

**ATTENDANCE**

Planning Commission

Kate Domico, Chair  
Bill Steudler, Vice-Chair  
Brian Rater, Secretary  
Robert Prosek  
Harry McAllister

Township Staff

Douglas Erickson, Township Manager  
Stephen Casson, Township Engineer/Dir. Public Works  
Paul Christner, Asst. Twp. Eng./Asst. Dir. Public Works  
Greg Garthe, CRPA  
Nicole Harter, Public Works Secretary

Audience

Mark Saville, Sweetland Engineering & Associates, Inc.  
Marion Zheng, PSU Student  
Betsy Whitman, Board of Supervisor/Resident  
Jim Payne, Resident

1. **CALL TO ORDER – REGULAR MEETING**

The February 4, 2019 regular meeting was called to order at 7:00 PM by the Chair, Ms. Kate Domico.

2. **ITEMS OF CORRECTION**

There were no additions or deletions to the agenda.

3. **APPROVAL OF MINUTES**

Meeting minutes from the January 14, 2019 combined Organization/Regular Meeting and Work Session were brought before the Planning Commission for approval.

Mr. Bill Steudler made a motion to approve the meeting minutes as submitted. The motion was seconded by Mr. Brian Rater. The motion passed with a vote of 5-0.

4. **PUBLIC COMMENTS**

There were no public comments at this point in the meeting.

5. **PRELIMINARY/FINAL: BAUCHSPIES AND COYLE 2-LOT SUBDIVISION**

Mr. Mark Saville, Sweetland Engineering & Associates, Inc., noted that the Bauchspies and Coyle two-lot subdivision plan proposes to subdivide an existing 192-acre property into two lots. The site is located at 3341 Buffalo Run Road on the north side of PA 550 in the Rural (A-1) district. Lot 9R1 will be 181.05 acres, and Lot 9R3 will be 10.47 acres. In the A-1 zoning district, property owners are permitted to subdivide up to two lots from a “parent” tract in order to receive an exemption from the Township’s Rural Preservation Design (RPD) standards, which require 50% open land, native vegetation, an interior street network, and trails/paths within the development. Lot 9R2, the first exemption, was subdivided from the parent tract in 2003, and Lot 9R3 proposed by this plan will serve as the second RPD exemption.

Access to Lots 9R1 and 9R2 will be via a shared driveway; Zigg Zag Lane. A driveway easement will be recorded with Centre County prior to final subdivision approval to ensure access to both lots.

5. **PRELIMINARY/FINAL: BAUCHSPIES AND COYLE 2-LOT SUBDIVISION (cont.)**

Proposed Lot 9R3 contains several structures, which do not meet the Township's current setback requirements, but are considered legal, nonconforming structures because they existed prior to the zoning of the property to A-1. The site contains areas of steep slopes, colluvial soils, and soils that may contain pyritic rock, which has the potential to incur acid mine drainage. Accordingly, the plan includes a note to state that any future development involving excavation activities will comply with the appropriate sections of the Patton Township Code related to pyritic rock and colluvial soils.

The property is located outside of the Centre Region Regional Growth Boundary and Sewer Service Area, so any residential dwellings on the property will be served by private water wells and individual on-lot sewage disposal systems. The PA Act 537 Sewage Facilities Act requires identification of a primary and secondary absorption area, including soil test pits, for any on-lot sewage disposal system proposed to serve a lot. Two locations have been identified for all lots in this subdivision, however the secondary absorption area for Lot 9R1 is proposed to be located on Lot 9R3, with an easement for the adjacent lot owner to utilize for a sewage disposal system if necessary. Although unconventional, this approach would be acceptable to the DEP, but the applicant would need to request a waiver from the following section of the Patton Township Code:

- **§136-26B: Dual absorption areas.** Two absorption areas must be established on the lot for which the individual on-lot sewage system permit is requested.
  - *Staff notes that all other requirements of this section would remain in effect.*

If the Planning Commission does not support the applicant's proposal, it may require that additional tests be made on each proposed lot at the location of the contemplated disposal facilities and the data submitted for review, per **§153-20: Soil Percolation Test Requirements**. However, since this is a discretionary matter, a waiver is not required from this section of the Code.

If the waiver is recommended by the Planning Commission and granted by the Board of Supervisors, the easement must be adequately sized so that any on-lot system would comply with **§73.16: Absorption and spray field area requirements** of the **PA Code**. In addition, a copy of the recorded easement must be provided to the Township and the DEP.

Mr. Saville noted that the secondary septic absorption area for Lot 9R1 was located on Lot 9R3 because of a miscommunication, and if the proposal to provide an easement to that site was not acceptable to the Planning Commission, the applicants would need to wait until springtime to do percolation testing at a secondary location on Lot 9R1.

Township Staff finds that the Plan meets all Township regulations with the following conditions:

1. Completion of all items noted on Staff's marked up comment letter.
2. Provision of completed DEP Component 2 (Individual and Community Onlot Disposal of Sewage) planning module.
3. Provision of a recorded easement for the use of the shared private driveway (Zigg Zag Lane) by the owners of Lot 9R1 and 9R2.

5. **PRELIMINARY/FINAL: BAUCHSPIES AND COYLE 2-LOT SUBDIVISION (cont.)**

4. Approval of a waiver for the placement of the secondary sewage disposal location for Lot 9R1 on Lot 9R3 with an easement and verification that the easement is appropriately sized to meet the absorption and spray field area requirements of the PA Code.
5. Provision of a recorded easement for the secondary sewage disposal location for Lot 9R1 on Lot 9R3.

Mr. Rater asked if a future driveway might be located in the proposed road frontage area for lot 9R1. Mr. Saville indicated that it might be possible, but a PennDOT Highway Occupancy Permit would be required, and that there may be sight distance concerns at that location. The current proposal presents the opportunity to use Zigg Zag Lane to access Lot 9R1.

The Planning Commission members discussed the location of the secondary septic absorption area for Lot 9R1, and the waiver that would be needed, and asked Mr. Saville if the plan was time sensitive. Mr. Saville noted that the only time sensitive matter was that the applicant wanted to begin marketing the lot soon, which could not occur prior to subdividing. The Planning Commission did not support the secondary absorption area being placed on Lot 9R3 with an easement for the owner of Lot 9R1, and requested that the applicant wait until the weather permitted the establishment of a new secondary absorption area.

Mr. Saville noted that he will provide the Township with a time extension until additional percolation testing can be conducted on Lot 9R1.

The Subdivision Plan was tabled until a future meeting.

6. **STATUS ON PENDING ITEMS**

There were no comments from the Planning Commission on the pending work task items.

7. **REPORTS**

No additional reports were given.

8. **OTHER BUSINESS**

The Planning Commission and Township staff discussed the proposed sketch plan for Patton Crossing that will be brought before the Planning Commission at the February 11, 2018 Work Session meeting. Mr. Brian Rater wanted to make sure that the public is made aware of the discussion. Mr. Doug Erickson noted that emails with the agenda and accompanying materials will be sent out to those that are the e-mail lists for receiving agendas and it will also be made available on the Township's website.

9. **ADJOURN – REGULAR MEETING**

The meeting was adjourned at 7:20 PM.

**PATTON TOWNSHIP PLANNING COMMISSION WORK SESSION**

**1. CALL TO ORDER – WORK SESSION MEETING**

The February 4, 2019 work session meeting was called to order at 7:20 PM by Chair, Ms. Kate Domico.

**2. POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP**

In late 2018, the Board of Supervisors (Board) charged the Planning Commission (PC) with exploring possible means of addressing housing affordability in Patton Township. There are affordable housing provisions included in several of the Township’s zoning districts, but the Board would like the PC to recommend potential means of addressing the issue more comprehensively in the Township. Affordable housing is a complex and multi-faceted issue that does not have a “one size fits all” solution.

At the January 14, 2019 work session, the PC members began exploring the issue by reviewing background information on how “affordable” is defined by the US Department of Housing and Urban Development (HUD), eligibility for federal housing subsidy programs, and the need for affordable housing in Centre County and the Centre Region for individuals and families that do not qualify for federal programs. The PC also reviewed the common themes of several documents and studies that were prepared to shed light on the local housing affordability challenges and suggest strategies for addressing the issue in the Centre Region. Some of these resources are listed in the table below:

DOCUMENT/STUDY	SOURCE	DATE
<a href="#"><u>Centre County Affordable Housing Needs Assessment</u></a>	Centre County	2005
<a href="#"><u>Homes Within Reach Toolkit</u></a>	Centre County Affordable Housing Coalition	2006
<a href="#"><u>Centre County Housing and Land Trust Housing Market Study</u></a>	Centre County Housing and Land Trust	2011
<a href="#"><u>Centre Region Comprehensive Plan (Chapter 6 – Housing)</u></a>	Centre Regional Planning Agency	2013
<a href="#"><u>Centre Region State of Housing Report</u></a>	Centre Regional Planning Agency	2016

Also at the January meeting, the PC discussed the existing housing agencies and resources that serve Centre County. These organizations are detailed in **Housing Services in Centre County: A Guide to Emergency, Transitional, and Permanent Affordable Housing** (4<sup>th</sup> Edition – 2018).

Also, Ms. Linda Marshall, Centre County Senior Planner/Housing Coordinator, presented information on the **Centre County First-Time Home Buyer Program** and the **US Department of Agriculture Rural Development Program**.

Tonight’s work session focused on the affordable housing approaches taken by other municipalities in the Centre Region and some other areas of the country.

2. **POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP**  
**(cont.)**

One approach highlighted in the aforementioned documents is **inclusionary zoning**, which is used by many communities throughout the US. According to the American Planning Association (APA), inclusionary housing policies encourage the creation of new housing units that are affordable to low and moderate-income households while promoting economic and social integration. The municipal zoning ordinance typically requires and/or incentivizes private-sector developers to construct affordable housing units as part of market-rate residential projects. Such policies commonly include mandatory requirements for a certain percentage of affordable units, as well as voluntary programs that offer density bonuses or other regulatory or financial incentives in exchange for providing affordable housing.

There are many examples of inclusionary housing programs throughout the US, and the regulations vary in complexity. A brief summary of the Redmond, WA program is an example of a policy that includes mandatory requirements and incentives.

An excerpt of the Portland, ME housing report (2018) provides an illustration of a housing program that leverages federal and local funding sources to facilitate the construction of affordable housing. For developers not wishing to construct the units, a fee in lieu option is provided, and proceeds are deposited into the city's Housing Trust Fund, which is used to develop units. However, an article provided to the PC presented some varied perspectives into the success of the program to date.

In Lancaster County, PA several communities have inclusionary zoning elements in their municipal codes. The Lititz Borough zoning ordinance defines "affordable housing" as that which is available for rental households earning up to 80% of the Lancaster County Area Media Income (AMI). Sales housing may be sold to households making up to 115% AMI. In the Traditional Neighborhood Development Overlay zoning district, the Borough Council permits up to up to 3 additional building lots or dwelling units for each affordable housing unit provided, up to a maximum of a 15% increase in residential density. The applicant must affirm that the rental units will remain affordable for at least 15 years. West Lampeter Township's zoning ordinance defines "workforce housing" as that which is sold or leased to households earning up to 80% of the County AMI. Developers of residential properties using the Township's Neighborhood Design Option are eligible for several incentives when they provide a minimum of 10% of the units as workforce housing. A density bonus of two additional market rate units for every workforce one unit provided is allowed. Like Lititz Borough, the units must remain affordable for at least 15 years. 50% of the units must be for rent, while the other 50% must be for sale.

Lancaster County has similarities to Centre County with regards to housing affordability for the workforce. The County's Housing Market Analysis (2013) indicates that there is a "dire need" for affordable rental housing. The percentage of rental households that are cost-burdened (30% or more of their income spent on rent) is slightly lower than the Centre Region, but it is still a significant share of the rental population. Lancaster County, like the Centre Region, has very high occupancy rates for rental units, leading to similar supply/demand concerns. In addition, a large percentage of for-sale housing is not affordable to those earning the median income of the area, and so many people buy elsewhere and commute. As a result, over 70% of households are spending in excess of 45% of their income on the combined costs of housing plus transportation.

2. **POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP  
(cont.)**

A wealth of additional information on inclusionary zoning is provided in **Inclusionary Housing: Model Policies for Centre County** (*Centre County Housing Cabinet, 2010*).

The document outlines model provisions that local governments may use as a guide.

Several municipalities in the Centre Region have established inclusionary zoning regulations. A summary is provided below:

**College Township**

College Township's workforce housing ordinance is mandatory throughout the municipality for all residential developments with more than 10 units, and where the residential density is five or more dwelling units (DU) per acre. The minimum percentage of workforce units required within a development generally aligns within the permitted density of the zoning district or specific area; 5% for 5 DU/acre, 7% for 7 DU/acre, and so forth.

In addition, developers are eligible for incentives when they voluntarily exceed the minimum amount of workforce housing. These are offered in the form of regulatory relief from certain zoning and/or subdivision regulations. Examples include reduction of the minimum lot size and/or width, reductions in setbacks, reductions in parkland or open space requirements, and several other incentives.

The Township defines a "workforce housing dwelling unit" as one which is affordable to those making up to 100% of the AMI.

As an alternative to providing the required units onsite, developers have the following options:

- Payment of fee in lieu
- Donation of land to the Township or designee
- Construction of offsite workforce units
- Designation of existing dwellings as workforce units
- Receipt of credit for previously build workforce units

**Ferguson Township**

The Ferguson Township ordinance includes a combination of mandatory and voluntary provisions for owner-occupied workforce housing in two of the Township's zoning districts.

In the Traditional Town Development (TTD) district, it is mandatory for developers to provide 10% of the units as workforce units. In addition, developers are eligible for an incentive when they voluntarily exceed the minimum amount of workforce housing. For each additional workforce unit provided, two dwelling units may be placed on lots of between 15,000 and 20,000 square feet in size; effectively a reduction in minimum lot size.

2. **POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP**  
**(cont.)**

In the Terraced Streetscape (TS) district, workforce housing is voluntary. However, if developers provide 10% of the units in a mixed-use building as owner occupied workforce units, they are eligible for incentives including a 20 ft increase in building height and a 15% reduction in the required parking spaces.

The Township defines “workforce housing” as that which is affordable to those earning between 80% and 120% of the AMI. Workforce units cannot be segregated or clustered within a neighborhood or structure, and they cannot be distinguished from market-rate units on their exterior.

In Ferguson Township, workforce housing units must be provided onsite; there is not a fee in lieu or offsite option.

**State College Borough**

In State College Borough, the mandatory inclusionary zoning provisions apply to all land development plans throughout the borough containing six or more residential dwelling units. All such developments must provide 10% of the units as inclusionary.

Developers can receive a number of incentives for multi-family buildings including bonus market-rate units, an additional floor of building height, side yard setback reductions, reduction in minimum dwelling size for inclusionary units, and no minimum off-street parking requirement for inclusionary units. In addition, developers of one and two-family dwellings are allowed a 25% reduction of the minimum lot size and flexibility in the minimum lot width. Also, the number of townhouses or similar dwellings in a row can be increased to seven units to accommodate the inclusionary units.

The Borough defines an “inclusionary unit” as one which is affordable to households earning up to 120% of the AMI. Similar to Ferguson Township, the inclusionary units must be distributed throughout the project and the exterior appearance and interior amenities must be indistinguishable from market-rate units.

As an alternative to providing the required units onsite, developers have the following options:

- Payment of fee in lieu of constructing units
- Construction of offsite inclusionary units
- Donation of land to the Borough or designee
- Donation of building and land to the Borough or designee

The Borough has used proceeds from fee in lieu contributions to support non-profits and to assist first-time homebuyers with down payments.

2. POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP  
(cont.)

Patton Township Affordable Housing Regulations

Patton Township's Code contains some inclusionary zoning elements, but also some other approaches for requiring and incentivizing affordable housing. These are summarized below.

Commercial Transitional (CT) District

The CT district is located along North Atherton Street and includes the Trader Joe's Plaza and part of the adjacent Woodycrest neighborhood. Among the intents of the CT district are "to potentially supply new housing within close proximity of employment, retail, and public transit opportunities" and "to offer a mechanism to address Patton Township's need for housing that is affordable to households with incomes no greater than 120% of the Centre County AMI through the aid of private sector commercial development."

In the CT district, residential development is allowed as a conditional use provided that a minimum of 16% of the tract is donated to a community land trust for development as affordable housing. The "Thompson Place" affordable housing development behind the Trader Joe's Plaza was made possible through this approach.

In order to ensure affordable housing development in the CT district, a signed and recorded agreement between the property owner(s)/developer(s), the community land trust, and any other parties involved in providing the affordable housing units is required. The units must remain affordable in perpetuity and must be rented to tenants whose income does not exceed 120% AMI.

The following incentives are offered for donating land for affordable housing:

- The donated area can be counted as fulfillment of the residential development open space requirement
- The parkland requirement for residential development is waived where all of the involved affordable housing units will be priced to be affordable to households making less than 80% AMI
- For each additional 5,000 square feet of land donated in excess of the required 16%, an additional 1% of impervious coverage may be used in the commercial portion of a CT development

Thompson Place is an example of a **shared equity** approach to affordable housing. In the shared equity model, ownership of the house (i.e., bricks and mortar and other improvements) is separated from the ownership of the underlying land, which is owned by the community land trust. Land trusts buy or accept donations of land and then lease the land to homeowners. This takes the cost of the underlying land out of the equation in order to make the housing more affordable to low- and moderate-income homebuyers, and the mortgage is based only on the cost of the improvements. When the homeowner decides to sell the home, he or she is subject to resale restrictions, including sharing of any appreciation in value in accordance with the terms of their agreement with the land trust. This helps to ensure continued affordability of the home for future income-qualified homebuyers.

2. POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP (cont.)

There are currently 14 owner-occupied affordable housing units in the CT zoning district.

Mixed-Use Overlay District 2 (MXD2) District

The MXD2 is an overlay zoning district that can be applied to Planned Commercial (C2) properties of at least 20 acres in size. It is an optional overlay that developers can choose to use if they wish to benefit from the flexibility the overlay offers, in exchange for providing affordable housing and several other community benefits as part of the development. Currently, the only site zoned MXD2 is the location of the proposed Patton Crossing development at 1752 North Atherton Street.

The MXD2 regulations utilize inclusionary zoning principles, requiring five percent of the total number of residential units on a site to be affordable. Optionally, developers are offered incentives to build an additional five percent of the units as affordable housing. Incentives include additional market-rate units, impervious coverage allowance, waived parkland requirements for affordable units, and others.

Units must be rented to tenants whose income does not exceed 65% AMI, but if a qualified tenant is not located within 45 days, units may be rented to tenants earning up to 80% AMI. Units must remain affordable for at least 50 years from initial occupancy. Rent is capped at 30 percent of tenants' gross monthly income. The developer/owner is required to submit an annual report to the Township on the affordable housing provided.

No development has occurred in Patton Crossing at this time, but there is a **potential for 36 affordable units** when developing the maximum number of units under the mandatory and voluntary policies of the MXD2 regulations.

Planned Community (PC) District – Gray's Woods

A 2018 update to the Gray's Woods Planned Community Master Plan (approved in December 2018) included an affordable housing commitment that requires the developers to construct **10 income-qualified units** in a future multi-family phase of Gray's Woods. The units will be available for buyers/renters with incomes between 80% and 120% of the AMI and will include a mix of 1, 2, and 3-bedroom units.

In addition, the Township will make the following changes, by ordinance, to the PC zoning regulations prior to the next phase of development to incentivize additional affordable housing development in Gray's Woods:

- The required off-street parking for the affordable units will be reduced to 1.5 spaces per unit. *The current requirement is 2.3 spaces per unit.*
- The affordable units will not be included in the overall density calculations or unit mix calculations within the Gray's Woods Planned Community.
- The maximum height for high density multi-family buildings within Gray's Woods will be increased to 75 feet. *The current maximum height is 60 feet.*

2. **POTENTIAL APPROACHES TO AFFORDABLE HOUSING IN PATTON TOWNSHIP  
(cont.)**

There are a variety of approaches that a community can take to work toward addressing its housing affordability challenges, and all of them involve partnerships and a range of regulatory tools and funding approaches.

Mr. Harry McAllister wished that more contractors, developers, and architects would be more involved with approaches to affordable housing.

Mr. Brian Rater was curious if affordable housing is being sought in close proximity to employment in the State College area, or whether it is the desire for many people to live within the State College Area School District that is driving the need for affordable housing.

Mr. McAllister was curious whether the affordable housing regulations of the surrounding municipalities were working. Mr. Greg Garthe noted that he has invited several of the planning staff from those municipalities to participate in the March 27, 2019 combined Board of Supervisors/Planning Commission Work Session, and they could provide insight.

Ms. Betsy Whitman, Board of Supervisor member, noted that she has been talking with Patton Township residents and hearing discussions about affordable housing and is wondering if a driving force behind the need for affordable housing is an ability for people to walk to places of business.

Resident, Jim Payne, advised the Planning Commission not to get too focused on the fact that affordable housing needs to be a single-family house; it can also be townhomes or apartments.

Mr. Rater suggested that the Township should focus on affordable sales housing because he anticipates the need for rental housing will shift as vacancy rates rise due to the development of many new rental units in recent years throughout the Centre Region.

2. **ADJOURN**

The work session meeting was adjourned at 8:15 PM.