



Costs of Sprawl

**An Hourglass Foundation Public Forum
Franklin & Marshall College
June 7, 2000**

Third in a Series of Three Public Discussions on Contemporary Land Use

Featured Speaker:

***Joanne Denworth
President,
10,000 Friends of Pennsylvania***

Moderator:

John Jarvis

Panelists:

***Helen Adams, Lancaster Township supervisor
Rick Brown, Building Industry Association of Lancaster executive vice-president
Tom Stouffer, Lancaster Farmland Trust president
State Rep. Michael Sturla (96th district)***

[THE FOLLOWING IS AN EDITED TRANSCRIPT]

JOHN JARVIS:

Hello, everyone. Will you please take your seat. And don't be like the Presbyterians and sit in the last seat. This is the third of the panels or the forums that we've been having, the Hourglass Foundation, which tries to bring people together to discuss issues concerning Lancaster County. And we've had two very distinguished panels. We've had our representatives, Representatives Steil and Argall, and a distinguished panel. We had Mr. Coscia and we had another very distinguished panel talking about what was happening in a more eastern part of the state. And now tonight we have the third of our series, which is very appropriate at this particular time. We had no idea when we selected this date that it was going to be such a crucial and interesting time.

And it's a real pleasure to welcome Joanne Denworth here tonight. You've no idea how glad I was to see her, because I called her office today and said, I'd like you here by 5:15 because, otherwise, I will have palpitations. And they laughed. And about 35 minutes ago Joanne, on her car phone, called from -- this is an example of sprawl -- a slowdown on the expressway that she hadn't gotten on yet. And so here she is, and I've never been so glad to see her. But let me tell you just a little bit about her and a little bit about what we're going to do tonight and the forum, the way we're going to run this.

I met Joanne Denworth for the first time about five years ago, when we had a conference in Lancaster, which was the National Preservation Trust, the Preservation Trust of Lancaster, the Citizens For Responsible Growth, Preservation Pennsylvania, and the Pennsylvania Environmental Council. And out of that conference came a decision that we really had to have a voice in Harrisburg; that it just wasn't enough for us to be talking in Lancaster County, but there had to be action at the state level. And so out of that conference in Lancaster came 10,000 Friends of Pennsylvania, which is a group that does have a voice in Harrisburg.¹ And it's because of that initial conference and because of what Joanne is as a leader that we are here today with some, I think, good news. She is a lawyer. She is a writer. She has received top awards as being an outstanding leader in Pennsylvania. I could go on. When you hear her talk, you'll know how lucky we are that she was at the helm of 10,000 Friends. And so we're glad to have you here.

Let me say what we're going to do. Joanne is going to talk for some 30 minutes, approximately, and then we're going to have our panelists come up. And she is going to sit down here with a panel and with me, and the panelists are going to ask her questions. And at the end of that, about half an hour of panel discussion, there will be 15 minutes or so for questions from the floor. And if you do have any questions, on the ends of the rows on the seats you'll see a little pad of paper. And you write out your question and

¹ For more information on the 10,000 Friends organization, go to <http://www.10000friends.org>

you hand it up to me and we'll see that as many questions are answered as possible. And the final thing is, at the end, we would like an evaluation from you. And there are evaluation forms, I believe.

JOANNE DENWORTH:

Well, thank you very much. Well, I can't tell you how glad I am to be here. I really am. I was afraid I might not make it and that I needed wings. I'm probably going to depart from what I planned to say. I brought some overheads to tell you a little bit about 10,000 Friends of Pennsylvania, which I think a lot of you already know about, but I think you might like to know kind of what our usual spiel is. But I know that what you'll be most interested in is what's happened in Harrisburg yesterday, which really was a stupendous day for all of us who've been working on this land use legislation. And I want to especially thank Ron Bailey because Ron and I and some others worked really closely on developing House Bill 14.² And it was truly thrilling to be sitting in the gallery in the House and have all those green lights go on, 175 people, for this bill which, really, we think would empower Pennsylvania's municipalities to do a much better job of managing growth and, importantly, protecting rural lands, which we really don't have the ability to do under our current legal framework.

So it was an exciting day, and we're all still pretty much pumped up. But then I had to spend the afternoon talking about the next bill, SB 300, which has many more issues, it turns out, associated with it.³ That's why I was late getting out of Philadelphia. And that turned out to be very disastrous, because the Schuylkill Expressway was totally jammed at quarter of 4:00. I don't know. What are we going to do about all that, Ron? Maybe you've got an answer. I don't know what it is. But let me just start with some of the things I usually tell people about 10,000 Friends, in case some of you don't know much about us. As John told you, it all really began here in Lancaster County. We had this challenging sprawl conference back in '95 that Preservation Pennsylvania actually pulled together. And the Pennsylvania Environmental Council, which I was then president of, did a lot of the facilitation on the various issues, because we had been developing an expertise in land use for some years. As John said, the upshot of the meeting was, all the groups who were there felt really strongly that we needed a statewide organization. They were concerned that we would never make any changes unless we brought together a really strong statewide constituency from a lot of different perspectives; not just environmental groups or preservation groups, but municipal people and business people, developers, to the extent we could interest them in this. And I think we have interested some, which is good.

And that was sort of the genesis of 10,000 Friends, and we incubated it at the Pennsylvania Environmental Council for a couple years, gathering more steam. We had eight, finally, founding organizations who came together, including the Pennsylvania

² Ron Bailey is the director of the Lancaster County Planning Commission. House Bill 14 was part of a package of legislative proposals on land use spearheaded by state Rep. David Steil (Bucks) and state Sen. James Gerlach (Chester) and ultimately signed into law by Gov. Tom Ridge on June 22, 2000.

³ Senate Bill 300 was the element of the legislative package sponsored by state Sen. James Gerlach.

Planning Association, Pennsylvania Association of Land Trusts. I'm forgetting them all. Pennsylvania Environmental Council, Preservation Pennsylvania, Western Pennsylvania Conservancy and at least three more. Oh, the League of Women Voters, Chesapeake Bay Foundation. And from that we've now expanded to a really strong constituency of many diverse interests, which was the object. We now have over 160 -- I think it's 165 organizations-- now who have endorsed the principles that 10,000 Friends agreed upon in that early year. And they represent, collectively, about 350,000 people. So it's a pretty effective. Believe me, when you go to speak for 350,000 people, people listen to you a lot better than they do when you speak for one organization and one point of view and 2,500 members. So that strategy has turned out to be extraordinarily successful. Somebody helped me put out these brochures about 10,000 Friends. For any of you who don't have them, please take it. It shows you who the leadership is now, which is a rather impressive list of people, who all the endorsing organizations are, and also tells you what it is we stand for and what we ask people to endorse when they sign on to 10,000 Friends. They're pretty straightforward, simple propositions, but they're pretty significant. Revitalizing existing communities and business districts, strengthening local and regional land use planning and so forth. I'm not going to read them all. You can read them for yourself. But this is, in essence, our mission: Revitalizing cities, towns, boroughs and older suburbs; preserving farmland and rural resource lands; conserving natural heritage and fiscal resources; and, of course, improving the quality of life for all Pennsylvanians.

Of all the activities that we're engaged in, we are very strongly focused on land use legislation because we all felt that that was fundamental, that we had to change the rules to make it possible to plan on a more multi-municipal basis for both growth and conservation. So that was kind of our first agenda item, to focus on the municipalities planning code and try to get some changes to that basic law. And, of course, as I told you, in building this constituency, we've been reaching out, trying to organize a lot and bring on board many other people in the business community. And one of our great business allies is the City League of Better York. They've been fantastic, really given us great legislative support. And we have the Pocono Chamber of Commerce, a number of business organizations and civic leagues. We're trying to bring on board a lot of communities of faith, who are really talking about these land use issues from a stewardship point of view and a spiritual point of view, and especially in the cities and boroughs. That's a very important message out here in farmland, as well, but I don't see the people as organized on that issue in the religious community. But I might be wrong about that.

Our modus operandi is, we have task forces on a number of issues that are all land use-related: housing, infrastructure, natural resources, heritage resources, urban issues, agricultural and rural lands. And we are working with consultants on some significant research. We did put out this "Cost of Sprawl in Pennsylvania" study that we were the coordinator for. Actually, a number of sponsoring organizations, including DCNR, were involved in the study.⁴ But we picked the consultant, with the help of an advisory

⁴ DCNR stands for the Department of Conservation and Natural Resources. Established in 1995, DCNR is the state agency responsible for maintaining state parks, managing state forests and providing information

committee, and worked with the consultant to complete this report. One of the, I think, very striking things about it is that it demonstrated that the impacts of sprawl were happening all over Pennsylvania. In big metropolitan regions, Philadelphia and Pittsburgh were looked at; in medium-sized ones, Allentown and York were looked at; and in smaller communities, Williamsport and Meadville were looked at. And 21 municipalities were analyzed on various statistical data and looked at as to what the impacts were.

And in truth, the same thing was happening everywhere, sort of a microcosm. Cities are losing tax base, housing poor people, and land is being consumed for relatively few people but at the expense of existing farmland. And some places, like Lancaster County, have far more value to the farmland than others, perhaps, but they have other rural resources which are of grave concern to them. I'm not going to say too much more about the "Cost of Sprawl." I think we ought to get to the legislation. But I think one of the compelling facts about Pennsylvania is that we have this incredibly sprawling development, and there is all kinds of arguments -- I'm sure you've heard from the USDA about whether we're second or fifth or whatever we are.⁵ But all we know is, we are consuming a huge amount of farmland and without very much population growth.

Our population's actually grown just over one percent in 30 years, if you count up now to 2000. But we are creating a huge number of additional housing units to reflect the demographic trends, mostly in suburban places.

This comparison, which came from David Rusk's study, which he called "Today's Winners Are Tomorrow's Losers" --and one of the things he showed is that in each of these metropolitan regions, suburbs that used to be doing well, relatively, in terms of income and tax base and so forth, were now losing out to these exurban places.⁶ And the relative amount of population growth was extraordinarily disproportionate to the land area consumed. The study talks about these basic categories of price, cost, of sprawl and really does get in some depth both the national literature the state literature that exists; and then these 21 case studies, which I think, in some ways, they bring together all that information and apply it to Pennsylvania. It shows the amazing amount of agricultural land that has been lost. And in a lot of areas, of course, as we all know, the best agricultural land is in most of the metropolitan regions, so that's what's being consumed for development.

and support for a wide variety of ecological programs. For more information, go to <http://www.dcnr.state.pa.us>

⁵ The US Department of Agriculture (USDA) has recently come under some fire for discrepancies in its 1997 Natural Resources Inventory (NRI), the latest in its series of regular reports on national land use trends. According to the original NRI study, Pennsylvania ranked second only to Texas in the amount land lost to development between 1992 and 1997. Currently, the USDA and its critics are in the process of revising those figures. However, as Joanne Denworth suggests, by any measuring stick, Pennsylvania ranks near the top of the list of states losing land to development. See Diana Mastrull, "U.S. Study on Land Development Was Wrong," *The Philadelphia Inquirer*, April 28, 2000.

⁶ David Rusk is the former mayor of Albuquerque, New Mexico and the author of *Cities Without Suburbs* (1993), a widely regarded book that examined all 320 metropolitan areas in the United States. His study of Pennsylvania included Lancaster and Reading.

Also, one thing that we've been doing is looking at states all over the United States and comparing ourselves. I just heard an amazing thing. A Philadelphia Inquirer reporter called me when I was on the road up here and said, the National Governors' Council today made a statement that Pennsylvania is first in the nation in land use, something like that. And I said, what? And I said, well, do they mean the bill we passed yesterday? I said, well, it's really good, but I wouldn't -- first in the nation? I don't know as I'd go that far. And she said, oh, no, they weren't talking about that. They just meant in terms of land use programs.⁷ Well, we do have a number. I mean, we have a good greenways program now. We have good agricultural preservation programs, although they don't have enough resources to really deal with the problem, the need. But I'm sort of astounded by that, and I'd like to know what in the world it was based on. Because I would say that although we have many good individual programs in place and many good local activities -- and perhaps it has to do with the vigilance of our local groups-- I mean, we have so many watershed associations, conservation associations. I mean, we really do have many people focused on the issue here, but I'm not sure that's what they meant. But from our point of view, we don't really have land use planning that translates into effective ordinances that are really related to the plan, and that has been the issue that we've been concerned about.

We get a lot of grief about, oh, you want to make all these rules, and that makes it very unattractive for economic development. We say, on the contrary. Many of the states that do do effective planning and implementation of those plans, the key thing, are attracting residents, new residents and jobs, compared to us. Oregon, Minnesota, Maryland, Washington, New Jersey even. And, you know, you could put Florida on there, which has very strong growth management rules but also a huge increase in population.

Frankly, I would say, Pennsylvania is not in the vanguard in terms of land use. We have such an incredibly fragmented governmental structure, with 2568 local municipalities, 56 cities, 964 boroughs --most of them, not all, but most, are also in relative economic decline-- and the 400 first-class townships, et cetera, adding up to, really, when you get done with the special districts and the authorities and so forth, about 5,000 bodies of one kind or another making pieces of land use decisions. And all this takes place without any real coordinating structure for looking at anything on a regional basis or any requirement, really, for

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⁷ On June 7, 2000, the National Governor's Association's Center for Best Practices released a report entitled, "Growing Pains: Quality of Life in the New Economy," that recognized Pennsylvania as an "innovator" in land use policies for programs such as the Growing Greener initiative, Keystone Opportunity Zones, and the Land Recycling Program to clean up "brownfields."

consistency among plans and implementing ordinances and other regulatory actions. In addition, it was kind of overwhelming to me to learn this, that most of Pennsylvania's municipalities are really extraordinarily small. Only 8 percent are over 10,000 people, -- so we are really talking about many, many very small places -- 31 percent between 2500 and 1,000 and 61 percent below 2500 people.

Why did we think we had to do something with the Municipalities Planning Code (MPC) to begin with? One of the basic reasons is that all 2568 of these places, under the law, have got to provide for everything, which is truly a recipe for sprawl, and almost senseless, and I think everybody has come to agreement on that. The builders have acknowledged that that doesn't make sense and have supported, in fact, House Bill 14 because they think a multi-municipal approach is appropriate. Curative amendment process and requirements to accommodate growth everywhere means, really, that municipalities, as hard as they may try, -- and some try very hard -- have a very difficult time trying to shape their destiny and keep any portion of their township rural if they are under growth pressure.

Planning, as Ron [Bailey] knows very, very well, and all planners do, is very weak in Pennsylvania. Although counties are mandated to do planning, they're advisory only. Nobody has to pay any attention to them. Many times they don't pay any attention to them. I think in Lancaster County you've been much more effective in that and work with your municipalities extremely well. But many counties have not been able to do that kind of a job or get that kind of relationship, I guess, with their municipalities. And then, as I said before, with no coordination of infrastructure and state and local agencies' decisions with land use plans, rural communities cannot really remain rural. They have to become, under the law, cities and towns, which, we really don't need more of those. So House Bill 14 was an attempt to address that by respecting Pennsylvania's tradition of local government, and trying to put some of the decisions that ought to be coordinated on a regional basis or county basis in context and coming up with a way to do that using intergovernmental cooperative planning and implementation agreements.

The whole approach to multi-municipal planning and implementation will be through article 11 of the bill, which empowers counties and municipalities to get together voluntarily. They can enter into these things voluntarily and develop multi-municipal framework plans. They may work together without the county. In some cases that may be appropriate. I know I've been told by Elam [Herr], whom I see back there, that there are places where the counties aren't taking a real lead, and for various reasons the municipalities may not wish to work with the county.⁸ But, indeed, they would benefit very much from having a multi-municipal approach to a lot of the issues that need to be addressed in their area. And either with the county or without the county, municipalities can come together, use these agreements both to develop and implement the plan.

⁸ Elam Herr is the chief a lobbyist for the 4,700-member Pennsylvania State Association of Township Supervisors.

I think from our point of view, ideally, they would use the county for facilitating agreements and for expertise, because it will be important in sustaining whatever actions are taken that very, very good data and information is available to proceed on -- demographics, population projections, identification of where the uses that must be provided are and where they aren't and what kind of development is reasonable -- along with some help in deciding infrastructure and transportation questions and so forth. And then the idea is that local zoning will be consistent with this framework for plans and joint zoning is not required. Under these plans the law -- the bill provides that municipalities may designate growth areas to accommodate the projected growth and provide for all uses over reasonable geographic areas. They may designate rural resource areas where more limited development consistent with rural uses will be permitted and, most importantly, tie public infrastructure investment to growth areas.

It authorizes, in terms of process, a very flexible voluntary process that uses these agreements and refers a great deal to the counties and municipalities themselves to come up with processes for achieving consistency, for implementing the agreements. A mechanism for dispute resolution was added just in the final days of negotiation there on issues of consistency and interpretation of the comprehensive plan, and the courts will then look to implementation by the municipalities of the plan that they say they've agreed to. In terms of upholding challenges -- or considering exclusionary zoning challenges, to whether or not they've provided for all uses, then the law would specifically say that the court is to look at the region of the plan and not at every single municipality. And then it would authorize use of specific tools within these planning areas, transfer of development rights and tax- and fee-base sharing among municipalities. And there are provisions in there called the specific plan -- which, actually, Ron [Bailey] was responsible for getting added to the statute -- which would allow municipalities to develop a specific plan for an area that would really operate as the ordinance and be consistent with the overall plan, but it would also be the ordinance upon which approvals would be based.

I think the Pennsylvania Builders' Association was interested in this as a possibility. And I'm told, Ron, you made a very eloquent case for it. But they wanted, for the time being, to limit it to non-residential development. I don't know if that's useful or not, but we hope that it might be. There is not a flat-out protection from curative amendment challenges.⁹ That is what we originally had in the bill, but it became clear that the townships, too, would really prefer that if there's going to be any challenge on consistency or anything else, they go to the governing body first, not to the zoning hearing board or the court, and those municipalities would have a chance to respond to what they're doing or change it as appropriate. But, as I said, in any curative amendment challenge there is a direction to the courts to look at the region of the plan. And there's state funding for -- priority for planning funding and some priority for programmatic funding, although, there the language changed again. We had a long list of programs that we hoped the multi-municipal plans would be preferred for, and the governor's office did

⁹ The Curative Amendment is a legal appeals process originally designed to prevent towns from using zoning ordinances to keep out low-income housing. Instead, it is often used today as a tool by developers against towns, effectively threatening to force one type of development (typically, low-income) into the area so that the town will accept another -- usually for large, luxury homes.

not want that. So they have the provision that in the bill now says that the state shall consider and rely upon these multi-municipal plans and may authorize -- may, in their funding decisions, give some priority to multi-municipal planning and implementation through these programs.

So what are the benefits for Lancaster County and, for that matter, every county who chooses to do this? And I'm speaking not just of the county, but of the

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municipalities within the county that choose to use these. We do believe that what's been created here is a very flexible voluntary process, but that can have legal, effective meaning once municipalities have agreed to do these things. To me, it's very advantageous to use the bodies

that are out there, not have to be creating new bodies, but use the county and its authority, the municipalities and their authority. They already have planning commissions and advisory committees of all sorts. Draw on them to help develop these plans. It does allow for the accommodation of all uses and the conservation of rural resources and provision of infrastructure over a larger geographic area without joint zoning.

I think this really just recaps some of the things that were stated, but I want to focus on that last role, because when we've gone around Pennsylvania talking to many places -- particularly the western legislators who were at first very disgruntled about this bill and thought that this is all for the east and places like Lancaster and Philadelphia and Cumberland County, and not for us. But our point was always that, really, if you want to do good economic development, this is for you. It isn't just an issue of not having any growth or stopping growth. In fact, we're not really intending that at all. Pennsylvania needs growth. As you can see, we have actually had very little real growth. But it's how you design it, how you attract people, how easy you make it for people to come here, the quality of life people can anticipate in your communities. And our magnificent rural resources help attract people to this state, so we certainly want to keep them intact for more people to enjoy, but we also want really well-planned communities. And this should help -- I mean, in southwestern Pennsylvania -- for instance, Pittsburgh has lost half of its population, from 600,000 to 300,000. And what growth is going on is going on in this very suburbanized manner. I don't know if any of you have been out there, but they're building all over those hills out there outside Pittsburgh, big houses like those that are occurring everywhere.

So there was a lot of concern that this wouldn't be of any use to them. But I must say that many people have talked to all of those legislators and others out there, and many of them changed their point of view. So that, indeed, it would benefit them to be able to use these tools, which, of course, are voluntary, so they don't have to use them if they really don't want to or don't need to.

I just want to mention some other things that we're in the midst of looking at because, obviously, you can talk about limiting things at the edge, but it's extremely important to figure out how to really revitalize cities and boroughs in the face of the many barriers to redevelopment there are. I mean, lots of times you drive through these old boroughs and see that there really isn't very much available land for building, and a lot of the housing is not in the greatest repair, and you can understand why perhaps people don't want to move there. So what are the combination of things that we can do to really attract people to some of these places? Take the pressure of rural lands, but also revitalize these communities.

Pennsylvania has more urban communities than most states have municipalities. I mean, over a thousand urban municipalities. So we really need to focus our public

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money on them if we want to have a healthy state because, you know, over half of our population of 12 million lives in these places. So I think we cannot assume that by just having some development at

the exurban edge or the next suburb that that's healthy development for our state. It's good development, but it has to be considered in terms of, what are its other impacts?

We've been doing a market study in the southeastern part of the state with the Pennsylvania Environmental Council on livable communities, four particular sites, one in the city, two in older boroughs and one exurban site. And that is now out and published. And now the next step is to attract real builders to build on those sites, in those places where it was shown that there is definitely a market for housing of various levels of income, all levels of income, in fact, in these places. And then, of course, the issues which the Builder's Association brings up often, and rightly, a lot of people don't want any building inside. So, you know, we'd like to re-focus the development inside to the extent we can clear and package land for development and entice people in. But in every place there are people who are opposed to anything more, and change, anything different. And I think that is a real issue. There's no question about it. That is the case.

I know in the City of Philadelphia, where I live, -- I live right downtown in Society Hill and I was president of the civic association, and nobody wanted anything but single-family housing. And I said, well, now, wait a minute. We're in the city here. We have mixed uses to begin with and we don't want to just now become a suburban place. This is a city. Well, I think, as a matter of fact, that neighborhood has done an excellent job of balancing those interests, of trying to provide for a variety of uses. But it is always a struggle, and in any particular project, you know, we may all have disagreements. I mean, some things that people are opposed to, I think, well, that's a good place for that. It's better than a farm field. I mean, why not? But it's a tough issue and we have to deal with that wherever we are.

And then, obviously, financing alternatives to sprawl is a major issue not just from the private market, but the public investment. And we have an infrastructure

committee that's made up of a lot of key management people around the state looking at a possible study that we may commission to look at some of these financing issues.

So what are our current recommendations on revitalizing existing communities? Well, of course, we want to support this package of bills. And I'll talk a little bit about Senate Bill 300 now. We are supporting, also, the Downtown Location Law, which would give some preferential locations in downtown locations for state office buildings or state facilities of any kind. Although the language has been expanded to include malls, so I'm not sure that is really going to be as downtown as we would like it. We are supporting, and actually hope that this will be voted on next week, the Historic Home & Neighborhood Preservation Bill sponsored by Tom Tangretti from Westmoreland County, which gives credits for both residential and commercial development in neighborhoods' older buildings, not necessarily just certified historic, but older buildings. And then increased funding for affordable housing. We did support the statewide Low Income Housing Coalition's request for more money in the governor's budget for affordable housing in town. If we're not building any outside of town, we should at least support building it in town. And that passed the house quite overwhelmingly, but the Senate took it out of the budget, so it's not in there. We are supporting urban blight legislation in a number of places. Philadelphia has some specific proposals, and I was on Mayor Street's Urban Blight Task Force. And, actually, some very creative things are getting proposed, so I have some hope that in Philadelphia, even, some good things may be done. And then increased funding for brownfields, remediation and redevelopment. And this is an item that the Heritage 21 Alliance has been emphasizing, making community development corporations eligible for growing greener funds. That didn't happen in the budget either, but we're going to keep working on that.

And so, you know, in essence, this is our agenda, promoting responsible land use, amending the MPC under that. We're working on tax equity issues, tax reform, with the Pennsylvania Economy League and others, targeting infrastructure spending and housing policy, de-concentrating poverty in our cities and towns, our cities particularly.

I should say something now about Senate Bill 300 and where everything is, because I'm sure you're curious. I would say that Senate Bill 300 does have to pass the House and the Senate in order for 14 to pass the Senate. The fact that 14 passed so overwhelmingly in the House was really a terrific bipartisan coalition. I think all but two Democrats voted -- and they made some wonderful speeches -- for the bill. And, well, there were only 17 opposed, so it had to be 15 Republicans who voted against it. And that is a very strong message to the Senate to pass it. But Senator Gerlach has worked very hard, too, and I know that because I've been at all these stakeholder meetings with him for years now. And he's tried all different ways of working on consistency and

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improving it. And one way or another, it doesn't work or it isn't acceptable to one group or another. So Senate Bill 300 is, in our opinion, fairly mild at this point. It does a few things, not a lot of things. It applies to all municipalities. Whereas HB 14 is an

option for those who choose to enter into this process, SB 300 is just general provisions applicable to everybody. And it does enhance somewhat the planning and zoning for natural resources and heritage resources. It's the bill that includes the traditional neighborhood development provisions. And I think I see Elam [Herr] back there. I should ask you, because there's possibly some good things added to the impact fee legislation for townships. Is that right, Elam? [He nodded] Yes. Still, I guess, there are a number of contentious issues out there, and they all have to be resolved tomorrow, I gather. And I don't know how that's all going to happen, but perhaps people do come together under pressure to get something done.

And those issues are arguments about the expansiveness of the agricultural language, which we have a lot of disagreement even within our own ranks about, some of us feeling that it's appropriate to talk about economic viability, others feeling that it's not appropriate in a statute dealing with zoning. And there are some provisions that the forestry industry wants. And the mining provisions are pretty excessive, and we're at this point opposed to what they want.

At this point, I think I might do better answering specific questions rather than just rattling on.

(Panel assembled.)

JARVIS:

Well, here we all are. And I don't quite know what's going to happen here. It's going to be very interesting. I think this may be one of the most entertaining forums that we've ever had. But we have here on my right Rick Brown of the building industry and PIA. And you know Tom Stouffer of the Farmland Trust. And then we've got Joanne. And then we've got Helen Adams, who is a Supervisor of Lancaster Township. And then we've got Mike Sturla, representing part of the City of Lancaster. So I'm not going to do the talking. I'm going to ask each panelist to ask a question of Joanne. And the first question starts with you, Mike.

MIKE STURLA:

I'm going to ask the question, because it's been raised recently with a report from the Commonwealth Foundation, I believe, that said that all this anti-sprawl stuff is going to make it so that housing is no longer affordable for anyone. The American dream of owning a house is just out the window. If we control sprawl, people won't be able to afford houses anymore. And I guess I'd like to get your opinion on that.

DENWORTH:

Well, as you might expect, I disagree. First of all, I would not say that we are building affordable -- we are building affordable housing for some people in Pennsylvania, but it's mostly very upscale housing. And, in fact, with a curative

amendment which was initially intended to do that, to be sure that we were building affordable housing in every place, the way it works is, you know, the developer and owner can negotiate with the township to build townhouses for middle-upper-income people, which is probably far more lucrative than building for the affordable market. From our point of view, we would do much better -- and, in fact, places that have, like, Oregon, for instance, they build much more housing for all levels of income per capita. Now, they have a much smaller state in terms of population than we do, than other places. So, you know, I really don't agree. If you've got provisions for -- and, by the way, House Bill 14 does include the responsibility of providing for affordable housing in reasonable geographic areas throughout the region of the plan. And so there is some -- I mean, you can't really just do that by zoning. You have to have some other probable requirements for affordable housing. But I don't agree at all.

JARVIS:

Helen, your turn.

HELEN ADAMS:

I'm a representative of Lancaster Township, a small township that sort of horseshoes around the City of Lancaster, Joanne, and five years ago our board of supervisors endorsed the urban growth boundaries that were promoted by our County Planning Commission. And that concept that they inaugurated has certainly gained increasing acceptance by many of the townships in the county. Yet this tool to help manage sprawl has not received overwhelming and enthusiastic support from people, and I can think of specific instances in my own township. The folks say that allowing additional highly populated dwelling units along an already well-traveled route will just exacerbate the traffic. They say that changing the zoning of particular lands to allow multiple-family dwellings, instead of large-lot single-family units, will lead to a decline in property values. I have heard them say to us at township meetings that the increased population occasioned by those multi-family dwellings per acre will put an undue strain on our school district and, in effect, create tax hikes. So how do you answer these folks?

DENWORTH:

Boy. Well, that's a tough question because, I mean, there is some reality to all of those things. It is true that, you know, if we draw some tight line around and say, everybody has to live in there -- although that is not what we're saying here. It really is not what we're saying. I think for your township it's probably particularly difficult, because you're right in the place that it makes sense to do that. It really does make sense to do that. And, I mean, I would argue that it still does make sense. And it's much better to do that than to spread the population out over the countryside at great expense to all of us for infrastructure, for new schools instead of using and improving the schools we have. But, obviously, you do have to address the amenities and the quality of life that your people are experiencing there. And maybe, you know, some infrastructure -- well, for instance, wouldn't it be a good idea if infrastructure improvements were focused more on

your kind of place than on building out in the countryside? Maybe it makes the density really not so much an issue. I really don't believe that density is that big an issue. I mean, I happen to live in Society Hill. There's at least 20 units to the acre where I live. I don't know how many exactly, but a lot. And it isn't the density, it's sort of the quality of how the whole thing is planned and how. I mean, my house is 17 feet wide, it's 100 feet deep. I can walk to the movies, the restaurant. It's quite dense, but it's very agreeable, and so, in fact, you know, to me, far more desirable than living on an acre of ground that I have to mow, and getting in a car to go everywhere. So partially, people are going to make choices based on what they want to do. And these growth areas are not saying no one can develop out or have larger lots out in the countryside. But we are able to make a distinction between where we're going to have more highly dense development and where we're not.

JARVIS:

Good. You're doing very well. Would you like something else to drink? Tom, it's your turn.

TOM STOUFFER:

Joanne, I ran across this thing, and it kind of made us cheer. This was from the Philadelphia inquirer, May the 29th. And the headline reads, "Bucks judge's ruling classifies farms as development."

DENWORTH:

Yeah. Wasn't that terrific? That's a wonderful ruling.

STOUFFER:

I wonder if you'd like to comment on that. Because we've heard -- And, of course, those of us who listen to Ron Bailey talk, one of the things he's always emphasizing, and I've picked up on emphasizing, is that farmland, particularly the prime farmland out here, is not vacant land waiting to be developed. And here we've got a judge in a neighboring county, just across -- well, not quite a neighboring county. But, yeah, a judge has said, this is not vacant land. This is fully developed land.

DENWORTH:

Right. And that supported the township's turning down a proposal for a very dense development in Bucks County in Buckingham Township. And, actually, I don't know much about the legal facts -- or the facts of the case and the legal analysis that went into it, but we did take heart from that decision because we all think that's true. I mean, that is a use. Land use is about what uses we're making of the land, and that's one of them. So it shouldn't be vacant land just waiting to be developed. I mean, some of it, perhaps, should be developed, but not all of it.

JARVIS:

To you, Rick.

RICK BROWN:

Thank you. Do you want to take a sip?

DENWORTH:

He wants me to be ready.

BROWN:

What I'd like to talk about is a follow-up on the urban growth boundary issue. Unlike our state association, the building industry here in Lancaster worked with the county in devising, developing and helping to put together our urban growth boundaries. And, unfortunately, the majority of the development is happening right now in the county, outside of those areas. With the provisions in House Bill 14, that will give incentives to those municipalities that are working together, specifically priority on state and federal funding. Do you feel comfortable that municipalities will actually do that?

DENWORTH:

I really hope so. That's the next challenge.

BROWN:

Well, we all hope so.

DENWORTH:

I think it's going to be difficult to get it to happen, but that there are a lots of reasons for municipalities to want to do this, the legal protections, the funding, the ability to design a really quality community and to keep some rural lands rural, which I think a lot of municipalities are looking for that ability. And I think it makes a lot of sense, since you designate the dense growth areas on a multi-municipal basis rather than in each municipality, although in some cases that may make sense to have that in one municipality. But I can't -- it's true these are just -- these are not mandates. These are tools that are out there not being imposed upon anybody. They have to all select. But I hope that there'll be -- I mean, I think Lancaster County and Chester County -- there are a lot of counties who really, I think, will embrace this and choose to work with municipalities who are interested in doing this. And I'm thinking of Lehigh, Northampton, Bucks, Montgomery, Chester, Lancaster, York, Monroe, Union. I mean, there are a number of people who are already sort of looking going down this track. And

I guess all of us who have some knowledge or expertise about it ought to try to help that to happen.

STOUFFER:

To pick up on what Rich is saying, I think that, not surprisingly, farmland preservation has a role in helping us to keep the development inside the urban growth boundaries or in growth areas, in those areas, because if you have preserved the farms --And I did bring along a map up there, if you get a chance to look at it later. And there's some up here. Unfortunately, I didn't have enough to pass around to everybody. But if you look at these maps, you'll see that, already, we have lots of farms that are preserved around the edge of the urban growth areas. And that's going to help us in the future to keep the growth where it is. So I think that there's something to be said in working together to use farmland preservation in combination with these other things.

DENWORTH:

That's right. And, well, one of the great tools in the bill, I think, is the notion that within one of these multi-municipal areas, you can transfer development rights for greater density in the development area and preserve the farmland.

BROWN:

So, Tom, what you're saying is, if we surround the urban growth boundaries with reserved farms then we're going to stop sprawl? Doesn't that cause a leapfrog effect?

STOUFFER:

I think that you make a valid point, and that's something that we do have to deal with. But I believe that we're facing the leapfrog effect just like we're looking at -- initially, the first couple of years of farmland preservation looks like a shotgun. You can't start out by preserving all the farms at one time. But we've seen, already, blocks of preserved farms. Any of you who want to look around Maytown, I mean, you see around Maytown an opportunity for farmers to keep farming, and they've effectively blocked out in that particular area -- that is the area that's further ahead. They've blocked out the opportunity for much leapfrogging there. So I think it's a danger and I think you have to watch for it. You're absolutely right.

JARVIS:

Any other questions from the panel? Mike, are you satisfied with this bill?

STURLA:

As a radical idealist, I'm slightly disappointed. As a realist who's been in the legislature for nine years, I couldn't be more ecstatic, because five years ago I sat in the

governor's policy office with people who told us that not only was this not on their agenda, it was not going to be on their agenda. You know, I've sat in more meetings where people have told me that we just were completely off base and way out there, and just go home and don't talk about it anymore for nine years. And this issue's been going on for longer than I've been around, 15-plus years, in the legislature. I guess that was one of the questions I wanted to ask Joanne, was, given the fact that it's taken 15 years to get to the point where municipalities may do some of this stuff, -- and I think it's going to take another five to ten years for them to actually do some of this stuff, so that we can see that it actually does work and prove to other people that they can do it and should do it. At what point in time do you see us actually, on a large scale, doing regional planning in Pennsylvania? And, I mean, you know, is it in my lifetime?

DENWORTH:

I know it's not in mine. I'm older than you. You know, Mike, I think people are going to more and more see that some issues really have to be looked at regionally and some issues should remain local. And the beauty of this approach is that it tries to integrate those two things and not take authority away from the local bodies, but also give them a mechanism for looking at their regional issues together. And, frankly, I think we should all be rather proud of designing that, which kind of fits the political situation in Pennsylvania. And it would have been -- Hey, maybe 20 years ago or 15 years ago or whenever I started working on this stuff, I used to say, well, why don't we just start over and reorganize this place, you know? But, actually, I've come to sort of a different point of view. Maybe it's from working with all the interests. But, you know, I see the great strength in having the vigilance of local townships paying attention to their thing. But, on the other hand, there's a real need in the state -- I mean, to be competitive for any purpose, conservation, economic development, whatever -- to do some of these things on a regional basis. But if they do it by agreement, it'll be terrific. I mean, I know it's hard that way. It's easier to mandate things, but mandates have their problems too.

So I think we've taken a pretty good approach here, and I hope -- if it doesn't work, if nobody does anything for five years, then I think it's back to the drawing board. I will leave that to somebody else.

STOUFFER:

Joanne, if you look at Lancaster County, though, as, to a certain extent, a paradigm of what could happen throughout the state, we're way ahead in some of these areas.

DENWORTH:

Yes, you are.

STOUFFER:

And even if I go to the experience of Lancaster Farmland Trust, even seven or eight years ago, we weren't very welcome in planning meetings and township meetings for whatever purpose throughout the county. But now, through the leadership, I think, of many people who are here, through Ron Bailey's leadership, the Planning Commission, a lot of folks being involved, we've got municipal officials that call us up on the phone and say, hey, would you come out and talk to us about zoning, about agricultural security areas, about things that are part of 14 and 300, the kind of thinking that we're doing here. All right? I mean, if you take preservation just by itself, we've preserved, basically, 10 percent of the land that should -- more than 10 percent of the land that should be preserved in Lancaster County already, and that's in 20 years, and we've been farming this land for 350 years. So I use that as an example of just amazing progress year after year right here in Lancaster County. So if that's shown in the state with these new tools, tools that we're using, a lot of us, here, and municipal officials that care -- we see more of that, we might see something really happen in this state.

DENWORTH:

I agree. It's great. No, you all are doing a wonderful job. You've shown real leadership.

JARVIS:

I was up in Harrisburg with a number of people yesterday talking to legislators, and in two cases out of six people that we saw, they all described how impressed they were by a trip to Germany. They said, Germany is so different in its approach. They have wonderful towns. They have farmland around the towns. They do not have the sprawl. And they came back being very impressed -- and this is what they told us, very impressed -- that, you know, how are they doing this? I know I shouldn't be making statements, but I guess I get carried away. Representative Argall, you remember what he said about Germany, East Germany? He said, East Germany has wonderful urban development. And he said, when you look at some of our urban developments in the city, you wonder, who won the war? Now, there's another representative who is saying something about the way that we're doing things.

ADAMS:

John, I'd like to ask sort of a follow-up in the sense of talking about land use and how it affects taxes, tax rates. It certainly affects municipalities and the size of their government and the equipment that they buy. It also affects school districts dramatically. And so, therefore, it would seem from some people's point of view, particularly those who are living within the urban growth areas, that they are paying a disproportionate share to help preserve our valuable farmland. And I noticed on one of your last points

that you indicated that one of your agenda items for 10,000 Friends is promotion of fiscal equity. Does that fall in there?

DENWORTH:

Yes. I was speaking of the great disparity there is among municipalities. And, for instance, in the Philadelphia region --where I'm more familiar with what the impacts of that really are -- there is, of course, the city, but now the outer-ring suburbs and then other municipalities have a declining tax base and can't attract any development really. They're either built out or development simply isn't going to go there, and they need some mechanism for getting resources into their communities. Now, one of the things this would provide is the ability to share tax base and fees and so forth among a multi-municipal planning matter.

ADAMS:

Those are municipalities. We're not including school districts. Because, by and large, the taxes that are accountable to the school districts are far higher than what they are for the municipalities.

DENWORTH:

Right. No, that's true. School districts -- the money is collected and paid to them, so they're going to -- and, I mean, the real estate tax is primarily going for that. I think one of the things that we're looking at is the issue of -- with these other groups, not just us alone, is whether or not school funding in general has to take some burden off the property tax, so that some of these municipalities which really can't afford to pay the kind of taxes that the schools require -- the schools need to sustain them. But I guess I don't think I'm being directly responsive to your issue, because -- are you talking about the kind of competition for taxes among municipalities?

ADAMS:

No, I'm not talking about competition. I'm simply talking about the reality of the situation. For instance, the School District of Lancaster is an urban district, and because of its declining industry base and its drawing population of those who are less economically advantaged, it creates some severe problems in their funding.

DENWORTH:

Right. And the same is true in Philadelphia and for Darby and all these other places.

ADAMS:

So how do we share that among all Lancaster County residents?

DENWORTH:

Well, there would be various ways. I mean, you could do it within a group of five municipalities or you could do it countywide or you can do it on some regional basis or you can do it statewide, by having the state assume a larger burden of paying for those municipalities on the basis of need. I think, though, that with the schools, you know, if you think about it, if you keep going outward, you're going to have to build new schools. That's more of a drain on the public budget that we all have to support. So, you know, we need to make the schools we have work. And that's -- that is -- you can't do it if you're constantly moving away from them and moving away from the problem. And the various ways in which we might get to a fairer, more equitable funding for schools. I think, as far as services are concerned, you're probably right, that is a more appropriately municipal function and doesn't take as many dollars. It's a really difficult problem that we have to solve, too, not just the land use, not just land use and where we're going to put uses.

JARVIS:

Maybe any one of you can answer some of these questions from the audience. I've got quite a pile. Here's one: How do we sell the public on the idea of the village concept, where you walk for your services and thereby save land?

DENWORTH:

I don't know. I think anybody who's ever lived in that setting -- people choose it, to begin with. And so it may be that they have, again, sort of self-selected based on the preference. But they usually enjoy it. I live in that kind of a place.

STOUFFER:

So do I. I've gotten co-opted by it too. I mean, I don't know that I could ever live anywhere if I couldn't walk to Molly's, you know?

STURLA:

John, one of the concerns I have is that I think -- and maybe my generation is the last generation where there were a majority of citizens in the United States that grew up in those kinds of settings. My fear is that as the population continues to suburbanize and the majority of the population grows up in that suburban setting, anything other than that becomes sort of this foreign, fearful type of thing. You know, a lot of people I know simply won't come into the city because they have this preconceived notion of what the city is, and in some cases small towns also. And so I think it's one of those issues that is critical to deal with now, because I don't know that 20 years from now there will be the opportunity to deal with it.

JARVIS:

Here's another question along the same line. And this is, Rick, directed to you. Have builders and developers found village communities too risky to build? If so, how could this risk be lowered?

BROWN:

Yes and no. In Lancaster County it's not being done that much. Where it has been tried it hasn't worked out. It's been too expensive. We all have gone -- many of us have gone with Ron and the planning commission down to the Kentlands. And I was asked a pointed question on the ride back: Would I recommend that we do this for our builders? And, unfortunately, it's not what the consumers want. And the builders are building not tracts of spec homes waiting to find somebody, but they're building, the majority in Lancaster County, custom homes that meet the needs of their customers. If we could get planning streamlined, approvals streamlined, if we could get the buy-in from the commercial side to bring those businesses in, it could work. I hope it does. It'd be great to see it here. But it hasn't been effective yet.

DENWORTH:

Well, I mean, I hear you. I think that -- and I think there are a lot of buyers who are not the least bit interested. But I think there are an increasing number who are. And I even have been reading the national builder's magazine which shows in polls that a lot of people want to live in towns, the kind of towns that Pennsylvania has, really. But we're not building -- but they do want new housing. They probably don't -- there are only some people who like to rehab things. A lot of people don't. They want new housing. So I think people could be attracted to towns, but somehow we have to make it possible to build in them and to build new housing for various income levels that does attract them.

STOUFFER:

I think, too, it is a very complicated problem, because it does get to the taxing issue, the schools, and these things all have an effect. So we need to solve all these individual little problems and move forward in a broad front with the builders on our side, which they will be once we solve some of the other issues.

BROWN:

Builders are willing to build what they can sell, and if that's what sells, they'll build it. If a 15-story building sold in Lancaster County, you'd see 15-story apartment buildings all over the county.

STOUFFER:

But in point of fact, our zoning and the way the city is laid out, the way the county's laid out, it makes it easy for you to say -- I mean, it's natural for you to say, we're building what's wanted. But all the laws favor you to build that way. I mean, --

BROWN:

Absolutely. The municipalities are afraid of high density. The builders would love to see higher density. And how often have we read just this year where townships and municipalities throughout this county have turned their back to higher density because of schools and other issues and, can the infrastructure take it? You're just adding to the problem when you don't get the municipalities to believe in what we're talking about.

"The municipalities are afraid of high density."

DENWORTH:

Well, I agree with you about that. Municipalities -- and I hear you saying how difficult it is -- are going to have to believe that they can develop and design their community in a way that will be really attractive to people, even if it is more dense than they may have thought they liked before. But, you know, there just are so many good examples of that. I see on the Main Line, for instance, some of these old estates are being now quite intensely developed, with much more walkable places that are accessible to stores. And that's attracting more empty nesters, but they love it. They really do. They're not -- they're more in the town. They're able to walk places. They don't have to drive everywhere. They don't have so much to maintain, and there's usually common maintenance. And people are really now being -- and in the City of Philadelphia now, Center City is just amazing. The real estate market is terrific there, condominiums. Not all of the city, but in Center City.

STURLA:

I think Joanne makes a critical point, though, when she talks about people's desire to live in a new house. And if the only type of new house that is available is that suburban lot that, you know, hey, if somebody builds next to me in the cornfield, and if they don't, well, then it's the cornfield. People go into that situation and they go to a builder and say, I want one of those, because they know what the place is going to look like whether or not somebody builds next to them or not. They aren't going to go to the builder and say, you know, I want you to build me one of those high-density places like the Kentlands. But if you can't sell any more, I'm going to have suburbia next to me, but I'll have my little lot that's only, you know, 12 feet wide, and there's going to be no grocery store down on the corner. So the individual can't go to the builder and say, I want that, because in order to get it, he has to sell 100 other homes for the builder along

with the amenities that go with it. And so the home buyer, that option really isn't available for them, to go in and say, this is what I want, because they have to bring 100 other people with them when they do that.

JARVIS:

There's another question here that I think we should ask. It's to Representative Sturla and Joanne Denworth, to both of you. If the state legislation passes, which agency will promulgate the regulations? Also, what groups like 10,000 Friends or government agencies will be conducting outreach to municipalities, especially since the law focuses on the "may" and not the "should" or the "must?" Without adequate energized outreach, nothing will change.

DENWORTH:

Well, you know, the Center For Local Government Services that the governor has made the focus of education and outreach has put together this compendium of all the rules available and so forth and is planning a major outreach and land use education for citizens and municipal officials and so forth. So -- but, also, there are -- Pennsylvania has such a wealth of organizations who are really informed about all of these things and can go around and help. But the first part of the question -- read that again, because there aren't any regulations. There are no regulations here. The rules that we're talking about are the rules municipalities make under the municipalities planning code. The money that -- you know, the state agencies may make a decision to prioritize funding in some way that rewards people who do this, but they're not going to be making any regulations.

STURLA:

From a political standpoint, on the money that may be available to these municipalities, I think one of the reasons, quite frankly, that the administration didn't want that to be "shall" language is because, if there's a certain amount of money set aside and it can only go to those municipalities that are doing the cooperative planning and things like that, you can't go buy votes with that money if it's already mandated where it's going. If it's a "may," then you might get that money or you might not, and you don't have to be cooperating to get that money if you gave me a vote on a stadium or something else over here. And so that's why it's a "may" provision rather than a "shall" provision. That's where people like myself would have liked that to be a "shall" provision, because then you know the money is there and you know that there's an incentive. We hope that there are incentives there.

DENWORTH:

I think there's very likely to be. And with all the conversations I've had with the administration, they seem really committed to fostering these kinds of things. But they don't have to.

STURLA:

Right.

DENWORTH:

This is true, they do not have to. And a lot of us wanted to see a required consistency between state agency action and multi-municipal plans, and if people got together and did a plan -- but they were not willing to commit to that, and I can see, there can be overriding state interests at some times where it wouldn't be appropriate. But in general, I think, -- and I hope that, you know, they'll act consistently with what these people do together.

JARVIS:

Here's another question. I must say, if your writing can be read by me, you're more likely to have your question asked. What incentives are there or should there be for municipal plans to comply with the county's comprehensive plan?

DENWORTH:

Well, listen, this is an issue Ron and I and Mike Hazard, those of us who believe that there should be consistency between county plans and local plans and then ordinances. And I wouldn't say we've lost that battle entirely, but the consistency provisions in SB 300, which is what's generally applicable, are encouraging consistency between both, but not requiring it. Because there is this provision which Elam [Herr] and I debated for many years, that no action shall be invalid or -- no action of a governing body shall be invalid or challengeable on appeal if it's consistent with the comprehensive plan. I've argued for 15 years that that makes planning meaningless in Pennsylvania. What's the use? But I also understand the township's position that, you know, they don't need another thing to constantly be taken to court about and having challenges over the consistency of their plans and ordinances. And we've suggested, I don't know, eight different ways of solving the problem, but it's not really solved in 300. However, there are some good things in there that would encourage more consistency between counties and municipalities.

STURLA:

Also, if you believe in more regional planning and if you have a good set of county commissioners -- which we've had recently in our county. I believe they've used monetary incentives to try and get that cooperation.

ADAMS:

Yes.

STURLA:

Sometimes it's, we'll help fund a project in your township as long as you try and get close to what we're looking for. Money talks for a lot of municipalities.

ADAMS:

It's a very good carrot.

DENWORTH:

Well, I think that and technical assistance. I mean, a lot of those things are really helpful to get consistency.

JARVIS:

Here's another question here: Preserving the economic viability of farming is perhaps a larger challenge than preserving farmland. How do you see this being done?

STOUFFER:

Well, I guess that's for me? I think, first of all, that we should recognize that our farms in Lancaster County are, on the whole, very profitable. Even with the problems we've had with two years in drought, we're talking about basically profitable farming. We're talking about some very good policy with the Clean & Green program and preferential taxing that we have for farmers. We're talking about farmland preservation pumping more money back into the economy. So we have a lot of good things going, but I think we have to watch, from a planning perspective, and what Joanne's talking about, we can never say that because a farm is profitable that that's going to keep it from being improperly developed, because at the time when that farm comes up, if it's at the edge of the urban growth boundary or whatever and it's made available, there's no way the farmer can afford to not sell it at some point, because the developer's going to pay 20, 30, 40, 50,000 an acre, and the best he'll be able to sustain from farming is 10 or 15. So just by keeping farming viable by itself is not going to be the tool to keep us from having the kind of mindless sprawl that we've been fighting. So that's where I think we need the planning. We need to be concerned about farming profitability. Don't get me wrong. I think at some time we have to tie preservation to profitability, and I really think there needs to be a time when farmers will want to preserve for the same reason that they want to sign up for Clean & Green; that is, they'll get lower-cost loans, perhaps, or they'll have easier access to drought insurance or they'll have easier access to crop insurance or lower taxes. And all these things make sense and they have to be looked at comprehensively, but we have to be concerned about that viability.

DENWORTH:

I think one encouraging thing about the farmer's support for the bill, I know with this economic viability language that some of us have trouble with -- and I'll tell you why. Because planning and zoning is not supposed to be about making any industry economically viable. I mean it's about making rules for the use of land, the density, the heights, things like that, setbacks. But there's nothing a municipality can do to guarantee economic viability. So I think -- it might even be a constitutional objection because, really, the health, safety and welfare is what you're supposed to be zoning for, not economic viability. But on the other hand, I think all of us recognize that you can't have farming unless farms are economically viable. So if you can have zoning districts and have the farming community actually wanting zoning -- which I think is what has happened now, and that's great, because then you can keep it more economically viable if you're not fragmenting it and surrounding one farm with other districts, and pretty soon they're all gone. So I've been very encouraged by the fact that the Farm Bureau is supporting House Bill 14 and 300, because they see some value in having farms in agricultural districts.

STURLA:

And that issue in 300, that economic viability of agricultural, the concern of some people is that if a farmer says to a municipality, you know, my farm just is not economically viable unless I put a hog operation on it that's got, you know, 12 barns with 3,000 pigs; and if I have to put in that water detention basin because of the runoff from the roofs of those things, my operation just won't be economically viable; therefore, you just can't make me do that stuff. Just because your zoning ordinance says that it has to be so is not reason enough. It doesn't make my operation economically viable; therefore -- now, the builder down the road, he still has to put that in because that's what the zoning says. But, you know, some people say, well, no court would ever rule on that. I don't think they've ever been in the courts in Pennsylvania. But that's where the concern comes in.

DENWORTH:

That's exactly right. And why shouldn't farms have to be subject, just like other uses, to some kind of regulations for, I mean, wellhead protection. It would apply to every other use except for farming? So, you know, there are those kinds of issues.

STOUFFER:

Well, I think what we have to be careful to recognize is that it's important that the farmers aren't strapped, that the -- that there is some problem sometimes of having every municipality being able to do whatever they want to do to limit whichever farmer they

don't like, as opposed to having regulations across the state which address some of these really critical issues, like nutrient management.

DENWORTH:

Well, I agree with that.

JARVIS:

Well, I think this has been a very interesting evening. Let's give all these panelists a round of applause. (Applause)

And I have one other thing to do. The person who has been looking after all these arrangements and keeping the Hourglass Foundation in order for some time -- and now she's taken on additional family responsibility and got three additional children to look after, which is quite a responsibility. We want to give Katie [Gallagher] something to say thank you for what you've done. And this is a map of the Lost Kingdom of the Susquehanna. And we hope that it's not going to be the Lost Kingdom of Lancaster County. (Applause)

(The proceedings were concluded at 7:30 p.m.)

HOURGLASS FORUM

Costs of Sprawl

June 7, 2000

Fresh on the heels of what she described as a “stupendous day,” Joanne Denworth, president of the 10,000 Friends of Pennsylvania, reported to a large gathering of local residents on the overwhelming majority for House Bill 14 (passed the day before) and its potential impact on the continuing costs of sprawl in Pennsylvania. Denworth spoke at the final forum in a three-part Hourglass Foundation series on land-use management. Following her presentation, John Jarvis moderated a panel discussion that included Lancaster Township supervisor Helen Adams, Building Industry Association of Lancaster executive vice-president Rick Brown, Lancaster Farmland Trust president Tom Stouffer, and State Rep. Michael Sturla.

The 10,000 Friends of Pennsylvania has emerged as one of the most prominent and effective voices for managed growth within the commonwealth. The committee serves as an umbrella organization for more than 165 other independent organizations, representing over 350,000 members. Former Lancaster County commissioner Terry Kauffman is the group’s current chairman. Denworth noted that the 10,000 Friends actually began in Lancaster County, as an idea promoted at a 1995 conference to foster a stronger statewide voice for environmental interests, especially one that could bring together a wide variety of perspectives. Thus, the 10,000 Friends includes member organizations from municipal groups to preservationists, from civic organizations to clergy, from concerned businesses to enlightened developers. The group’s mission is four-fold: (1) Revitalize cities and boroughs, (2) Preserve farmland, (3) Conserve natural, heritage and economic resources, and (4) improve the quality of life.

According to Denworth, the first priority of the 10,000 Friends has been to focus on land-use legislation, most notably Steil’s HB 14 and State Sen. James Gerlach’s SB 300. However, the group also devotes considerable resources to grassroots outreach, task forces and research. In addition, it is involved in the creation of the Metropolitan Philadelphia Policy Center. Denworth spent most of her discussion, however, on the results of the group’s latest research initiatives. She summarized for the audience the findings of a recent report entitled, “The Costs of Sprawl,” which pulled together a series of provocative insights about the hidden costs of over-development on social, civic, and family life.

During her presentation, Denworth noted that, in many ways, Pennsylvania is unique in that the state has experienced sprawl without population growth. The state’s population grew by less than one percent between 1970 and 1990. Yet during the same period, the number of housing units increased by more than 810,000. This explosion of land-use growth, particularly in suburban areas, has created enormous pressure on a civic structure that is grounded in the traditions of local home rule. Like several speakers in earlier forums, Denworth emphasized the often-bewildering maze of local government bodies that influence—and are impacted by—development decisions. There are 2,568

municipalities in the commonwealth, a number that includes 56 cities, 964 boroughs, 400 first-class townships, 1,148 second-class townships, and one incorporated town. There are 67 counties and 501 school districts in Pennsylvania, as well as literally several hundred independent authorities and commissions. For generations, there has been practically no coordination among these bodies or with state agencies. County planning commissions, under the current law, have only advisory authority. Moreover, this current law, the Municipalities Planning Code (MPC), was written in the 1960s and has mandated that all municipalities must provide for all possible land uses, regardless of its impact on preservation. The result is inevitably sprawling development and rapid loss of open space. However, Denworth made the interesting point that only about eight percent of the municipalities in Pennsylvania have populations greater than 10,000 people.

She discussed House Bill 14 at some length. This legislation was sponsored by State Rep. David Steil (R, Bucks) and described by him at the first Hourglass forum on May 1 (transcript available through the Foundation). Essentially, the bill provides incentives for municipalities to plan together. It offers those who do so some priority in receiving state funds and provides some relief from the all-uses provision of the MPC by allowing inter-municipal regions to designate urban growth and preservation areas. Denworth heartily endorsed the legislation, acknowledging some of its limitations—namely, a lack of mandates—but she told the audience that, in her opinion, it represented a major victory for smart-growth advocates. She was somewhat less enthusiastic and optimistic about the status of Senate Bill 300 (sponsored by State Sen. James Gerlach). She labeled the bill “fairly mild,” but again, indicated that the 10,000 Friends supported the legislation and believed the state was finally turning an important corner in the managed-growth debate.

Following Denworth’s discussion, the panelists had the opportunity to question her. State Rep. Mike Sturla sought her reaction to the charge, recently raised in a study by the Commonwealth Foundation, that various anti-sprawl measures would lead to higher housing prices. She disputed these claims, arguing that even without growth boundaries, new development has trended increasingly toward more expensive homes. Lancaster Township supervisor Helen Adams asked a series of pointed questions about the special costs residents bear in designated growth areas. Denworth acknowledged the problem, but emphasized that the proposed laws would not establish strict boundaries, and she indicated her support for possible revenue and fee sharing among municipalities. Tom Stouffer analyzed the issue of farming profitability and its connection to development, concluding that even profitable farmers have difficulties turning down large offers from developers. There was an extended discussion among the panelists over a question from the audience about village-style developments that create pedestrian-friendly communities. Rich Brown, from the Building Industry Association, stated that developers only follow the demands of the marketplace and that consumers had shown little interest in buying homes in such communities. He asserted that builders would love to be involved in building those communities if there was sufficient demand. State Rep. Sturla pointed out, however, that essentially it takes a village to build a village, and that most individuals or small businesses cannot build such a village-style community alone. He believes, “If you build it, they will come.”