

Bond Case Briefs

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EQT Production Company v. Borough of Jefferson Hills

Supreme Court of Pennsylvania - May 31, 2019 - A.3d - 2019 WL 2313377

Landowner sought review of borough council decision denying its conditional use application to construct, operate, and maintain natural gas production facility.

The Court of Common Pleas reversed council's decision. Borough appealed. The Commonwealth Court affirmed. Borough filed petition for allowance of appeal, which was granted.

The Supreme Court held that testimonial evidence of objectors, from different municipality, to application was properly received and considered by borough council when rendering its decision on application.

Testimonial evidence of objectors from different municipality to conditional use application for landowner to construct, operate and maintain natural gas production facility was relevant and probative to question whether grant of application for landowner to construct and operate site would adversely impact health, safety, and general welfare of borough's residents and, thus, was properly received and considered by borough council when rendering its decision on application; there was significant degree of similarity between nature of proposed land use in borough and present use of site in different municipality, landowner would be similar drilling activities, both sites were located in similar close proximity to residences, and testimony about landowner's proffer of waiver agreements to residents living near site in different municipality, in response to deleterious effects of drilling activities, was suggestive of how landowner would handle complaints from borough residences near site.