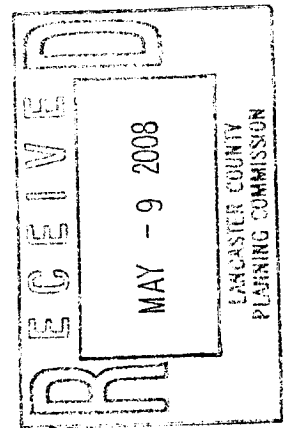


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MEMORANDUM OF UNDERSTANDING
Between
THE LANCASTER COUNTY PLANNING COMMISSION,
COUNTY OF LANCASTER, PENNSYLVANIA
And
WARWICK TOWNSHIP, LANCASTER COUNTY



This memorandum of understanding, hereafter known as “MOU”, signed on this date of 5/14/08, is between the Lancaster County Planning Commission, hereafter known as “LCPC” and Municipality, Lancaster County, hereby known as “Warwick Township.” It serves as a written expression of the parties’ desire to work cooperatively to implement Article V, Section 501 and 502(b) of the Pennsylvania Municipalities Planning Code, hereafter known as the “MPC”. This memorandum becomes effective upon the date of signature of both parties, shall be in effect for one year from this date, and shall be automatically renewed on an annual basis unless and until either party shall give the other party written notice at least 30 days prior to the renewal date that the MOU is terminated. It is not to be construed, however, as a legally-binding contract.

One of the benefits of LCPC’s planning leadership throughout the county is that more than 40 municipalities have adopted and administer their own subdivision and land development ordinances as authorized under MPC Section 501 and most of those have more than adequate review capacity via in-house staff and/or full service planning and engineering consultants.

By signing this MOU, both Warwick Township and LCPC agree that the municipality has demonstrated a capacity to evaluate, without the oversight of LCPC, and to approve, where appropriate, simple subdivision and land development plans in a manner that recognizes the smart growth and growth management principals of Envision, thereby offering the following benefits to the community: a reduction in plan processing time which may also be accompanied by a reduction in development costs, the potential of additional LCPC focus on more complex development and planning issues, and an opportunity to better facilitate the County Comprehensive Plan Implementation process. All of these benefits will result in an increase in the quality of life for the residents of Warwick Township and Lancaster County.

Therefore, the purpose of this Memorandum of Understanding is to refine and update the responsibilities of Warwick Township and the LCPC in regard to their roles in administering Subdivision and Land Development as discussed in Article V Section 501 and 502(b) of the MPC.

Whereas Warwick Township certifies that it has adopted its own Subdivision and Land Development Ordinance, and;

Whereas Warwick Township certifies that it has adopted its own Zoning Ordinance, and;

Whereas Warwick Township certifies that it employs full-time plan review staff or has retained the services of a qualified plan review consultant, and;

Whereas Warwick Township certifies that it will forward to LCPC (i) its technical advisors' correspondence of its Subdivision and Land Development Reviews, and (ii) an 11 x 17 inch reduction of each plan which would fall within the scope of this MOU.

Now it is understood and agreed by the parties to this Memorandum of Understanding as follows:

1. LCPC, in exercising its plan review role as referenced in Section 502(b) of the MPC, intends to issue to the Municipality a pro forma "waiver" report, in the context of all Minor Subdivision or Land Development land submissions, as defined herein below:

Only plans that have been submitted to LCPC with a transmittal signed by an authorized municipal official with certification that the plan is one of the five types described below can receive a LCPC waiver under this memorandum:

- a. Subdivision or Land Development that represents a minor amendment to a previously recorded plan and that has received unconditional final plan approval by the municipality subject only to recordation, comparable to or equivalent of Section 304 of the Lancaster County Subdivision and Land Development ordinance.
- b. A Minor Subdivision where the subject tract is restricted by effective Agricultural, Land Conservation, or Open Space zoning allowing the creation of less than 5 lots, comparable to or equivalent of Section 310 of the Lancaster County Subdivision and Land Development ordinance.
- c. A Minor Land Development consisting of (i) a single non-residential building, or (ii) a multi-family residential building with less than 5 residential units comparable to or equivalent of Section 305 of the Lancaster County Subdivision and Land Development ordinance.
- d. A Lot Add-On which creates no additional lot and which results in lots compliant with the dimensional requirements of Warwick Township Zoning Ordinance, comparable to or equivalent of Section 306 of the Lancaster County Subdivision and Land Development ordinance.
- e. A Centerline Separation for the division of an existing tract along the centerline of an existing road to create two (2) lots whose common boundary is said centerline, comparable to or equivalent of Section 311 of the Lancaster County Subdivision and Land Development ordinance.

Where a waiver report is warranted under this MOU, LCPC shall, within 15 days after receipt of the application submittal, issue the waiver report in the form appended hereto as Exhibit "A."

2. LCPC commits that professional staff, when requested by Warwick Township, will nevertheless provide comments consisting of memos, phone conversations, e-mails, faxes, and/or reports on each submission that would otherwise qualify for a waiver report under the standards set forth in paragraph 1 above..
3. Plans submitted for certification for recordation under this Memorandum of Understanding must be accompanied with a completed Appendix 24 signed by the owner/applicant with payment of MOU fees as adopted by the Lancaster County Planning Commission.
4. Plans submitted under this Memorandum of Understanding must be accompanied by two Mylar originals for recordation and one paper print with original signatures and certifications as required by the Warwick Township Subdivision and Land Development Ordinance. Original prints for recordation shall include a county certification block as follows:

LANCASTER COUNTY PLANNING COMMISSION'S WAIVER CERTIFICATE
FOR PLAN REVIEWED UNDER ARTICLE V SECTION 502(b) AND MEMORANDUM OF UNDERSTANDING BETWEEN
WARWICK TOWNSHIP DATED _____

This Plan, bearing LCPC File No. _____, accepted by the Lancaster County Planning Commission this _____ day
of _____, 20__.

* _____ *

* Signatures of the Chairperson and Vice Chairperson or their designees.

5. LCPC will issue a report on an annual basis as to the status of all MOUs, and will continue to monitor the adherence of each Warwick Township to the agreement. As such, if either party to this Memorandum of Understanding is unsatisfied with the implementation or administration of this agreement, they may discontinue this agreement after thirty days written notice to the other party.

6. The role of LCPC in reviewing all Subdivision or land Development Plans not qualifying for a "waiver" report shall remain in full force and effect as authorized under MPC Section 502(b).

Witnessed on this day _____ of _____ by

W. Lee Mann 5-22-08

Chairperson, Council/Board of Supervisors
Township/~~Borough~~/City

Mary Halliwell

Chairperson,
Lancaster County Planning Commission

James R. Conby - 5-14-08

Executive Director,
Lancaster County Planning Commission