

**CENTRE COUNTY
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
AMENDMENT – DEVELOPMENTS OF REGIONAL SIGNIFICANCE**

ORDINANCE NUMBER _____ OF 2005

This Amendment to the Centre County Subdivision and Land Development Ordinance (reference Ordinance Number 3 of 1983, as amended and updated by Ordinance Number 2 of 1999 – by the addition of Section 1104. to Article XI – REQUIREMENTS FOR SPECIAL CONDITIONS) is for the purpose of adding a new Section to Article XI.

Article II. Section 204.A. is amended to include the following definitions:

Development of Regional Significance – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Arterial Highway – A road facility meeting the federal functional classification for any of the following: interstate highway, freeway and expressway, principal arterial highway, or minor arterial highway. Such roadways provide long distance connections and/or consist of routes which normally provide high travel speeds with minimum interference to through movement.

Planned Land Use – Classifications identified within Comprehensive Plans and/or future land use plans of responsible jurisdiction, uses permitted through approved subdivision and/or land development plans, and/or zoning designation(s) as applicable.

Article XI. Section 1101.B. is amended to add the following:

3. **Developments of Regional Significance**

The amendment is designated as Section 1105. Developments of Regional Significance and reads as follows:

1105. Requirements for Developments of Regional Significance

A. General Purpose

The Pennsylvania Municipalities Planning Code (MPC) requires that County governments identify and implement planning and land use policies to ensure compatibility of land uses among contiguous municipalities. The regulations set forth here are enacted by virtue of the County’s responsibility to ensure compatibility of land uses between contiguous municipalities, to minimize impacts associated with developments of regional significance, to provide buffers and other transitional devices

between disparate uses, and to protect the health, safety, and welfare of Centre County residents.

B. Specific Purpose

1. This ordinance has been promulgated to minimize impacts from developments of regional significance specific to areas in which a subject property is traversed by, or in close proximity to, a municipal boundary and impacts from proposed development in a municipality may be incompatible with the existing or planned land use in an adjacent municipality.
2. The potential impacts of developments of regional significance, as defined in Article II, are related to the character, magnitude, or location of the proposed development. The special conditions identified here are to mitigate these impacts and shall be imposed if the following criteria are met:
 - a. Character – Proposed use that may have excessive land use, traffic, or environmental impacts, on existing or planned communities, or is inconsistent with the existing or planned land use on adjacent parcels or within adjacent municipalities
 - b. Magnitude – Development with a disturbance area, footprint, or impervious area of two hundred (200) acres or greater, within all phases of the development proposal in its entirety
 - c. Location – Development of parcels traversed by a municipal boundary or located within one mile of said boundary

An application shall be considered of regional significance and thereby subject to the provisions of Section 1105 of the Centre County Subdivision and Land Development Ordinance when either of the conditions set forth in Section 1105.B.2.a or Section 1105.B.2.b above are met and when the conditions set forth in section 1105.B.2.c apply.

3. The requirements for special conditions related to developments of regional significance shall not apply to subdivision and/or land development plans submitted for agricultural purposes.
4. The Staff shall make a determination as to the applicability of Section 1105 based on the criteria set forth in Section 1105.B.2. The applicant may appeal this determination to the Commission.
5. The Commission may, at its discretion and at the applicant's request, waive any or all of the requirements of Section 1105 if the adjacent municipality is located outside of Centre County.

C. Application Procedures

1. A pre-submission conference with the Staff shall be required prior to plan submission. This conference shall not be regarded as a formal application for the proposed development. The filing of any report, sketch plan, plat or map prior to or at such conference shall not constitute submission of a plan nor shall such materials be binding on subsequent submissions by the applicant.
2. A written narrative statement shall be provided and shall include a statement of the ownership of all of the land included within the development and the substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings, and structures. Such covenants, grants of easements, or other restrictions shall be noted on the plan.
3. The applicant shall submit a traffic impact study prepared by a qualified professional. The scope of said study shall be determined by concurrence between the Staff and County Engineer and shall include, at a minimum, the following:
 - a. Analysis and description of existing conditions and traffic volumes for the external road network serving the site. The external road network to be studied shall be determined by the Staff prior to the preliminary plan review.
 - b. A base condition analysis shall be prepared to establish existing levels of service followed by analysis and description of projected traffic conditions based on the land uses proposed within the development. Trip generation rates for project peak hours shall be prepared, as well as the internal/external trip distribution and intersection analysis.
 - c. The analysis shall address the traffic impacts of the proposed development along with surrounding traffic generating land uses in the area including land use changes. The analysis will demonstrate the adequacy of the area road network and identify access and traffic control measure improvements impacted by the proposed development and surrounding land uses.
 - d. The analysis shall contain recommended internal and off-site road improvements. These recommended improvements should be specific as to location and scope of work required along with a phased schedule for possible implementation. Examples of additional items that should be included in this section are cross sections and profiles for each category of street and a phasing plan which delineates the street improvements that will be provided simultaneously with the construction of each development phase.

- e. Utilization of alternate modes of transportation shall be a component of the traffic impact analysis. Evaluation of traffic mitigation measures as it relates to public transportation and future site development should also be addressed.
 - f. Revision of the traffic impact study based on major variations to the approved preliminary plan shall be required. This shall occur prior to the filing of an application to amend the preliminary plan, following the procedures required herein for preliminary plan approval.
4. The applicant shall provide a copy of the proposed development to any municipality and/or County located within one mile of the property boundary. Said municipality and/or County may provide comments to the Commission for consideration.

D. Development Standards

All subdivision and/or land development plans shall be subject to the provisions set forth in the Centre County Subdivision and Land Development Ordinance. Additional site standards for developments of regional significance are as follows:

1. General Site Requirements

- a. The total disturbance area, footprint, and/or impervious area as applicable shall be located a minimum of one thousand (1,000) feet from any occupied building or structure, or any public or private water supply, and a minimum of one hundred (100) feet from any public road.
- b. A vegetative buffer yard shall be provided around the entire disturbance area, footprint, and/or impervious area as applicable. The required buffer yard(s) shall be measured from the applicable property and/or municipal boundary line, unless the proposed disturbance area, footprint, and/or impervious area of any permitted use within one municipality extends across the municipal boundary line and is a permitted use in the adjacent municipality. The amount of buffer yard required shall be one hundred (100) feet per one hundred (100) acres of disturbance area, footprint, and/or impervious area with a minimum requirement of two hundred (200) feet and a maximum requirement of one thousand (1,000) feet. Buffer yards greater than one thousand (1,000) feet are permitted but shall not be required.
- c. Existing wooded areas within the buffer shall be maintained. For newly planted buffer areas, at least two (2) different species of trees, shrubs, or other vegetation shall be utilized. Selected species shall exhibit different tolerances to insects and diseases. Species selected must be capable of producing the desired visual barricade within two (2) years of planting.

To ensure the viability of the required buffer area, timbering activities may be permitted under the guidance of a forest management professional.

- d. The required buffer yard may be reduced, at the discretion of the Commission, through the construction and maintenance of a landscaped earthen berm of a size and configuration determined by the Commission as suitable to meet the intent of the buffer requirement.
- e. The requirements of Section 1105.D.1 may be waived or reduced by the Commission if the conditions set forth in either Section 1105.B.2.a or Section 1105.B.2.b do not apply.

2. Traffic

As per Article XI, Section 1105.C.3. above, the applicant shall be required to prepare and submit a traffic impact study. If said study reports that truck traffic servicing the proposed development will exceed one hundred (100) truck trips per day (total inbound and outbound trips per 24 hours), or total traffic generated by the proposed development will exceed one thousand (1,000) vehicle trips per day (total inbound and outbound trips per 24 hours), then such a development shall only be permitted via direct access from an arterial highway subject to the following:

- a. The boundary of the development disturbance area, footprint, and/or impervious area shall be located within two miles of the arterial highway interchange or access point permitted and proposed for use to the site unless the entire distance between the interchange or access point and the site is located within the municipality in which the development is proposed. This requirement may be waived by the Commission if the municipal boundary is coterminous with the County boundary, the proposed use is permitted within the adjacent municipality and/or County as applicable, and the points of ingress and egress are permitted through the adjacent municipality and/or County as applicable.
- b. Site specific traffic standards, from any and all transportation modes servicing the site, may be required based on the findings of the traffic impact study. Such standards may include, but need not be limited to, points of ingress and egress, hours of operation and/or delivery, and traffic control devices. The applicant shall have the opportunity to identify strategies to mitigate traffic impacts prior to plan approval. Such strategies may be permitted by the Commission if said strategies are determined to meet the intent of this ordinance but shall not supercede Section D.2.a. above.
- c. All transportation improvements that are determined to be necessary by the County shall be constructed prior to final site inspection by the Staff.

3. Mitigation of Impacts

- a. Any existing or proposed elements of the County's transportation network (including roads, trails, and other systems) that will be made inoperable by the proposed development shall be relocated in such a manner as to ensure that the intended need is served. Such relocations shall be subject to Commission approval and the acquisition of any required property (title, easements, or rights of way) and shall be made at the developer's expense.
- b. Whenever access to a subdivision or land development is required to cross land in another municipality, the applicant shall provide assurance that such access shall be permitted and that the road(s) to be used shall be adequately improved (if required) to accommodate access.
- c. Bonding shall be required to allow for necessary improvements to Township and/or State infrastructure resulting from activities of the development.
- d. An environmental assessment plan shall be provided to identify and mitigate impacts of the proposed development on the environment, public health, and public safety, including, but not limited to, aesthetics, air quality, water quality, stream flow, fish and wildlife, nuisance management, dust control, litter control, plants, aquatic habitat, threatened or endangered species, water uses, and land use. Proof of environmental impairment liability insurance may be required. Consideration should be given to the minimization of land disturbance activities within an Exceptional Value (EV) or High Quality (HQ) sub-watershed or other areas of environmental concern.
- e. A mitigation plan shall be submitted to identify procedures for the removal of any mud or debris on any public road from the traffic entering or exiting the site. All mud or debris shall be kept off the public road and adjoining lands.
- f. An illumination plan shall be required. Lighting on the site shall use full cut-off fixtures with shielding in appropriate areas to limit spillover onto adjacent properties.
- g. A site security plan may be required.
- h. As the siting and operation of developments of regional significance may have considerable impacts on the County and its municipalities, an agreement to be executed between the County and the applicant shall be required. This agreement shall identify potential impacts and detail any mitigation processes to be enacted by the applicant and fees or services to

be exchanged between the applicant, the County, and any designated Authority, municipality, or service provider.

4. Monitoring

The applicant shall be required to secure all necessary federal, state, and/or local permits. All materials, including but not limited to those associated with permits, submitted to any federal, state, or local governing body or regulatory agency shall also be submitted to the Staff for review, comment, and, if applicable, approval.