

ORDINANCE NO. 363

**AN ORDINANCE OF THE TOWNSHIP OF HARRIS, CENTRE COUNTY,
PENNSYLVANIA ADOPTING THE AMENDED AND RESTATED CENTRE REGION
GROWTH BOUNDARY AND SEWER SERVICE AREA IMPLEMENTATION
AGREEMENT**

WHEREAS, the governing bodies of the Borough of State College, and the Townships of College, Ferguson, Harris, Halfmoon and Patton, all of Centre County, are members of the Centre Region Council of Governments; and

WHEREAS, the Joint Articles of Agreement of the Centre Region Council of Governments provide for separate agreements for COG programs; and

WHEREAS, cooperation among the municipalities in the exercise and performance of their governmental powers, duties, and functions, is authorized by the Act of 1972, July 12, P.L. 762,53 P.S. Section 481, et seq., as amended; and

WHEREAS, these municipalities wish to adopt the Centre Region Growth Boundary and Sewer Service Area Implementation Agreement;

NOW, THEREFORE be it enacted and ordained by the Board of Supervisors of Harris Township, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. The Board of Supervisors of Harris Township hereby adopts, by reference, the Amended and Restated Centre Region Growth Boundary and Sewer Service Area Implementation Agreement. A copy of the agreement is attached to this ordinance as Exhibit A.

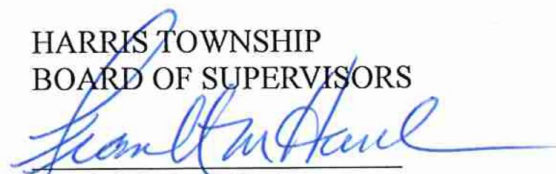
SECTION 2. The Chairman of the Harris Township Board of Supervisors is hereby authorized to execute said articles on behalf of Harris Township.

SECTION 3. All existing Agreements, Resolutions, and Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

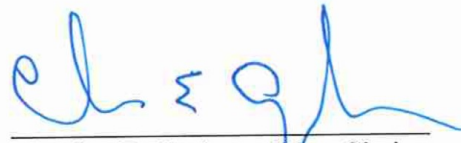
This Ordinance shall become effective five days from the date of adoption.

ENACTED AND ORDAINED this 28th day of August, 2023.

HARRIS TOWNSHIP
BOARD OF SUPERVISORS



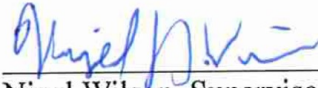
Frank Harden, Chair



Charles E. Graham, Vice Chair



Dennis R. Hameister, Supervisor



Nigel Wilson, Supervisor



Bruce Lord, Supervisor

ATTEST:



Peter Marshall, Secretary

EXHIBIT A

CENTRE REGION GROWTH BOUNDARY AND SEWER SERVICE AREA (RGB and SSA) IMPLEMENTATION AGREEMENT

An amended and restated IMPLEMENTATION AGREEMENT is enacted by ordinance by 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 Centre Region municipalities.

SECTION 1: AUTHORITY, EFFECTIVE DATE, AND PURPOSE

- 1.1 Authority - This Agreement is adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 Pa.C.S.A and Article XI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- 1.2 Effective Date - This amended and restated Agreement shall be effective upon adoption, by ordinance by the individual Centre Region municipalities.
- 1.3 Purpose -This Agreement is adopted to:
 - A. Adopt an amended and restated process that the Centre Region municipalities can use to review and take action upon a Development of Regional Impact (DRI) application to expand the RGB and SSA boundary.
 - B. Adopt an amended and restated process that the Centre Region municipalities can use to review and provide advisory comments to individual municipalities on major rezonings outside the RGB and SSA when the density exceeds one Equivalent Dwelling Unit (EDU) per acre.

SECTION 2: APPLICABILITY AND EXCEPTIONS

2.1 Applicability

The following actions shall require a Development of Regional Impact application:

1. A request to expand the RGB and SSA
2. A request to rezone property outside the RGB and SSA to a density greater than one EDU per acre

2.2 Exceptions

1. The Department of Environmental Protection (DEP) declares in writing that there is a threat to public health and there is no other alternative to protect public health other than to connect to public sewer. In these instances, the provision of public sewer outside the RGB

and SSA is allowed only to serve the existing number of EDUs at time of failure. Any additional capacity would require a future Development of Regional Impact application.

SECTION 3. DEFINITIONS

The following words or terms used in this Agreement will have the following meanings:

Regional Growth Boundary - The Regional Growth Boundary is the boundary within which higher density and intensity of development exists to efficiently and economically support urban services including public sewer, public water, public transportation, fire, police, and schools. The RGB is consistent with the Centre Region Comprehensive Plan.

Sewer Service Area - The Sewer Service Area is the location where public sewer service is provided or planned as identified in the Centre Region Act 537 Sewage Facilities Plan. The Sewer Service Area is delineated in the latest approved Centre Region Act 537 Sewage Facilities Plan.

Alternative Public Wastewater Treatment - Alternative public wastewater treatment is any process designed to produce an effluent of higher quality than normally achieved through primary and secondary treatment processes and does not utilize soils as the primary method for remediation (membrane bioreactor, for example).

Density -. For the purpose of this Agreement density is defined in terms of the number of EDUs as established in the UAJA Rate Resolution.

Developments of Regional Impact - Any land development that, because of its character, magnitude, or location will have substantial impact upon the health, safety, or welfare of citizens in more than one Centre Region municipality. The Region will assess the impact on public services including, but not limited to, public sewer, public water, public transportation, fire, police, and schools in determining what qualifies as a Development of Regional Impact.

Equivalent Dwelling Unit (EDU) - A unit of measurement that estimates an average use of wastewater facilities. Roughly the average amount of wastewater generated by atypical family in one day.

Major rezoning: A major rezoning is a rezoning outside the RGB and SSA that increases density by more than one EDU per acre.

SECTION 4: THE PROCESS – GENERAL FORUM ACTION REQUIRED

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 Regional Growth Boundary and Sewer Service Area or to rezone or complete zoning text amendments outside of the Regional Growth Boundary and Sewer Service Area that permit development density greater than one equivalent dwelling unit per acre.

1. The following proposals are hereby presumed to be Developments of Regional Impact:
 - a. Any request to expand the Regional Growth Boundary and Sewer Service Area or to extend public sewer infrastructure to areas outside of the existing Sewer Service Area.

- b. Any proposal to rezone or complete zoning text amendments for properties outside of the Regional Growth Boundary and Sewer Service Area that will permit development density greater than one equivalent dwelling unit per acre.
2. Due to the impact that Developments of Regional Impact can have on the community's wastewater collection, conveyance, and treatment system and overall infrastructure network, the municipalities agree that these proposals warrant increased regional discussion and deliberation. As a result, applicants shall complete the following review process prior to a request to expand the Regional Growth Boundary and Sewer Service Area being granted by the General Forum:
- a. All applications for a Development of Regional Impact to expand the Regional Growth Boundary and Sewer Service Area, 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 to request expansions of the Regional Growth Boundary and Sewer Service area, including applications for Developments of Regional Impact. This standardized application requires that the applicant to submit the following information to the host municipality for review:
 - i. The applicant must address the following questions in the application to expand the Regional Growth Boundary and Sewer Service Area:
 - 1. Are there locations inside the Regional Growth Boundary that could support the proposed development? If not, explain why.
 - 2. Does the University Area Joint Authority have capacity to serve existing development inside the Regional Growth Boundary and the proposed expansion? Please provide a letter from the University Area Joint Authority documenting capacity.
 - 3. Have on-lot septic systems or other methods to provide sewer service to the property been explored? Why are these not viable methods to dispose of waste?
 - 4. Are there any potential adverse public impacts of the proposed expansion and how will they be mitigated, based upon the items in Section V, Subsections ii. through vi?
 - 5. Is the expansion contiguous with the existing Regional Growth Boundary?
 - 6. Do changes in local or regional population or land use forecasts warrant an expansion? Explain how these changes necessitate the expansion.
 - 7. Are there adjustments or changes in the specific location or direction of growth and development that warrant an expansion? Explain how these changes necessitate the expansion.
 - 8. Are there changes resulting from goals, objectives, and policies in the Comprehensive Plan or local planning issues that warrant an expansion? Explain how these changes necessitate the expansion.
 - ii. Effect of the Development of Regional Impact on:
 - 1. Existing sewer collection, conveyance, and treatment system
 - 2. Public water infrastructure
 - 3. Transportation network (including bicycle and pedestrian facilities)

4. Public transportation system
5. Emergency services (for example, fire, police, and ambulance service)
6. Environmental features (such as soils, wetlands, streams, the aquifer, sinkholes, or similar environmental concerns)
7. School facilities
8. Adjacent land uses

iii. In addition to the above noted information, the host municipality, at its discretion may also require information relative to fiscal impacts or specific details on transportation impacts, environmental impacts, or similar studies.

iv. Economic analysis of the impact of the proposal on other areas of the community

v. Quality of life issues and the value the proposal would add to the community

vi. The consistency of the proposal with the Centre Region Comprehensive Plan

b. The Development of Regional Impact application will be forwarded to the Centre Regional Planning Agency to be reviewed for completeness based on the items listed above. The Centre Regional Planning Agency will have 20 business days to review the Development of Regional Impact application and forward comments back to the applicant outlining the information that needs to be revised or added to ensure a complete application, if necessary. The applicant will make any necessary changes and resubmit the application to the Centre Regional Planning Agency for its review and recommendation, including specific reasons and findings of fact. The Centre Regional Planning Agency will have 15 business days to review the completed application and develop its recommendation to be forwarded to the host municipality with the completed Development of Regional Impact application.

c. The host municipality shall not review the request to expand the Regional Growth Boundary and Sewer Service Area and Development of Regional Impact application unless the information required has been reviewed by the Centre Regional Planning Agency for completeness. 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 application shall be forwarded for regional discussion before final action to forward the proposal is taken by the host municipality. The host municipality shall include specific findings of fact used to establish its support of the request to expand the Regional Growth Boundary and Sewer Service Area based upon the Development of Regional Impact application.

i. If the request to expand the Regional Growth Boundary and Sewer Service Area is initiated by a municipality, the municipality shall be responsible for preparing the information outlined in section 2.a.

ii. If the host municipality forwards the request to expand the Regional Growth Boundary and Sewer Service Area for regional review, the process shall begin with the Centre Regional Planning Commission. Upon receipt of a completed application for a request to expand the Regional Growth Boundary and Sewer Service Area, including a completed Development of Regional Impact application from the host municipality (including findings, in support of the application), the Centre Regional Planning Commission shall review the proposal and provide

a recommendation to the General Forum of the Centre Region Council of Governments within 60 days of receipt of the completed application.

iii. Requests to expand the Regional Growth Boundary and Sewer Service Area and completed Development of Regional Impact applications shall be reviewed by the Centre Regional Planning Commission, beginning at the first available meeting that coincides with the regular agenda mailing following receipt from the host municipality.

iv. The Centre Regional Planning Commission recommendation on the request to expand the Regional Growth Boundary and Sewer Service Area and Development of Regional Impact application, along with the completed application (including findings from the host municipality and Centre Regional Planning Agency), shall be provided to the COG General Forum for review.

The COG General Forum shall conduct two meetings to review the request to expand the Regional Growth Boundary and Sewer Service Area. At the first COG General Forum meeting, a member of the host municipality's governing body shall be designated to present information on the application and indicate why the host municipality supports the proposal. If deemed appropriate by the COG General Forum, the applicant may be asked to provide information on the application. The goals of this presentation are as follows:

1. To encourage communication among the Region's elected officials on Developments of Regional Impact early in the review process.
2. 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.
3. To determine the level of support from the other Centre Region municipalities for the proposal.

d. Following the presentation by the host municipality (and the applicant if appropriate), a representative of the Centre Regional Planning Commission will present its recommendation and provide any applicable information related to the discussion that occurred. Municipalities may consider conducting individual governing body meetings between the first and second COG General Forum meeting to study the request in more detail and form a municipal position regarding the request prior to the second COG General Forum meeting.

e. At the second meeting, the General Forum will discuss the results of the first COG General Forum meeting and any municipal governing body meetings and may hold an informal straw vote to determine each municipality's position on the request. If the discussion indicates that there are not at least five votes in support of an expansion to the Regional Growth Boundary and Sewer Service Area, then the municipalities indicating dissent will be asked to provide an 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 or COG standing committee for further discussion.

- ii. Request the applicant 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.

The General Forum shall only approve a request to expand the Regional Growth Boundary and Sewer Service Area by an affirmative unit vote of at least five municipalities, upon finding that the request has satisfied the criteria in Section V.2.a of this Agreement.

- f. 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. Requests to expand the Regional Growth Boundary and Sewer Service Area require a minimum of five affirmative unit votes of the municipalities, including the host municipality, for approval. The unit vote will allow each municipality to provide the host municipality an indication of its support for the proposal to expand the Regional Growth Boundary and Sewer Service Area.

Upon approval to expand the Regional Growth Boundary and Sewer Service Area, the COG General Forum 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 the Pennsylvania Department of Environmental Protection for approval.

By signing this Agreement, each Centre Region municipality agrees not to rezone or complete zoning text amendments for properties outside of the Regional Growth Boundary and Sewer Service Area that will permit development density greater than one equivalent dwelling unit per acre until completing the process as described in Section V of this Agreement.

ii. If a request to expand the Regional Growth Boundary and Sewer Service Area does not receive a minimum of five affirmative votes, said request may be resubmitted for reconsideration after the General Forum concerns are addressed.

iii. Rezoning or rezoning text amendments outside of the Regional Growth Boundary and Sewer Service Area that would result in development density of less than one equivalent dwelling unit per acre do not require General Forum action. The COG General Forum would be informed of the change; however, no action or discussion would be required by the COG General Forum. Rezoning or rezoning text amendments outside of the Regional Growth Boundary and Sewer Service Area that would result in a development density of greater than one dwelling unit per acre require General Forum action, unless otherwise permitted in Section VI "The Process - General Forum Action Not Required" to expand the Regional Growth Boundary and Sewer Service Area. Regardless, the authority for zoning decisions will remain with the host municipality.

SECTION 5: THE PROCESS - GENERAL FORUM ACTION NOT REQUIRED

The six Centre Region municipalities that are signatory to the Centre Region Comprehensive Plan and Act 537 Sewage Facilities Plan agree to the following:

1. Each municipality that has land outside of the Regional Growth Boundary and Sewer Service Area is authorized to expand the Regional Growth Boundary and Sewer Service Area by a maximum

of 50 Equivalent Dwelling Units, not to exceed 12 acres, for a period of five years from the execution of this amended Agreement. Individual non-residential projects are limited to a maximum square footage that would be expected to generate fewer than 100 vehicle trips during the peak hour, or fewer than 750 vehicle trips in an average day.

2. The governing body of the host municipality will consider comments from the Centre Regional Planning Agency and the Centre Regional Planning Commission in the municipal review process.

3. Requests to expand the Regional Growth Boundary and Sewer Service Area under this Section of the Ordinance must achieve a minimum development density greater than one equivalent dwelling unit per acre.

4. Requests to expand the Regional Growth Boundary and Sewer Service Area under this Section of the Ordinance shall be evaluated in the same manner as requests under Section V "The Process - General Forum Action Required," with the exception that they will not require COG General Forum approval.

5. The request to expand the Regional Growth Boundary and Sewer Service Area must be contiguous to the existing Regional Growth Boundary and Sewer Service Area. This provision does not preclude exceptions to expand the Sewer Service Area as may otherwise be authorized under Section VIII "Exceptions".

6. This Section of the Ordinance will expire five years from the final date of adoption and will require a unit vote in the affirmative of at least five municipalities to be reauthorized.

The CRPA shall annually provide the General Forum with a summary of all requests to expand the Regional Growth Boundary and Sewer Service Area, including an accounting of the number of EDUs approved in each municipality and a map depicting the location of any changes to the Regional Growth Boundary and Sewer Service Area in the preceding year.

SECTION 6: PROJECT SPECIFIC DEVELOPMENT AGREEMENTS

A host municipality is required to enter into a project specific development agreement with a property owner or developer that is requesting an expansion to the Regional Growth Boundary and Sewer Service Area. A project specific development agreement is used to ensure the land development occurs as proposed and is required to be included as a condition of the Resolution authorizing the request to expand the Regional Growth Boundary and Sewer Service Area. It is solely the responsibility of an individual municipality to ensure a development agreement is being executed properly and to approve or deny changes to that agreement. The Centre Region does not have a role in the enforcement or verification of a municipally enacted development agreement.

Amendments to the development agreement that are de minimus changes or technical corrections, as determined by participants, may be approved administratively by the host municipality. Such changes may be authorized at the discretion of the governing body of the host municipality or its designee and do not require any action by the COG General Forum. The host municipality shall forward any de minimus changes or technical corrections to the COG Executive Director within five days of approval by the host municipality for inclusion as an informational item at the next available COG General Forum meeting.

Major amendments and rescissions must be ratified by all participants to the original development agreement. Such changes may be authorized at the discretion of the governing body of the host municipality or its designee and do not require any action by the COG General Forum, with the exception that the host municipality will notify the General Forum of any major changes. In the case of rescission of a development agreement, or if the governing body of the host municipality determines a major amendment is not consistent with the intent of the expansion as approved by the COG General Forum, a new request to expand the Regional Growth Boundary and Sewer Service Area must be filed and approved by the General Forum as required in this Agreement.

The municipalities agree that development agreements will be used to specify that the property owner or developer of the project for which the Regional Growth Boundary and Sewer Service Area application was approved shall obtain a building permit within five years of COG General Forum approval of the resolution expanding the Regional Growth Boundary and Sewer Service Area. If the property owner or developer of the project has not obtained a building permit within the five-year period, the host municipality shall take action to rescind the development agreement and the Regional Growth Boundary and Sewer Service Area shall be restored to their location prior to the request.

SECTION 7: FUTURE DEVELOPMENTS OUTSIDE OF THE REGIONAL GROWTH BOUNDARY AND SEWER SERVICE AREA

The Centre Region municipalities agree that developments outside of the Regional Growth Boundary and Sewer Service Area served by on-lot sewage disposal systems should be managed under the existing CRCA Sewage Management Program. 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 discourage the need for the outward expansion of the Regional Growth Boundary and Sewer Service Area. 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 of the Regional Growth Boundary and Sewer Service Area:

1. Sewage management programs will be required for all future developments that propose less than 15 EDUs outside of the Regional Growth Boundary and Sewer Service Area.
2. Developments located outside of the Regional Growth Boundary and Sewer Service Area that propose a cumulative total of 15 or more EDUs, and where any individual lot is less than two acres, shall utilize a community on-lot sewage disposal system (as defined by the Pennsylvania Department of Environmental Protection) designed and maintained according to the standards of the University Area Joint Authority. The University Area Joint Authority, however, will not be required to perform day-to-day operations on such facilities. For phased developments, this requirement will apply to developments that reach a cumulative total of 15 EDUs.
3. Alternative public wastewater treatment systems (with the exception of UAJA) as defined herein, are prohibited for the term of this Agreement in the Centre Region. The Centre Region Act 537 Sewage Facilities Plan identifies on-lot sewage disposal systems as the only method for wastewater treatment outside of the Regional Growth Boundary and Sewer Service Area. If public

sewer service is requested, the University Area Joint Authority has been identified as the provider for public sewer services in the Centre Region.

On-lot developments located outside of the Regional Growth Boundary and Sewer Service Area will not be reviewed by the Centre Regional Planning Commission 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 8: REQUIRED REVIEW AND AMENDMENT PROCESS

1. Required Review

The municipalities agree to review and evaluate the effectiveness of the provisions contained herein within five years from the effective date and to amend this Agreement more frequently, if necessary, if recommended by the COG Land Use and Community Infrastructure Committee and approved by a unit vote of the COG General Forum.

The municipalities agree to amend any municipal ordinances to conform to this Agreement within the timeframe established by the Pennsylvania Municipalities Planning Code (MPC).

2. Amendment Process

a. Determination of minor and major amendments:

All requests for amendments to the Regional Growth Boundary and Sewer Service Area Implementation Agreement shall be submitted through a Centre Region municipality or the Centre Regional Planning Commission, including those requests originated by an individual or entity seeking an amendment. The municipality or Centre Regional Planning Commission will forward the request to the COG Executive Director, who will schedule the item on the next available COG Land Use and Community Infrastructure Committee agenda.

The COG Land Use and Community Infrastructure Committee, by a majority vote of members present, will determine if an amendment is major or minor. If the COG Land Use and Community Infrastructure Committee cannot agree on a designation, the COG Land Use and Community Infrastructure Committee must forward the proposed amendment to the next available COG Executive Committee meeting for consideration on a COG General Forum agenda. The COG General Forum will then determine if the amendment is major or minor by majority vote of the individual members present.

b. Major amendments:

After designating the request as a major amendment, the COG Land Use and Community Infrastructure Committee (or COG General Forum if necessary) shall refer the major amendment to the COG Executive Director for Centre Regional Planning Agency review and Centre Regional Planning Commission recommendation, and to the Centre Region municipalities for their information. The Centre Regional Planning Agency will present a recommendation for consideration at a future COG Land Use and Community Infrastructure Committee meeting. The COG Land Use and Community Infrastructure Committee shall

recommend approval, denial, or continuance on the amendment by a majority vote of the members present, no more than 90 days from receipt of the major amendment. The COG Land Use and Community Infrastructure Committee recommendation will be forwarded to the COG Executive Committee for consideration on a General Forum agenda. The COG General Forum shall take action to modify, approve,

deny, or continue the amendment by an affirmative unanimous unit vote of the municipalities. The COG Executive Director shall forward the amendment and the results of such action to all of the Centre Region municipalities, the Centre Regional Planning Agency, the Centre Regional Planning Commission, and requesting entities, no more than five working days after such action.

c. Minor amendments:

After designating the request as a minor amendment, the COG Land Use and Community Infrastructure Committee (or COG General Forum as necessary) shall refer the minor amendment to the COG Executive Director for Centre Regional Planning Agency review. The Centre Regional Planning Agency will present a recommendation for consideration at the next scheduled COG Land Use and Community Infrastructure Committee meeting. The COG Land Use and Community Infrastructure Committee shall review the request and take action to modify, approve, deny, or continue the amendment by a majority vote of the members present, no more than 90 days from receipt of the minor amendment. The COG Executive Director shall forward the amendment and the results of such action to all the Centre Region municipalities, the Centre Regional Planning Agency, the Centre Regional Planning Commission, and requesting entities, no more than five working days after such action.

SECTION 9: TERM AND EFFECTIVE DATE

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