

## Sierra Club Testimony before the House Local Government Committee on House Bill 782

My name is Thomas Au. I am the co-conservation chair of the Pennsylvania Chapter of the Sierra Club. The Sierra Club Pennsylvania Chapter thanks the committee for the opportunity to submit written comments on HB 782. We think opening the large-scale land development process to environmental considerations is necessary to fulfill the Commonwealth's obligations under Article I, Section 27 of the Pennsylvania Constitution

The Sierra Club is America's largest and most influential grassroots environmental organization, with millions of members and supporters. The Pennsylvania Chapter includes 30,000+ members. In addition to protecting every person's right to get outdoors and access the healing power of nature, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places.

It seems like warehouse, distribution, and fulfillment center development projects are sprouting up along Pennsylvania highway corridors like mushrooms after a heavy rainstorm. Logistics and warehouse facilities are not the only large-scale development projects confronting municipalities. Landfills, energy generation, and other industrial projects have regional significance and impact. A growing number of municipalities are looking for ways to reconcile local quality of life consistent with new development, including redevelopment. At times, land use and zoning ordinances seem incapable of mitigating the most harmful aspects of new growth – including degradation in air quality and water quality, increase in traffic density, loss of prime agricultural land, and impacts on the quality of life in residential neighborhoods. However, with proper planning and oversight, sustainable development need not destroy our environmental heritage.

The Sierra Club agrees with the goals of the proposed amendments to the Municipalities Planning Code:

- To allow municipalities to require large-scale development developers to provide a detailed analysis of the impacts of development, including the real cost on traffic, future infrastructure costs, emergency management services, sewer, storm water, damage to agricultural lands, parks and open space, impact on neighborhoods, natural resources, and wildlife and harm to neighboring properties;
- To allow the host municipality to use this analysis to consider conditions which address the impacts and costs of the development; and
- To give neighboring municipalities the opportunity to have their concerns addressed.

In reviewing this bill, the Committee should consider the current practices that have prevented municipalities from considering the impacts of large-scale development before it occurs, the best practices available in the Commonwealth, and the duties of governing bodies under the Municipalities Planning Code and the Pennsylvania Constitution. The Committee should seek input from all stakeholders, including those indirectly affected by the land development process.

First, we should recognize that not all municipalities have zoning ordinances and require permits for land development. There is a wide range of requirements for land development among municipalities in the Commonwealth. If a municipality does not adopt a subdivision and land development ordinance under the Municipal Planning Code, it cannot implement the provisions of this bill. In addition, many municipal codes look at development as purely a zoning issue, without regard to secondary impacts on air quality, water quality, noise, and the quality of life. Large-scale projects can be submitted in stages, requiring municipalities to consider each request in a piecemeal manner and without reviewing the long-term plan. The bill should consider mechanisms to ensure all large-scale development projects are covered by a thorough review for regional significance and impact.

Second, we should recognize that courts cannot effectively enforce comprehensive plans, either adopted by a county or municipality. County and municipal comprehensive plans may be inconsistent. In addition, a land development plan may be inconsistent with the municipal plan but may be approved by the governing body. The bill should clarify the importance of up-to-date and forward-looking comprehensive plans and how these plans fit into land development decisions.

Third, we should recognize that municipalities have a duty to implement Article I, Section 27 of the Pennsylvania Constitution. Large-scale land development activities may affect ecosystems locally and regionally. The impacts should be carefully identified in the land development plans. Clean air and pure water should be clearly identified as natural resources to be protected under Section 607-A (c)(3). One limitation of the review for regional significance and impact is that a host municipality may not have the authority to administer mitigation measures beyond its jurisdiction. Although municipalities may recognize that they have a duty to mitigate regional harm, a single municipality may not have authority to do so unless multiple municipalities participate in this process.

The Sierra Club welcomes the addition of chapter VI-A. This chapter requires the submission of additional information for land development to the governing body (municipality) if it is determined to be of regional significance and impact. This is a first step in identifying environmental harms from large-scale development. The hearing process allows citizens to voice concerns about the regional impact. Once these potential harms are identified, how the governing body considers them and mitigates them is unclear. The governing body will need to determine the adequacy of submitted information and mitigation measures under the Municipalities Planning Code. Ultimately, this process will yield better siting and land use decisions.

The Sierra Club believes that municipalities have a duty under the Environmental Rights amendment to the Pennsylvania Constitution to consider impacts on protected environmental values. We believe that HB 782 advances this process. We would welcome hearing more details about implementation.