

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Policy Office**

**DOCUMENT NUMBER:** 012-0200-004

**TITLE:** Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning Under Acts 67 & 68

**EFFECTIVE DATE:** August 28, 2004

**AUTHORITY:** The Municipalities Planning Code (MPC), 53 P.S. 10101 *et seq.*, as amended by Acts 67 and 68 of 2000

**POLICY:** The Department of Environmental Protection (DEP) will encourage sound land use planning and development by offering applicants with proposals for technical or financial assistance priority in the ranking or scoring of their applications when the elements of §1105(a)(3) are satisfied.

**PURPOSE:** The purpose of this guidance is to provide direction to DEP staff for the implementation of § 1105 of the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. This policy addresses how DEP will consider multi-municipal planning efforts in the awarding of financial or technical assistance by the Department.

**APPLICABILITY:** This policy will apply when DEP is reviewing applications for financial or technical assistance for projects consistent with multi-municipal plans. DEP has the authority to *consider and may give priority* consideration in the ranking or scoring of applications for financial or technical assistance for those projects

[w]here municipalities have adopted a county plan or a multi-municipal plan is adopted under this article and the participating municipalities have conformed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreements and adopting appropriate resolutions or ordinances.... See §1105(a)(3).

This policy applies only to applications for proposed projects in counties and local municipalities covered under the MPC. The MPC does not apply to first- and second-class cities (Philadelphia and Pittsburgh) or first-class counties (Philadelphia).

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 9 Pages

**LOCATION:** Volume 1, Tab 5d

## I. INTRODUCTION & POLICY OBJECTIVES

Acts 67 and 68 of 2000 amended the MPC to provide new tools for local governments to plan for and manage growth. The MPC grants municipalities that choose to plan and zone considerable authority in developing local land use controls. Additionally, the MPC encourages regional planning through specific provisions addressing multi-municipal planning. Section 1105(a)(3) provides, “where municipalities have adopted a county plan or multi-municipal plan is adopted ... and the participating municipalities have confirmed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreements and adopting appropriate resolutions or ordinances, ... state agencies *shall consider and may give priority consideration* to applications for *financial or technical assistance* for projects consistent with the county or multi-municipal plan.”

This policy applies to requests for financial or technical assistance from areas of the state covered under the MPC. The MPC does not apply to first- and second-class cities (Philadelphia and Pittsburgh) or first-class counties (Philadelphia). DEP’s authority to “*consider and give priority consideration*” to applications for financial or technical assistance for projects consistent with the county or multi-municipal plan is dependent upon whether the local municipality has adopted a county plan or a multi-municipal plan is adopted and the participating municipalities have conformed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreements and adopting appropriate resolutions and ordinances.

The goals of this policy, *Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning*, are intended to encourage multi-municipal planning and zoning by giving priority in the ranking or scoring of those applications involving projects located in municipalities with multi-municipal plans in compliance with Article XI of the MPC. This policy applies to grants related to planning, including the preparation and development of storm water management plans under Act 167 or the development of county waste management plans under Act 101. This policy applies to those programs listed in section III, A.2, namely those programs providing assistance for the development of local planning documents.

This policy is a companion document to the *Policy for Consideration of Comprehensive Plans & Zoning Ordinances in DEP Review of Grant and Funding for Facilities & Infrastructure*. The goal of the policy applying to grants for facilities and infrastructure development is to promote sound land use planning and development by discouraging financial assistance from DEP for facilities and infrastructure development where the proposed project is inconsistent with local land use plans and implementing ordinances. The operation of both grants and funding for facilities and infrastructure development and for technical or financial assistance to multi-municipal planning should ensure that the Department promotes sound land use planning in its grant decisions.

The goal of comprehensive land use planning is to provide for a whole variety of the public’s needs, including the protection of the environment and historic resources, housing, transportation, utility infrastructure, agriculture, and rural uses, etc., in a coordinated and integrated manner. The MPC outlines specific criteria that multi-municipal plans shall include (see § 301) and it is the goal of the Department to encourage the formation and implementation of thorough county comprehensive plans or multi-municipal plans by giving priority to applications for financial or technical assistance. Proper planning for future growth and development is essential for localities wishing to manage and direct growth within their region.

Both the Department and regional governments must begin taking an active role in directing and planning for growth throughout the Commonwealth in a manner that serves the economy, the community and the environment.

## II. DEFINITIONS

“Comprehensive plans and zoning ordinances” are county, municipal or multi-municipal comprehensive plans adopted under the MPC and zoning ordinances implementing the comprehensive plan adopted under the MPC.

“Multi-municipal plan” a plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the MPC.

## III. APPLICATION PROCESS

### A. This policy applies if all three of the following are satisfied:

- (1) The proposal is for financial or technical assistance.
- (2) The proposal is contained in requests filed under any one of the grant proposals identified in this policy.
- (3) The proposed project would occur in a municipality meeting the requirements of the MPC.

This policy does not apply to current grant rounds or applications currently under review by DEP. The policies outlined in this policy will apply after final publication of this policy in the *Pennsylvania Bulletin* to the next grant round as established by each of the affected grant programs.

1. Financial or Technical Assistance. This policy applies to the DEP decision-making process for applications for financial or technical assistance. These include, for instance, applications for assistance in the development of county waste management plans or financial assistance to cover the costs of preparation of a storm water management plan.
2. Grant Programs. The proposal must be for financial or technical assistance under one of the following grant programs:
  - a. **Act 101 Recycling Fund:** This program provides support to counties developing waste management plans under §901 (County Planning Grants).
  - b. **Act 167 Storm Water Management Planning:** This program provides grants for 75% of the available costs for preparation of storm water management plans. This program also provides for 75% of administrative, enforcement and implementation costs incurred by any municipality or county.
  - c. **Environmental Stewardship Fund:** This is the “Growing Greener” grant program. This program provides funding for projects such as

watershed assessments and development of watershed restoration or protection plans. Growing Greener also provides technical assistance to help watershed organizations to efficiently and effectively achieve their watershed protection goals. With funding from the program, network providers offer legal, engineering, data management, program management, science mentoring and technical services at no cost to eligible groups.

**d. Future Grant Programs Administered by DEP for Applications for Financial or Technical Assistance:** If in the future, DEP initiates an additional grant program that demonstrates a relationship to this policy, or if regulations for an existing program are changed to allow for the application of this policy, the policies and procedures outlined herein will apply.

3. MPC Criteria. DEP has the authority to consider and give priority consideration when evaluating applications for financial or technical assistance

[w]here municipalities have adopted a county plan or multi-municipal plan is adopted under this article and the participating municipalities have conformed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreements and adopting appropriate resolutions and ordinances....See § 1105 (a)(3).

## **B. MULTI-MUNICIPAL PLANNING FORM (MMPF)**

Applications submitted under one of the affected grant programs submitted on or after the effective date of this policy will be evaluated for their consistency with comprehensive plans and zoning ordinances. Grant applicants will be asked to complete the Multi-Municipal Planning Form (MMPF) contained in Appendix A. The questions in this form correspond to the issues described in Section A above.

## **IV. DEPARTMENTAL REVIEW**

The MPC grants DEP the authority to consider and give priority consideration to applications for financial or technical assistance for projects consistent with county or multi-municipal plans where municipalities have adopted a multi-municipal plan and the participating municipality has conformed its local plans and ordinances to the county or multi-municipal plan. When reviewing proposals for financial or technical assistance for projects consistent with the county and multi-municipal plan, DEP will give priority to those proposals supporting multi-municipal planning.

DEP will follow a two-step review process when evaluating grant applications for facilities and infrastructure funding. First, DEP will analyze the grant application to ensure that the applicant has complied with all of the required application procedures applicable to the grant program and submitted the appropriate supporting documentation with their applications. Second, DEP will consider the land use information received as part of the application when reviewing or ranking grant applications. Those applications originating from municipalities that can demonstrate compliance with §1105(a)(3) of the MPC and seeking funding for technical or financial assistance will receive priority in the ranking or scoring of their applications. Applications

originating from municipalities failing to satisfy the elements of §1105(a)(3) (for instance, the municipality has adopted a multi-municipal plan and has implemented cooperative agreements but failed to adopt appropriate resolutions and ordinances) will not receive priority from the Department. Consistent with existing regulatory authority, DEP may also choose to evaluate the extent to which a project would provide a public health or environmental benefit, and whether the project will comply with other applicable environmental laws and regulations.

Acts 67 and 68 of 2000 provide DEP with the authority to give priority in the ranking or scoring of their applications when the local municipality has entered into an implementing cooperative agreement and adopted zoning ordinances as described in the MPC. When reviewing grant applications for technical or financial assistance, the Department will rely on an applicant's completed MMPF or on county or municipal letters submitted by applicants in lieu of a completed MMPF.

## **V. CONCLUSION**

The provisions of Article XI of the MPC authorize counties and contiguous municipalities to use cooperative agreements as a way to comprehensively plan for and manage growth. Planning and cooperation among municipalities provides a variety of economic, environmental, fiscal, legal and political benefits. It is essential that local governments begin to consider the impacts of development and to plan for future growth in a coordinated and regional manner. The goal of comprehensive land use planning is to provide for a whole variety of the public's needs, including protection of natural and historic resources, housing, transportation, utility infrastructure, agricultural and rural uses, etc., in a coordinated and integrated way. The objective of this policy is to encourage multi-municipal planning through the awarding of financial or technical assistance under the Department's grant authority.

**APPENDIX A**

**Multi-Municipal Planning Form**

**Directions.** This form is to be used by applicants submitting grant applications under with the *Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning* and meeting the requirements of § 1105(a)(3) of the MPC. Please answer the appropriate questions relating to the policy that applies to your grant application on the form provided. If you need additional space, please attach additional page(s) as necessary, identifying the applicant and the question being answered.

**MPC Criteria:**

Under the MPC DEP has the authority to *consider and may give priority* consideration in the ranking or scoring of applications for financial or technical assistance for those projects

[w]here municipalities have adopted a county plan or a multi-municipal plan is adopted under this article and the participating municipalities have conformed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreements and adopting appropriate resolutions or ordinances....

1. Are you applying for one of the affected grant programs listed in the *Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning*? Please indicate the grant program applied for in the space provided.

YES: \_\_\_\_\_ NO: \_\_\_\_\_

GRANT PROGRAM \_\_\_\_\_

**If YES, please proceed to question 2.  
If NO, this policy does not apply to your application.**

2. Under § 1105 of the MPC:

(a) Has the municipality adopted a county plan or a multi-municipal plan?

(b) Have the participating municipalities conformed their local plans and ordinances to the county or multi-municipal plan by implementing cooperative agreement(s) and adopted appropriate zoning ordinances?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

**If you answered YES to this question, please proceed to question 3.  
If you answered NO to this question, this policy does not apply to you.**

3. Are you applying for technical or financial assistance in this project?

YES: \_\_\_\_\_ NO: \_\_\_\_\_



**If YES, please proceed to question 4.**  
**If NO, this policy does not apply to you.**

- 4. Please provide a brief description and specific citation to each relevant section of the elements of the multi-municipal plan relating to the proposed project. Citations should include the title and date of the multi-municipal plan, section, subsection or paragraph number, and page number.

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- 5. Please describe and explain how the proposed project is consistent with zoning ordinances adopted to implement the multi-municipal plan. Identify each relevant zoning ordinance by title and date of enactment and by appropriate section, subsection or paragraph number.

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- 6. Verification. Applicants are required to obtain the signature of the Director of the county planning agency, or multi-municipal planning agency, if one has been designated, prior to submitting this form to the Department. County Planning Directors or directors of the relevant multi-municipal planning agency, are to verify that the applicant's answers on the MMPPF accurately describe and reflect the multi-municipal comprehensive plan and zoning ordinances.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (title)

\_\_\_\_\_ (date)