

Good afternoon, Chairman Freeman, Chairman Lee, and members of the House Local Government Committee. Thank you for inviting the Pennsylvania Chapter of the American Planning Association to present testimony on House Bill 782. I am Charlie Schmehl, a member of APA PA and a professional planner. I was asked by the Board of Directors and Legislative Committee to share the Chapter's perspectives on this proposed legislation.

We fully recognize that many municipalities are having difficulties regulating intensive types of development and finding ways to mitigate negative impacts of such large and complicated projects. We greatly appreciate the interest of Representative Schlossberg and the other sponsors of this bill to help municipalities address these issues.

HB 782 is a starting point worthy of update and further discussion. In terms of update, you may be aware the bill language was drafted eleven years ago as part of a Joint State Government Commission report titled *Developments of Regional Significance and Impact: Findings and Recommendations*. The report preceded the boom in warehouses and delivery centers, which is much a target of concern today resulting in the introduction of this bill. The report's draft bill was described by an APA PA member, who was on the original report's advisory committee, as a patchwork of regulatory ingredients suggested by different committee members. Ingredients had merits but were not cohesive and needed further vetting.

We support the intent of the legislation: to give municipalities additional tools to plan for and mitigate large developments of regional impact. Any state legislation that modifies local authority and creates mandatory permitting processes always carries a risk. We are concerned that the bill as currently drafted could allow unintended impacts and consequences. It could also cause delays and expenses for various types of development projects because some of the terminology in the bill is overly broad and some may cause conflict with other state reviewing agencies (PennDOT and DEP specifically). Additionally, some of the triggering thresholds may place a burden on uses beyond the target of this legislation, such as churches and other places of assembly.

As planners, we see value in permitting processes that require impact analysis and the development of strategies for mitigation, which HB 782 does. That said, identifying the impacts and potential mitigations does not help municipalities to pay for them. We understand that the intent of HB 782 may be to require the builder or developer of the developments of regional impact to pay for the identified mitigations, but the bill is not clear in that requirement. We recommend specific language in the statute identifying the responsible parties for the payment for, and possibly the installation of, improvements.

We encourage the committee to consider revising the bill to prescribe a grant of authority instead of a mandate. As a matter of policy, our committee has regularly encouraged the Legislature to provide grants of authority to municipalities, so that each municipality may choose to utilize or not to utilize that option through an amendment of their local ordinances. We have recommended this approach, as opposed to enacting statewide mandatory provisions, because of the great diversity across the Commonwealth. There are municipalities in portions of Pennsylvania that do not have a growth management problem, and municipalities that have purposefully planned for new development and seek a streamlined path to that end. In comparison, other municipalities are looking to find every tool that is available to address traffic, land use compatibility, and other

issues that are becoming more and more severe. We recognize that more effective regional planning and regulation is necessary when dealing with developments such as warehousing and delivery centers. Often the benefits of such development may accrue to one municipality while the negative impacts are borne by municipalities without a say in permitting decisions made by the host municipality. For these reasons we support continued work on revising HB 782 and encourage the committee to seek ways to grant more authority at regional and county levels to ensure a fair and rational development process.

Many of the issues that HB 782 seeks to remedy could be addressed through the provision of financial and technical assistance to local municipalities so that they may better use the authority already granted to them by the Legislature. We thank the Legislature for their approval of increased funding for the Municipal Assistance Program in this year's budget, funds from which may be used by municipalities to improve their zoning ordinances. Our recommendation is to couple further work on revising HB 782 with additional support and direction to state agencies, specifically DCED, to assist local municipalities with revising their land use regulations to address these projects of significant regional impact.

Should you wish, one or more members of our Legislative Committee, who are professional community planners, would be pleased to participate in an ad hoc committee to suggest ways that HB 782 be revised to further address the key issues, improve the function of a new permitting process, and reduce the risk of unintended consequences.

Thank you for your consideration of our comments and for inviting the Association to attend today's hearing.