

ROBERT L. FREEMAN
MAJORITY CHAIRMAN
LOCAL GOVERNMENT COMMITTEE

ENVIRONMENTAL RESOURCES
AND ENERGY COMMITTEE
STATE GOVERNMENT COMMITTEE



215 NORTHAMPTON STREET
EASTON, PENNSYLVANIA 18042
PHONE: (610) 253-5543
FAX: (610) 250-2645

207 IRVIS OFFICE BUILDING
P.O. BOX 202136
HARRISBURG, PENNSYLVANIA 17120-2136
PHONE: (717) 783-3815
FAX: (717) 783-2152

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HOUSE LOCAL GOVERNMENT COMMITTEE

HEARING

Wednesday, August 1, 2007

Oechsle Hall Auditorium
Lafayette College
Easton, PA

House Bill 904

Robert L. Freeman, Chairman

Agenda

Local Government Committee Hearing

HB 904: Temporary Moratorium on Development

Wednesday, August 1, 2007

1:00 PM – 4:00 PM

Oechsle Hall Auditorium

Lafayette College

Easton, PA

- | | |
|--------------------|---|
| 1:00 – 1:10 | Welcome and Introduction
Representative Robert L. Freeman, Chairman |
| 1:10 - 1:25 | Pennsylvania State Association of Township Supervisors
Elam Herr, Director |
| 1:25 – 2:00 | Lower Saucon Township Officials
Jack Cahalan, Township Manager
Tom Maxfield, Township Council Vice President
Sandra Yerger, Township Council Member |
| 2:00 – 2:15 | Williams Township Board of Supervisors
Bob Doerr, Supervisor |
| 2:15 – 2:30 | Break |
| 2:30 – 2:45 | Plainfield Township Board of Supervisors
Matt Glennon, Supervisor |
| 2:45 – 3:00 | Manor Township, Lancaster County, Board of Supervisors
Alan Kreider, Supervisor |
| 3:00 - 3:15 | Palmer Township Planning Board
Amanda Jensen, Planning Director |
| 3:15 – 3:30 | Easton Area School District
Jeff Bader, Business Manager |
| 3:30 – 3:45 | Pennsylvania Builders Association
Mark Mitman |
| 3:45 – 4:00 | Closing Remarks
Representative Robert L. Freeman, Chairman |

**HOUSE OF REPRESENTATIVES
DEMOCRATIC COMMITTEE**

BILL ANALYSIS

BILL NO: **HB0904** PN1056
COMMITTEE: Local Government
DATE: May 31, 2007

SPONSOR: Rep. Freeman

PROPOSAL/EXECUTIVE SUMMARY: This legislation amends the PA Municipalities Planning Code (Act 247 of 1968) adding provisions to allow temporary moratoriums on development in certain circumstances.

EXISTING LAW: The Municipalities Planning Code (MPC) (Act 247 of 1968) provides a framework for municipal planning and land use programs. The MPC requires that public notice be given to ensure public involvement and awareness in land use matters within the municipality. The MPC provides a framework for how a municipality shall go about instituting or revising a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance.

There are currently no provisions in the MPC, which provides for a temporary moratorium on development when a municipality is seeking to institute or revise a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance.

ANALYSIS: This legislation amends the Municipalities Planning Code (MPC) (Act 247 of 1968) by adding an Article VIII-B title Temporary Development Moratorium.

The legislation provides that the governing body of a municipality may place a moratorium of limited duration on new development by enacting an ordinance to temporarily suspend development in order to permit enactment or revision of a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance.

The legislation requires that a municipality prior to adopting an ordinance suspending development shall make written findings of need, based upon available information, that the enactment or revision of a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance will accomplish the following:

1. Improve the health, safety or environment of the people of the municipality and otherwise promote the purpose of the act.
2. Is necessary for the following reasons:
 - i. To prevent the shortage or overburdening of essential public facilities that would occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development

- ii. To prevent serious public harm from residential, commercial or industrial development in the municipality because of the absence or inadequacy of an existing comprehensive plan or a subdivision and land development ordinance or a zoning ordinance.

The governing body shall include with its written findings of need an additional finding that the term of the moratorium, as evidenced by a proposed schedule for achieving its objectives, will be sufficiently limited to ensure that the supply of affected housing types and of commercial and industrial facilities are not unreasonably restricted.

Prior to making the findings, the governing body shall hold a public hearing on the question of whether a temporary development moratorium is needed. Findings shall be made by the governing body no later than 15 days after the public hearing is held.

After making the written findings and before voting on the enactment of an ordinance the governing body shall hold a public hearing on the enactment of a temporary moratorium ordinance, pursuant to public notice. In addition to existing required contents of public notice, the notice required for temporary moratoriums shall contain the following:

1. A statement that the written findings required by the act have been made and that they are available at the municipal offices during regular business hours for inspection by any citizen.
2. A statement, if applicable, that the governing body of the municipality has elected to impose a preordinance temporary moratorium on new development by suspending the acceptance of applications for development and the date on which this temporary moratorium shall begin.

The vote on the enactment by the governing body shall be within 60 days after the first publication required for public notice.

The municipality shall forward, within 30 days, a copy of the enacted ordinance to the county planning agency or in a county with no planning agency the governing body of the county.

The legislation provides the following regarding the preordinance temporary moratorium. At least ten days after the first publication required for public notice of the proposed ordinance, a municipality may impose a preordinance temporary moratorium by suspending acceptance of applications for development. Such a suspension shall not exceed 50 days. A suspension under this circumstance shall be in addition to any suspension authorized by the ordinance imposing a temporary moratorium.

The ordinance authorizing the temporary suspension of the acceptance of applications for development will be for a period of one year. However, a moratorium may be extended, by ordinance, for an additional 180-day period if the following conditions are met:

1. The governing body finds that the findings made still apply and that reasonable progress is being made to enact or revise a comprehensive plan, a subdivision and land development ordinance or a zoning ordinance.
2. Before making the findings required, the governing body holds a public hearing on the enactment of an ordinance to extend the moratorium.

A landowner or developer may apply, in writing, for a waiver from the moratorium to the governing body. A waiver shall be granted if the landowner or developer presents evidence from which the governing body, after holding a hearing concludes that:

1. Special or unique circumstances exist so that application of the moratorium to the development in question would create an unnecessary hardship on the landowner or developer.
2. Granting the waiver would not significantly compromise the goals sought to be achieved by the adoption or revision of the comprehensive plan, a subdivision and land development ordinance.

In granting a waiver, the governing body may set conditions on any approval that may be granted, including limiting the waiver so that relief granted is the minimum necessary to alleviate the hardship.

The hearing on the application for a waiver shall occur within 15 days from the date of the applicant's request and the governing body shall make a determination on the waiver within 30 days after receiving the written request. The governing body shall advertise a hearing to consider a waiver at least seven days prior to the date of the hearing by placing notice in at least one newspaper of general circulation.

EFFECTIVE DATE: Shall take effect in 60 days.

PREPARED BY: John Fulton, 3-3815