting parking because it could eventually gear toward student housing and if it does not rent then it comes out of the Workforce program.

Ms. Strickland asked if the incentives are to be used in districts where affordable housing is only incentivized and not required, why are they the same. Ms. Wargo noted that this is what the current draft would change. This draft would require 10 percent of the units to be affordable when there is 10 units or more built. Ms. Strickland asked why the requirement could not be lowered and just have incentives for the bonus units. Ms. Wargo noted that 10 percent is the industry standard. Mr. Pribulka noted that the way the ordinance is drafted is that any incentives relative to density bonus or fee reduction, etc., they would be applied to the original development itself, as opposed to the offsite development that would be identified as part of that program. For instance, if the developer wanted to build 2 of the 10 units off site, they would not be eligible for the parking waiver or reduction assuming it was enacted on the off-site development. Mr. Pribulka stated that it would become very difficult to manage if off site incentives were allowed and would have a detrimental impact on the receiving development. Mr. Pribulka encouraged the Board not to allow for offsite incentives in the ordinance. Mr. Miller had concerns with the terminology of the word incentive if it is required to be done. Ms. Strickland recommended using the word accommodations along with incentives. With regards to Section 8.c.vi of the draft ordinance, Ms. Strickland asked for clarification. Ms. Wargo noted that the current draft would require a development to build workforce units and by building the required workforce units the applicant would receive the same number of market rate units. And because they are adding more density to the site, the applicant would get an additional floor of height to accommodate the Workforce and additional market-rate units. Mr. Pribulka indicated that a clearer way to do this is to apply those incentives to onsite development as they pertain to the actual structure of the development. Ms. Wargo asked the Board if they want to provide accommodations or incentives for meeting the requirement of the workforce units. Ms. Dininni indicated yes. Mr. Miller indicated no but could be persuaded to change his mind. Mr. Mitra noted that he is on the fence and will need to investigate more. Ms. Strickland indicated that she would like to see the parking and the bonus units included rather than the tax abatement, because any of the developments will impact the public services. Ms. Strickland noted that generally not in favor of any of the incentives.

Ms. Dininni inquired if anyone talked to the Borough Water Authority or the University Area Joint Authority about a possible tapping fee reduction. Prior to the pandemic, Mr. Pribulka and Ms. Schoonover had been working towards having a region wide work force housing summit and noted that there is a lot of interest in providing for workforce housing in the Centre Region. There has been no official discussion regarding the tapping fee with the authority's, but Mr. Pribulka stated that to have a successful program on a region wide scale, there must be further discussions.

Mr. Suhr discussed the comments he provided that can be found on the Planning Commissions section of the Township's [website](#). Mr. Suhr noted that he feels the Gap Method is a very equitable method to use with accommodating the fees. This could be a large influx of funds into the fee-in-lieu and could jump start the program. However, Mr. Suhr stated that it is critical that numbers be included in the ordinance as opposed to developing a formula later. Mr. Anderson indicated that the developer can absorb some cost, but the developer is not the ultimate owner. Mr. Anderson stated that he supports the program but encourages everyone to take a close look at the comments and suggestions in the memorandum. Continued discussion ensued regarding fee-in-lieu. Ms. Dupuis stated that the first-time home buyer program is not being utilized and noted that the grant could give up to \$10,000 to assist with fees.

There will be another work scheduled on September 16, 2020, at 6:00 p.m. Mr. Pribulka noted that the goal would be to have a public hearing at the second October Board of Supervisors meeting. Please send any additional comments to Ms. Wargo prior to the September 16th meeting.

III. ADJOURNMENT

With no further business to come before the Joint Board of Supervisors and Planning Commission, Ms. Dininni motioned to adjourn the meeting. Ms. Strickland seconded the motion. The meeting adjourned at 6:15 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

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**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 14, 2020
6:00 PM**

ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, September 14, 2020, as a virtual meeting. In attendance:

Commission:

Jeremie Thompson – Chair
Rob Crassweller - Secretary
Jerry Binney
Shannon Holiday
Bill Keough
Lisa Rittenhouse - Alternate
Ellen Taricani
Ralph Wheland
Qian Zhang – Alternate

Staff:

Jenna Wargo, Planning & Zoning Director
Jeff Ressler, Zoning Administrator
Kristina Aneckstein, Community Planner

Others in attendance: Rhonda Demchak, Recording Secretary; Wesley Glebe, Ferguson Township Resident; Joseph Green Township Solicitor; Brian Heiser, State College Borough Water Authority; Ken Beldin, Gwin, Dobson & Foreman Engineering, Inc.

Ms. Wargo took roll call and the Planning Commission had a quorum.

I. CALL TO ORDER

Mr. Thompson called the Ferguson Township Planning Commission's regular meeting to order on Monday, September 14, 2020 at 6:05 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES AUGUST 24, 2020

Mr. Thompson noted that Mr. Joseph Green was listed on the minutes as a Ferguson Township Resident but should be listed as the Township's Solicitor. Mr. Thompson called for a motion to approve the minutes from August 24, 2020. Mr. Keough made a motion to approve the minutes. Mr. Binney seconded the motion. The motion passed unanimously.

III. CITIZEN INPUT - NONE

IV. LAND DEVELOPMENT PLANS

A. Kocher Well Field Water Pumping Improvements Land Development Plan

Ms. Aneckstein introduced and presented the land development plan that was submitted by Gwin, Dobson & Foreman Engineering, Inc. on behalf of their client, the State College Borough Water Authority. The property is located at 3961 West Whitehall Road, State College, PA 16801. The tax parcel is 24-006-055E with 47.70 acres and is currently zoned Rural Agriculture (RA). They are proposing to construct two VFD Buildings located near existing wellheads 71 & 73 and wellhead 78. The new building will be used to install electrical improvements in support of an existing portable water pumping station facility. A variance was approved on June 23, 2020, to utilize FEMA Mapping for floodplain boundary determination instead of an Independent Hydrologic and Hydraulic (H&H) Study. Ms. Aneckstein noted that she inadvertently noted the wrong dimensions of the building in her memo. The buildings

will be 7'x4" by 7'x4". Staff recommended that the Planning Commission review, comment and recommend that the Board of Supervisors approve the Kocher Well Field Water Pumping Improvement Preliminary Land Development Plan.

Dr. Taricani asked how many developments would be utilizing the wells. Mr. Brian Heiser, Executive Director of the State College Borough Water Authority, noted that the well fields were developed and put online in the late 1990's and have been used in conjunction with their other well fields that supply water primarily to Ferguson Township. Mr. Heiser stated that the purpose for building the VFD Buildings is to become more efficient with electrical usage. A VFD will save money on energy for the pumping and the wells will also be pumped to the Nixon Kocher Plant. Mr. Keough asked if the buildings will require additional internal road access that is not currently there. Mr. Heiser noted there will be no additional access roads needed. Dr. Taricani inquired about who would be using the wells. Mr. Heiser noted that primarily it is serving the eastern portions of Ferguson Township such as Pine Grove Mills and across Science Park Road.

Mr. Binney made a motion to recommend to the Board of Supervisors to approve the Preliminary Land Development Plan. Dr. Taricani seconded the motion. The motion passed unanimously.

V. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that the Board met on September 7, 2020, and the Board approved the Waiver Modification for Parkview Subdivision and approved the Parkview Subdivision plans.

B. CRPC Report

Dr. Taricani noted that the Committee met on September 3, 2020 and noted that Harris Township has a new overlay plan for the historic district in Linden Hall and in Boalsburg. Dr. Taricani stated that they had a lengthy discussion with their University connection regarding upcoming projects and proposals that are occurring on campus especially the West Campus side. They discussed the Arboretum and the art museum that will be located out by the Arboretum. Dr. Taricani noted that they heard about how Hammond Building occupants will move over to the Sackett Building while the Hammond Building is being torn down and how the downtown landscape will be affected by this.

C. Land Development Plans

Ms. Aneckstein reported that the Parkview Subdivision was approved pending a few outstanding comments that was received back today. Mr. Thompson and Mr. Crassweller will be receiving the plans for signatures soon. The office received the West College Avenue Student Housing plans. Ms. Aneckstein is waiting for comments back from reviewers, the comments will then be sent back to Penn Terra.

Mr. Keough proposed the Planning Commission to add an item to the 2021 Workplan that would include a review of alley's that are in Ferguson Township. Mr. Keough noted that there are two critical alleys. Calder Alley will be impacted by the Student Housing Plan on West College Avenue. Mr. Keough indicated that there are several alleys in Pine Grove Mills that need to be addressed. Ms. Aneckstein

noted that that alleys in Pine Grove Mills will need to be researched due to limited data available.

Mr. Binney asked if there was an updated timetable on the start of the construction with White Hall Road Park. Also, Mr. Binney inquired about the lawsuits with the Pine Hall Development. Ms. Wargo noted that there is a huge funding gap with the White Hall Road Park and litigation is still ongoing with the Pine Hall Development.

Mr. Keough indicated that there is a Zoom Lunch and Learn Session on Thursday, September 17, 2020, with all the supervisors and elected officials in COG to discuss the history of the Whitehall Road Park Development. They will also be talking about the funding gaps and next steps.

D. Staff Updates

Ms. Wargo noted that there is a Joint Board of Supervisors and Planning Commission meeting on September 15, 2020, at 6:00 p.m. to discuss Zoning Recommendations that were discussed in March 2020. Ms. Wargo indicated that the Pine Grove Mills Advisory Committee was invited to the meeting as well. On Wednesday, September 16, 2020, at 6:00 p.m. there will be another Joint Board of Supervisors and Planning Commission meeting to continue the discussion on Workforce Housing.

VI. ADJOURNMENT

Mr. Keough made a motion to adjourn the September 14, 2020 Planning Commission meeting at 6:40 p.m.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission

FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION

Special Meeting
Tuesday, September 15, 2020
6:00 PM

ATTENDANCE

The Joint Board of Supervisors and Planning Commission held a special meeting on Tuesday, September 15, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman Laura Dininni, Vice Chair Prasenjit Mitra Patty Stephens Lisa Strickland	Staff:	Dave Pribulka, Township Manager Jenna Wargo, Planning/Zoning Director Kristina Aneckstein, Community Planner Jeff Ressler, Zoning Administrator
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PC: Jeremie Thompson, Chair
Jerry Binney, Vice Chair
Rob Crassweller
Ellen Taricani
Lisa Rittenhouse Alternate
Bill Keough
Ralph Wheland
Shannon Holiday

Others in attendance included: Rhonda Demchak, Recording Secretary; Jordan Robb, Member, Pine Grove Mills Small Area Plan Advisory Committee

CALL TO ORDER

Mr. Miller called the Tuesday, September 15, 2020, Joint Board of Supervisors and Planning Commission Special meeting to order at 6:00 p.m.

Mr. Pribulka noted that the Joint Board of Supervisors and Planning Commission Special meeting had been advertised as a virtual meeting. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call of the Board of Supervisors and Planning Commission and there was a quorum of both.

I. CITIZENS INPUT

None.

II. COMMUNITY PLANNING

A. Ferguson Township Zoning Map Amendments

1. Ms. Wargo introduced and presented the amendments. On November 18, 2019, Ferguson Township Board of Supervisors held a public hearing and amended Chapter 22, Subdivision and Land Development Ordinance and Chapter 27, Zoning Ordinance. The next step in amending the zoning ordinance is amending the Ferguson Township Zoning Map. Amending the zoning map modifies the district boundaries in areas identified by the Board during their February 3, 2020

meeting. Zoning map amendments are a technical, non-substantive exercise that will replace the current zoning district classifications of the properties that have been identified. On March 9, 2020, the Planning Commission reviewed the areas identified below, received public comment from residents and made recommendations to the Board for each district. The areas that have been identified during the first phase of the rewrite process are outlined below and maps of these areas (existing and proposed) were attached to the agenda, as well as a memorandum dated September 11, 2020 from Kristina Aneckstein, Community Planner, summarizing the recommendations and reasoning.

- Ridge Overlay District (Rural Residential)
- Harner Farm Lots (Rural Agricultural)
- Penn State University lands (Agricultural Research)
- The Meadows (Rural Agricultural)
- Rock Springs (Rural Agricultural)

Ms. Wargo noted that there were two districts that were left out, the Village District of Pine Grove Mills and the Industrial Districts within the Township but included them in tonight's meeting. The Pine Grove Mills Small Area Plan Advisory Committee was invited to the meeting tonight. The Pine Grove Mills Small Area Plan Advisory Committee was the main contributor to the Small Areas Plan that the Township adopted in that area. An overlay zone was discussed as an option to help implement some of the adopted Pine Grove Mills Small Area Plan. An Overlay Zone is applied over one or more previously established zoning districts. It establishes additional and stricter standards and criteria for the properties. Ms. Wargo noted that communities often utilize Overlay Zones to protect special features such as historic buildings, wetlands, steep slopes, water fronts, etc. Overlay Zones have the potential to be very affective regulatory tools; however, they can also create inefficiencies due to regulations and increased restrictions to some properties and not others.

Mr. Robb noted almost all the items that were listed as part of the requests to the community in ways to move forward had a component that would be improved or affected by changes to the zoning. The Advisory Committee recognizes that there are some potential things that the Committee might not understand but are willing to get more information to better understand. Requests from community outreach were for small commercial spaces because the members of the community want to make this more like a town.

Ms. Dininni concurs with Mr. Robb and the idea of an Overlay is also in companion with other ideas to implement the Small Area Plan. Ms. Dininni also noted to empathize independent small contact specific businesses and non-profits.

Ms. Strickland noted that parking would be important to add as well and stated that the Overlay is the best option to incorporate the potential changes that were suggested.

Mr. Keough noted that he sensed that the Advisory Committee wanted most everything on the table to determine what is possible in Pine Grove Mills, what do the residences want, and how the Township sees Pine Grove Mills. Mr. Keough indicated that an ongoing issue in Pine Grove Mills related to zoning is transportation. If the community wants a more town atmosphere, how do we get people around the town. Mr. Keough noted that a transportation issue is at the intersection coming off the mountain. Another issue Mr. Keough stated is the alley systems and need to take a new look at the existing alley system.

Ms. Wargo presented a slide of the Harner Farm Lots at the intersections of Whitehall Road and West College Avenue. There are three residential lots currently listed as Rural Agricultural (RA)

lots and are being recommended to be rezoned as Single Family Residential. The Harner Farm Store Lot and the Electric Transmission Lot are currently RA and are recommended to be rezoned to Commercial Lots. The idea for the rezoning is to make them more compatible with the surrounding zoning and the current usages that are taking place on the lots.

Mr. Keough stated that he feels that it doesn't make sense to leave the Harner Farm Store Lot as RA because of the changes that are occurring there. Also, he noted that it doesn't make sense to look at it in a residential environment either.

Ms. Wargo presented a slide of Rock Springs along West Pine Grove Road. The lots are currently zoned as RA and Planning Commission is recommending changing this to Village. Staff expressed concerns using Village with the unintended consequences for additional uses and density in the area; however, Planning Commission noted that the septic systems on the lots would be a limiting factor to increase density and commercialization of the lots. Residents that attended the March 2020 requested having it be Village. Ms. Wargo noted that R1 was staff's recommendation and Village was requested by the residence at the March meeting. The Planning Commission and staff are now recommending Village. The residents currently can't add sheds or additions under the RA zone, but if it becomes Village, they will be able to.

Mr. Keough noted that this is a good time to look into this because the Planning Commission adopted the new ordinance. Ms. Dininni concurred and noted that she is in favor of Village.

Ms. Wargo presented a slide on The Meadows. The Meadows is at the intersection of Whitehall Road and Garner Lane. The Meadows Lots are currently zoned as RA. The Planning Commission is recommending these to be rezoned as Single Family Residential. There were concerns with subdivision of the lots and increased density in the area. Mr. Pribulka noted that all the lots are between 1-3 acres and would probably make the lots more conforming by making them R1, and less conforming if it becomes RR because of setbacks and other restrictions.

Ms. Wargo presented a slide of the Penn State Agricultural Lots. They are currently zoned RA and the Planning Commission recommended changing these to Ag Research. The request was submitted by Penn State after the acquisition of the property. The Planning Commission agrees with the Ag Research change because it would be in align with other Penn State properties in the area.

Ms. Wargo presented a slide of the Ridge Overlay District Lots. The lots are currently RR and the Planning Commission is recommending these become Forest Gamelands. It was agreed that rezoning the lots would be in align with the other parcels and their current surroundings. There were concerns with access to Rothrock State Park from Pine Grove Mills a long Chestnut Street and Deepwood Drive. It was mainly related to parking lots and/or other structures that could be constructed in the event the properties turn into a major access points to the Forest. Mr. Keough stated that he would be in favor of leaving the two lots adjacent to Pine Grove where they are with no changes until Pine Grove Mills Small Area Plan Advisory Committee has an opportunity to look at the relationship of the properties to Rothrock. Mr. Keough indicated that he is concerned because there has been a lot of discussion about access parking to Rothrock. Ms. Strickland noted that she agrees with having the Pine Grove Mills Small Area Plan Advisory Committee give their input. Ms. Dininni is not opposed to input but noted that the Small Area Plan Advisory Committee needs to understand what the ramifications are whether it is RR or Forest Gamelands. Mr. Pribulka noted that an Overlay will take some time and suggested separating out the Overlay discussion from the other amendments that require less deliberation. Ms. Dininni suggested that the Planning Commission get the two parcels on the Pine Grove Mills Small Area Plan Advisory agenda. Mr. Pribulka indicated that it will be placed on the Advisory Committee's agenda next week.

Ms. Wargo presented a slide of Industrial Districts within the Township. Staff was directed to research multi-municipal agreements. Ms. Wargo reached out to CRPA and was provided with a list of agreements that the Township currently has at the regional level. Ms. Wargo stated the Township is limited in exploring industrial zoning because the Township is limited to the Centre Region. College Township would be the only eligible partners. Ms. Wargo noted that Industrial Districts are very important because it generates employment opportunities and supports jobs for a range of occupations and people of different backgrounds. Ms. Dininni proposed to have dialogue at the regional level regarding shared land uses. Ms. Wargo noted that the Township allowed for commercial uses in the Industrial District. Mr. Ressler stated that he will get a listing to everyone that are allowed in the IRD.

Mr. Miller suggested that the Planning Commission finish the discussion and make final recommendations at a regular meeting. Mr. Pribulka noted that staff will prepare the exhibits and the draft ordinance to be presented to the Planning Commission for a formal recommendation. Mr. Pribulka also stated that the Township will notify the property owners that will be impacted and will advertise as required.

III. ADJOURNMENT

With no further business to come before the Joint Board of Supervisors and Planning Commission, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 7:20 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

FERGUSON TOWNSHIP JOINT BOARD OF SUPERVISORS & PLANNING COMMISSION

Special Meeting
Wednesday, September 16, 2020
6:00 PM

ATTENDANCE

The Joint Board of Supervisors and Planning Commission held a special meeting on Wednesday, September 16, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman Laura Dininni, Vice Chair Prasenjit Mitra Patty Stephens Lisa Strickland	Staff:	Dave Pribulka, Township Manager Jenna Wargo, Planning/Zoning Director Kristina Aneckstein, Community Planner Jeff Ressler, Zoning Administrator
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PC: Jeremie Thompson, Chair
Ellen Taricani
Lisa Rittenhouse
Bill Keough
Ralph Wheland
Shannon Holiday

Others in attendance included: Rhonda Demchak, Recording Secretary; Betsy Dupuis, Attorney, Babst, Calland, Clements & Zomnir; Charles Suhr, Attorney, Stevens & Lee; Joseph Green, Township Solicitor; Marc McMaster, Real Estate Agent, State College; Derek Anderson, Pine Hall TDD Developer; Robin Homan, Ferguson Township Resident; Marc Kunkle, Ferguson Township Resident; Missy Schoonover, Executive Director, Centre County Housing and Land Trust

CALL TO ORDER

Mr. Miller called the Wednesday, September 16, 2020, Joint Board of Supervisors and Planning Commission Special meeting to order at 6:00 p.m.

Mr. Pribulka noted that the Joint Board of Supervisors and Planning Commission Special meeting had been advertised as a virtual meeting. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call of both the Board and Commission and there was a quorum.

I. CITIZENS INPUT

None.

II. COMMUNITY PLANNING

A. Draft Workforce Housing Ordinance Discussion

1. Ms. Wargo shared her screen and walked through the 14 sections to receive comments and/or changes. The draft ordinance was provided with the [agenda](#). There were no comments for Sections 1 and 2.

Ms. Wargo noted that Section 3, Definitions, was updated thanks to Charles Suhr who indicated that there wasn't a multi-family dwelling unit defined. The Workforce Housing definition was updated to further elaborate about the utilities for rental units. Mr. McMaster questioned why the utilities were included. Mr. Wargo indicated it is a HUD requirement. Ms. Schoonover will confirm with HUD.

Section 4, Applicability is applied to the Terrace Streetscape (TS) and the Traditional Town Development Zoning District. Ms. Dininni inquired about height restriction in the TSD. Ms. Wargo indicated it would depend if incentives were utilized and the height restriction is usually 55 feet, but could go up to 75 feet with incentives. Mr. Keough expressed his concern that the incentives don't line up with what is needed. Mr. Pribulka noted that the TS doesn't have much reference to Workforce Housing Units. There is one provision that relates to the building height incentive. If a Workforce Housing Unit is provided the ratio of 10% could be taken advantage of which is up to an additional 20 feet. Ms. Dininni expressed concerns with the possibility of only having rentals that students would inhabit. Ms. Wargo stated that they won't be all rentals because they allow 100% fee-in-lieu. Mr. Keough expressed concerns about broadening the number of zoning districts that it would apply to.

Section 5, General Requirements for Workforce Units section is how to calculate the 10% requirement for any development. No comments were received.

Section 6, Standards. Ms. Wargo noted that a lot of this was carried forward from the original Workforce Housing Ordinance; however, there was a lot added to it as well. This section explains how the units can't be clustered. Mr. McMaster asked how the 10% was calculated and requested to include more specificity into the ordinance. Ms. Wargo noted that it will be added. With regards to Section 6, VII, Ms. Strickland inquired if it will be the only factor that will be used to figure out what types of units. Ms. Wargo noted that it would be by type. Mr. Miller suggested changing the wording to accommodate rental units. Ms. Strickland also suggested adding what and who decides about the type of units and number. Ms. Dininni asked for an opinion from the Township Solicitor about something that she saw somewhere that says students aren't a protected class and could this be utilized in the zoning. Ms. Wargo noted that at the Borough there is student housing and student rental permits for houses. Mr. McMaster stated the permits are limited and very expensive. With regards to Ms. Dininni's comment about students, Mr. Green noted that he doesn't have an in-depth legal opinion at this time without further research. Mr. Keough noted that in years past the Commission has tried to establish a student definition, but it is too complicated and decided not to pursue. Mr. Miller noted that in this section there needs to be more deferential between rental, size, etc. Mr. McMaster expressed his concern with C.2, the 60-day option to purchase. He felt it was too long. Ms. Dupuis noted that it is not too long. Ms. Dininni requested clarification of C.3. Mr. Pribulka noted that C.3 needs to be amended by taking out "or rent". A discussion ensued about if a house couldn't sell could it be rented. Ms. Wargo noted this could be extremely messy. Ms. Dininni requested more information on the process and wanted to know when will the Township know up front or until the SIP exactly what portion the developer would be building vs. giving the Township fee-in-lieu. Ms. Wargo noted that staff will research.

Section 7, Workforce Housing Development Agreement. No comments were received.

Section 8, Workforce Housing Options. Ms. Wargo noted that these are options that the applicant would have. Mr. Keough noted that he prefers to change the wording of C.i. from Ferguson Township to the Centre Region. This will give more flexibility to the developer. Ms. Dininni noted that she doesn't agree with expanding to the Centre Region. Ms. Wargo noted that CRPA is in favor of expanding to the Centre Region. Mr. McMaster asked how the fee-in-lieu was calculated. Ms. Wargo noted that staff's recommendation is the Affordable Gap Method. Mr. Pribulka noted that there is language in the draft Workforce Housing Development Agreement that speaks to the

issue between the Township, Centre County Housing and Land Trust, and Residential Housing. Mr. Pribulka suggested taking the language from the Workforce Housing Development Agreement and implementing in the draft Workforce Housing Ordinance.

Section 9, Policy and Procedures Manual for Administration of Workforce Housing Dwelling Unit for Sale or Rent. No comments were received.

Section 10, Inability to Rent or Sell Workforce Housing Units to Qualified Households. Ms. Wargo noted that this section addresses when a developer can't sell a unit and addresses when a qualified homeowner buys a unit but would need to move for whatever reason and that process. Mr. McMaster asked why the developer would pay the Township 60% if it wouldn't sell. Ms. Wargo discussed the various reasons why the Township would require 60%. Mr. Miller asked what the developer will do with the units that do not sell. Mr. McMaster stated that if they do not sell within the Affordable Housing Legacy Program and received no applications after a year, they are able to sell at market rate. Ms. Dininni indicated that a fee should be assessed but not sure if it should be 60% and noted the goal should be to have units that are Workforce Housing Units. Mr. Miller indicated that 60% is too low. Ms. Schoonover stated that the last housing needs assessment was completed in 2005; therefore, the data is old. The Centre County Planning and Community Development will be conducting another assessment in 2021 and it will assess what is happening in the municipalities. In 2005 the assessment assumed all the vacancies would be filled and an estimated 7,200 additional affordable units would be needed. Ms. Schoonover noted that there have not been 7,200 affordable units added since 2005. Ms. Strickland indicated that she agrees that 60% should be the minimum.

Section 11, Continued Affordability, Compliance and Reporting Requirements. Ms. Wargo noted that under iv.2, the 60 days to enter into a purchase, etc., will be changed to 30 days. Mr. Keough expressed concerns with the 99-year Legacy Program and has not been in favor. Mr. Keough is in favor of 60 years. Mr. McMaster agreed that 99 years is a long time. Mr. McMaster asked with regards to incomes rising in place, if a person goes over the 120% AMI, what happens if there are no more workforce units. Ms. Schoonover stated that tenants of rentals would not be kicked out, but rather shift the workforce units when one becomes available. Mr. Keough stated that this iteration of the workforce ordinance addresses and is fine in terms of clarifications for the developer side of this project but does not believe this addresses the owner issues. Mr. Keough noted that the ordinance is not addressing major repairs such as replacing roofs, utility repairs, etc. Mr. Pribulka stated that the ordinance needs to be descriptive. Mr. Pribulka noted that after the ordinance is enacted and after the program has funding, the Township can decide what the best and most effective use of some of the fee-in-lieu money. Ms. Wargo noted that Mr. Keough's concern of the repairs will be included in the policy and procedure manual for administrating the program. Mr. McMaster noted that the more restrictions and inspections you require of the homeowner, they will likely not want to be a homeowner because there is not going to be an incentive. Continued discussion ensued with concerns of capital investments and the length of the Legacy Program. Mr. Pribulka recommended that specific details should be between the unit owner and the administrator of the program.

Section 12, Administration. Mr. McMaster inquired about who pays the fees. Ms. Wargo noted that fees to administrate the program the Township has a MOU with the land trust. A decision has not been made if the administration would be paid through the fee-in-lieu funds. Mr. Pribulka noted that the Township will hold the fee-in-lieu. It will likely be its own fund and part of the budgetary process.

Mr. Pribulka noted that the next steps will be to take the comments and suggestions from the meeting tonight and implement them into the ordinance. The ordinance could possibly be on the next Planning Commission agenda.

Ms. Dininni asked why the TSD was included in the ordinance and not other districts. Ms. Wargo noted for her personally that the district already had the workforce units. Building workforce units does not make money for the developer. Ms. Dininni expressed concerns over the distinction between student and non-student in the zoning code. Also, the neighborhood that is adjacent to the TSD is worried about the height and creating another type of “canyon”. Mr. Miller noted that students would not fall into the 80% to 120% range and eliminated student housing from the program.

The ordinance will be placed on the October 5, 2020 agenda.

III. ADJOURNMENT

With no further business to come before the Joint Board of Supervisors and Planning Commission, Ms. Strickland motioned to adjourn the meeting. Ms. Dininni seconded the motion. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors



Department of PLANNING AND ZONING

Interoffice Memorandum

TO: Planning Commission

FROM: Jenna Wargo, AICP, Director of Planning & Zoning

DATE: September 24, 2020

SUBJECT: Zoning Map Amendments

At the September 15, 2020 Joint Planning Commission and Board of Supervisors meeting, staff presented recommendations to the Board for Zoning Map Amendments based on the March 9, 2020 Regular Planning Commission Meeting. The areas that were discussed include:

- Harner Farm Lots;
- Rock Springs Lots;
- The Meadows Lots;
- Penn State University Agricultural Lots; and
- Ridge Overlay District Lots.

The Pine Grove Mills Advisory Committee reviewed the Ridge Overlay lots adjacent to Pine Grove Mills at their September 24, 2020 Regular Meeting and recommended that these lots be rezoned to Forest/Gamelands (F).

Staff has included as attachments, the existing and recommended zoning map amendments for each area and outlined the recommendations below.

Harner Farm Lots

Existing Zoning: Rural Agricultural (RA)
Proposed Zoning: Three residential lots be rezoned to Single-Family Residential (R1); the Harner Store lot and the electric transmission lot be rezoned to Commercial (C).

Rock Springs

Existing Zoning: Rural Agricultural (RA)
Proposed Zoning: Village (V).

The Meadows Lots

Existing Zoning: Rural Agricultural (RA)
Proposed Zoning: Single-Family Residential (R1).

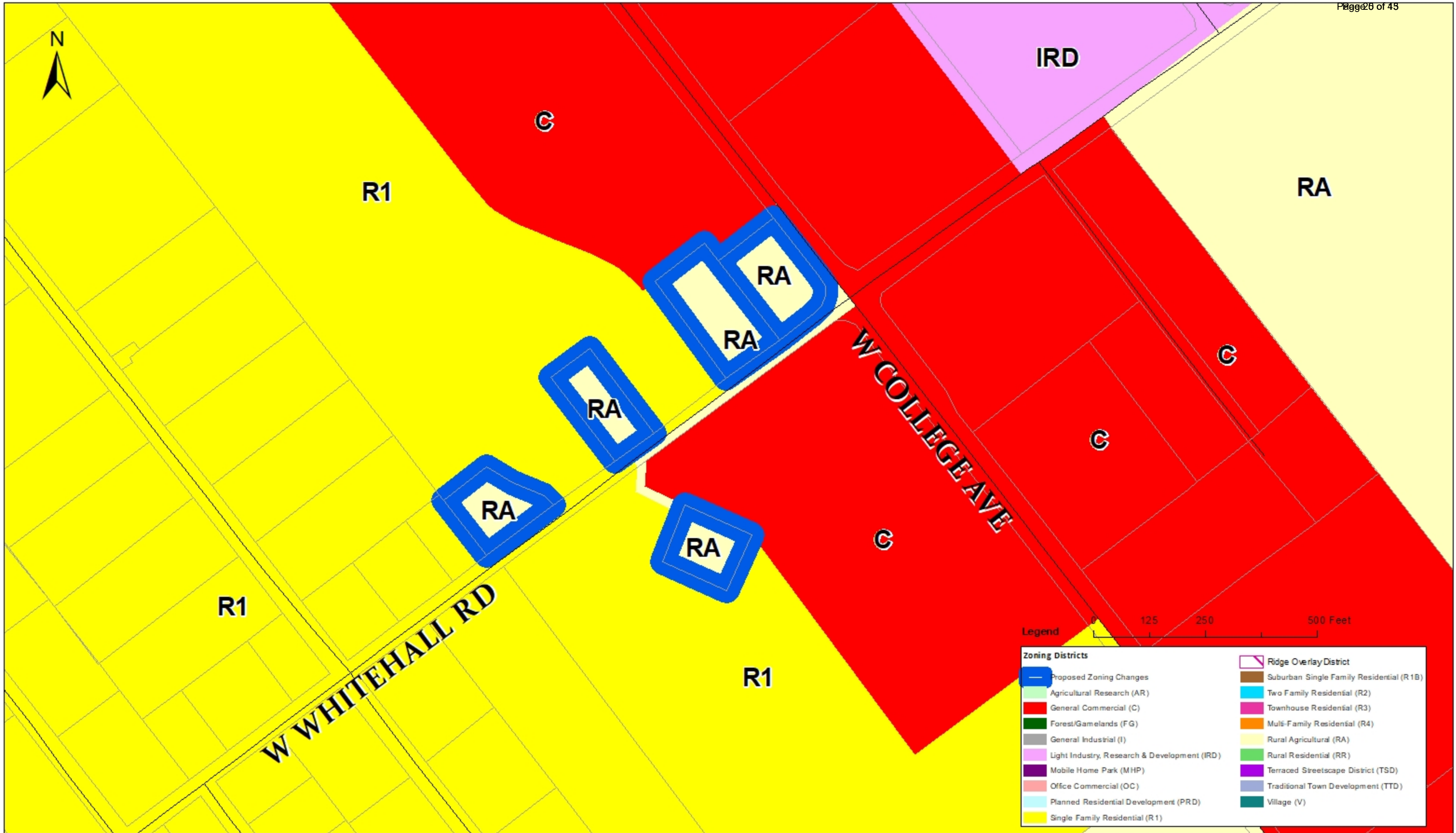
Penn State University Agricultural Lots

Existing Zoning: Rural Agricultural (RA)
Proposed Zoning: Agricultural Research (AR)

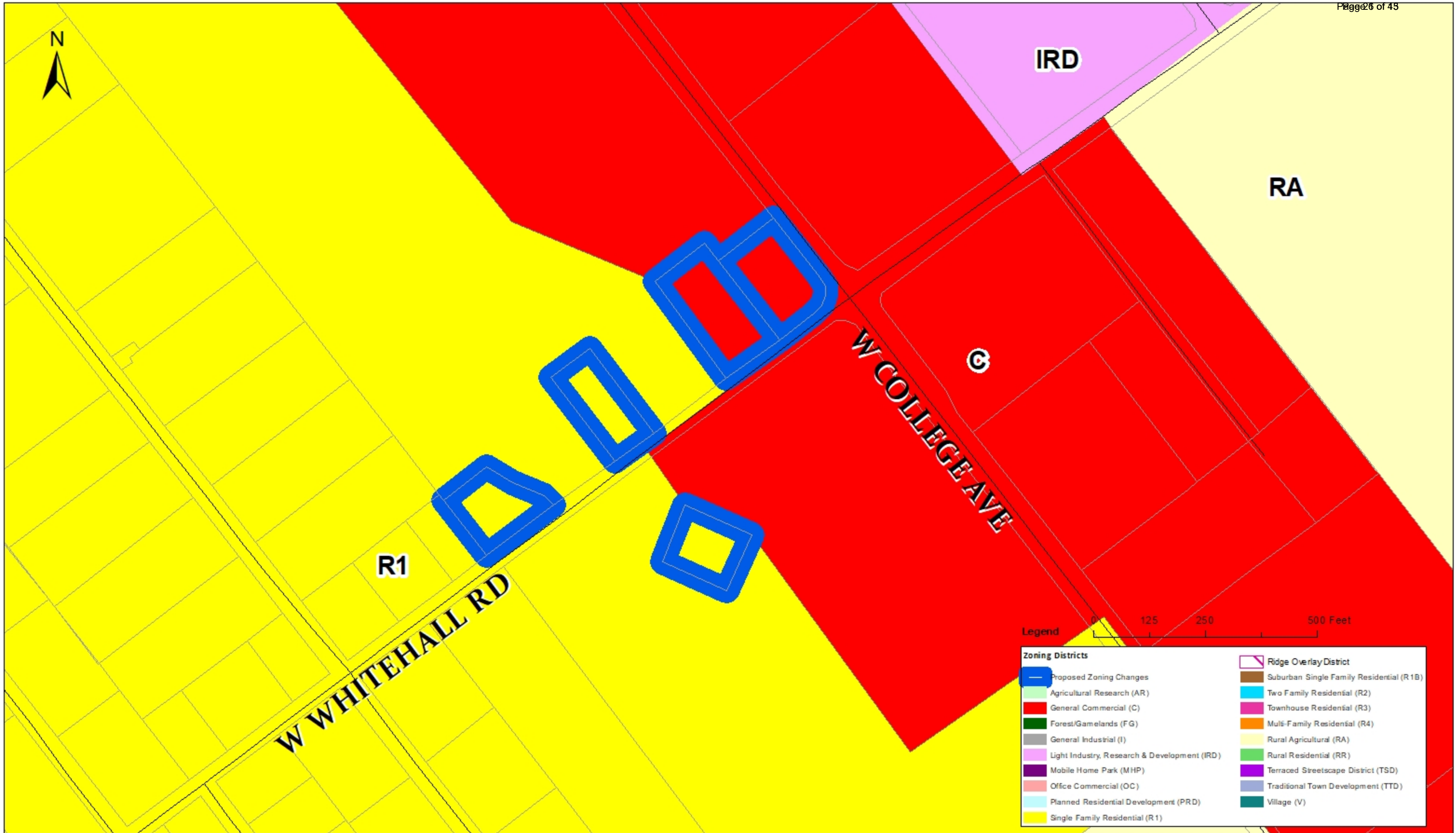
Ridge Overlay District Lots

Existing Zoning: Rural Residential (RR)
Proposed Zoning: Forest/Gamelands (F).

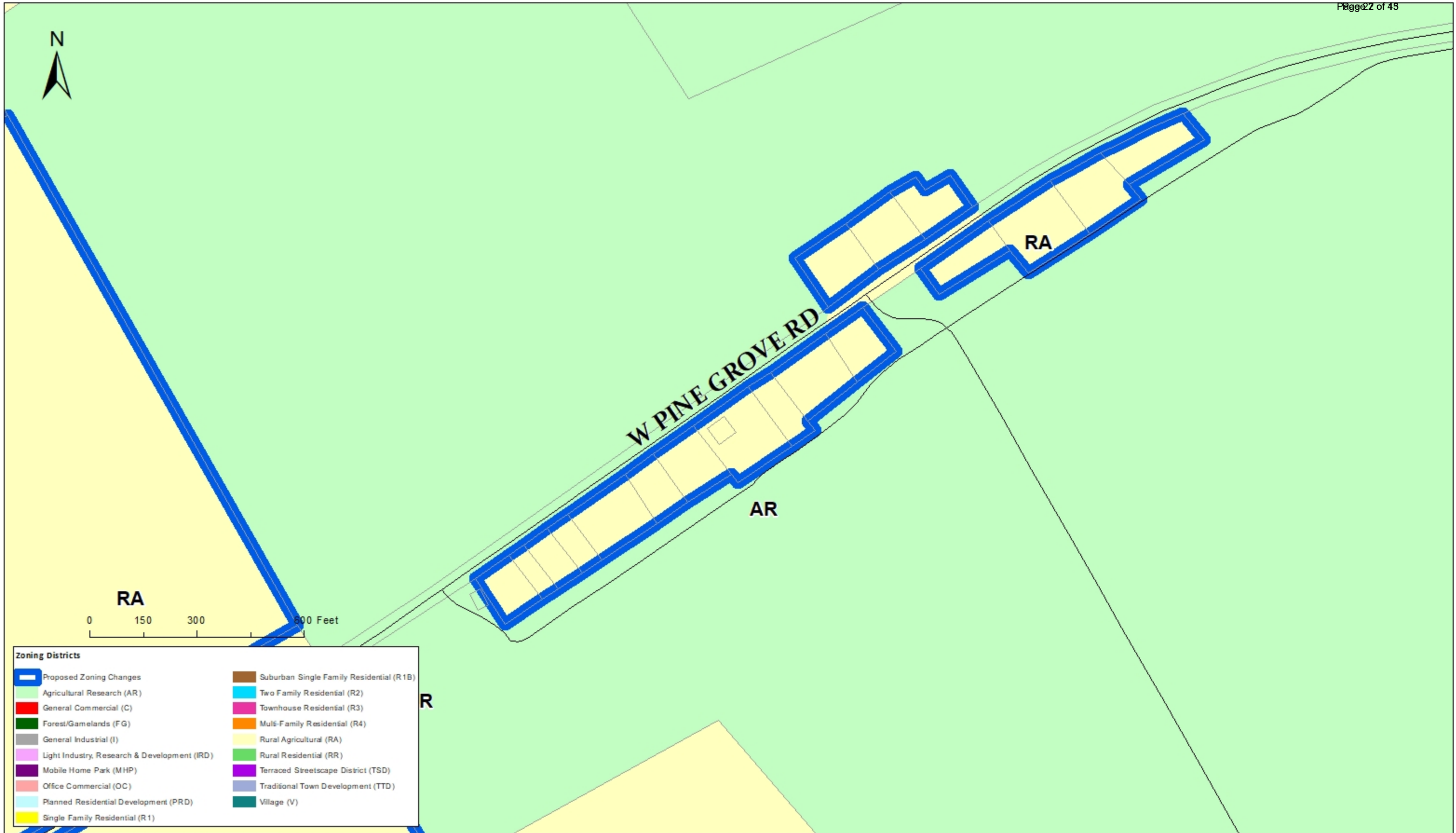
STAFF RECOMMENDATION: That Planning Commission recommend to the Board of Supervisors to approve the zoning map amendments as outlined in the memorandum from the Director of Planning & Zoning, dated September 24, 2020 and authorize staff to advertise a public hearing.



EXISTING ZONING MAP - HARNER FARM PROPERTIES



PROPOSED ZONING MAP - HARNER FARM PROPERTIES



Zoning Districts	
	Proposed Zoning Changes
	Agricultural Research (AR)
	General Commercial (C)
	Forest/Gamelands (FG)
	General Industrial (I)
	Light Industry, Research & Development (IRD)
	Mobile Home Park (MHP)
	Office Commercial (OC)
	Planned Residential Development (PRD)
	Single Family Residential (R1)
	Suburban Single Family Residential (R1B)
	Two Family Residential (R2)
	Townhouse Residential (R3)
	Multi-Family Residential (R4)
	Rural Agricultural (RA)
	Rural Residential (RR)
	Terraced Streetscape District (TSD)
	Traditional Town Development (TTD)
	Village (V)



EXISTING ZONING MAP - ROCK SPRINGS



PROPOSED ZONING MAP - Rock Springs

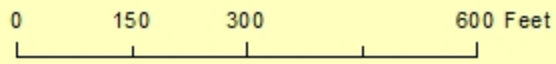


W WHITEHALL RD

RA

R1

RR



Zoning Districts	
Proposed Zoning Changes	Suburban Single Family Residential (R1B)
Agricultural Research (AR)	Two Family Residential (R2)
General Commercial (C)	Townhouse Residential (R3)
Forest/Gamelands (FG)	Multi-Family Residential (R4)
General Industrial (I)	Rural Agricultural (RA)
Light Industry, Research & Development (IRD)	Rural Residential (RR)
Mobile Home Park (MHP)	Terraced Streetscape District (TSD)
Office Commercial (OC)	Traditional Town Development (TTD)
Planned Residential Development (PRD)	Village (V)
Single Family Residential (R1)	



EXISTING ZONING MAP - MEADOWS



RA

R1

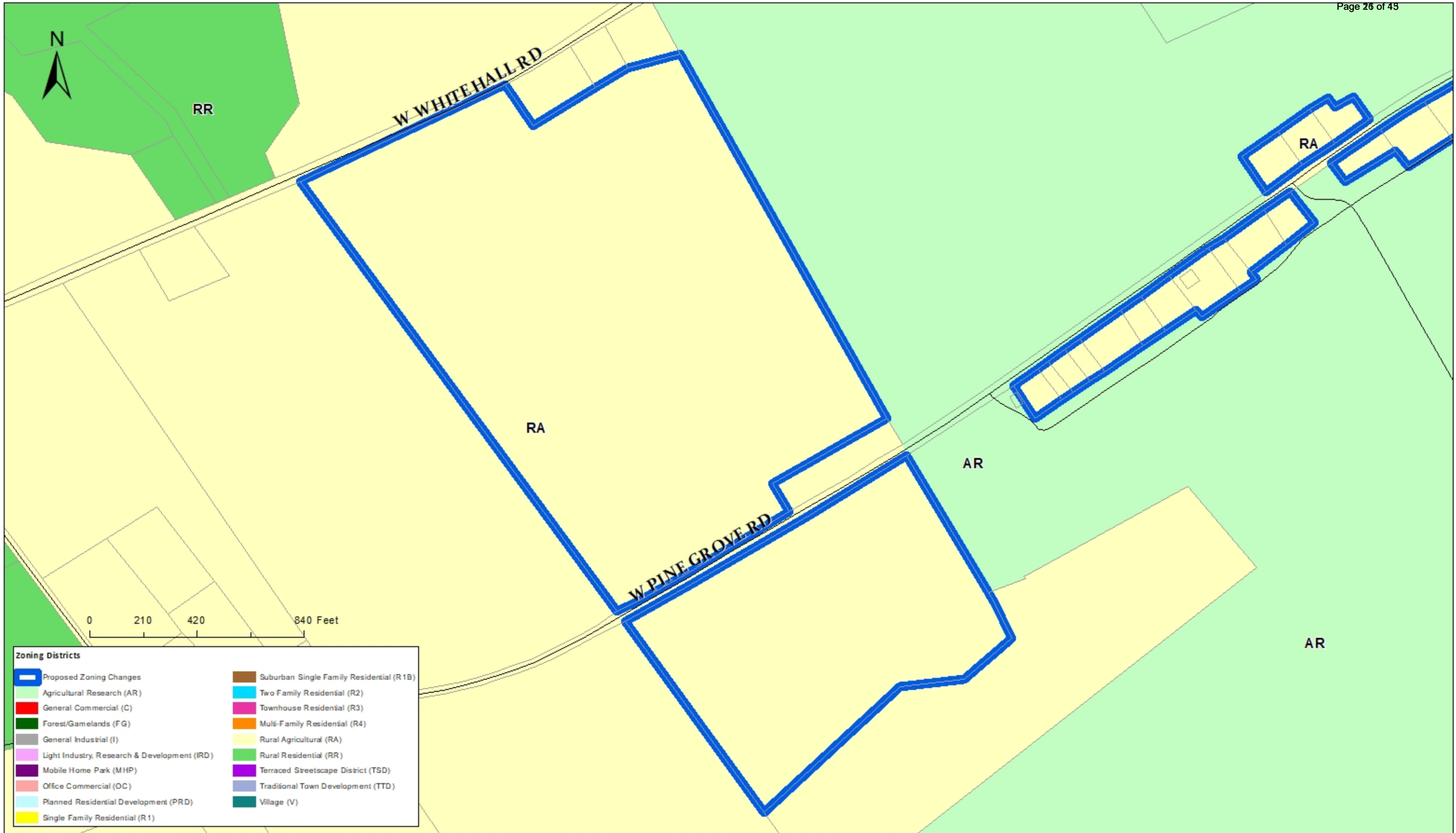
W WHITEHALL RD

Legend 0 150 300 600 Feet

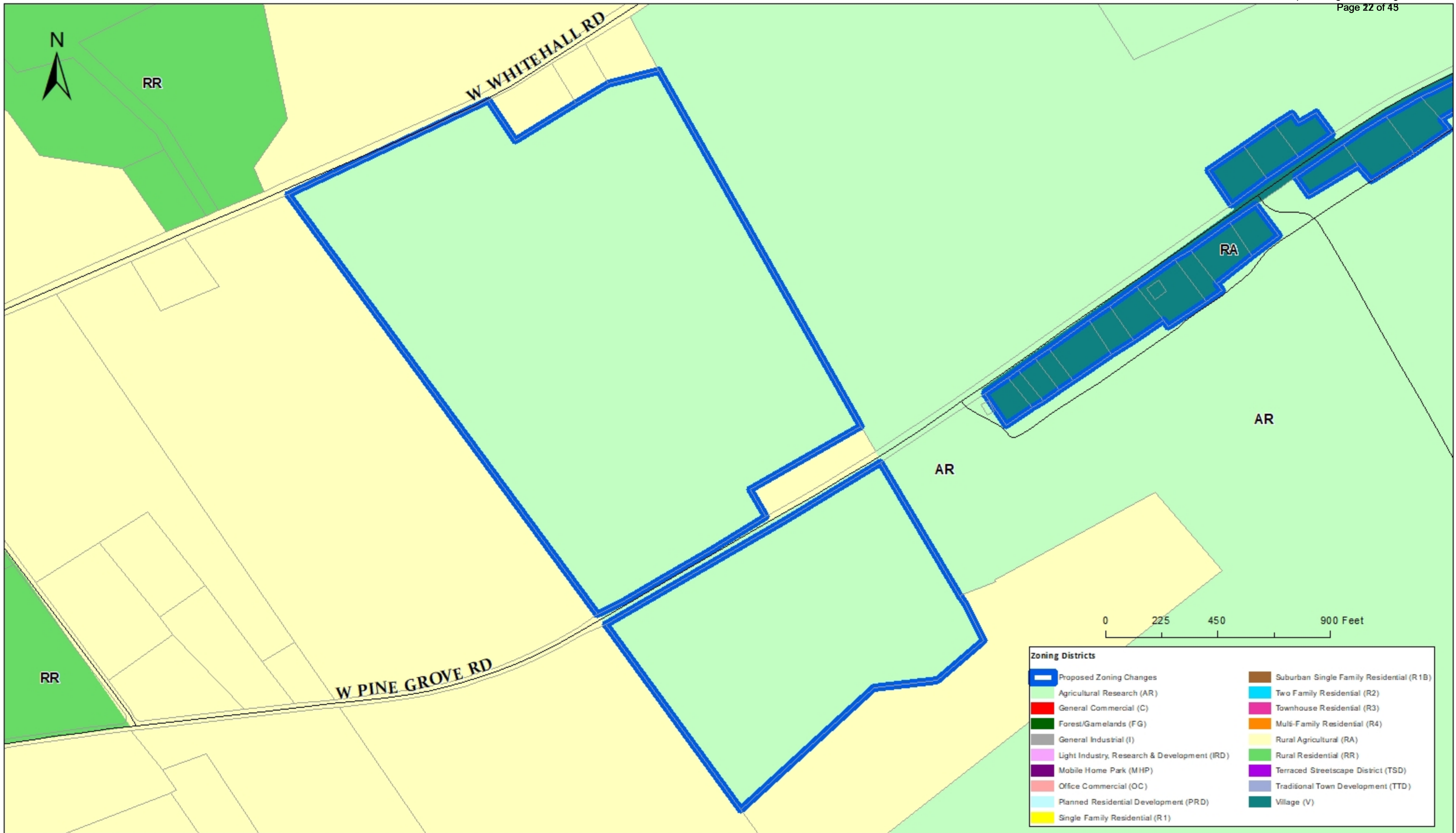
Zoning Districts	
	Proposed Zoning Changes
	Agricultural Research (AR)
	General Commercial (C)
	Forest/Gamelands (FG)
	General Industrial (I)
	Light Industry, Research & Development (IRD)
	Mobile Home Park (MHP)
	Office Commercial (OC)
	Planned Residential Development (PRD)
	Single Family Residential (R1)
	Ridge Overlay District
	Suburban Single Family Residential (R1B)
	Two Family Residential (R2)
	Townhouse Residential (R3)
	Multi-Family Residential (R4)
	Rural Agricultural (RA)
	Rural Residential (RR)
	Terraced Streetscape District (TSD)
	Traditional Town Development (TTD)
	Village (V)



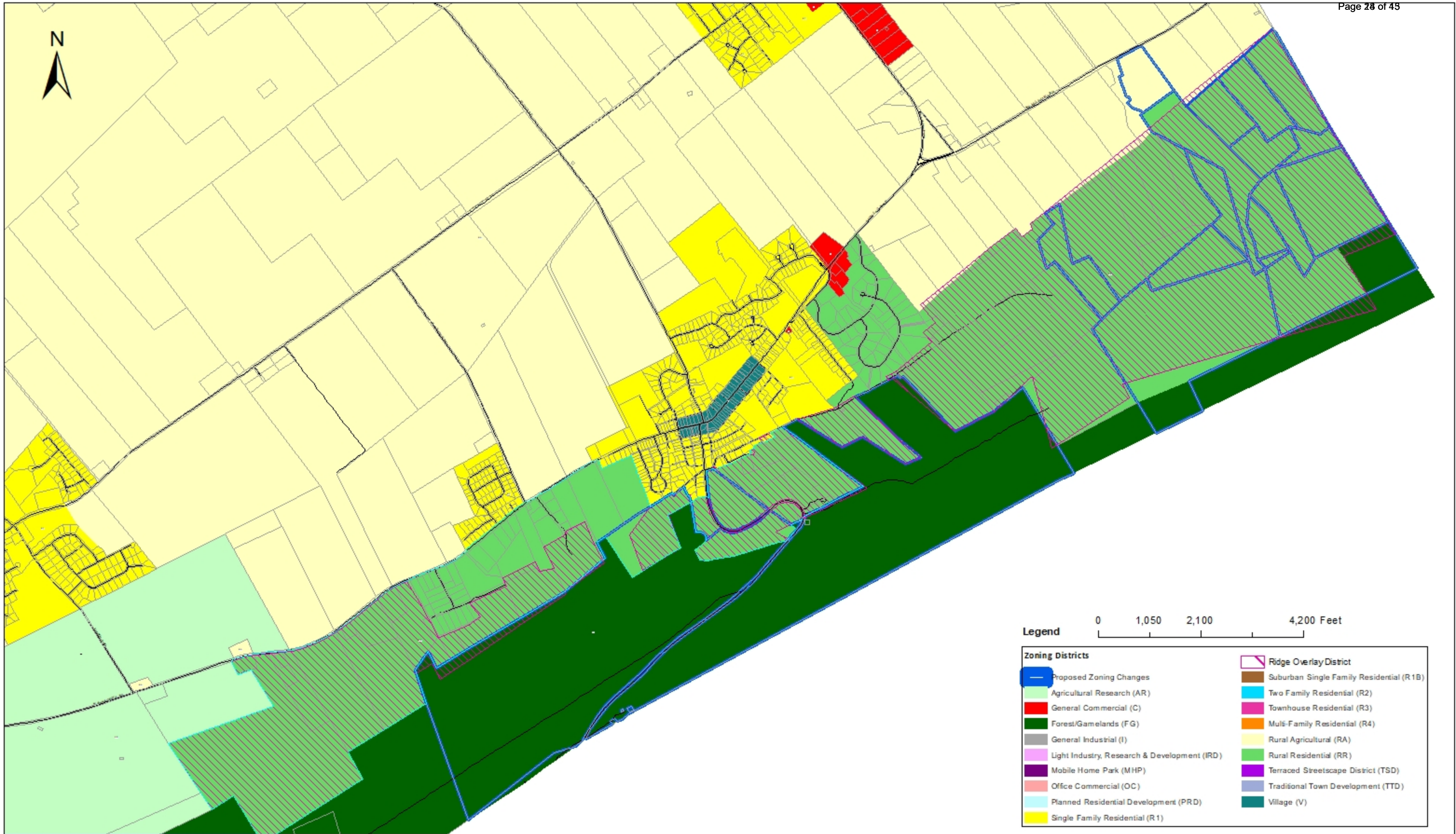
PROPOSED ZONING MAP - MEADOWS



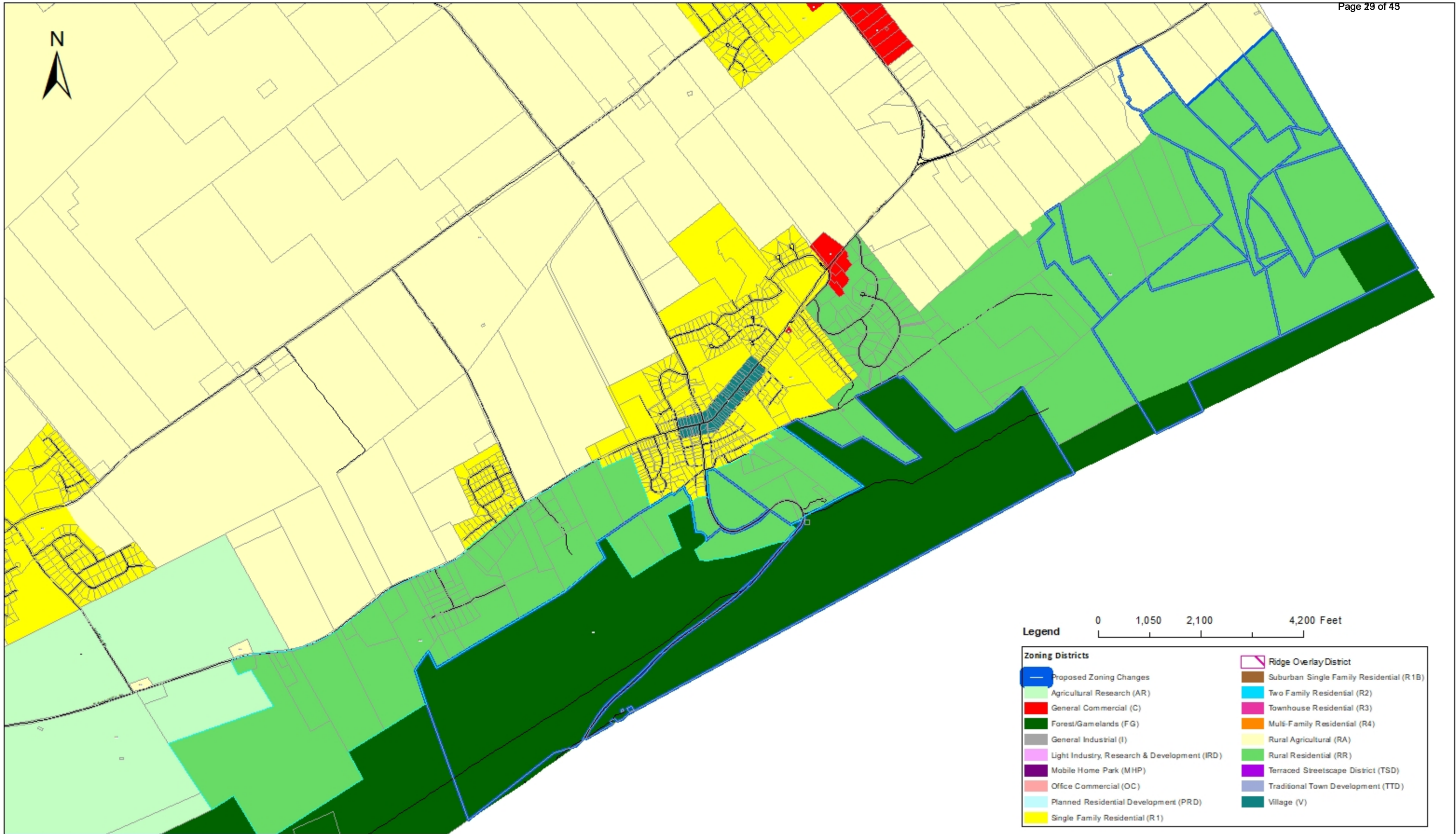
EXISTING ZONING MAP - PSU PROPERTY



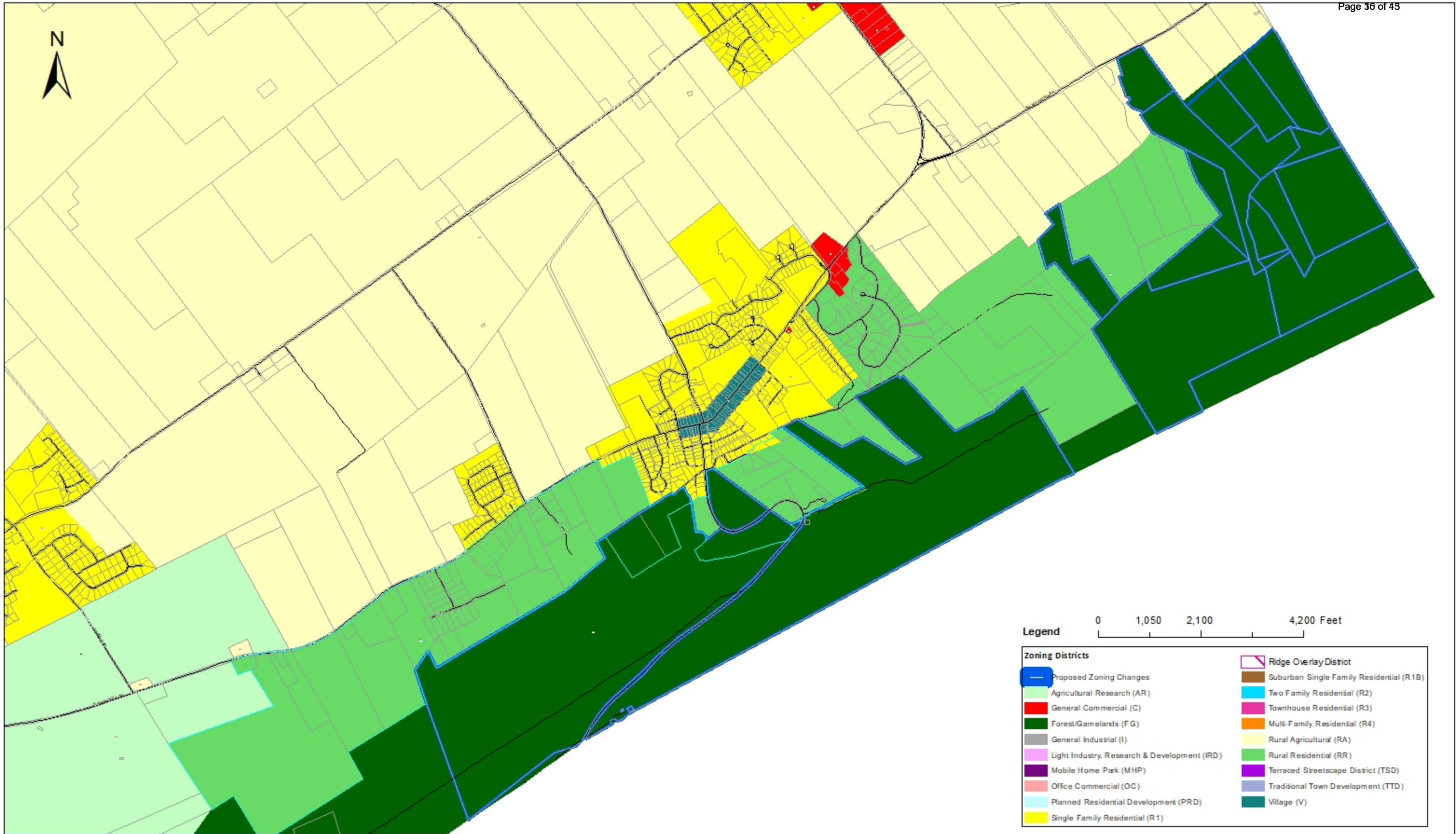
PROPOSED ZONING MAP -PSU Property



EXISTING ZONING MAP - RIDGE OVERLAY PROPERTIES WITH RIDGE OVERLAY BOUNDARY



EXISTING ZONING MAP - RIDGE OVERLAY PROPERTIES



PROPOSED ZONING MAP - RIDGE OVERLAY PROPERTIES



Department of
PLANNING AND ZONING

Interoffice Memorandum

TO: Planning Commission

FROM: Jenna Wargo, AICP, Director of Planning & Zoning

DATE: September 24, 2020

SUBJECT: Draft Workforce Housing Ordinance Amendment

At the September 16, 2020 Joint Planning Commission and Board of Supervisors meeting, staff reviewed the draft Workforce Housing Ordinance based on the September 1, 2020 Joint Planning Commission and Board of Supervisors meeting. The current draft, included with the Planning Commission's agenda, has been updated to reflect the discussions from those meetings.

The current draft ordinance would be applicable to the following developments within the Traditional Town Development (TTD) or Terraced Streetscape (TS) Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu.

In order to preserve the Workforce Housing Dwelling Units as affordable, this draft provides Ferguson Township with first option to purchase all for-sale Workforce Housing Dwelling Units and outlines a mechanism for continued affordability, compliance and reporting requirements.

STAFF RECOMMENDATION: Staff recommends that Planning Commission recommend approval to the Board of Supervisors of the draft Workforce Housing Ordinance and to authorize staff to advertise for a Public Hearing to amend Chapter 27, Section 716 Workforce Housing Ordinance.

FERGUSON TOWNSHIP
§27-716. WORKFORCE HOUSING ORDINANCE

1) Purpose.

The purpose of this Chapter is:

- a) Provide a wide range of quality, workforce housing for households with an income of 80% to 120% of Area Median Income (AMI) in high opportunity neighborhoods, those with superior access to quality schools, services, amenities and transportation;
- b) To support the Centre Region Comprehensive Plan's goal of providing a wide range of sound, affordable and accessible housing consistent with the fair share needs of each municipality in the Centre Region;
- c) Provide criteria for workforce housing including, but not limited to, design, construction, phasing, and location within a development;
- d) To facilitate and encourage development and redevelopment that includes a range of housing opportunities through a variety of residential types, forms of ownership, home sale prices and rental rates;
- e) To work in partnership and support local, state, and federal programs to create additional housing opportunities;
- f) Responsibly allocate resources to increase housing opportunities for families and individuals facing the greatest disparities;
- g) Ensure the opportunity of workforce housing for employees of businesses that are located in or will be located in the Township;
- h) To ensure affordable homeownership, is defined as a mortgage payment and housing expenses (principal, interest, taxes, insurance, and condominium or association fees, if any) costing no more than 30% of a family's gross month income, per the Department of Housing and Urban Development (HUD) definition; and
- i) Effectively enforce and administer the provisions of the Workforce Housing Program.

2) Authority. Provisions for the Workforce Housing Chapter are intended to comply with the following articles of the Pennsylvania Municipal Planning Code.

(1) Article VI Zoning.

Section 603. Ordinance Provisions where:

- (a) Zoning Ordinances should reflect the policy goals of the statement of the community development objectives and give consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature of particular parts of the municipality.

(c) Zoning Ordinances may contain:

- (5) Provisions to encourage innovations and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in this act;
- (6) Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the zoning ordinance;

(j) Zoning Ordinances adopted by municipalities shall be generally consistent with the municipal or multi-municipal Comprehensive Plan or, where none exists, with the municipal statement of community development objectives and the county Comprehensive Plan.

Section 604. Zoning Purposes. The provisions of zoning ordinances shall be designed:

(1) To promote coordinated and practical community development and proper density of population.

Section 605. Classifications.

(3) For the purpose of encouraging innovation and the promotion of flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in this act, and for the purpose of authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the zoning ordinance.

(2) These regulations are enacted under the authority of the Pennsylvania Human Relations Act (Act of October 27, 1995, P.L. 744, as amended), which guarantees fair housing.

(3) Posting of the Fair Housing Practices Notice is required pursuant to the Pennsylvania Human Relations Act.

3) **Definitions.** As used in this chapter, the following words and terms shall have the meanings specified herein:

AREA MEDIAN INCOME—The midpoint of combined salaries, wages, or other sources of income based upon household size in the State College Metropolitan Statistical Area.

CONVERSION—A change in a residential rental development or a mixed-use development that includes rental dwelling units to a development that contains only owner-occupied individual dwelling units or a change in a development that contains owner-occupied individual units to a residential rental development or mixed-use development.

DENSITY BONUS—An increase in the number of market-rate units on the site in order to provide an incentive for the construction of affordable housing pursuant to this chapter, also known as a bonus unit.

DEVELOPMENT—The entire proposal to construct or place one or more dwelling units on a particular to or contiguous lots including, without limitation, a Traditional Town Development (TTD) Master Plan, a Planned Residential Development (PRD), land development or subdivision.

FEE-IN-LIEU—A payment of money to Ferguson Township’s Affordable Housing Fund in-lieu of providing Workforce Housing Units. This fee is updated annually within the Ferguson Township Schedule of Fees.

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.

MEDIAN GROSS HOUSEHOLD INCOME—The median income level for the State College, PA Metropolitan Statistical Area (MSA), as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

MULTI-FAMILY DWELLING—Three (3) or more dwelling units, with the units stacked one above the other.

PHASE—The portions of an approved Development, or, in the case of a Master Plan approval, a Specific Implementation Plan, which are set out for development according to a Township-approved schedule.

RENOVATION—The physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

WORKFORCE HOUSING—Housing with a sales price or rental amount within the means of a household that may occupy moderate income housing. In the case of dwelling units for sale, affordable means housing in which mortgage, amortization, taxes insurance, and condominium or association fees, if any, constitute no more than thirty (30) percent of such gross annual household income for a household of the size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and basic utilities constitutes no more than thirty (30) percent of such gross annual household income for a household of the size that may occupy the unit in question. Utilities for rental units include: electric/gas, trash, water and condominium or association fees.

WORKFORCE HOUSING DEVELOPMENT AGREEMENT— A written agreement duly executed between the applicant for a development, the Township, and, if applicable, the designated third-party administrator of the Workforce Housing Program. Said agreement shall include, at minimum, all of the provisions established in §27-716, Subsection 7.

WORKFORCE HOUSING FUND—The fund created by Ferguson Township to receive funds generated from the administration of fee-in-lieu payments to support workforce housing within Ferguson Township.

WORKFORCE HOUSING DWELLING UNIT—A housing unit documented in an applicant’s Workforce Housing Development Agreement as required in order to comply with the Workforce Housing Program requirements, subsidized by the federal or state government or subject to covenants and deed restrictions that ensure its continued affordability. When calculating the required percentage of Workforce Units in a development, any fractional result between 0.01 and 0.49 will be rounded down to the number immediately preceding it numerically, and any fractional result between 0.50 and 0.99 will be rounded up to the next consecutive whole number. However, the total Workforce Unit percentage shall not exceed ten (10) percent of the required total Workforce Housing Units in the development.

- 4) **Applicability.** Workforce Housing must be provided in the following Developments and minor alterations within the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District that results in or contains:
 - a) Ten or more residential dwelling units;
 - b) Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
 - c) Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
 - d) Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

- 5) **General Requirements for Workforce Units.** For all applicable developments listed in Section 4. Applicability, within the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District, projects must comply with the following requirements.
 - a) The permit application must include a Workforce Housing Program option selection.
 - b) Calculation of Workforce Units. To calculate the minimum number of workforce units required in any land development listed in Subsection 4. Applicability, the total number of proposed units shall be multiplied by ten (10) percent.
 - i) When calculating the required percentage of Workforce Units in a development, any fractional result between 0.01 and 0.49 will be rounded down to the number immediately preceding it numerically, and any fractional result between 0.50 and 0.99 will be rounded up to the next consecutive whole number. However, the total Workforce Unit percentage shall not be required to exceed ten percent of the total units in the development.

- 6) **Standards.** Workforce Housing must be provided, or a fee-in-lieu of providing Workforce Housing must be paid, according to the following standards:
 - a) Workforce units may be built on-site, paid fee-in-lieu, or built off-site.
 - i) Diversity Standards as outlined in §27-303.C.2.a. (related to TTD developments) may be modified to the extent needed to accommodate all required workforce units and allowable bonus units.
 - ii) In the case of Workforce Housing Dwelling Units provided as a single-family dwelling, duplex, multi-plex or townhouse:
 - (1) The units shall not be segregated or clustered within a development.
 - (2) Except in the case of lots containing more than one unit, no more than two adjacent lots or units shall contain Workforce Housing Dwelling Units.
 - iii) Workforce Housing Dwelling Units may be clustered within a multi-family dwelling (for sale or rent) and no more than 25% of the total units per floor can be designated as Workforce Units, excluding the top floor.
 - iv) Workforce Housing Dwelling Units shall be like market rate units, exclusive of upgrades, with regard to number of bedrooms, amenities, and access to amenities, but may differ from market-rate units regarding interior amenities, provided that:
 - (1) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the market-rate units;
 - (2) These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency and standard components of the unit;

- (3) Amenities for Workforce Units are determined to be reasonably equivalent if the appliances have the same Energy Star rating as those in the market-rate units; and
 - (4) Workforce units may be up to 10 percent smaller than the market-rate units;
 - v) In order to ensure an adequate distribution of workforce units by household size, the bedroom mix of workforce units in any project shall be in the same ratio as the bedroom mix of the market-rate units of the project.
 - vi) Workforce units required under this chapter shall be offered for sale or lease to a qualified household to be used for its own primary residence, except for units purchased by the Township or its designee;
 - vii) The sale or lease of Workforce Housing Dwelling Units shall be limited to qualified households earning between 80% and 120% Area Median Income (AMI), adjusted for household size.
 - viii) If the Development contains Phases, Workforce Housing shall be provided in all residential Phases, according to the options set forth in Section 8.
 - ix) Owners of Workforce Housing Dwelling Units are required to sign an agreement, suitable for recording, providing that such unit is subject to the terms and conditions of this Ordinance.
- b) Accommodations.
 - i) Developments that provide built Workforce Housing Dwelling Units, either built on-site or built off-site will be entitled to the following:
 - (1) One additional equivalent unit (bonus unit) may be added to the Sending Development for each Workforce Housing Unit provided;
 - (2) Multi-family dwellings may exceed the maximum height set forth in the underlying zoning district by one additional story; and
 - (3) Off-street parking may be provided but is not required for any workforce unit built or designated within multi-family dwellings.
- c) Ferguson Township's Option to Purchase.
 - i) The following provisions apply to the initial offering of workforce units for sale by the developer:
 - (1) As a condition of land development approval, the applicant shall notify the Township or its designee of the prospective availability of any workforce units at the time the design and pricing are being established for such units.
 - (2) From the time of building permit issuance, the Township or its designee shall have an exclusive option for 60 days to enter into a purchase and sales agreement at the workforce unit pricing for each workforce unit offered for sale by the applicant. The Township may waive or assign this option.
 - (3) If the Township fails to exercise its option for the workforce units, or if the Township or its designee declares its intent not to exercise its option, the applicant shall offer the units for purchase to households per §27-716.6.a.v. If requested, by the applicant, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
 - (4) Closing on workforce units purchased by the Township or its designee occurs within 30 days after issuance of the certificate of occupancy. If the Township or its designee fails to close on these workforce units within such 30 days, the applicant shall offer the unit for purchase or rent to households per §27-716.6.a.v.

- (5) The Township may assign its options under this section, in which event it shall notify the applicant of the agency to which it has assigned the option, which agency shall work directly with the applicant, and shall have all of the authority of the Township as provided under this section.
 - (6) At any point after the initial option period, (2) above, the applicant may offer the Workforce Housing Dwelling Units to the Township or its designee for purchase at the workforce unit pricing. The Township or its designee then shall have 30 days to enter into a purchase and sales agreement and close within 30 days thereafter.
- d) Limitations.
- i) To the extent permitted by Federal Law, priority will be given to residents of Centre County, or individuals employed by a business located in Centre County.
 - ii) The Workforce Housing Dwelling Units that are for-sale must be used as a principal place of residence;
- e) Except for household income, asset limitations and the primary residency requirement as set forth herein, occupancy of any workforce unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project;
- f) Execution of a Workforce Housing Development Agreement shall be a condition of approval of a land development plan, or a Specific Implementation Plan (SIP) for a Phase within a Master Plan.

7) Workforce Housing Development Agreement.

For Developments required to contain Workforce Housing, no land development plan, subdivision plan, or Specific Implementation Plan for a Phase within a Development, shall be recorded without having first duly executed a Workforce Housing Development Agreement for such Development or Phase. Ferguson Township, Township designee, and the applicant for the development, shall each be parties to the Workforce Housing Development Agreement, which shall, as minimum, contain the following provisions:

- a) Concurrence by the designated administrator of the Workforce Housing Program that the Workforce Housing is being provided within the Development or Phase;
- b) The location(s), zoning designation(s) and ownership of the Development or Phase;
- c) The number and type of Workforce Housing Dwelling Units that will be provided and the calculations used to determine the number of units provided;
- d) If a fee-in-lieu is proposed for the Development or Phase, in whole or part, the fee-in-lieu calculation methodology and amounts that will be applied to Workforce Housing Dwelling Units, within the Development or Phase;
- e) Any accommodations provided in §27-716.6.b that are being utilized for the project;
- f) The prevailing interest rate for residential mortgages to be used to calculate Workforce Housing, set for the Development or Phase at a rate of the prevailing 30-year fixed mortgage rate;
- g) A description of the Development or Phase proposed, including the name of the development project and marketing name;
- h) A graphical depiction of the location of Workforce Housing Units within the Development or Phase, and if available, the lot numbers for the Workforce Housing Dwelling Units;
- i) A schedule for the construction of the Workforce Housing Dwelling Units, consistent with that shown on the approved plans for the Development or Phase.
- j) The proposed sale prices and affordability restrictions for each Workforce Housing Dwelling Unit and a copy of the applicable affordability deed restrictions and covenants;

- k) The proposed marketing plan for the Workforce Housing;
 - l) Acknowledgement that §27-716.11—Continued Affordability, Compliance and Reporting Requirements will be followed.
 - m) Indication of which, if any, of the Workforce Housing Dwelling Units will be special needs housing for seniors, disabled, or other special needs populations and a description of the unique features or services for that population;
 - n) Indication as to whether the applicant or, for off-site construction, a third party will be constructing the Workforce Housing Dwelling Units. If a third party is to construct the Workforce Housing Dwelling Units, the third party shall join in and be bound by the terms and conditions of the Workforce Housing Development Agreement;
 - o) Within any given Development or Phase, Certificate of Occupancy permits for the last ten (10%) of market-rate units that are offered for sale within that Development or Phase shall be withheld by the Township until all of the Workforce Housing Dwelling Units within that Development or Phase have been issued Certificates of Occupancy or release by payment of a fee-in-lieu.
 - p) Acknowledgement that the designated workforce housing administrator of the Township's Workforce Housing Program shall have full authority to administer the provisions of the Workforce Housing Development Agreement.
 - q) The draft Workforce Housing Development Agreement shall be reviewed by the Township Solicitor with finalization a condition of approval of the plans for the Development or Phase. The fully executed Workforce Housing Development Agreement shall be recorded concurrently with the plans for the Development or Phase.
- 8) **Workforce Housing options.** Workforce Housing may be provided within a Development or Phase using one or more of the following options selected by the applicant:
- a) On-Site construction.
 - i) Accommodations that will be provided to the Developer as set forth in §27-716.6.b. for the project.
 - b) Fee-In-Lieu.
 - i) A fee-in-lieu may be paid to the Workforce Housing Fund to offset the construction of one or more Workforce Housing Dwelling Units as follows:
 - (1) Up to 40 percent of the Workforce Housing Dwelling Units attributable to for-sale units within the Development can be offset by a fee-in-lieu; and
 - (2) Up to 100 percent of the Workforce Housing Dwelling Units attributable to rental units within the Development or Phase can be offset by a fee-in-lieu.
 - ii) Board of Supervisors shall establish by resolution the amount of the fee-in-lieu payment per unit following written recommendation by the Township Manager and adopt it as part of the Township's Schedule of Fees.
 - iii) For single-phased development projects, the fee-in-lieu shall be paid prior to issuance of the zoning permit.
 - iv) For development projects with Phases (Specific Implementation Plans), the fee-in-lieu shall be paid on a phase by phase basis based upon the number of workforce housing units being released in that phase with payment made prior to the issuance of the zoning permit for each Phase.
 - v) The Township shall create and administer a Workforce Housing Fund into which all fee-in-lieu payments shall be deposited. All funds received pursuant to this chapter shall be used to further the Township's mission of furthering Workforce Housing within Ferguson Township.

- vi) Upon payment of the fee-in-lieu amount for one or more Workforce Housing Dwelling Units, the applicant has no additional Workforce Housing requirements relative to such units. Upon payment, the Township and applicant shall execute a recordable instrument indicating that the Workforce Housing requirements have been met for those units and that the units are no longer Workforce Housing Dwelling Units subject to the terms and conditions of this Ordinance.
- c) Build off-site.
 - i) Workforce Housing Dwelling Units may be constructed off-site, in a development (the "Receiving Development") within Ferguson Township that is separate from the Development or Phase (the "Sending Development") that is required to provide Workforce Housing.
 - ii) The Receiving Development must be an approved development, or the applicant must obtain land development plan approval from the Township for the Receiving Development concurrently with the land development plan approval for the Sending Development.
 - iii) The workforce units built in the Receiving Development must be reasonably equivalent in size and bedroom count to the units on the Sending Development. Workforce Units designated cannot be located in the basement.
 - iv) The Receiving Development shall not contain 100 percent Workforce Housing Dwelling Units.
 - v) The owner of the Sending Development must provide the following information to Township Staff and/or designee:
 - (1) Location of the Receiving Development;
 - (2) Concurrence of the owner of the Receiving Development to construct the Workforce Housing Dwelling Units; and
 - (3) The number of units and Workforce Housing Dwelling Units proposed within the Receiving Development.
 - vi) The Sending Development will receive all bonus units and accommodations attributable to the Workforce Housing Dwelling Units.
 - vii) The Receiving Development must be located within the Regional Growth Boundary (RGB) as illustrated in the Centre Region Comprehensive Plan.
 - viii) The owner or developer of the Receiving Development must enter into the Sending Development's Workforce Housing Development Agreement for the Workforce Housing Dwelling Units that are going to be provided on the Receiving Development, as well as accommodations attributable to the Workforce Housing Dwelling Units.
 - ix) The Receiving Development is subject to the Workforce Housing Program requirements outlined in §27-716.
 - x) The Receiving Development must develop the Workforce Housing Dwelling Units according to the schedule set forth in the Workforce Housing Development Agreement.
 - xi) A penalty to the Sending Development will be due to Ferguson Township if the Workforce Units in the Receiving Development are not made available as set forth in the Workforce Housing Development Agreement.
- 9) **Policy and Procedures Manuals for Administration of Workforce Housing Dwelling Units For Sale and Rent.** Ferguson Township Planning Department and/or designee shall provide an administrative manual to offer guidance to applicants regarding compliance with the terms and conditions of this Ordinance. Applicants are encouraged to follow the terms set forth therein.
 - a) Owners or their property managers are encouraged to use the same systems for attracting potential tenants for leasing up Workforce Housing Dwelling Units as are used for market rate

units. Applicants and their agents are expected to work closely and in cooperation with Township Staff and/or designee to make the workforce marketing and sales process as efficient and equitable as possible.

- b) The Workforce Housing program has no rules or guidelines about the method owners, or their property managers use to determine the order in which tenants are offered Workforce Housing Dwelling units.
- c) These documents will include clarifying information and procedures when requested by the Township. These procedures may be updated from time to time to increase the effectiveness of the Workforce Housing Program.

10) Inability to Rent or Sell Workforce Housing Units to Qualified Households.

- a) By Developer. If the developer meets or exceeds the marketing guidelines set forth in its Workforce Housing Development Agreement for a period of one year from final certificates of occupancy issuance and is still unable to sell such a unit to a qualified household, the developer shall notify the Township. The Township or its designee shall have 30 days from the date notice was given to enter into a contract to purchase the unit at its marketed price, with closing to take place within 30 days thereafter. After which, the Township, or its designee shall market and sell the unit as a Workforce Housing Dwelling Unit. If the Township or its designee does not purchase the Workforce Dwelling Unit, it shall be conclusively demonstrated that there is no market for such unit being a Workforce Dwelling Unit. The developer shall pay the Township 60% of the original per unit fee-in-lieu and may remove the unit as a Workforce Housing Dwelling Unit and the unit shall become a market-rate unit, no longer subject to the terms and conditions of this Ordinance.
- b) By Unit Owner. The owner of a Workforce Housing Dwelling Unit may remove the unit by subsequent sale to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as follows: If the gross purchase price on the subsequent sale is greater than the original sales price, increased by 6% per year since the original sale, the difference between the original sale price (as adjusted) and the gross purchase price is the fee-in-lieu paid.

11) Continued Affordability, Compliance and Reporting Requirements.

- a) For Sale Workforce Units.
 - i) The continuity of a Workforce Housing Dwelling Unit that is sold shall be ensured for a period of 99 years commencing on the date the certificate of occupancy is issued for the unit. To provide for this, a restriction shall be place on the deed of the Workforce Housing Dwelling Unit, which shall read as follows: "This property is to remain affordable for a period of 99 years from its initial date of sale for persons earning between 80 percent and 120 percent of the Area Median Income (AMI) for State College, PA Metropolitan Statistical Area (MSA) as established by the latest income guidelines defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development."
 - ii) Prospective buyers shall enter into a legally binding agreement with the designated administrator of the Workforce Housing Program that will stipulate the process for certifying subsequent buyers of Workforce Housing Dwelling Units for the applicable 99 year period, and the amount of equity able to be recouped by the homeowner upon sale of the Workforce Housing Dwelling Unit. The designated administrator of the Workforce Housing Program shall have the authority to require additional stipulations in the agreement including, but not limited to, the requirement of prospective buyers to participate in financial counseling in accordance with the procedures and requirements of the designated administrator.

- iii) The Township shall require resale conditions in order to maintain the availability of workforce units in perpetuity be specified in the Affordability Instrument, including resale calculations.
 - (1) At the time of purchase, the owners of any workforce unit shall execute a Resale Restriction Agreement and Option to Purchase provided by the Township, stating the restrictions imposed pursuant to this Resale Restrictions section, including but not limited to all applicable resale controls and occupancy restrictions. This Resale Restriction Agreement and Option to Purchase shall be recorded in the Centre County Office of Recorder of Deeds and shall afford the Township or its assignee the right to enforce the declaration of restrictions.
 - (2) The Township or its designee shall be responsible for monitoring and facilitating the resale of workforce units.
 - iv) Provisions for continued affordability of workforce units shall provide that the Township have an exclusive option to purchase any workforce unit when it is offered for resale.
 - (1) The owner shall notify the Township or its designee of the prospective availability of any workforce unit for sale.
 - (2) Upon being notified by the owner of the workforce unit, the Township or its designee shall have an exclusive option for 30 days to enter into a purchase and sales agreement at the workforce unit pricing the unit being offered for sale by the owner. The Township may waive or assign this option.
 - v) If the Township fails to exercise its option for the workforce unit, or if the Township or its designee declares its intent not to exercise its option, the owner shall notify the Director of Planning and Zoning by certified mail that the deed restriction will be removed from the property and consequently, the unit will be removed from the Workforce Housing Program. Upon notification, the owner may sell the Workforce Unit to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as outlined in §27-716.10.b. If requested, by the owner, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
 - vi) Closing on workforce units purchased by the Township or its designee occurs within 30 days of notifying the owner of the Township or its designee's intent to exercise its option. If the Township or its designee fails to close on this workforce unit within such 30 days, the owner shall notify the Director of Planning and Zoning by certified mail that the deed restriction will be removed from the property and consequently, the unit will be removed from the Workforce Housing Program. Upon notification, the owner may sell the Workforce Unit to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as outlined in §27-716.10.b. If requested, by the owner, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
- b) Leasing/Rental Developments.
- i) Static Data, Unit Composition and Rent Schedule.
 - (1) This form is required both prior to lease up and annually that includes: total units, bedroom size, tenant incomes and rents, unit locations within the development, and square footage.
 - ii) Tenant incomes and rent determination.

- (1) Measurement of household income is determined using the Housing and Urban Development's (HUD) annually published area median income and rent chart based upon household size in the State College Metropolitan Statistical Area (MSA).
- iii) Incomes rising in place.
- (1) Households that have initially qualified for a Workforce Housing unit are permitted to remain in that unit and not be subject to market rate rents until their incomes reach or exceed the income limits contained in this chapter. After qualifying at lease-up, a tenant's income may increase above the affordability restrictions of a development and still have the unit fulfill the development's Workforce Housing requirements, based on the following schedule:
 - (a) Tenants in units restricted at 80% of AMI levels, may have income increase up to 120% of AMI.
 - (2) The owner or property manager may revise the expiring leases with tenants who, upon recertification, no longer meet the income requirements. Tenants may continue living in a Workforce Housing Dwelling unit at market rate rent. The market rate rent level must be comparable to reasonably equivalent units within the development, or a comparable development. Tenants must not be required to submit additional deposits or fees.
 - (a) Un-constructed Units. If units within the Phase or Development (for single phase developments) are not yet constructed, another unit must be designated from such un-constructed units in the Phase or Development as a Workforce Housing Dwelling Unit in order to maintain the affordability requirements as described in the Vacancy section below.
 - (b) Constructed Units. For developments that are completely constructed, another unit must be designated in the development as a Workforce Housing unit in order to maintain the affordability requirements as described in the Vacancy section below.
- iv) Vacancies.
- (1) The following shall apply when, through the annual tenant income certification reporting cycle, a tenant's income is above what's allowable for the Workforce Housing Dwelling Unit:
 - (a) Owner or their property manager will check the reported income against that allowed by the incomes rising in place policy.
 - (b) When a tenant's income is at or below the incomes rising in place policy, there is no action required by the owner or their property manager. The owner or their property manager at their discretion may raise tenant rent up to the maximum allowed for the tenant's household according to the current Housing and Urban Development's (HUD) annually published AMI and rent chart based upon household size in the State College (MSA), taking into account any applicable laws, rules, or policies regarding rent increases.
 - (c) In the case that a tenant no longer qualifies for a Workforce Housing unit, the owner or their property manager must give at least 240-day written notice to the tenant and Ferguson Township and/or designee prior to an increase in the unit's rent. This information must be included in the lease or lease addendum for each Workforce Housing unit and an executed copy provided to Ferguson Township and/or designee as the development is leased up and at unit takeover.
- c) Annual Reporting and Review.

- i) Developments with rental units will be subject to Ferguson Township and/or designee annual reporting requirements as set forth in the Workforce Housing Development Agreement. Owners or their property managers on an annual basis will submit information on Workforce Housing Dwelling Units and the tenants living in such units.
 - ii) The Township and/or designee reserves the right to physically inspect developments containing Workforce Housing Dwelling Units at least once every three years. Inspections will also include an audit of Workforce Housing related files such as the tenant income compliance. Developments that are determined to be out of compliance may be inspected more frequently or until they are brought back into compliance.
- 12) **Administration.** The Ferguson Township Planning and Zoning Department and/or designee shall administer and monitor activity under this chapter and shall report periodically to the Board of Supervisors, setting forth its findings, conclusions and recommendations for changes that will render the program more effective.
- 13) **Implementation.** The Ferguson Township Planning and Zoning Department and/or designee may establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.
- 14) **Fees.** Fees to administer the program such as a monitoring fee, refinance fee, or resale fee, may be established by resolution by the Board of Supervisors, following written recommendation by the Township Manager and adopted as part of the Township's schedule of fees.