



Lehigh Valley Planning Commission

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August 3, 2023

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
 - July 25, 2023 at 12:00 PM
- LVPC Full Commission Meeting
 - July 27, 2023 at 7:00 PM

The subject application proposes 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).

Zoning Ordinance Amendments

Conditional Use and Site Plan Approval Exemption

The Township’s Zoning Ordinance designates Landfills and Waste Disposal Facilities as a special exception use in the LI District. The amendment proposes to change Landfills and Waste Disposal Facilities from a special exception to a use permitted by right 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.

These 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 have significant social and environmental impacts, and impacts to residents and/or the environment resulting from expanding and increasing operation must be cautiously scrutinized and mitigated:

- Environmental impacts of landfills include release of methane gas and carbon dioxide, two significant contributors to climate change. Currently the Solid Waste sector contributes to 4.8% of greenhouse gas emissions in the Lehigh Valley, but without action, emissions in the Solid Waste sector will increase 16.2% by the year 2050 ([Lehigh Valley Greenhouse Gas Assessment](#)).
- As a highly land-consumptive use, landfill expansions often result in destruction of environmental resources and wildlife habitats. This poses a direct impact to the land, but also affects the economic value open space provides to Lower Saucon Township and the Lehigh Valley. Natural systems such as forests, wetlands and riparian corridors provide the greatest economic benefit through natural green infrastructure that reduces tax dollars by avoiding over \$110.3 million in expenditures for water supply, flood mitigation and water quality. The air quality benefits provided by trees adds another \$48.2 million value annually ([Lehigh Valley Return on Environment](#)).
- Social impacts of landfills include possible health risks for residents if landfill gases migrate either above or below ground. Landfills are also found to decrease land values. A study by the Penn State University Northeast Regional Center for Rural Development found that high-volume landfills can depress adjacent property values by 12.9%.

Landfills help keep communities clean by providing a designated place for waste disposal and preventing litter. However, the need for waste disposal must be balanced with managing the impacts generated by the land use. These adverse impacts can be mitigated with careful review and evaluation of individual proposals with reasonable safeguards to 'reduce greenhouse gas emissions' to reduce climate change impacts (of *FutureLV* Policy 3.4), 'provide environmentally responsible and economical solid, electronic and hazardous waste disposal and recycling', 'protect the quality and quantity of surface water and groundwater' and 'improve regional air quality' (of *FutureLV* Policy 3.2) and promote safe, healthy, inclusive and livable communities (*FutureLV* Goal 5).

The Pennsylvania Department of Community and Economic Development Governor's Center for Local Government Services states that "Special exceptions and conditional uses are usually reserved for those land uses that will have a significant impact on the zoning district or the whole community, or for those uses that necessitate additional safeguards. Common examples of such uses include, but are not limited to, landfills" ([Special Exceptions, Conditional Uses and Variances Planning Series #7 Ninth Edition](#)). Conditional and special exception uses are regulatory safeguards that provide municipalities the opportunity to ensure projects pose minimal adverse impacts on the public health, safety and welfare. The text amendments propose eliminating these safeguards and review processes, which is not a best practice for managing development (of Policy 1.4).

Natural Resource Mitigation Alternative

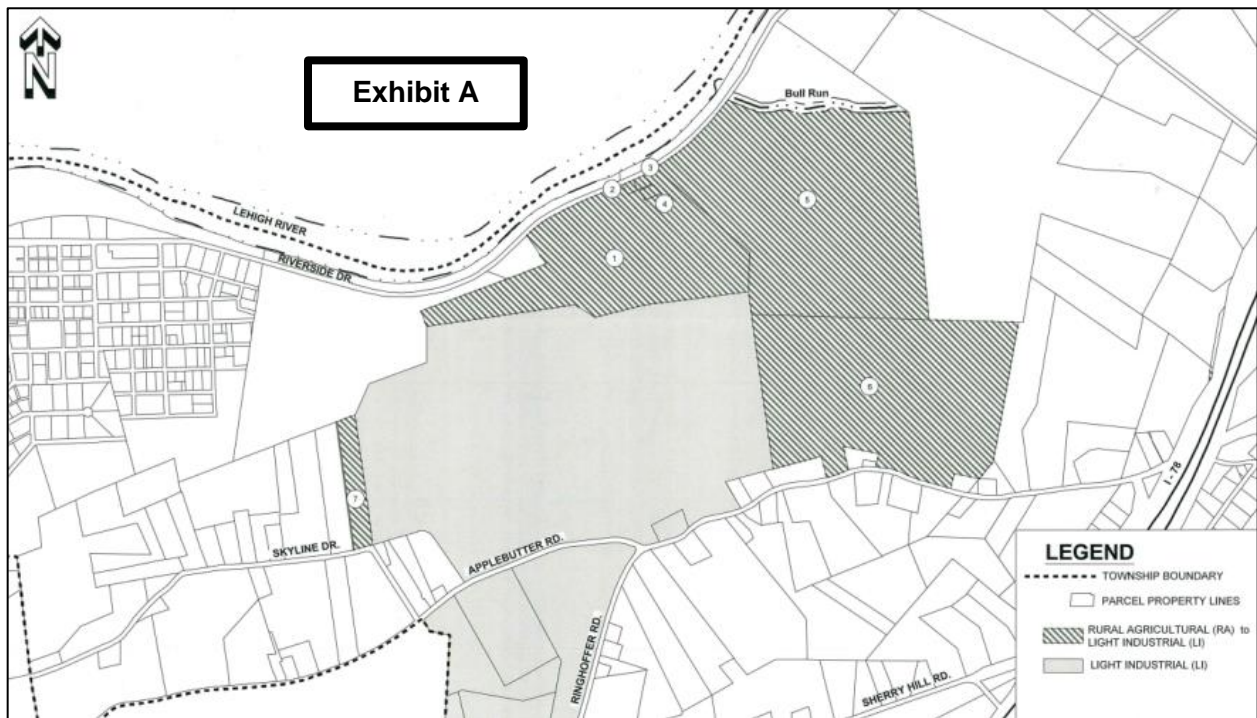
The amendment adds provisions for a Natural Resource Mitigation Alternative, where applicants proposing to develop an industrial use within the LI district are permitted – with written approval from Township Council – to exceed the net buildable site area and utilize a greater area of natural resource 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

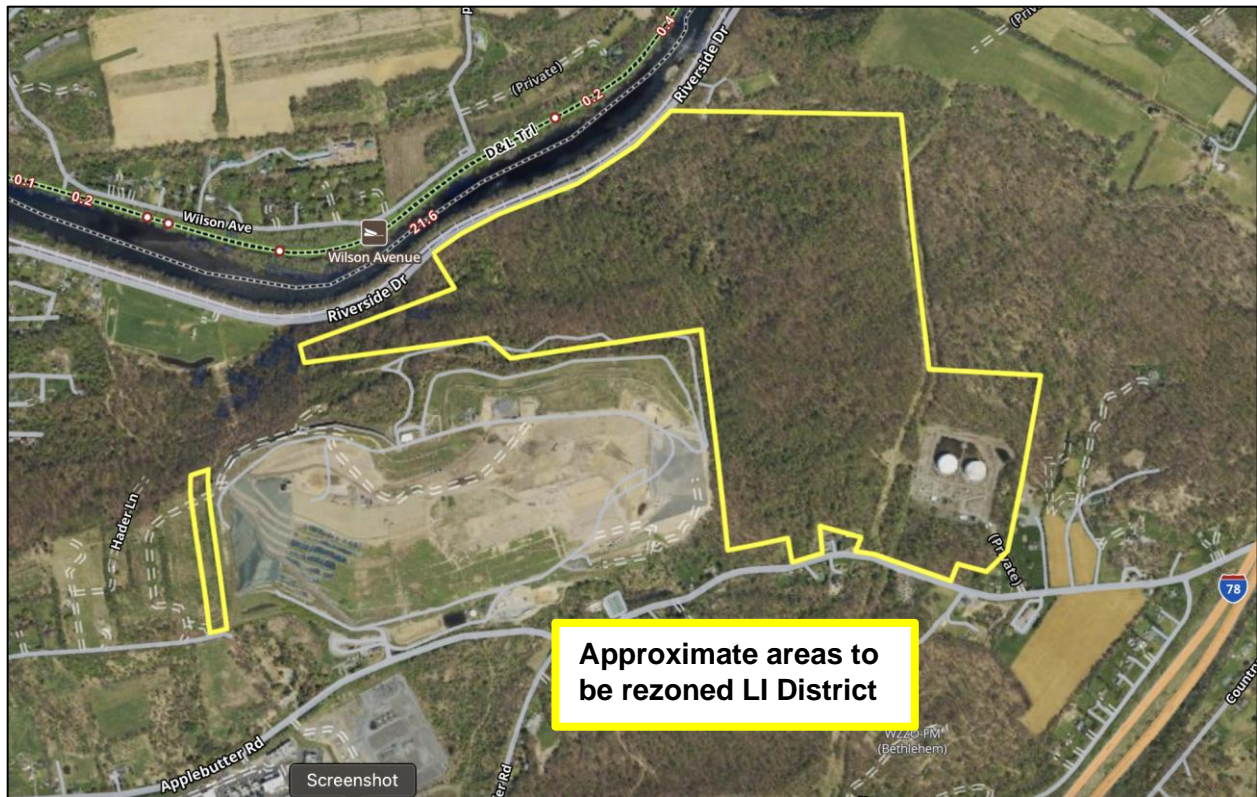
need to contain the same environmental resources as those resource protection lands on the subject property, and the section provides a fee-in-lieu option if the applicant demonstrates inability to obtain any or enough property for dedication.

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). Preserving natural resources in a given area does not necessarily work as a one-for-one trade for environmentally sensitive features existing in the area proposed for development, and risks fragmentation of natural landscapes and greenways.

Zoning Map Amendment

The subject application proposes to rezone seven parcels totaling approximately 275.7 acres from Rural Agricultural Zoning District (RA) to Light Industrial Zoning District (LI). The parcels 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. Parcels to be rezoned are shown on Exhibit A:





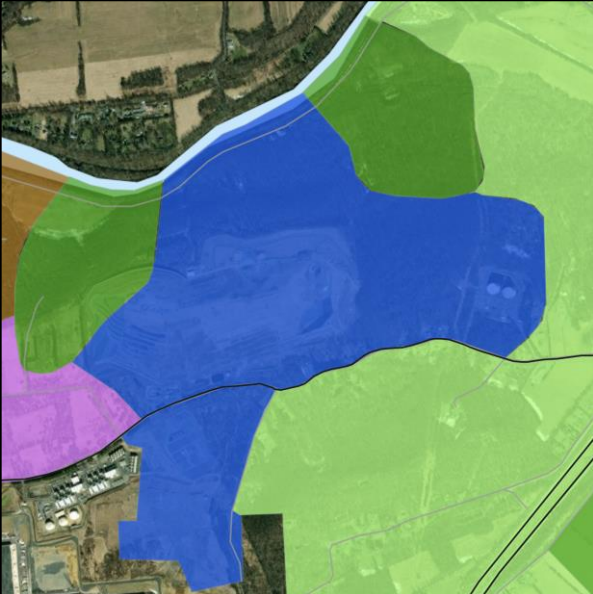
The proposal to rezone the northernmost parcels as LI District (parcels 1-5 in Exhibit A) does not align with the Future Land Use Plan of *FutureLV: The Regional Plan*. These parcels are located in a Character-Defining Area representing the natural and scenic character of the Lehigh Valley and contain High Preservation Priority features shown on the *FutureLV* Natural Resources Plan such as woodlands, steep slopes and Natural Heritage Inventory Core Habitats. The types of uses recommended in High Preservation Priority areas are parks and open space, woodlands, agriculture, and low-intensity, limited scale development that preserves natural and scenic resources. The LVPC strongly recommends that the Township prioritize retention of natural features as an essential characterizing attribute in the area near the Lehigh River.

Township Comprehensive Plan and Zoning Ordinance Objectives

Overall, the proposed zoning ordinance amendments and zoning map amendments do not align with the goals outlined in the Township's recently updated comprehensive plan, *Our Resources, Our Valley Multi-Municipal Comprehensive Planning in Pennsylvania's Saucon Valley*. The Plan 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). The Plan's goals to 'Balance Initiatives: Balance development and conservation initiatives in order to maintain the ambiance and quality of Saucon Valley's distinct cultural landscapes: small town, suburban and rural' and 'Enhance the Continuity of Resources: Enhance the continuity, visibility and inter-connectivity of the Valley's cultural, natural and historical resources' (page 1-12).

The area proposed to be rezoned does not align with the Township's [Future Land Use and Housing Plan map](#). Specifically, parcel 5 to be rezoned LI District is identified as "Open Space" in the Plan, with the purpose of larger-scale natural resource conservation and/or

recreation. The map of Regionally Significant Natural Resource Areas (Page 1-21) also show that the areas proposed to be rezoned conflict with Regionally Significant Sensitive Natural Resource Areas:



Saucon Valley 2020 Comprehensive Plan Update

Business Enterprise

- Purpose and typical land use activity: to accommodate larger-scale office, flex space and/or service-oriented uses that also seek to provide compatibility and transition between surrounding industrial and residential land uses. Business enterprise areas should be served by public infrastructure.

Industrial

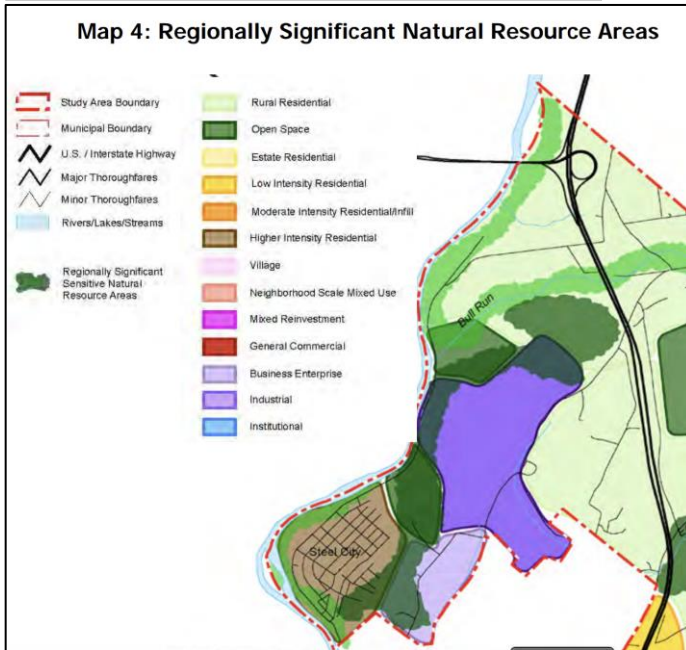
- Purpose and typical land use activity: to accommodate generally larger-scale local and/or industrial-oriented industrial, industrial-office and/or service uses. Depending upon the type and intensity of industrial-oriented uses, public infrastructure service may be appropriate.

Institutional

- Purpose and typical land use activity: Concentrations of academic and/or publicly oriented uses commonly containing campus-scale structures intended for larger gatherings of residents and/or nonresidents.

Open Space

- Purpose and typical land use activity: Land generally geared toward larger-scale natural resource conservation and/or recreation.



Additionally, the proposal to change Landfills and Waste Disposal Facilities to a permitted-by-right use and reduce review provisions does not align with the intent, purpose and scope of the Township's Zoning Ordinance outlined in Section 180-3, including 'C. Providing reasonable guidelines for development within and adjacent to environmentally sensitive areas', 'E. Preserving the value of real property' and 'F. Protecting the quality of environmentally sensitive areas, both within and adjacent to developments' and 'H. Facilitating implementations of the policies, proposals and objectives of the Comprehensive Plan for Lower Saucon Township'.

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,

A handwritten signature in black ink, appearing to read 'Jillian Seitz', written in a cursive style.

Jillian Seitz
Senior Community Planner

CC: Cathy Hartranft, Hellertown Borough Manager