



Planning Code Update Would Give Communities Tools to Manage Development

Municipal, development and community experts from across Pennsylvania gathered at the Lehigh Valley Planning Commission to debate a legislative bill designed to give municipalities greater control over the large-scale developments arriving at their doorsteps.

Rep. Robert Freeman, Chairman of the Pennsylvania House Local Government Committee, held hearings September 6 for House Bill 782, sponsored by Allentown-based Rep. Michael Schlossberg, to amend the Pennsylvania Municipalities Planning Code (MPC), the 1968 state law that governs most planning and development issues in Pennsylvania.

While municipal, planning and community advocates testified that HB 782's requirement that developers provide more information and a plan to mitigate negative traffic and

environmental impacts is needed, others worried it would stunt development and job growth.

The LVPC, and its executive director Becky Bradley, have for the past two years brought together municipal partners to campaign for an overhaul of the MPC. Advocates have been calling for the MPC to be strengthened for decades, and the issue is particularly relevant in the Lehigh Valley, where population has grown about 4,000 people a year for seven decades, and more than 30 million square feet of warehouse and distribution centers have been approved for development since 2015.

“Growth in the Lehigh Valley is evidence of our success, but we have reached a tipping point where additional tools are needed to maintain the balance that we strive for,” LVPC Chairman Steven L. Glickman testified. “The proposed House Bill 782 is a positive and proactive step toward expanding the tools needed by county and municipal planners, Commonwealth Departments and even our federal agencies to address the fundamental increases in the volume, scale, and complexity of development that we see today.”

HB 782 would require builders of “mega-developments” to provide more analysis of how the development would affect such things as traffic flow, emergency response, stormwater runoff and other environmental impacts. Neighboring communities would be given a chance to weigh in on such developments, the developer would be required to provide a plan of how to mitigate the impacts, and the host community would have the options to develop a tax-sharing plan for contiguous communities adversely affected by the development.

Currently, most development plans have to be reviewed within 30 days and the host community doesn’t have to be told what type of business will occupy the new building. Often, Bradley testified, adverse impacts of the developments are shouldered by neighboring communities that have no say about how the development is built and do not share in the financial benefits.

A dozen State Representatives sat in on the hearing, and those testifying in support of the bill included Northampton County Executive Lamont McClure, PennFuture Attorney Briggete Meyer, Clean Water Action Campaigns Director Steven Hvozdoch, Chester County Citizens Advocating Responsible Development President David Fertell, and 10,000 Friends of Pennsylvania CEO Stacie Reidenbaugh.

Among those opposing the bill included Lehigh Valley Economic Development Corp. Vice President of Business Development and Attractions Kristin Cahayla-Hoffman, Pennsylvania Builders Association President Mark McNaughton and Pennsylvania Waste Industries Association President Tim O’Donnell.

“Land use rules, like those established in HB 782, would hurt the Lehigh Valley and all of Pennsylvania by jeopardizing projects that would generate new jobs and expand municipal tax bases,” Cahayla-Hoffman testified. “More restrictions imposed by

Pennsylvania that add time and cost to development projects will drive companies to invest in other states.”

Not with the billions being made in the Lehigh Valley by companies racing to build ever-bigger and more impactful warehouse and distribution centers, Bradley testified.

“To be clear, we are not anti-development. One of the truly great things about the Lehigh Valley is that it is both beautiful and bustling,” Bradley said. “Our mission is to strike a balance between those two. We want managed growth and smart development that drives the Lehigh Valley economy, while preserving the things that make this region special... With the kind of money to be made, having to provide a little more useful and relevant information is not going to cause a developer to walk away.”

Reidenbaugh ticked off a lengthy list of adverse impacts a regional development can have on the community, from sprawl to air pollution to traffic to threats to water quality, while McNaughton noted that the bill could inadvertently make the difficult task of building much-needed attainable housing even more difficult.

One thing all who testified and the state legislators seemed to agree on is that the bill is very much a work in progress. Some argued that the definition of “land use of regional significance” or “mega-development” will have to be more detailed, as will the regulations regarding tax-sharing. Reidenbaugh, for example, also suggested that requirements of impact analysis and mitigation plans be offered as a potential tool for the host community, rather than a mandate, giving it the right to “opt-in” when appropriate, but also the right to waive them in the case of say, an affordable housing project that could be stalled by the expense.

Included among those calling for more work to be done was Rep. Schlossberg, who authored the bill along with his legislative assistant Geoff Brace, who is also a Lehigh County Commissioner and LVPC board member.

“This legislation does need work,” Brace said, in reading the statement of Schlossberg, who could not attend the hearing because of a family emergency. “I love it, I think we need it, but it needs improvement.”

After three hours of testimony, Rep. Freeman closed the hearing with a promise that his committee will continue taking information and may appoint a working group to modify the bill in the coming weeks and months. He’ll have until this legislative session ends in November of 2024 to bring HB 782 for a full House vote.