

(August 16, 2006)

**CENTRE REGION
GROWTH BOUNDARY/SEWER SERVICE AREA
IMPLEMENTATION AGREEMENT**

THIS IMPLEMENTATION AGREEMENT establishes a regional process to consider proposals to expand the Regional Growth Boundary/Sewer Service Area (RGB/SSA), and provides the General Forum of the Centre Region Council of Governments an advisory role in the review of major rezonings and zoning text amendments within the RGB/SSA. This Agreement is created by and among the following: College Township, Ferguson Township, Halfmoon Township, Harris Township, Patton Township, and State College Borough, all of Centre County, Pennsylvania, also referred to herein as the "Municipalities" and Centre Region.

SECTION I: AUTHORIZATION AND EFFECTIVE DATE OF ADOPTION

- A. This agreement is adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 Pa.C.S.A.
- B. This agreement is authorized by, and conforms to, Article XI of the Pennsylvania Municipalities Planning Code, Act of 1968, PL 805, No. 247 as reenacted and amended.
- C. This agreement shall be effective upon approval by the governing body of all of the six municipalities participating in this agreement.

SECTION II: BACKGROUND

The Centre Region municipalities rely on two fundamental planning tools to guide decisions related to future growth and development in the community. These documents are the Centre Region Comprehensive Plan, and the Centre Region Act 537 Sewage Facilities Plan. The Centre Region Comprehensive Plan, updated by the municipalities in 2000, established a Regional Growth Boundary within which most future growth is anticipated to occur. The RGB is roughly concurrent with the Sewer Service Area, which was established in the Act 537 Sewage Facilities Plan, adopted by the six Centre Region municipalities in 1990, and approved by the Pennsylvania Department of Environmental Protection as the Official Sewage Facilities Plan for the Centre Region.

An update of the Act 537 Sewage Facilities Plan is underway, and is expected to be complete in 2006. One component of the update is an evaluation of the existing SSA and the potential need for expansion to accommodate forecasted future growth. Because the Centre Region municipalities share wastewater treatment capacity at the University Area Joint Authority's Spring Creek Pollution Control Facility, any decision to expand the public sewer service area must be endorsed by all six governing bodies.

During the Summer of 2005, a significant amount of public debate occurred regarding requests from 26 property owners to expand the Centre Region's RGB/SSA. As a result of these discussions, 21 of the requests were eliminated from further consideration by the municipalities. This level of scrutiny demonstrates the commitment of the Municipalities to a regional growth management program and support for well planned growth.

Municipal comments regarding the remaining five expansion requests illustrate a wide range of opinions and perspectives about the need for any further expansion of the RGB/SSA. The comments also suggest the need for a new strategy for considering future expansion requests—a more systematic process through which the municipalities would be able to evaluate requests for expansion on their merits, including their impact on existing infrastructure and ability to accommodate future growth, contribute to the quality of life, and provide economic development opportunities.

SECTION III: PURPOSE

The purpose of this implementation agreement is to establish a process for considering future requests to expand the Centre Region RGB/SSA. In addition, the agreement will outline a process for reviewing major rezonings and zoning text amendments within the RGB/SSA. As the Centre Region Act 537 Sewage Facilities Plan documents, major rezonings within the RGB/SSA can have a significant impact on the Centre Region's wastewater collection and treatment system.

At the present time, requests to expand the RGB and SSA are first considered by the host municipality and then referred to the General Forum of the Centre Region Council of Governments for action by the six Centre Region municipalities. This process can be problematic if a local municipality takes action to rezone a property outside of the RGB/SSA, but does not receive support from the COG municipalities to add the property to the RGB/SSA.

The following process has been developed to assist the Municipalities in the review and evaluation of future requests to expand the RGB and SSA. The process assures that major rezoning proposals for properties located within or outside the RGB/SSA are first discussed with the General Forum to determine whether there is regional agreement to add the property to the RGB/SSA, or to make the capital investment to infrastructure that may be warranted by the development.

This Implementation Agreement encourages discussion among the Centre Region elected officials early in the planning process. Rather than deferring discussion on these issues to the regular five year update of the Act 537 Sewage Facilities Plan, this proposed process provides for regional discussion before local decisions are made on regionally significant land use issues. These discussions provide an important opportunity to eliminate misunderstandings among municipalities and to air concerns regarding a municipal proposal to expand the RGB/SSA or complete a major rezoning or zoning text amendment within the RGB/SSA. The process creates a mechanism for the exchange of ideas/solutions to eliminate or mitigate these concerns.

SECTION IV: THE PROCESS

The six Centre Region municipalities that are signatory to the Centre Region Comprehensive Plan and Act 537 Sewage Facilities Plan agree to the following process for considering requests to expand the RGB/SSA, complete major rezonings within the RGB/SSA, or to rezone or complete zoning text amendments outside of the RGB/SSA that result in an increase of equivalent dwelling units (EDUs).

1. The following proposals are hereby designated Developments of Regional Impact (DRI):
 - a. Any request to expand the RGB/SSA or to extend public sewer lines to areas outside the existing SSA.
 - b. Requests to rezone properties or complete zoning text amendments within the RGB/SSA in a manner that could increase density by more than 50 EDUs. In determining the number of EDUs that will be generated as a result of a rezoning or by a zoning text amendment, the highest and most intensive use permitted by the existing or proposed zoning district will be used.
 - c. Any proposal to rezone or complete zoning text amendments for properties outside of the RGB/SSA that will result in an increase of EDUs.
2. Due to the impact that Developments of Regional Impact can have on the community's wastewater collection/treatment system and overall infrastructure network, the Municipalities agree that these proposals warrant increased regional discussion and deliberation. As a result, future DRIs shall use the following review process before approval is granted by the host municipality.
 - a. All future proposals for Developments of Regional Impact shall first be reviewed by the host municipality to determine if they have merit and warrant discussion at the regional level. To ensure that adequate information is provided for the host municipality to consider the proposal, the signatories to this agreement agree to adopt a regionally consistent application for Developments of Regional Impact. This standardized application will require the applicant to submit the following information to the host municipality for review:
 - i. Effect of the Development of Regional Impact on:
 1. Existing sewer collection, conveyance and treatment system
 2. Water infrastructure
 3. Transportation network
 4. Public transportation system
 5. Emergency services
 6. Environmental features
 7. School facilities
 8. Adjacent land uses

- ii. Community fiscal impacts of the proposal
 - iii. Economic analysis on the impact of the proposal on other areas of the community
 - iv. Quality of life issues and the value the proposal would add to the community
 - v. The consistency of the proposal with smart growth planning criteria
- b. The host municipality shall not review the proposed DRI unless the information required in the application is complete. Following a review of this information, the host municipality will determine if the proposal has merit and warrants regional discussion. If the host municipality determines that the proposal warrants regional discussion, the Development of Regional Impact shall be forwarded for regional discussion before final action to approve the proposal is taken by the host municipality.
- c. If the DRI is initiated by a municipality, the municipality shall be responsible for preparing the information outlined in section 2(a).
- d. If the host municipality forwards the DRI for regional review, the process shall begin with the Centre Regional Planning Commission (CRPC). Upon receipt of a completed application for a Development of Regional Impact from the host municipality, the CRPC shall have 60 days to review the proposal and provide a recommendation to the General Forum of the Centre Region Council of Governments.
- e. The CRPC's recommendation on the Development of Regional Impact, along with the completed application, shall be provided to the General Forum for review. At the COG General Forum meeting, a representative of the host municipality within which the DRI is proposed and/or the applicant shall present information on the Development of Regional Impact, and indicate why the host municipality supports the proposal. The goals of this presentation are as follows:
 - i. to encourage communication among the Region's elected officials on Developments of Regional Impact early in the review process.
 - ii. to solicit comments and suggestions from the General Forum that may result in the identification of solutions to planning issues which can be addressed by the host municipality.
 - iii. To determine the level of support from the other Centre Region municipalities for the proposal.
- f. Following the presentation by the host municipality and/or the applicant, a representative of the CRPC will present the recommendation of that body.

- g. Following the presentation by the CRPC, the General Forum will discuss the request and may hold an informal straw vote to determine each municipality's position on the request. If the discussion indicates that there is not unanimous support for an RGB/SSA expansion, the municipalities indicating dissent will be asked to provide a detailed explanation of their position. Following this discussion, the General Forum will determine whether to proceed to:
 - i. Refer the proposal to an ad hoc committee for further discussion
 - ii. Request the developer or the host municipality to provide additional information to the General Forum. Such additional information may include special studies such as detailed land use, fiscal, transportation or environmental impact analyses, or
 - iii. Vote on the request
- h. At the conclusion of the General Forum discussion, and following any additional steps and discussion as noted in the preceding step, a unit vote will be held.
 - i. Developments of Regional Impact that are requesting expansion of the Regional Growth Boundary/Sewer Service Area will require amendments to the Act 537 Sewage Facilities Plan and the Centre Region Comprehensive Plan. As a result, these DRI requests require unanimous approval of the Municipalities. The unit vote will allow each municipality to provide the host municipality an indication of their support for the proposal to expand the RGB/SSA.

If the unit vote results in unanimous support to expand the RGB/SSA, each municipality will adopt a resolution approving the expansion as a revision to the Centre Region Act 537 and Comprehensive Plans, and the host municipality may proceed to submit the proposal and required planning module to DEP for approval.

By signing this agreement, each Centre Region municipality agrees not to rezone or complete zoning text amendments for properties outside of the RGB/SSA that will result in an increase of EDUs until this regional process occurs.

- ii. If a DRI which proposes the expansion of the RGB/SSA is denied through the unit vote, said request shall not be reconsidered by the General Forum for a two year period.
- iii. For DRIs that propose a rezoning or zoning text amendment that results in an increase of 50 or more EDUs within the current RGB/SSA, the General Forum recommendation will be advisory in

nature. The authority for zoning decisions will remain with the host municipality. The goal of regional review of these proposals will be to identify issues or concerns related to the proposed zoning change, and to generate dialogue among the Region's elected officials that may result in design approaches to address these issues.

- iv. For DRIs that propose a rezoning or zoning text amendment for properties outside the RGB/SSA, the General Forum recommendation will be advisory in nature. The authority for zoning decisions will remain with the host municipality. The goal of the regional review process will be to identify issues or concerns related to the proposed zoning change, and to generate dialogue among the Region's elected officials that may result in design approaches to address these issues.

SECTION V: FUTURE DEVELOPMENTS OUTSIDE OF THE REGIONAL GROWTH BOUNDARY AND SEWER SERVICE AREA

The Centre Region municipalities agree that developments outside of the RGB/SSA served by on-lot sewage disposal systems are a regional concern. The proper operation and maintenance of on-lot systems will ensure the health of these systems, prevent the need for costly public sewer line extensions, and will discourage the need for the outward expansion of the RGB/SSA. In addition, the Chesapeake Bay Tributary Strategy further emphasizes the need for ensuring the proper operation and maintenance of on-lot sewage disposal systems.

The Centre Region municipalities agree to the following measures for future developments located outside the RGB/SSA:

1. Sewage management programs will be required for all future developments that propose less than 15 dwelling units outside of the RGB/SSA.
2. Developments located outside the RGB/SSA that propose 15 or more EDUs shall utilize a community on-lot sewage disposal system (COLDS) designed and maintained according to the standards of the University Area Joint Authority (UAJA). For phased developments, this requirement will apply to developments that reach a cumulative total of 15 equivalent dwelling units.

On-lot developments located outside of the RGB/SSA will not be reviewed by the CRPC or COG General Forum. However, by enacting this Agreement, the Municipalities agree to incorporate the requirements described above into their municipal sewage management ordinances.

SECTION V: TERM AND EFFECTIVE DATE

The effective date of the agreement shall be upon enactment by ordinance of this agreement by the six Centre Region municipalities:

APPROVED:

ATTEST:

COLLEGE TOWNSHIP COUNCIL

Secretary

By: _____
Chairman

ATTEST:

FERGUSON TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

ATTEST:

HALFMOON TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

ATTEST:

HARRIS TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

ATTEST:

PATTON TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman

ATTEST:

STATE COLLEGE BOROUGH COUNCIL

Secretary

By: _____
President

APPROVED BY THE MUNICIPALITIES AS FOLLOWS:

<u>Municipality</u>	<u>Date</u>	<u>Ordinance Number</u>
Township of College	_____	_____
Township of Ferguson	_____	_____
Township of Halfmoon	_____	_____
Township of Harris	_____	_____
Township of Patton	_____	_____
Borough of State College	_____	_____