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Senate of Pennsylvania

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PENNSYLVANIA COMMISSION ON
CRIME AND DELINQUENCY

October 15, 1999

Representative Thomas A. Tangretti
House Local Government Committee
328 South Office Building
Harrisburg, PA 17120

Dear Representative Tangretti:

On October 4th, the Senate Appropriations Committee amended and subsequently reported out Senate Bill 300 to the full Senate by a vote of 21-1. This was a significant event in the progress of land use and growth management legislation because it will permit a full debate and vote on this important legislation in the Senate for the first time since revisions were made to the Municipalities Planning Code back in 1988. Enclosed is a copy of a summary of the current version of the bill.

Over the summer months, ongoing discussions between the Pennsylvania Builders Association and the Pennsylvania State Association of Township Supervisors centered on the bill's concurrency section (Section 503.2). The Township Supervisors Association takes the position that municipalities should have the authority to delay new development applications until such time as they can undertake transportation improvement projects to address existing traffic congestion problems. Conversely, the Pennsylvania Builders Association maintains that there should be no power to delay new development applications where that proposed development did not cause the existing traffic congestion problem. It is my belief that, where continuing development has led to increased traffic congestion and hence has impacted the quality of life in the community, that municipality should be permitted the authority to slow down the pace of growth in that municipality through a concurrency power to deal with existing transportation deficiencies. But such improvement should not be available unless and until the municipality first exhibits a good faith effort to address those problems by establishing a transportation capital improvement plan and seeking appropriate funding to correct such existing deficiencies.

Consequently, under the provisions of the bill, a municipality in a high growth county (as determined by population and new construction building permit issuance criteria) may delay final land development or subdivision approval for up to five years if:

1. that municipality has developed a transportation capital improvement plan identifying existing road deficiencies and a timetable for curing such deficiencies, and
2. the municipality has, within 90 days of approval of the preliminary land development or subdivision plan, made application to the Infrastructure Concurrency Bank for loan assistance to finance the transportation improvement project to correct the deficiency existing at the development location.

Such a power to delay final land development or subdivision approval would not exist where:

1. Any impact fee collected from the developer, for the offsite impact of the development on the community, would be sufficient to correct the road deficiency existing at the development location; or
2. The road deficiency is already scheduled for repair as a project approved by PENNDOT in the first four-year phase of its Twelve Year Program; or
3. The municipality and developer enter into an agreement for the correction of the road deficiency at the development location.

Also attached is a copy of the Infrastructure Concurrency Bank proposal (SB 1133), introduced by Senator Conti of Bucks County, that is referenced in the concurrency section. We are hopeful that a \$400 million capitalization of this proposed bank will provide the financial resources to high-growth municipalities to deal effectively with existing traffic congestion problems.

Also attached is a copy of the information developed by our Senate Policy Development and Research Office indicating the 20 counties that currently meet the criteria set for the Infrastructure Concurrency Bank proposal. Contained in those counties are 872 municipalities that would be eligible for Infrastructure Concurrency Bank funding if they develop a transportation capital improvement plan and otherwise seek such funding assistance pursuant to the legislation.

At present, it is possible that the full Senate will consider Senate Bill 300 during this month and that is certainly exciting news for those who have been working on this issue for many years. Governor Ridge has indicated a strong interest in trying to move his Growing Greener initiative through the Legislature over the next few months and, in my personal opinion,

we will need to see a merging of that initiative with the other legislative initiatives being proposed, including the Infrastructure Concurrency Bank proposal and the open space/farmland preservation initiative put forth by Representative John Barley and Senator Chip Brightbill. All of these are important initiatives should be considered together in addressing as many of the environmental issues facing us as possible. Hopefully, we will see in the coming weeks a continuing increase in consensus that this land use and growth management legislation and budgetary initiatives go hand in hand and that every effort should be made to bring these various proposals together for legislative action.

If you have any questions or comments regarding Senate Bills 300 and 1133, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Gerlach", written in a cursive style.

Jim Gerlach

Enclosures

Bob Gahr

Rep. David Steil
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FOR IMMEDIATE RELEASE

February 8, 1999

Steil To Reintroduce His Comprehensive 'Land-Use' Package
Smart Growth Tools, Private Property Rights Protection At The Heart Of The Bill

HARRISBURG – Remember the question, “Where’s the beef?” Bucks County lawmaker David J. Steil (R-31) says the beef is all there in the comprehensive land-use package he plans to reintroduce this session.

“This package not only embodies the recommendations put forth by the 21st Century Environment Commission, it goes beyond that,” said Steil.

Gaining momentum since first introduced in 1997, the three-part proposal quickly gained praise as the “smart growth” plan needed to address Pennsylvania’s number one issue – urban sprawl. Changes incorporated into House Bills 13, 14 and 15 are mostly of an administrative nature, Steil said, and based upon input received during public hearings held last year by the House Local Government Committee.

“The revisions did not alter the core content,” Steil said.

At the core is a concept that, if adopted, would be unique nationwide.

“Common base zoning,” Steil explained, “would create for the first time a municipality’s right to say, ‘No, you may not build in that particular area.’ Under current law, municipalities have no such right, unless the land falls under environmental protection such as wetlands or flood plains.”

Equally important, this new concept would protect private property owner rights while preserving open land, and would do so without using taxpayer dollars. In its simplest form, common base zoning provides for the designation of a build and a no-build area, and establishes a private market mechanism that allows interested parties to purchase development rights from the no-build zone to use in the area designated for growth.

Additional smart-growth tools packed into the initiative include proposed statutory authority to establish “growth boundaries” and inter-municipal comprehensive plans.

“The objective is to provide municipalities as well as builders and developers with a variety of options so they can decide what works best for them rather than having that decision made for them through heavy-handed mandates,” Steil said.

The package includes funding incentives that would give those municipalities incorporating the concepts outlined in the package higher priority when seeking state funds or loans. This would apply to *any* state grant money they would seek, Steil noted.

Steil, who has been at the forefront of responsible land-use legislation, praised the Governor’s 21st Century Environment Commission, a 40-member special blue-ribbon panel created in 1997 to study and identify the state’s most pressing issues. Topping the group’s report was sprawl.

A second major piece of legislation Steil plans to introduce will address the sprawl-related issue of stormwater management.

“The commonwealth has spent millions and millions of dollars on flood damage caused by stormwater,” Steil said. “It’s a problem that relates mostly to old sprawl, when less information existed on how to manage stormwater runoff. Today, one person’s stormwater can quickly become another person’s flood water.”

Since 1996, the problem has cost Pennsylvania an estimated \$280 million in federal and state flood-assistance, according to the Pennsylvania Emergency Management Agency (PEMA).

For more information on Steil’s land-use and stormwater proposals, contact his district office at 2 North State St., Newtown, PA 18940. The phone number is (215) 968-3975.

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ND:ccb

Giving PA Tools It Needs For Responsible Land-Use Planning

Press Conference

February 8, 1999
Media Center
Capitol Building
Harrisburg, PA

About This Conference ...

TOPIC: The reintroduction of a comprehensive land-use package sponsored by Bucks County lawmaker David J. Steil (R-31), and labeled by supporters as the 'smarth growth' initiative needed to address Pennsylvania's number one problem - urban sprawl. Steil also will announce plans to introduce spawl-related stormwater management legislation.

ATTENDEES: Rep. David J. Steil (R-31)
Rep. Donald W. Snyder (R-134)
Rep. Robert L. Freeman (D-136)
Joanne R. Denworth, Executive Director of the
Pennsylvania Environmental Council

**PACKET
CONTENTS:** Press release detailing the land-use package
Summary page of each bill's key elements
Copy of Rep. Steil's 1997 'land-use' newsletter
Copy of Rep. Steil's biography

**MEDIA
CONTACT:** Rep. David J. Steil
Phone: (215) 968-3975

Key Elements of 'Smart Growth' Package

House Bill 13:

- * promotes land-use planning consistency among abutting municipalities and between a county and its municipalities;
- * creates a planning concurrency tool that can be used to regulate growth until the supporting infrastructure is in place;
- * provides incentive through a funding mechanism that gives state grant preference to those municipalities incorporating HB 13 provisions.

House Bill 14:

- * gives municipalities the legislative authority to draft inter-municipal comprehensive plans, something existing state law renders difficult to do;
- * provides statutory authority for the establishment of growth boundaries, a tool whereby municipalities can geographically direct future development;
- * provides incentive similar to that contained in HB13, this bill giving municipalities an even greater state funding preference.

House Bill 15:

- * brings the entire package together with an innovative proposal that, if adopted, would be the first of its kind nationwide - common base zoning;
 - * establishes for the first time, a municipality's right to say, "No, you may not build in that particular area.";
 - * protects private property owner rights while preserving land, and does so without using taxpayer dollars;
 - * accomplishes this through a private market mechanism that allows interested parties to purchase development rights from designated non-building areas and use those rights to build in areas earmarked for development.
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Representative David J. Steil
31st Legislative District
Bucks County

District Includes : Lower Makefield Township, Newtown Borough, Newtown Township, Upper Makefield Township, Warwick Township, Wrightstown Township, and Yardley Borough.

Biographical Information

Personal: Born March 19, 1942, Cold Spring, Minnesota
Married to Karen Ann Rothstein
Father of two children - Kevin and Pamela
Member of the Lower Bucks Chamber of Commerce, Lower Makefield Historic Society, Newtown Historic Society, and the Yardleyville Protective Association.

Education: St. John's University, University of Minnesota

Business

Experience: Vice President Goodall Rubber Company , 1964-1989
Vice President Environmental Control Group, 1989-1992
President and Owner of M-Tec Corporation, 1992-Present
U.S. Patent Holder

Government

Experience: Lower Makefield Township Planning Commission 1980-1987
Lower Makefield Township Supervisor 1988-1992
Member of the Pennsylvania House of Representatives since 1993

Current Legislative Activities

Committee

Assignments: Liquor Control - Subcommittee Chairman on Licensing, Local Government, State Government, Policy Committee, Aging and Youth, Joint Legislative Air & Water Pollution Control and Conservation Committee.

Special

Assignments: Delaware Canal State Park Caucus, Delaware River Caucus, Chairman, Solid Waste Caucus

Legislative

Priorities: Land Use/ Growth Management : Three-bill package consisting of House Bill 13, House Bill 14, , and House Bill 15. HB 13 would require municipalities to adopt consistency in comprehensive planning as well as the option to decide which open spaces and

historic districts will be protected and where growth will be encouraged. HB 14 provides the ability to adopt growth boundaries which could be used to delineate rural resource areas from designated growth areas. It also would allow voluntary joint municipal comprehensive planning. HB 15 allows the option of common base zoning. This concept would allow builders to purchase land use rights from areas that would not be developed to be used in areas designated for development. The bills are currently in the House Local Government Committee, and the Subcommittee on Townships has held three public hearings on these initiatives.

Storm Water Management When storm water is not properly contained or managed it becomes flood waters that wreak havoc on our people and communities. This legislation will put counties and municipalities in a partnership to devise and implement comprehensive storm water management plans within a watershed. It contains several alternatives which may be utilized by counties and municipalities to implement while providing direction and a management structure to resolve engineering and design questions. It further provides a funding mechanism to pay for the improvements as necessary.

Educational Impact Fees:

Would require developers to pay an "educational impact fee" for additional costs associated with increases in student populations brought on by new development. Currently in the House Education Committee.

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