

Proposed Amendments to East Lampeter Township Subdivision and Land Development Ordinance

1. Section 104, Jurisdiction- amend to add following section:

G. Contiguous Municipalities

(a). The County Planning Commission shall offer a mediation option to any municipality which believes that its citizens will experience harm as a result of an applicant's proposed subdivision or development of land in a contiguous municipality, if the municipalities agree. In exercising such an option, the municipalities shall comply with the mediation procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code. The cost of the mediation shall be equally between the municipalities unless otherwise agreed. The applicant shall have the right to participate in the mediation.

(b). The governing body of a municipality may appear and comment before the governing body of a contiguous municipality and the various boards and commissions of the contiguous municipality considering a proposed subdivision, change of land use, or land development.

2. Amend Section 201, Definitions, to include the following:

Comprehensive Plan - The Conestoga Valley Region Comprehensive Plan of 2003.

3. Section 302, Plan Review Fees, A (1) and A (2), amend the following language (changes in Italics):

A1. In the event the applicant disputes the amount of any such review fees, the applicant shall, within *fourteen (14)* days of the *applicant's receipt of the bill*, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

- A2. *In the event the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Supervisors shall follow the procedure for dispute resolution set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.*
4. Section 303, Preliminary Plan Application, amend to include the following language in section (I):
- I. All applications for approval of a plat shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Township Planning Commission (whichever first reviews the application) next following the date the application is filed *or after a final order of court remanding an application*, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application *or the final order of the court*, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
5. Section 304, Final Plan Application, amend to include the following language in section (J):
- J. All applications for approval of a plat shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Township Planning Commission (whichever first reviews the application) next following the date the application is filed *or after a final order of court remanding an application*, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application *or the final order of the court*, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

6. Section 304, Final Plan Application, amend to include the following language in section (K):
 - K. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit 15 required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. *The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of highway occupancy permit pursuant to said "State Highway Law".*
7. Section 306, Recording of Final Plats, amend to include the following language in section (A):
 - A. Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval *or the date the approval of the governing body is noted on the plat, whichever is later*, record such plat in the office of the Lancaster County Recorder of Deeds. Should the plat not be recorded within such period, the action of the Board of Supervisors shall become null and void. The final plat to be recorded shall be an exact copy of the approved final plan prepared in accordance with the provisions of this Ordinance and shall bear the signatures of the representatives of the Board of Supervisors, the Township Planning Commission and the Lancaster County Planning Commission. The County Recorder Of Deeds shall not accept any plat for recording, unless. Such plat officially notes the approval of the Board of Supervisors and review by the Lancaster County Planning Commission.
8. Section 311, Effect of Changes to Governing Ordinances or Plans, amend to include the following language in section (B):
 - B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no

subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. *The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.*

9. Amend Article 500, Design Standards to include following section:

Steep Slope Conservation

The following steep slope conservation standards shall apply to all land within the Township which contains areas of fifteen percent (15%) or greater slope.

- 01 Boundary Interpretation - An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of fifteen percent (15%) or greater slope, as documented in one of the following:
- a) The Lancaster County Soil Survey, the U. S. Soil Conservation Service; or,
 - b) A topographic survey prepared by a land surveyor registered in the Commonwealth of Pennsylvania. Contour plotted from the

United States Geodetic Survey will not be accepted.

Should a dispute arise concerning the boundaries of any steep slope conservation area, a topographic survey with minimum vertical intervals of five (5) feet shall be submitted. Boundary interpretation shall be made by the Township Board of Supervisors and based upon the topographic survey.

- 02 Design Requirements. The following requirements are based upon the average slope of a lot. The average slope of a lot shall be determined according to the following formula and identified for each lot on the plan.

$$\frac{.0023 \times I \times L}{A} = S$$

I = contour interval

L = combined length of contour lines in feet

A = lot area in acres

S = average slope in percent

Average Slope of Lot	Minimum Percent of Undisturbed ¹ Area	Maximum Impervious Surface
15% – 20%	40%	10%
20.1% – 25%	65%	10%
25.1% - 30%	85%	10%
Over 30%	90%	10%

natural ¹Undisturbed area shall be defined as land in its state before development.

- 03 Construction Prohibition. All structures, buildings, parking compounds, streets, and other substantial improvements, with the exception of utilities, are prohibited in areas with a pre-development slope of twenty-five percent (25%) or greater.

- 04 Setback. No change in existing topography, which results in a slope greater than the pre-development condition, may be located within twenty-five (25) feet of the neighboring property.
- 05 Design Information. A detailed description of the methods that are being used for construction in areas containing slopes of fifteen percent (15%) or greater to attain the following:
- a) Protection and stabilization of areas that have a high potential for soil erosion.
 - b) Accommodate storm water runoff.
 - c) Assure structural safety and minimize harm to the environment associated with development on steep slopes.
 - d) Protection and preservation of on-site and off-site valuable natural wildlife and/or plant habitats.
 - e) Protection and preservation of on-site and off-site water quality.
 - f) Protection of steep slopes on adjoining properties.
06. A soils engineering report prepared by a professional with extensive expertise in soil, geology, and construction shall be submitted for all construction and/or modifications to the existing topography and/or vegetative cover in areas of fifteen percent (15%) or greater. The soils engineering report shall include (a) the nature, types, distribution, and stability of the surface and subsurface soils for load bearing, stability, and compaction; (b) extent, description, and location of exposed rock and bedrock; (c) erodability of surface soil; and (d) depth to seasonal high water table.

10. Amend Article 500, Design Standards, to include requirements for steep slope reports:

A steep slope report for all applications involving lands that possess slopes exceeding fifteen percent (15%) shall require the preparation and submission of the following:

- a) A topographic map of the site which highlights those areas that possess slopes exceeding fifteen percent (15%). Also reflected on this map shall be all existing and proposed site improvements (e.g., buildings, roads, sewer systems, driveways, etc.) that are located within the steep slope area;
- b) A detailed description of the methods that are being used to:
 - 1. protect and stabilize areas that have a high potential for soil erosion;
 - 2. assure structural safety and minimize harm to the environment associated with the development;
 - 3. minimize grading throughout the site;
 - 4. protect and preserve any valuable natural wildlife and/or plant habitats which coincides with the steep-slope areas of the site;
 - 5. protect water quality on and around the site from the adverse effects of the proposed use;
 - 6. protect any steep slopes on adjoining properties; and,
- c) In those instances where buildings and/or other structures are being placed on slopes exceeding ten percent (10%), a description

of the methods used to assure adequate foundations, shall be provided.

11. The following language should be incorporated, where applicable, into
Section 519, Traffic Impact Studies:

A Traffic Impact Report shall be provided whenever a proposed project includes:

- a) Ten (10) or more new dwelling units, or
- b) Five thousand (5,000) or more total square feet of new commercial or industrial gross floor area, or
- c) One hundred (100) or more new average weekday vehicle trips as determined by the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, latest edition or data based on a similar facility or use if not addressed in the ITE.

The Board of Supervisors may waive or modify, in whole or in part, the requirement for a Traffic Impact Report or any of the requirements and standards set forth in Section 402.05.5). In considering any waiver or modification, the Board of Supervisors may consider, in their discretion, but are not limited to considering, such factors as:

- a) Location of the subject property,
- b) Proximity to intersections and major roadways,
- c) Projected increase of traffic volume on road system,
- d) Number and location of proposed accesses, and,
- e) Nature of the use proposed.

Request for a waiver or modification shall include item numbers

1(a) through (e) in subsection d) Documentation Required and justifications for the request.

A full Traffic Impact Report shall include the following:

- a) Definition of Influence Area. An influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area shall be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origin-designation survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact. The method used to determine the influence area shall be determined by the Township.

- b) Area of Traffic Impact Report. The Traffic Impact Report area shall be based on the characteristics of the influence area. The intersections and roadway segments to be included in the Report shall be adjacent to the site or impacted by vehicular traffic generated by the development of the site. The intersections and roadway segments shall be determined by the Township and Township Engineer. In the absence of an agreement, the applicant may be required to analyze

additional intersections and/or roadway segments within the Report area.

c) Preparation by Transportation Engineer Required. When it has been determined that a Traffic Impact Report is required for a proposed site development, it shall be the responsibility of the developer to ensure the Report is conducted and submitted in accordance with these regulations. The Traffic Impact Report and final report shall be prepared under the supervision of a registered Professional Engineer who possesses a license issued by the Pennsylvania State Registration Board for Professional Engineers. The final Traffic Impact Report must have the seal of the supervising engineer on it when submitted.

d) Documentation Required. A Traffic Impact Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Report.

1. The documentation for a Traffic Impact Report shall include, at a minimum:

- (a) Executive summary.
- (b) Report purpose and objectives. Description of the site and study area.
- (c) Existing conditions in the area of the development.
- (d) Recorded or approved nearby development within the Traffic Impact Report area.

- (e) Trip generation, trip distribution and modal split.
 - (f) Projected future traffic volumes (build and no-build).
 - (g) A description of the change in roadway operating conditions resulting from the development traffic.
 - (h) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service as described in paragraph 14.
 - (i) Supplemental studies, i.e., gap, queue, left-turn, etc.
 - (j) Improvements to be implemented by the Applicant.
 - (k) Appendix - Include data collection summaries, detailed capacity analysis worksheets, etc.
 - (l) Signed and sealed by a professional engineer.
2. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
3. Recommended improvements to the Report area network to include preliminary cost estimates, proposed implementation schedule and expected levels of service for

the recommended network. Any off-site improvements which are to be constructed shall be noted.

4. The recommendations shall specify the time period within which the improvements shall be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. Monitoring of constructed improvements shall be in accordance with PennDOT regulations. All monitoring shall be performed by the developer and coordinated with the Township.
5. Data shall be presented in tables, graphs, maps, and diagrams.
6. The executive summary shall be provided at the beginning the Traffic Impact Report and include one or two pages that concisely summarize the purpose, conclusions and recommendations.
7. The Traffic Impact Report shall analyze and recommend programs to reduce vehicular trips. Also, support for, and programs to encourage use of, alternate modes of transportation, including carpooling, transit, walking and cycling shall be considered in the Report. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at access points to allow a bus to enter the development. Bus signs and shelters shall be designated where

appropriate as determined by the Township.

- e) Data Collection. Existing twenty-four hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the traffic impact area. A major intersection shall be any intersection involving at least one (1) major collector street or minor collector street as designated by the Township.

Traffic count data shall not be more than two (2) years old. Manual turning movement traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Additional counts (i.e., on a Saturday or Sunday for a proposed commercial or nonresidential development) may also be required by the Township or Township Engineer.

- f) Horizon Year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy. This year shall be referred to as the horizon year in the remainder of this Ordinance. If access is proposed onto a State Highway, an analysis shall be conducted at a period of 10 years beyond the opening date.

- g) Non-Site Traffic Estimates. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the Traffic Impact Report area for which preliminary or final plans have been

approved. Non-site traffic may be estimated using historic trends for the roadway or the current addition of Pennsylvania Traffic Data.

- h) Trip Generation Rates Required. The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of adjacent street peak trips (AM and PM), generated peak hour trips, and total daily trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Report. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Report and approved by the Township.
- i) Consideration of Pass-By Trips. If a reduction in the site-generated traffic volumes is a consideration for the land use in question, studies and interviews at similar land uses in similar areas must be conducted or referenced justifying the pass-by reduction to be applied.
- j) Rate Sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Report. If a reduction in the overall trip generation of a mixed-use development was proposed due to internalization, documentation shall be provided.

k) Estimates of Trip Distribution Required. Trip distribution can be estimated using any one of the following three methods:

1. Analogy
2. Trip distribution model
3. Surrogate data

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether site generated inbound and outbound trips will have similar distributions.

l) Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at intersections, and projected (and perceived) minimum travel times. In addition, multiple paths shall often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing two hundred [200] or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths shall be used to obtain realistic driveway volumes. The assignment shall reflect conditions at the time of the analysis. Assignments can be ac-

completed either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure shall be used:

1. Determine the percentage of pass-by trips in the total trips generated.
2. Estimate a trip distribution for the pass-by trips.
3. Perform two separate trip assignments, based on the new and pass-by trip distribution.
4. Combine the pass-by and new trip assignment.

m)

Total Traffic Impacts. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact Report shall clearly depict the total traffic estimate and its components.

The Report area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: (1) existing network conditions, (2) future network conditions without the proposed development, and (3) future network conditions with the proposed development. For each of the three conditions, the following analyses shall be completed:

1. Mainline ADT volumes and turning movement volumes for all inter-

sections within the Report area will be determined for the AM peak hour, PM peak hour and the proposed development peak hour, if other than either the AM or PM peak hour of the network.

2. The effectiveness of the traffic signal control at all intersections will be evaluated by approach in terms of vehicle stops and delays.
3. Gap studies will be conducted in accordance with standards established by the ITE at the proposed site access points to evaluate the need for signal control, turn prohibitions or additional site access points to reduce the left-turn volume from the site driveways if unsatisfactory levels of service are achieved.
4. Queue length studies will be completed in accordance with standards established by the ITE to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections including access points to the proposed development.

The analysis of the existing roadway and intersection conditions in the Report area will be based upon the current geometric conditions and traffic control operations. This analysis will serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies.

The analysis of the future conditions without the proposed development will document the adequacy of the

Report area network to accommodate traffic in the horizon year(s) without the proposed development.

The analysis of the future conditions with the proposed development will document the adequacy of the Report area network to accommodate traffic in the horizon year(s) with the proposed development.

- n) Required Levels of Service. The recommendations of the Traffic Impact Report shall provide safe and efficient movement of traffic to and from, and within and past, the proposed development while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, they shall not deteriorate to worse than C if they are currently A or B, and shall be improved to a D if they are E or F. In addition, there shall be no increase in delay if an unsatisfactory level of service cannot be improved.
- o) Capacity Analysis. Capacity analysis must be performed at each off-site street intersection and project site access intersection locations (signalized and unsignalized) within the Report area. In addition, analyses must be completed for roadway segments affected by the proposed site traffic within the Report area. These may include such segments as weaving, sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service shall be computed in accordance with the *Highway Capacity Manual, Special Report 209, As Amended*, published by the Transportation Research Board, or any subsequent revision of such manual. The most current version of the Highway Capacity Software shall be used.

The operational analyses in the Highway Capacity Manual shall be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.

In developing the proposed improvements, the Report preparer is to consider the following:

1. All highway capacity evaluations shall consider not only the overall intersection level of service and delay but also evaluate each approach or lane group and movement to identify any substandard values which need to be improved.
2. For locations where the level of service of the horizon year without the proposed development is F, the improvements shall provide an estimated delay which will be no worse than the delay for the horizon year without the proposed development.
3. Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at Level of Service C or better.

4. For access points to the proposed development, which are not proposed to be controlled by a traffic signal, an analysis will be completed to determine the design details for a separate left-turn lane on the adjoining highway.
5. For access points to the proposed development where traffic signal control is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201, *Engineering and Traffic Studies*, and PennDOT's Publication 149, *Traffic Signal Design Handbook*. If the analysis warrants turning lanes, the type of signal phasing required shall be determined.