



Bill may nip 'fast-moving sprawl'

By RICHARD FELLINGER Public Opinion Harrisburg Bureau

An intense debate is building in the Capitol over whether the state should give certain municipalities power to call temporary moratoriums on development.

House Local Government Committee Chairman Robert Freeman, D-Northampton, has sponsored a bill that would allow moratoriums up to 18 months in municipalities that are rewriting land-use rules.

Freeman touts the bill as a way to help fight fast-moving sprawl, and said it's especially needed in areas near the borders of Maryland, New York and New Jersey.

Critics say it would jeopardize local contracting jobs and discourage local officials from planning for future development.

The bill heads to the full House next year after clearing a divided Local Government Committee earlier this month. The committee approved the bill by a 16-13 vote that cut across party lines.

Freeman said the bill is aimed at local governments that suddenly become overwhelmed with development proposals and discover their current land-use ordinances are outdated or inadequate. Land-use ordinances could include a comprehensive plan, zoning ordinance, or subdivision and land-development ordinance.

"You sometimes have to call a temporary time-out to draft the best ordinance," Freeman said.

Temporary moratoriums on development were permitted in Pennsylvania until 2001, when the Supreme Court struck down the practice on the grounds that state law did not give municipalities the power to call them.

Rep. Stan Saylor, R-York, ranking Republican on the Local Government Committee, opposes Freeman's bill and predicted it will have difficulty passing the Legislature.

Saylor said he would rather see local officials rewrite ordinances before a crisis occurs and he does not want to threaten local jobs. To deal with sprawl, he said it would be wiser to consider impact fees that developers would pay based on the impact of their plans on the local tax base.

"If you have two or three townships side by side (with a moratorium), you could bankrupt small builders," Saylor said.

Rep. Mark Keller, R-Perry, who represents north and west Franklin County, sits on the committee and also voted against the bill.

Before a local government could call a moratorium under Freeman's plan, it would have to be working on new ordinances and hold hearings on whether a moratorium is needed. It would also have to allow county planners to comment on whether it's needed, though county officials would not have the power to stop it.

Freeman said those requirements ensure that "no community is going to pursue this willy-nilly. They have to have a valid purpose."

Developments with less than 10 units would be exempt from the moratorium.

Saylor proposed an amendment that would have exempted developments with up to 25 units, but it failed in committee.

After a moratorium ends, the municipality would not be able to call another one for three years.

Some lawmakers say their final support for the bill will depend on whether the bill is amended on the floor and how the debate proceeds.

Rep. Mauree Gingrich, R-Lebanon, voted against the bill in committee but said she may vote for it on the floor because she supports the concept and expects amendments. She said she opposed it in committee because the 10-unit exemption and three-year timeframe for calling another moratorium were too low.

ABOUT THE BILL

- * Allows moratoriums up to 18 months to rewrite land-use rules
 - * Municipalities would have to hold hearings first
- * County planners would comment on need for moratorium but couldn't stop it
 - * Developments with less than 10 units would be exempt
- * Municipalities could not call a subsequent moratorium for three years