

ORDINANCE NO. 2010-02

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING AND READOPTING THE BETHEL TOWNSHIP RECREATION, PARKS & OPEN SPACE PLAN AND MAKING CONFORMING AMENDMENTS TO THE BETHEL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2006.

The Board of Supervisors of Bethel Township, Berks County, Commonwealth of Pennsylvania hereby finds and determines that:

1. On June 5, 2006, the Board of Supervisors of Bethel Township (the Township) adopted Ordinance 2006-01, a Plan entitled "The Recreation, Parks & Open Space Plan for Bethel Township, Berks County, Pennsylvania," dated April, 2006 (the Recreation Plan). The Recreation Plan has served as the Township's Plan for Recreation, Parks & Open Space and fees in lieu of open space for land development in the Township.
2. The Recreation Board has recommended changes to the Plan to the Board of Supervisors.
3. The Township Planning Commission has reviewed and approved these recommendations.
4. On October 23, 2004, the Board of Supervisors of Bethel Township adopted Ordinance 2006-04, the Bethel Township Subdivision and Land Development Ordinance (SALDO).
5. In order to implement the recommendations, the Recreation Plan must be amended and the amended Recreation Plan adopted. The adoption of the amended Recreation Plan will necessitate technical amendments to the Township Subdivision and Land Development Ordinance (SALDO).

NOW THEREFORE, in consideration of the above-recitals, which are incorporated herein by reference and made part of this Ordinance, the Bethel Township Board of Supervisors, Berks County, Pennsylvania, hereby ENACTS and ORDAINS the following:

Section 1. Adoption of Revised Recreation Plan. The Recreation, Parks & Open Space Plan for Bethel Township, Berks County, Pennsylvania, dated April, 2006, which was adopted on June 5, 2006, is hereby amended by adopting the attached Recreation Plan entitled: "Recreation, Parks & Open Space Plan for Bethel Township, Berks County, Pennsylvania April, 2006 – Amended March, 2010."

Section 2. Amendments to Subdivision Ordinance. The Bethel Township Subdivision and Land Development Ordinance No. 2006-04, as amended by 2008-04, is hereby further amended by making the changes to Section 5.21 as specified below.

Section 3. Amendments to SALDO Section 5.21.A. Section 5.21.A of the SALDO is hereby amended to read as follows:

“Pursuant to Section 503 (11) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors of Bethel Township has adopted a Recreation, Parks & Open Space Plan. To implement this plan, all subdivisions and land developments shall be provided with park and recreation land, which shall be dedicated to the Township. The subdivider or developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer to privately reserve land for park or recreation purposes.”

Section 4. Amendments to SALDO Section 5.21.C. Section 5.21.C is hereby amended by designating the existing language as Subparagraph 5.21.C.1. Section 5.21.C shall be further amended by adding new subsection .2 be amended entitled Nonresidential Development.

A minimum of three percent (3%) of the gross land area shall be reserved for Park and/or recreational purposes for each nonresidential land development.

Section 5. Further Amendments to Section 5.21.C. Section 5.21.C is hereby further amended by adding the following language: “5.21.C.2, a minimum of three-hundredths (0.03) acre of land shall be reserved for park and/or recreation purposes for every gross acre of every nonresidential subdivision or land development except subdivisions or land developments of agricultural, recreational, school and church land. Additionally, improvements to these land areas shall be based upon a minimum of \$100.00 per gross acre, such improvements will be subject to approval by the Township Recreation Board and the Board of Supervisors.

Section 6. Amendments to Section 5.21.D. Section 5.21.D of the SALDO is hereby amended by deleting the existing language and replacing the same with the following:

“5.21.D. If a fee in lieu of dedication of land is proposed by the subdivider or developer, the fee shall be based on the fair market value of the land required to be dedicated and improved under subsection 5.21.C. above. Payment of all such fees shall be a condition of final plan approval and no plan shall be signed by the Board of Supervisors until such fees are paid, unless the subdivider or developer and the Board of Supervisors agree otherwise in writing. The subdivider or developer shall provide the Board of Supervisors with all the information necessary to determine the fair market value of the approved development, including, but not limited to, an appraisal conducted by a MAI appraiser acceptable to the Township. The fair market value of one (1) acre shall be computed by dividing the total value for the tract being developed by the number of acres within the tract that would meet the minimum open space and recreation requirements. The subdivider or developer, upon approval by the Township Board of Supervisors, may choose to submit the minimum fees

stated in 5.21.D.1 and 5.21.D.2 herein rather than prepare and submit the aforementioned appraisal.

5.21.D.1 For residential subdivision or land development, the minimum fee shall be two thousand dollars (\$2,000.00) per lot or unit.

5.21.D.2 For non-residential subdivision or land development, the minimum fee shall be one thousand dollars (\$1,000.00) per gross lot area.”

Section 7. Ratification and Repeals

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

Except for the modifications and/or enactments specifically stated in this Ordinance, all of the provisions of the SALDO are hereby ratified and confirmed.

Section 8. Severability

The provisions of this Ordinance are severable and if any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provisions or parts thereof of this Ordinance.

Section 9. Effective Date

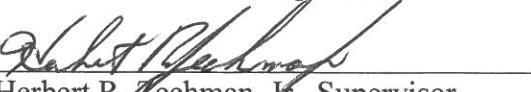
This Ordinance shall become effective five days after its adoption.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, in lawful session duly assembled this 15 day of March, 2010.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP, BERKS COUNTY, PA


Randall G. Haag, Chairman


Kenneth W. Norton, Supervisor


Herbert R. Zechman, Jr., Supervisor

Attest:


Jayne K. Seifert, Township Secretary

RECREATION, PARKS & OPEN SPACE PLAN

FOR

BETHEL TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

APRIL 2006 – AMENDED MARCH, 2010

PREPARED BY

**LARSON DESIGN GROUP
901 DAWN AVENUE
EPHRATA, PA 17522**

BETHEL TOWNSHIP

BERKS COUNTY

RECREATION, PARKS & OPEN SPACE PLAN

April 2006

Amended March 2010

BOARD OF SUPERVISORS

Randy Haag, Chairman

Herb Zechman

Ken Norton

BETHEL TOWNSHIP RECREATION BOARD

Rodney Keeney, Chairman

Dale Light, Vice-Chairman

Bonnie Behney, Secretary

Patricia Stupp, Member

Darlene Orendo, Member

Prepared By:

**Larson Design Group
901 Dawn Avenue
Ephrata, Pennsylvania 17522**

1. INTRODUCTION AND BACKGROUND

The Bethel Township Recreation Board has been authorized by the Township Board of Supervisors to prepare this Recreation, Parks and Open Space Plan with its primary purpose being to guide development of park and recreation lands within Bethel Township through the planning of future recreational areas and the enactment of appropriate ordinance requirements. By the adoption of an official Recreation, Parks & Open Space Plan, Bethel Township will have the authority to acquire and provide for additional land and facilities as the population grows.

The following background information is based upon information contained within the Bethel Township Comprehensive Plan of 1995, as revised in 2006.

DEMOGRAPHIC ANALYSIS

In order to prepare and follow guidelines for future open space and recreational land use development, it is crucial to have an understanding of Bethel Township's population as well as its population characteristics.

This section includes historical data as well as current information. This information will be used in forming and evaluating strategies to implement the Township's goals and objectives, and will be used to more efficiently allocate the resources identified in the Background Analysis. Additionally, this information can be used to provide objective support for open space and recreation goals, and ensure that policies are rationally related to needs.

POPULATION CHARACTERISTICS

Demographic profiles help us determine the character and needs of the community. Two critical elements that are useful in assessing the Township's future open space and recreation

needs are population (more people require more facilities) and age distribution (different age groups require different recreational facilities).

POPULATION TRENDS

Table 1 below indicates the population trends that have taken place in Bethel Township since 1900. The data is from U.S. Census records. In order to provide a more accurate figure of average population trends, the first three decades, which experienced population loss, should not be included. Therefore, since 1930, the population of the Township has increased an average of approximately 15% per decade. It should further be noted that this figure is slightly higher than what has been experienced during the past two decades. It is important to recognize, however, that at the time of this Recreation Plan's adoption, the Township is in the process of finalizing permitting for the construction of two new sewage treatment facilities which serve the villages of Bethel and Frystown, and therefore it is anticipated that through the remainder of this decade the population growth will more likely mirror the growth rates of the 1960's and 1970's. During the next decade, however, the growth rate would again be anticipated to slow to more recent decade levels.

Historic Population, 1900 – 2004

Bethel Township

TABLE 1: PAST POPULATION TRENDS			
Year	Population	Change Since Past Decade	Percent Change
1900	1931		
1910	1775	-156	-8.1%
1920	1653	-122	-6.9%
1930	1608	-45	-2.7%
1940	1846	238	+14.8%
1950	2038	192	+10.8%
1960	2152	114	+5.6%
1970	2600	448	+20.8%
1980	3312	712	+27.4%
1990	3676	364	+11%
2000	4166	490	+13.3%
2004 Est	4375	209 (since 2000)	+5.0% (since 2000)
2010 Proj	4800	634	+15.2%
2020 Proj	5300	500	+10.4%

AGE GROUPINGS

A review of the age characteristics of the Township (reference table herein from the US Census Bureau) indicates that the percentage of those under age 25 is approximately 40%, while the next age group (25 – 45) contains approximately 50% of the population. Based on this population distribution, it will be important for Bethel Township to offer recreational

opportunities that cover a broad spectrum of activities – from the more active to the more passive - to meet the needs of all age groups.

Age	2000 Census Number	1990 Census Number
Under 5 years	277	(Age 0 – 17) 897
5 to 9 years	346	
10 to 14 years	315	
15 to 19 years	301	
20 to 24 years	208	(Age 18-24) 335
25 to 34 years	579	1598
35 to 44 years	675	
45 to 54 years	631	
55 to 59 years	223	309
60 to 64 years	170	
65 to 74 years	285	537
75 to 84 years	131	
85 years and over	25	
Median age (years)	36.0	
18 years and over	3,033	2,770
Male	1,549	
Female	1,484	
21 years and over	2,884	
62 years and over	524	
65 years and over	441	537
Male	209	
Female	232	

OPEN SPACE, PARKS AND RECREATION

People tend to interchange the terms open space, parks, and recreation. Provided here are definitions of these three terms that are used throughout this Plan.

OPEN SPACE

In the broadest terms, open space is all undeveloped areas of the Township. This can include areas such as agricultural land, woodlands, stream valleys, public parks, golf courses, and tree nurseries.

PARKS

Public parks come in all sizes, from ½-acre tot lots to 1,000-acre state parks. Parks are places where people go to pursue leisure activities and can include passive or active settings. Typically, in Central Pennsylvania, county and state parks provide passive recreational experiences and include hiking trails, picnic areas, and camping facilities. Local municipalities provide smaller parks, closer to home, and with more emphasis on active facilities such as fields, courts, and play areas.

RECREATION

Recreation is activity that inhabitants do at parks and community facilities. This activity can also be active or passive in nature. Active recreation tends to be associated with specific facilities and group-oriented such as baseball or tennis. Public recreation is an activity sponsored by a public agency such as a municipality or school district.

Traditionally, there are four levels of government (local, county, state and federal) that strive to meet open space and recreation needs. Also, public schools and private agencies play important roles. In theory, if each agency assumes its appropriate role, the needs of Bethel Township inhabitants would be met without duplicating services.

INHABITANTS

The Miriam Webster Dictionary defines the term “inhabitant” as: “One that occupies a particular place regularly, routinely, or for a period of time”. While such a definition certainly includes permanent residents, it also encompasses those who work in and patronize the commercial and other non-residential uses throughout the Township, such as office buildings, warehouses, retail stores, and so on.

2. ANALYSIS AND NEEDS EVALUATION

In order to implement the portion of the Comprehensive Plan related to Recreation, Parks and Open Space, as stated below, the anticipated needs of the Township must be estimated and the areas of need must be identified.

***FROM THE BETHEL TOWNSHIP COMPREHENSIVE PLAN of
1995, as Revised in 2006:***

Recreational facilities are a valuable resource which enhances the quality of life and attractiveness of a community. The amount of land devoted to recreational uses within a municipality should be compared to existing and projected populations to ensure that adequate land is available for such activities. In addition, the locations of parks should be evaluated with respect to their accessibility to existing and planned residential areas.

The Berks County Open Space and Recreation Plan (January 1994) provides open space and recreation standards based on guidelines established by the National Recreation and Park Association (NRPA). Bethel Township, with a population density of under 500 persons per square mile, is classified as a "rural" community under the Berks County standards. As stated in the County Open Space and Recreation Plan:

"Since open space is the norm in rural areas (not including farmland), an organized park system for local recreation is less critical than in suburban or urban areas. In fact, many rural dwellers satisfy their recreational needs on their own property. However, we recommend that a centrally located municipal park which provides facilities for organized activities, such as courts and fields, be available."

While Bethel Township has no municipally-owned recreation facilities, numerous public and private organizations and groups provide a wide range of recreational opportunities for Township inhabitants.

Extensive State Game Lands and several large camps in Bethel Township account for most of the existing acreage in the Township devoted to recreational facilities. The Bethel Fire Company fairground/ballfield and Frystown Fire Company facilities serve the important function of providing the two villages with neighborhood recreation facilities. These playgrounds contain ball diamonds and open areas for other field sports, basketball courts and a variety of play equipment for younger children. The Bethel Elementary School also has outdoor areas for active recreation and contains a gymnasium that is open to school district residents. There is also a ball field in Schubert. There are also limited recreational facilities accessory to the non-public schools located through out the Township.

Camp Swatara (a Church of the Brethren camp), the Shikellamy Trout Hatchery, the Blue Mountain Wilderness Park Association, the NW Berks Rod and Gun Club, the Bethel Beagle Club, and the Lebanon Valley Motorcycle Club track are located in the Township. These, along with several small private picnic groves, provide a select range of recreation facilities that serve the needs of some area inhabitants. Hikers and campers can utilize the Appalachian Trail, while sportsmen have access to the State Game Lands (Nos. 80 and 110) located along Blue Mountain. Hunting can also be done on the numerous farms and woodlands of the Township.

Needs Determination

In order to determine the estimated needs, most municipalities base their park and recreational standards on guidelines established by the National Recreation and Park Association (NRPA). In 1995 the NRPA published a report entitled Park, Recreation, Open Space and Greenway Guidelines. The following is a summary of types relevant to Bethel Township as discussed in this report:

Park Types and Descriptions:

Mini-Park : The smallest park classification, used to address limited or isolated recreational needs.

Neighborhood Park: Basic unit of the park system, serving as the recreational and social focus of the neighborhood, accommodating a wide variety of age and user groups. Includes both active and passive recreation activities geared specifically for those living within the service area.

Community Park: Larger in size and serve a broader purpose than neighborhood parks. Their focus is on meeting the recreational needs of several neighborhoods or large sections of the community, as well as preserving unique landscapes and open spaces. May provide for more recreational opportunities than available at neighborhood parks, and should include both passive and active recreation activities.

There are several other park types and classifications (e.g. sports complex, special use park, urban park, etc.) which generally will not apply to a rural municipality such as Bethel Township. Again, the needs of the Township should be reviewed on a regular basis in order to determine the applicability of these other park classifications from time to time.

NRPA GUIDELINES

Park Type	Service Area Radius (miles)	Desirable Size (Acres)	Acres/1000 Pop Served
Mini-Park	0.25	0.25 - 1 (up to 5 acceptable)	0.50
Neighborhood	0.5	5 - 15	2
Community	3	15 - 50	8

It is important to remember that the above guidelines are just that – guidelines – and should be utilized for developing overall strategies for implementation of the Plan. Because of the Township's physical configuration and the distances between the distinct areas of inhabitation, the service area guidelines are more applicable in making a determination of the proposed needs. Because of the distance between Frystown and Bethel, two community parks in the middle range of the desirable 15 – 50 acres could be considered (e.g. two 25 acre parks), or one larger, more centralized community park could be considered (e.g. one 50 acre park). Based on the 0.5 mile service area radius for neighborhood parks, it is conceivable that 4 to 6 such parks could be needed. Assuming 5 such parks at 10 acres per park would yield 50 acres. Finally, additional mini-parks, with a much smaller service area, would also be needed. Since these would typically not be needed in the rural/agricultural areas of the Township, and since even in

the higher density areas of the Township the density levels are not commonly as high as in more suburban or urban high density areas, the number required would not be as high as the service area figures would suggest (i.e. ~ 4 per square mile). Assuming up to 10 such parks at 1 acre per park would yield 10 acres. **Therefore, for the sake of this report and the preparation of initial acreage needs, 110 acres will be utilized for the above park types.** Specific circumstances will likely warrant modifications to these guidelines as the Plan is implemented.

Again, since the Township currently has none of the above public owned facilities, other facilities will not be evaluated in detail for this plan.

Areas of Needs Determination

In order to determine the areas where recreational needs currently exist or will exist in the future, an analysis of the current and future land uses of the Township must be made. Utilizing the background information and general planning guidance presented earlier in this plan, and applying that information to the land use of the Township, should provide very good direction with regard to the location of the needs areas. The Comprehensive Plan along with recently adopted Zoning regulations provides valuable information regarding current and future land uses within the Township.

Based upon this information, there are generally 2 distinct areas of the Township where residential populations are more concentrated, and where this concentration is proposed to continue into the future – and therefore where additional recreational land should be located.

These areas include the area of the Township immediately surrounding the villages of Bethel and Frystown.

Based upon the analyses and considerations presented within this plan, as well as consideration of known anticipated development which will occur in both village areas, it has been determined that, with regard to possibility of future land acquisition for recreational facilities, the projected 110 acre need should be approximately evenly distributed between the two village areas.

It is also the determination of this plan, however, that as land sufficient for the then-current needs is acquired for this purpose, such land should be fully developed prior to the acquisition of additional lands.

Based upon similar communities in the area, such parks would include basketball and volleyball courts, multi-purpose baseball/soccer fields, a tot-lot area, pavilions and picnic areas, perimeter walking trails, and other community-specific facilities as would be determined by the local Recreation Board. The costs to fully implement the development of these types of park areas can generally range from \$50,000 (e.g. tot lots, individual features such as basketball courts, etc.) up to and in excess of \$500,000 for a fully developed 30 acre recreation area. It is believed that these various recreation types will greatly enhance the Township's ability to meet the full range of activities that its diverse population desires.

3. METHOD OF ACHIEVEMENT - IMPLEMENTATION

In order to achieve the goals outlined herein to meet the Township's present and future recreational and open space needs, several steps must be taken. The continual review and re-evaluation of specific recreational components to be included within the various facilities will be the primary focus of the Recreation Board. At this stage, as stated previously, the Township does not have any land at this time suitable for a recreation facility. Therefore, the most critical component of implementation and achievement for the acquisition of land and for the development of the recreation areas within those acquired lands and is the Township's Subdivision and Land Development Ordinance (SALDO). The Pennsylvania Municipalities Planning Code (MPC), which governs the content of municipal land development related ordinances, specifically allows for the SALDO to include provisions for open space and recreation considerations when new development occurs.

MUNICIPALITIES PLANNING CODE PROVISIONS

From the MPC, SALDO's may include...

“(11) 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, provided that:

(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.

(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.

(iii) The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.

(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.

(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.

(vi) A fee authorized under this subsection shall, upon its receipt by a municipality, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to

construct the specific recreation facilities for which the funds were collected.

(vii) Upon request of any person who paid any fee under this subsection, the municipality shall refund such fee, plus interest accumulated thereon from the date of payment, if the municipality had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

(viii) No municipality shall have the power to require the construction of recreational facilities or the dedication of land, or fees in lieu thereof, or private reservation except as may be provided by statute."

Of utmost importance is that the Township update the SALDO to reflect revisions and updates made to the Township's Park and Recreation plan. Therefore, upon completion and adoption of this revision and update to the Park and Recreation plan, the SALDO should be amended.

SALDO CONSIDERATIONS

Land Dedication

Because of the lack of existing municipal park and recreation areas, the Township's priorities are first the acquisition of land, then the improvement of that land.

In order to determine the amount of land that should be dedicated due to residential development, the estimated total land requirements based upon the information contained herein (i.e. 110 acres) would be converted to an acreage per dwelling unit. Based upon population projections (5,300) and the persons per dwelling unit value for the Township (2.84), this would equate to a total number of dwelling units of 1867. Therefore, because of this emphasis, it is the recommendation of this plan that the value be 0.06 acres of land per

residential dwelling unit developed (110 acres/1867 dwelling units). This would yield 6 acres of open space and park land for a 100 unit development – a development which, in mostly rural Bethel Township, would be considered a very significant residential development.

Since the term “inhabitant” clearly encompasses more than just permanent residents (reference “Inhabitants” subsection under Section 1 herein), it is necessary to determine an amount of land that should be dedicated due to non-residential development. The Township has already seen and can expect to continue to see an increase of inhabitants in the form of employees and those that supply employee needs as the Township’s commercial and industrial base grows due to its proximity to the Interstate system. These inhabitants will doubtless use and benefit from recreational and open space facilities, before, during and after work hours. Some examples of such uses may include passive recreation areas, walking trails, paths, picnic areas, etc. It is also reasonable to assume that more active facilities to accommodate activities such as company sports leagues and similar activities. Additionally, land utilized for commercial development may be located in a prime area for providing recreational needs for the Township as a whole. By way of example, such land may provide a key link to a trail system or may be located such that access and facilities are readily available for recreational purposes. They may also contain natural resources that warrant preservation or relocation to other compatible areas.

While a 100 acre residential development may require in the range of 6 to 25 acres (i.e. 6% to 25%) of open space and recreation land to be dedicated depending on the density, it is recognized that the needs for non-residential inhabitants will likely be less than that for residential inhabitants. Therefore, it is recommended that 3% of the gross land area of any non-residential development be dedicated for such purposes. It is further recommended that the Township exclude certain non-residential uses which will inherently not create recreational-

related needs (e.g. agricultural), or which will inherently provide for their own recreational needs (e.g. schools, churches).

These values should be reviewed from time to time to determine whether or not they are adequate as development patterns progress and change in the future.

The type of land to be dedicated, as stated in the MPC, should be suitable for the purpose intended. As discussed previously in this plan, areas such as wetlands, steep slopes, floodplains, stormwater management facilities, etc. should be largely excluded from the areas to be considered for dedication, and should be so outlined in the SALDO.

Fees In Lieu of Land Dedication

As an alternative to the dedication of land and recreation facilities, fees may be paid in lieu of such dedication. When this method of addressing the open space and recreation needs is utilized, the fee should be based on the value of the land and facilities that would otherwise be required to be dedicated. Since the land to be dedicated should be of equal, or at least similar, value as that of the actual lots or land being developed, the appraised value of the land or lots being developed could then be multiplied by the amount of land that would be required to be dedicated to determine the fees to be paid. For example, the value of land that has been approved and is ready for development, and meet all of the criteria for land to be dedicated, can range from \$30,000 to \$60,000 or more depending on the type and density of development proposed. Therefore, assuming a conservatively low ready-for-development land value of \$30,000 per acre, with the per-dwelling unit area value of 0.06, the fees per lot or dwelling unit would then be $\$30,000 \times 0.06 = \$1,800$. Additionally, assuming an estimated cost of \$500,000 necessary for the improvements to the neighborhood and community parks, and dividing these costs over the anticipated 2020 population of 5,300 yields approximately \$94 per capita cost.

Utilizing the census data for average household size of 2.84, this would result in a cost of \$267 per household. Combining the two figures above would yield a fee-in-lieu-of cost of \$2,067 per dwelling unit (for simplicity, a rounded figure of \$2,000 per dwelling unit will be utilized for purposes of this report for residential development).

The method of determining this value for non-residential development would be similar. Continuing to use a conservative ready-for-development land value of \$30,000 per acre and the open space and recreation area per acre value of 0.03, the fees per acre would be calculated as $0.03 \times \$30,000$, or \$900/gross acre. Using the same percentage for improvement costs as is used with residential development (i.e. $\$267/\$2,000=13\%$) would yield a total of \$1,000 per gross acre ($0.87 \times \text{"total"} = \$900 \gg \text{"total"} = \$900/0.87 = \$1,034 \gg \text{round to } \$1,000$).

In order to meet the requirements of the MPC, fees collected within the reasonable service area of each of the recreation area facilities should be utilized within those areas. For the purposes of this section, it has been determined that fees collected from developments located throughout the entire Township may be utilized for the Bethel area facilities due to its central location within the Township and since it would have facilities that would be suitable for all inhabitants of the Township. Generally, fees to be used for the Frystown area should come from development occurring within the vicinity of the village of Frystown.

The Township may take into future consideration coordinating such improvements with private or other governmental organizations.

Variations and Combinations

The MPC clearly provides for various combinations of fees, land dedication, improvements, etc. by mutual agreement of the municipality and the developer. Depending on

specific circumstances, such as subdivision or land development location, number of lots, type of development, etc., such variations and combinations may be beneficial to all parties involved. This option should always be considered with every application for a subdivision or land development that is submitted.

Suggested SALDO Amendment Content

SECTION 5.21 PRIME OPEN SPACE AND RECREATION

5.21.A. Pursuant to Section 503 (11) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors of Bethel Township has adopted a Recreation, Parks & Open Space Plan. To implement this plan, all subdivisions and land developments, with the exception of agricultural, recreational, school and church subdivisions or land developments, shall be provided with park and recreation land, which shall be dedicated to the Township. The subdivider or developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer to privately reserve land for park or recreation purposes.

5.21.B. Residential subdivisions or land developments proposing two (2) lots or dwelling units (a residue lot will be considered one the two lots) are exempt from the provisions of Section 5.21.A. However, if exempt lots are later subdivided, and the total number of lots derived from the original parcel of land as existed on the date of adoption of the amendment to this Ordinance containing this section 5.21, is three (3) or more, the provisions of Section 5.21.A. will apply as though the original tract of land was divided simultaneously and the obligation shall be imposed upon the latter lot(s).

5.21.C.1 A minimum of six-one hundredths (0.06) acre of land shall be reserved for park and/or recreation purposes for each residential lot created for a single family dwelling in a subdivision or land development. A minimum of six-one hundredths (0.06) acre of land shall be reserved for park and/or recreation purposes for each dwelling unit created in a

land development contemplating multi-family dwellings. Additionally, improvements to these land areas shall be based upon a minimum of \$250 per dwelling unit proposed, such improvements will be subject to approval by the Township Recreation Board and the Board of Supervisors.

5.21.C.2 A minimum of three-one hundredths (0.03) acre of land shall be reserved for park and/or recreation purposes for each gross acre of every non-residential subdivision or land development. Additionally, improvements to these land areas shall be based upon a minimum of \$100 per gross acre, such improvements will be subject to approval by the Township Recreation Board and the Board of Supervisors.

5.21.D. If a fee in lieu of dedication of land is proposed by the subdivider or developer, the fee shall be based on the fair market value of the land required to be dedicated and improved under subsection 5.21.C. above. Payment of all such fees shall be a condition of final plan approval and no plan shall be signed by the Board of Supervisors until such fees are paid, unless the subdivider or developer and the Board of Supervisors agree otherwise in writing. The subdivider or developer shall provide the Board of Supervisors with all the information necessary to determine the fair market value of the approved development, including, but not limited to, an appraisal conducted by a MAI appraiser acceptable to the Township. The fair market value of one (1) acre shall be computed by dividing the total value for the tract being developed by the number of acres within the tract that would meet the minimum open space and recreation requirements. The subdivider or developer, upon approval by the Township Board of Supervisors, may choose to submit the minimum fees stated in 5.21.D.1 and 5.21.D.2 herein rather than prepare and submit the aforementioned appraisal.

5.21.D.1 For residential subdivision or land development, the minimum fee shall be two thousand dollars (\$2,000.00) per lot or unit.

5.21.D.2 For non-residential subdivision or land development, the minimum fee shall be one thousand dollars (\$1,000.00) per gross lot area.

5.21.E. All proposals involving the dedication of land, payment of fees in lieu of dedication, offers to construct recreational facilities, and/or offers to privately reserve land for park and/or recreation purposes, shall be submitted to the Bethel Township Recreation Board

land development contemplating multi-family dwellings. Additionally, improvements to these land areas shall be based upon a minimum of \$250 per dwelling unit proposed, such improvements will be subject to approval by the Township Recreation Board and the Board of Supervisors.

5.21.C.2 A minimum of three-one hundredths (0.03) acre of land shall be reserved for park and/or recreation purposes for each gross acre of every non-residential subdivision or land development. Additionally, improvements to these land areas shall be based upon a minimum of \$100 per gross acre, such improvements will be subject to approval by the Township Recreation Board and the Board of Supervisors.

5.21.D. If a fee in lieu of dedication of land is proposed by the subdivider or developer, the fee shall be based on the fair market value of the land required to be dedicated and improved under subsection 5.21.C. above. Payment of all such fees shall be a condition of final plan approval and no plan shall be signed by the Board of Supervisors until such fees are paid, unless the subdivider or developer and the Board of Supervisors agree otherwise in writing. The subdivider or developer shall provide the Board of Supervisors with all the information necessary to determine the fair market value of the approved development, including, but not limited to, an appraisal conducted by a MAI appraiser acceptable to the Township. The fair market value of one (1) acre shall be computed by dividing the total value for the tract being developed by the number of acres within the tract that would meet the minimum open space and recreation requirements. The subdivider or developer, upon approval by the Township Board of Supervisors, may choose to submit the minimum fees stated in 5.21.D.1 and 5.21.D.2 herein rather than prepare and submit the aforementioned appraisal.

5.21.D.1 For residential subdivision or land development, the minimum fee shall be two thousand dollars (\$2,000.00) per lot or unit.

5.21.D.2 For non-residential subdivision or land development, the minimum fee shall be one thousand dollars (\$1,000.00) per gross lot area.

5.21.E. All proposals involving the dedication of land, payment of fees in lieu of dedication, offers to construct recreational facilities, and/or offers to privately reserve land for park and/or recreation purposes, shall be submitted to the Bethel Township Recreation Board

for review and comment. As soon as is reasonably possible after receipt of such a proposal by the Township Planning Commission, that Commission shall forward the proposal and any comments or recommendations regarding the proposal to the Bethel Township Recreation Board for its review and comment. The Recreation Board shall have 60 days from the receipt of the proposal from the Planning Commission to provide written comments thereon, which shall be forwarded to both the Township Planning Commission and the Township Board of Supervisors.

5.21.F. The subdivider or developer shall enter into a written agreement with the Township setting forth the fees to be paid, the facilities to be constructed, or the land to be dedicated. All such agreements shall be provided prior to final approval of the plan and shall be satisfactory to the Board of Supervisors.

5.21.G. Where the contribution of fees in lieu of Prime Open Space has been approved by the Board of Supervisors, said fees shall be used and invested in accordance with the Township Recreation, Parks & Open Space Plan and the provisions of the Pennsylvania Municipalities Planning Code.

5.21.H. Where the construction of recreational facilities in lieu of setting aside Prime Open Space has been approved by the Board of Supervisors, said construction shall be in accordance with the Township Recreation, Parks & Open Space Plan and the provisions of the Pennsylvania Municipalities Planning Code. All facilities constructed pursuant to this section, shall be constructed in accordance with current standards established by the National Park Association and, where possible, the Americans with Disabilities Act of 1990, as amended. Playground equipment shall be in compliance with Consumer Product Safety guidelines. Such facilities shall be completed prior to final plan approval or an improvements security shall be deposited with the Township in accordance with the Pennsylvania Municipalities Planning Code and this ordinance. The value of construction to be contributed shall be not less than the amount of monetary contribution that would be required by Section 5.21.D.

5.21.I. All Prime Open Space shall be contiguous, and the Prime Open Space shall be accessible to all lots or units within the development without having to walk in streets (excluding street

crosswalks). In all cases, the location and configuration, within the guidelines set forth herein, shall be subject to review and approval by the Township Board of Supervisors. Prime Open Space shall not contain any of the following, unless specifically approved by the Township Board of Supervisors as an integral part of an open space or recreational facility: flood plains, wetlands, slopes in excess of 8%, stormwater management facilities, road or public utility rights-of-ways or easements, or surface waters.

5.21.J. When the Prime Open Space land required to be dedicated is less than ten (10) acres in size, the Prime Open Space land shall be located in a suitable place on the periphery of the subdivision or land development so a more usable tract will result when additional Prime Open Space is obtained upon development of the adjacent land. The location shall be subject to review and approval by the Township Board of Supervisors.

5.21.K. When public Prime Open Space land exists adjacent to the tract to be subdivided or developed, the Prime Open Space land shall be located to adjoin and enlarge the presently existing Prime Open Space land. The configuration of such land shall be subject to review and approval by the Township Board of Supervisors.

5.21.L. Prime Open Space land shall be accessible to utilities, such as sewer, water, and power that are provided within the subdivision or land development, and if requested by the Township, the subdivider or developer shall extend such utilities to Prime Open Space land. However, nothing in this provision shall require the Township to accept a dedication of utilities.

5.21.M. Trails and linear parks may be developed and dedicated for public use and may be credited towards the park and open space land requirements provided that such trails and linear parks are approved by the Township Board of Supervisors and also meet the following minimum standards:

1. Dedications of land shall be a minimum width of fifty feet (50'), and if to be dedicated to Bethel Township, must be approved by the Bethel Township Board of Supervisors;

2. The trail or linear park shall conform to the Bethel Township Recreation, Parks & Open Space Plan, any Berks County wide trail and recreation master plan and appropriate Bethel Township and county comprehensive plans;
3. The minimum right of way with an easement containing a trail which crosses private land shall be ten feet (10'). Easements may be dedicated to Bethel Township, Berks County, or other organizations which, in the judgment of the Bethel Township Board of Supervisors, is appropriate. However, nothing in this provision shall require the Township to accept a dedication of a right of way. In all cases, such easements must provide for public use at all reasonable times;
4. Trails shall have a vertical clearance of no less than ten feet (10'); and
5. The width of the trail surface may vary depending on the type of use to be accommodated, but in no case shall width be less than five feet (5').

5.21.N. Waiver requests from any portion or subsection of Section 5.21 shall be subject to review and approval or denial by the Township Recreation Board.

Additional Measures for Achievement and Implementation

The Township should include within their annual budget funds to be utilized for the acquisition of land, for site planning, and the eventual development of improvements and ongoing operation and maintenance of the facilities. Research on the availability of other funding sources, such as grants, matching funds, private donations, etc. should be an ongoing process.

