



**Pennsylvania House Local Government Committee
Public Hearing on HB 782
Testimony of 10,000 Friends of Pennsylvania
September 6, 2023**

Good afternoon, Chairman Freeman, Chairman Lee and members of the Local Government Committee. Thank you for the opportunity to provide testimony today on HB 782, Concerning Developments of Regional Significance and Impact. My name is Stacie Reidenbaugh, and I am the President and CEO of 10,000 Friends of Pennsylvania. We are the statewide independent, non-profit voice for land use through the lens of smart growth and resilience. Our expertise is in the intersection of issues that affect land use and the resiliency of communities – including affordable housing, community & economic development, transportation, and public infrastructure, and we wrote the book on multi-municipal planning, *Planning Beyond Boundaries: A Multi-Municipal Planning Manual for Pennsylvania Municipalities* (2002).

HB 782 is a great starting point for important discussions in cooperative planning and the impacts on the natural and built environments of larger land development projects.

With the growth of East Coast freight shipping and the subsequent explosive growth of transportation corridors (highway and rail), warehousing, and logistics and distribution centers expanding across Pennsylvania, the need for multi-municipal planning processes and cooperation and effective tools for municipalities to manage growth and large regional developments has never been more important. While larger municipalities often have the capacity and strategies to manage growth such as this, many smaller municipalities in rural areas are not equipped for large development of this kind and could benefit from the option to use an impact analysis to better evaluate the true cost, benefits, and sustainability of opportunities that are presented to them.

While the landscape has changed significantly since 2002, many of the points that Joanne Denworth wisely noted about the benefits of multi-municipal planning in Planning Beyond Boundaries still hold true today.

“Good planning and cooperation among municipalities is a way to attract quality economic development that can be sustained and benefit all the participants. For example, to attract desired industrial development, understanding the existing market (based on realistic absorption rates) and the capacity to prepare sites for development (based on limited state and local funding), cooperative planning among municipalities becomes an important economic development tool. It also provides the opportunity to negotiate about the appropriate location of revenue providing land uses and how the benefits and burdens of various developments can be shared. “

Conversely, the case can also be made for multi-municipal cooperation and impact analysis when looking at the potential negative impacts of regional developments approved in isolation without cooperative planning and action:

- sprawl
- competition for tax rates that limits the economic success of any one development;
- increased overall costs of infrastructure investments, maintenance, and repairs for roads, water, and sewer facilities to the benefit of some and detriment of other communities in the region;
- traffic and air pollution impacts on neighboring communities;
- impacts on water quantity and quality from uses and activities upstream or in the same aquifer or watershed;
- fragmentation and loss of rural lands and open spaces for rural uses like agriculture, hunting, and fishing that benefit residents in the region and the state.

From my experience, serving as a planning commissioner in 2 neighboring townships, cooperative planning and impact analysis of large developments are often an afterthought or a conversation between staff and not in the public discourse. This process could have provided important insight and feedback on the impacts and potential pitfalls of multiple projects in both townships.

We believe that HB 782, with consideration for the recommendations proposed below and those put forth by our colleagues testifying today, has the potential to provide a more holistic and long-term view of developments of regional significance and to encourage more cooperative planning by municipalities, resulting in more balanced, beneficial and sustainable regional development across the state.

Recommendations for Consideration

We appreciate the depth and inclusion of many important elements of healthy communities listed in the contents of the impact analysis listed in Section 607-A. These are considerations that we would hope every planning commission in every community weighs as standard procedure when they evaluate land use projects. However, a few critical measures are implied and may be missed in the analysis as a result. We would strongly recommend that the committee consider more specific inclusion of climate and environmental measures such as air and water quality, watershed impact, and carbon footprint, among others. We're concerned that the disparate concepts grouped together in Item (3) would not be given the proper weight of consideration as they are currently listed. We would encourage the committee to consider expanding the item list and reorganizing concepts to give them more weight in the analysis.

We encourage consideration for potential environmental justice concerns and alignment with approaches planned with DEP's forthcoming Environmental Justice initiative. We would also recommend consideration of active transportation routes and protections for vulnerable road users - pedestrians and bicyclists. We would also recommend that the committee consider inclusion of measures in both the impact analysis and mitigation plans that align with the state Climate Action Plan's goals and any federal requirements such as Justice 40 and the Chesapeake Bay Watershed Agreement.

While the burden of cost of the impact analysis and mitigation plan clearly falls on the applicant, the cost to implement the necessary improvements is not as clear in Section 609-A, Item (c) and could create an undue burden on adjacent municipalities as an unintended consequence. For example, who would bear the cost of additional or upgraded traffic signaling or repairs and

resurfacing of the local roads and bridges in the neighboring township that tractor-trailers must travel on to reach the warehouse, distribution center, waste management facility or big box store? We would recommend inclusion of language to clarify financial responsibility for implementation of mitigation efforts. Additionally, Section 609-A Item (b) on professional review seems to pertain only to mitigation plans, and specifically for traffic and infrastructure improvements. We would recommend that the committee consider qualifications necessary for preparation of the impact analysis as well as qualifications for impacts other than traffic, such as watersheds, air quality, real estate, etc. and that DEP and/or DCED are involved in those reviews as appropriate.

We support the recommendations of our APA colleagues and encourage the committee to consider an ad hoc work group and a revision to empower municipalities through a grant of authority instead of a mandate, offering municipalities the choice to utilize or not to utilize the impact analysis option through an amendment of their local ordinances. Municipalities across the state vary greatly in their capacities and needs, and while some will appreciate a new tool in their growth management toolbox, others may consider it a burden and beyond their needs and capacity.

It has become increasingly difficult to develop and build housing in communities across the state, which has resulted in a shortage of housing inventory and skyrocketing sales prices, creating an even more critical need for affordable housing. While well-intentioned, the requirement for impact analysis and mitigation plans makes good sense in theory but in practice will create more steps and hurdles and add additional costs to an already challenging and overburdened zoning and permitting process. The unintended consequence is that it may not just slow down large developments, but it could make or break projects with much needed affordable housing, mixed use and multifamily development. Therefore, we reiterate that a grant of authority for municipalities to opt-in rather than a mandate would be more useful.

On behalf of 10,000 Friends of Pennsylvania and our partners across the state, thank you for the opportunity to contribute testimony today. We appreciate your leadership and forward thinking on this issue. Your consideration of these recommendations and solutions is very much appreciated.

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10,000 Friends of Pennsylvania champions responsible land use, affordable housing, and efficient transportation systems through the lens of smart growth and resilience. We bring citizens, service providers, and subject matter experts from the public and private sectors together with policymakers to identify barriers and find common sense solutions to complex issues that strengthen our economy, protect our resources, save money, and build healthy and walkable communities for all.

10,000 Friends of Pennsylvania envisions a Commonwealth with a great variety of quality places in which to live and work; where natural resources are respected and used wisely; where the infrastructure is strong, safe and supports sensible development; where the built environment is planned for resiliency and economic competitiveness; where governments work together to allocate and share resources and deliver public services effectively, equitably and efficiently; where residents value their communities, find opportunity, and share the benefits of Pennsylvania's commitment to competitiveness through strategic investment and sustainable growth.

10,000 Friends of Pennsylvania

Physical Address: 240 North Third Street, Suite 407, Harrisburg, PA 17101

Mailing Address: PO BOX 4547, Lancaster PA 17604-4547

www.10000friends.org • 717.238.5030 • sreidenbaugh@10000friends.org