



## Lehigh Valley Planning Commission

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November 18, 2022

Mark Hudson, Manager  
Lower Saucon Township  
Town Hall, 3700 Old Philadelphia Pike  
Bethlehem, Pennsylvania 18015

**RE: Zoning Ordinance Amendments – Landfills and Waste Disposal Facilities  
Zoning Map Amendment – Rural Agricultural to Light Industrial  
Lower Saucon Township  
Northampton County**

Dear Mr. Hudson:

The Lehigh Valley Planning Commission (LVPC) considered the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Both meetings were virtual, and occurred on:

- LVPC Comprehensive Planning Committee Meeting
  - November 15, 2022 at 12:00 PM
- LVPC Full Commission Meeting
  - November 17, 2022 at 7:00 PM

The subject application contains amendments to the Township Zoning Ordinance pertaining to Landfills and Waste Disposal Facilities, and proposes to amend the Township Zoning Map by rezoning a series of parcels from Rural Agricultural Zoning District (RA) to Light Industrial Zoning District (LI). While submitted jointly, the LVPC has reviewed these proposals separately and offers the following comments for each:

### **Zoning Ordinance Amendments**

#### **Conditional Use and Site Plan Exemption**

The Township's Zoning Ordinance currently designates Landfills and Waste Disposal Facilities as a special exception use in the LI District, which may be permitted when authorized by the Zoning Hearing Board, and site plan approval is required (Section 180-80).

The amendment proposes to change Landfills and Waste Disposal Facilities from a special exception to a conditional use in the LI District, and exempt landfill or waste

disposal facilities from the site plan approval process if it will require land development approval under the Township Subdivision and Land Development Ordinance and a permit from the Pennsylvania Department of Environmental Protection. Conditional uses may be permitted when authorized by the Township Council (Section 180-79.1)

The proposed text amendments do not align with the intent of *FutureLV: The Regional Plan* to protect the health, safety and welfare of the public (Policy 3.2). Landfills and Waste Disposal Facilities are high intensity land uses that pose adverse impacts on the public, and these impacts must be carefully considered and mitigated. Conditional and special exception uses are still permitted uses in a given zoning district, but with safeguards and review processes in place to ensure minimal adverse impacts on the public health safety and welfare. The text amendments propose reducing these safeguards and review processes. The safeguards in place ensure that all potential impacts on the public health, safety and welfare are considered (of Policy 3.2) and eliminating them is not a best practice for managing development (of Policy 1.4).

In the interest of ensuring that development processes are not duplicative or overly burdensome to the applicant, the LVPC recommends the Township review its ordinances to ensure that processes are reasonably stringent, and to ensure that Township processes are coordinated with outside agencies as needed (of Policy 1.4).

### **Natural Resource Mitigation Alternative**

The amendment adds provisions for a Natural Resource Mitigation Alternative, where applicants proposing to develop an industrial use within the LI district are permitted – with written approval from Township Council – to exceed the net buildable site area and utilize a greater area of natural resource protection land than would otherwise be permitted in the ordinance, provided the Applicant dedicates an equal amount of land for preservation. Other provisions in the proposed section include that the land proposed for dedication does not need to contain the same environmental resources as those resource protection lands on the subject property, and the section provides a fee-in-lieu option if the applicant demonstrates inability to obtain any or enough property for dedication.

The addition of a Natural Resources Mitigation Alternative does not align with the intent of *FutureLV* to protect high-priority natural lands (of Policy 3.1). While the option to provide a fee in lieu of land preserved presents a financial opportunity for the Township, the LVPC advises against provisions that create opportunities for developing natural lands and risk fragmentation of natural landscapes and greenways.

## Zoning Map Amendment

The subject applications propose to rezone seven parcels from Rural Agricultural Zoning District (RA) to Light Industrial Zoning District (LI). The parcels, totaling 275.7 acres, are located between Riverside Drive to the north, Bull Run Creek to the northeast and Applebutter Road to the south, adjacent to the existing Light Industrial Zoning District and Bethlehem Landfill. One property proposed to be rezoned is located on the western boundary of the Light Industrial Zoning District on Skyline Drive.



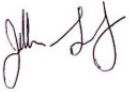
The areas proposed to be rezoned, particularly the northernmost parcels (areas 1-5 in Exhibit A) are in a Character Defining Area of the Future Land Use Plan, representing the natural and scenic character of the Lehigh Valley, including High Preservation Priority features of the Natural Resources Plan such as woodlands, steep slopes and Natural Heritage Inventory Core Habitats. The types of uses recommended are parks and open space, woodlands, agriculture, and low-intensity, limited scale development that preserves natural and scenic resources.

While expansion of the landfill can support the fiscal health of the Township (of Policy 4.6), it is strongly recommended that the Township prioritize retention of natural features as an essential characterizing attribute of the area near the Lehigh River. The Township's recently updated comprehensive plan, *Our Resources, Our Valley Multi-Municipal Comprehensive Planning in Pennsylvania's Saucon Valley*, identifies the Township's natural resources, along with its other cultural and historic assets, as significant components of the region's future economic development (page 1-6). To additionally mitigate environmental impacts if future expansion of the landfill is considered, the LVPC strongly recommends that methane produced from the landfill be captured and used for the purposes of generating electricity or heat to 'reduce greenhouse gas emissions' (of Policy 3.4).

Municipalities, when considering zoning ordinance and map amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)]. Please send any final amendments that are adopted.

The LVPC has copied representatives of the Saucon Valley Multi-Municipal Plan to further 'coordinate land use decisions across municipal boundaries' (Policy 1.4). If you have any questions regarding the content of this letter, please do not hesitate to call.

Sincerely,



Jillian Seitz  
Senior Community Planner



Julie Benco  
Regional Planner

CC: Cathy Hartranft, Hellertown Borough Manager