

**RESOLUTION NO. 942**

**A RESOLUTION OPPOSING THE PROPOSED AMENDMENT TO  
THE MUNICIPALITIES PLANNING CODE UNDER HOUSE  
BILL 103**

WHEREAS, Penn Township, York County, Pennsylvania, is a duly authorized First Class Township; and

WHEREAS, the Township has developed a Subdivision and Land Development Ordinance "SALDO" to promote the orderly development of the Township and provide for the health, safety and welfare of its citizens; and

WHEREAS, the Township has become aware of House Bill 103 (" HB 103") which has been sent to the Senate Local Government Committee for consideration; and,

WHEREAS, if enacted by the Pennsylvania Legislature and signed into law, HB 103 would require the Township to amend its SALDO to exempt from SALDO regulations the creation of two (2) or more "Nonbuilding lots" if certified by the Pennsylvania Department of Environmental Protection that "... there is no present need for sewage disposal facilities on the site and that completion of sewage facilities planning is not required,..." referred to as a "Waiver", and upon such a Waiver, the landowner could create any number of Nonbuilding lots without complying with the Township's SALDO regulations; and

WHEREAS, in HB 103 a Nonbuilding lot is defined as "... a parcel of land that does not contain any structure or building that produces sewage, provided that a structure or building not producing sewage is allowed on the site.", and therefore allows structures and buildings on the Nonbuilding Lot without Township SALDO compliance; and

WHEREAS, among other undesirable outcomes, HB 103 does not address the consequences of such a SALDO exemption of non-building lots, the effect of non-SALDO regulated lots, failure to identify taxable lots if created without a SALDO plan, location of lot lines without SALDO compliance, thwarts local review and planning of Nonbuilding lots, does not provide deed validity without a SALDO plan recordation, allows lots to be created without any process or requirement to record the deeds for such lots, is hopelessly vague as to when the Non- building lots could become building lots despite such lots boundaries already existing without SALDO approval or compliance, and allows unlimited Nonbuilding lots for lineal family members and spouses outside the regulatory process of the SALDO; and,

WHEREAS, to the extent a rural Township has a limit on permissible lots being subdivided from larger tracts of land to promote preservation of agricultural land and open space land areas within the Township, such policies and ordinances would be destroyed by unlimited SALDO exempt Nonbuilding Lots.

NOW THEREFORE BE IT RESOLVED by the Penn Township Board of Commissioners opposes House Bill 103 and urges the legislators, government officials, including but not limited to the Pennsylvania Senate Local Government Committee, the Senate and Governor Wolf to reject, in its entirety, House Bill 103 as an impermissible usurpation of local government control of its own orderly planning and development for the benefit, health, safety and welfare of its citizens, and an attempt to circumvent mandated Subdivision and Land Development Ordinances.

ENACTED and ADOPTED, this 16th day of September, 2019, effective immediately.

Board of Commissioners of Penn Township

By: Raymond M. Van de Castle  
Raymond M. Van de Castle, President

Attest:

Donna M. Sweeney  
Donna M. Sweeney, Township Secretary

