

H O U R G L A S S



F O U N D A T I O N

Suburban Sprawl and Legislative Solutions

**An Hourglass Foundation Public Forum
Franklin & Marshall College
May 1, 2000**

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

Featured Speakers:

*State Rep. David Argall (Schuylkill County)
State Rep. David Steil (Bucks County)*

Moderator:
Jim Weaver

Panelists:

*Ed Goodhart (Supervisor, Manor Twp.)
Dan Herr (Supervisor, Strasburg Twp.)
Les Houck (Supervisor, Salisbury Twp.)
Pat Levin (West Lampeter Planning Commission)*

[THE FOLLOWING IS AN EDITED TRANSCRIPT]

JIM WEAVER

Ladies and Gentleman, my name is Jim Weaver, and I have the privilege tonight to start one of the first of three very important forums on the subject of intelligent land use. Before I make my introductions, I'm going to ask you to indulge me in the opportunity to tell a story. I think this story has some important meaning, otherwise I wouldn't be telling you this. It's about my dog, Zachary. Zachary came to the Weaver family a few years ago when my wife was picking up some pet food at the local pet store out in East Strasburg. The Humane League of Lancaster has a program whereby it will feature a pet in a local store as a model and, with any luck, someone will see the pet and fall in love with it. Well, my wife did, and Zachary has been history with us ever since. Like most dogs, and I suppose, cats, Zachary is an incredible reminder of what the importance is that a pet in a home can mean in terms of creating a sense of place. He just has a look that says, "It's a miracle—you're a miracle—to be here with you as a part of my family." Zachary's role in tonight's forum is as a reminder that home happens after the house is built. Home is not something that you buy from a homebuilder, realtor, or developer. It's something that happens afterward. And I must respectfully disagree with the successful homebuilder I met a year ago who described his own profession as providing the single most important asset of our society—the home. In one sense he may be right, for surely where any of our lives are concerned, the home may be the single most important economic decision after getting married and having children. Yet in another sense he was being terribly misleading, because it takes much more than a house to make a home. And if you will pardon my very simple analogies, a home really depends upon much more than what's in the home and what's outside of the home. It depends on the community outside. The often-missing elements of communities today are shops, pubs, libraries, and other gathering places where you might be able to spend some time encountering neighbors or making new friends.

And with this context, I would like to introduce two very young, dynamic individuals in our state legislature, people who have vision and who have taken initiatives to see that some of these elements of home can come back into our way of life. Representative David Argall, from the 121st legislative district, which includes Schuylkill County, will provide a presentation on the Pennsylvania General Assembly's efforts to address both redevelopment and revitalization in terms of jobs and the economy and in terms of how this will alter communities. His remarks are entitled, "Partners of Pennsylvania's Progress: Economic Development and Community Preservation and Revitalization." Rep. Argall will discuss the importance of Pennsylvania's future and recognize the immediate relationship of these goals.

Rep. David Steil is the prime sponsor of three legislative packages—House Bills 13, 14, and 15—that address Pennsylvania's municipal planning code in order to make changes in the approaches used by municipalities in planning, development, and zoning. Rep. Steil will provide an in-depth look at what section of the code we can change, the concept and objectives of his legislation, the impact of the bills, and the relationship of the legislation to specific problems in Pennsylvania.

Following their remarks, we will invite four distinguished officials out of our own county up to the podium to present issues to the speakers that will probably clarify and crystallize many of the critical points. Those panelists are Dan Herr, who is a supervisor of Strasburg Township; Les Houck, a supervisor of Salisbury Township; Ed Goodhart, supervisor for Manor Township; and Pat Levin, who is a member of the West Lampeter planning board. They will all join us following the remarks of Rep. Argall and Rep. Steil. Please welcome me in calling up Rep. Argall as our first speaker.

STATE REP. DAVID ARGALL¹

It's a pleasure to be here. I think that all of you know that Lancaster County is at the epicenter of this debate over sprawl. I'm not sure yet that the two sides are talking *to* each other as much as *at* each other, but we are certainly a lot closer to resolving this issue than we've been at any time in the recent past. In the fifteen years that I've been a member of the House, this issue—for the first time—has advanced on the House agenda. I am chairman of the House Urban Affairs Committee, where I've learned that it doesn't matter if you're a small borough of two hundred people or a city the size of Philadelphia or Pittsburgh; in some ways, we face the same problems. I teach a class at Penn State Schuylkill campus, where I teach that there's really a connection between those devastated inner cities and the farmland 20, 30, or even 50, miles away. And people are starting to get it. People in Lancaster have to get it maybe a little sooner because you are on the frontlines of this issue. At the further end of my district in Berks County, I have an awful lot of people say, "We're really concerned about growth. We wanted some, we got it, but we'd like to slow it down a little bit." But in the northern part of my district, they're saying, "Sprawl? We're not sure what it is, but give us some." Because the northern part of my district is experiencing six percent, seven percent, unemployment. I have lost 100,000 people through the closing coal mines. The local coal production was peaking in 1917, when my grandfather was 10. Now, you talk about a long and steady decline. That's not just a Schuylkill County issue. You can look at steel mines, steel towns in Pennsylvania. It's tough to put together a package that meets the needs of communities that want managed growth and communities that just want to say, "Come on down and build," but I like what I'm seeing. We're trying to tell people that there is a way to do this right. That you can have jobs, you can have economic development—and hey, what a deal—you can have environmental protection at the same time.

The Eisenhower Foundation had an ad two years ago that they were looking for a state government official who could speak German and who had an interest in the environment. I showed it to my wife, and she said, "Oh, go ahead, apply." And they took me. And I guess what struck me, after having studied the Second World War and having studied how the East Germans and the Soviets mismanaged their half of the country for forty years, was the disparity. While I was on the train and I was visiting all of these little towns outside of East Berlin, it occurred to me that even though they had been devastated by a world war, and that they had indeed been mismanaged for several generations, it really bothered me that a lot of those towns in East

¹ David Argall was first elected to the state House of Representatives in 1984 at the age of 26. He graduated from Lycoming College and received a master's degree from Penn State. He chairs the House Urban Affairs Committee. Argall is a Republican representing parts of Berks and Schuylkill County (Pa-124).

Germany looked better than some of the ones that I've seen in Pennsylvania. As your paper reported yesterday, most of East Berlin looks better than North Philadelphia today. And you kind of wonder, "Who won the war?" Why do we allow our cities to just fall apart? What are the, not just Germans, but what are the Europeans, doing better than we are? And I think that the one message that I heard a lot of in Germany was that they're more protective of land. The cowboy culture in the United States led us to believe that we had all the land in the world to do with whatever we wanted. Well, we sure found out that in Pennsylvania that we don't have as much we thought. And we need to be a little more careful with what we have left.

The good news is that we've got the issue on the agenda. The bad news is that I don't think we'll really know for sure what will happen until Dave gets his bill up on the board. But I think we're making our way through. We still have the extremes. The side that says do absolutely anything you want. And the side that I remember learning about, BANANA (Build Absolutely Nothing Anywhere Near Anybody). There's no reason today that we have to choose between the environment and the economy. We can be like those yuppies in the old Michelob commercial—we can have it all.

You look from one end of Pennsylvania to the other end, and you can see that people are starting to "get it." Take the Keystone Opportunity Zones, for example.² In Schuylkill County, it wasn't too hard to ask some of our school boards and boroughs and local township supervisors to give up taxes for twelve years. And so we sat down and said, "OK, now let's take a chance here," and some of them are starting to work. We've created a thousand new jobs, where jobs used to be. We already have the water, the sewer, the railway structure; yet, what we didn't have were the jobs. And so the Keystone Opportunity Zones are trying to move that development back into some of the older industrial areas. And that has been, I think, a very successful program, and I hope that it will continue to be successful. We also have a bill that I've been working on, that I think we're about *this* close, where the state government should lead by example and, rather than just pop an office out here in the middle of nowhere, maybe we should put it in the old downtown areas. I know when I was in my district office, we found a gentleman who owns the nickel store down the street was a little nervous: "Why do we want all these people coming in to my neighborhood to complain about PennDot, potholes, and to complain about welfare benefits?" He found out pretty soon that after they were done complaining in my office, they would go up to his store and buy some underwear or socks or a hat, and so that's how redevelopment works.

I admit, it's sometimes difficult to work out the details. In downtown Philadelphia, people feel a little bit differently than in downtown Reading or probably downtown Lancaster. Now, it won't solve all of our problems, but it's a good thing when the state leads by example. I think we've also got a decent chance to restore the tax credit up to four million dollars this year to encourage people to fix old things rather than abandon them and build something new fifteen or twenty miles outside of town. The "Growing Greener" initiative spent 473 million dollars of your

² The Keystone Opportunity Zones program was initiated on Feb. 25, 1999. Under the program, 12 zones covering 26,000 acres were designated tax-free for businesses and residents for a period of 12 years. According to figures from the Dept. of Labor and Industry, the program is partially responsible for the creation of 3,435 jobs and the retention of 2,631 jobs.

money for environmental projects and a total of 650 million over five years.³ And I know we had a big debate on the floor that that wasn't enough, and I said, "Well, that may not be enough, but in Lancaster, 650 million dollars is a whole lot of money." And what we're looking at is a structured grant for drinking water, water treatment and improvements, farmland preservation—and I know these are incredibly big issues here in Lancaster County. And now—for the first time—we're asking the top guy at PennDot, "How do you answer the charge that PennDot is responsible for sprawl, that you're just tending to develop here or there. And you're really ripping the guts out of our communities?" He said, "Well, it's not our problem. It's not part of our mandate. They just told us to build it." Well, guess what, as a result of the latest initiatives, they're starting to do things a little bit differently than they've been doing in the past. I think that's for sprawl. Not only is the money there, but the rules have indeed changed.

I think that, given the diversity in Pennsylvania, these next few weeks are going to be a challenge. We've seen Senator Gerlach's bill move through, and there's really a convergence there.⁴ We've seen people in Lancaster start to get it, and I think—fortunately for us—legislators are starting to get it, too. I know in talking with Representatives Strittmatter and Sturla, who are here tonight, that Lancaster County is very focused on this issue. Other areas are also struggling to get it. I'm very confident that we're almost there. And I think that in talking with Jim [Weaver] last week, when we started talking about some of the issues that we wanted to talk about tonight, I started getting a little nervous because I didn't have some of the details. I said, "How about if I bring you the guy who's mastered these details for the last five or six years?"

This would probably be a good time for me to ask Representative Steil to come up here and give you the bird's eye view.

STATE REP. DAVID STEIL⁵

Thank you. It's nice to be in Lancaster County. You're certainly one of the leaders in this issue. I'm kind of sorry that you asked for details on this because it will take a long time to talk about details, and once you get me started on this, I go on for a long time. So, I'll try to give you some of the highlights. I'll try and cover these points—why is this important, and where are we headed with it? I think the primary reason that I enjoy talking to groups—and I have the opportunity to talk to groups all over the state—is that I've been in front of groups that tend to be morally supportive of this and others that think this is plain communism. But the reason we go out and do this is to try to educate people so that all of you can work with others who have concerns on the same issues, who can begin to understand these concerns. So that we can understand what is possible and what isn't possible. The other reason I come before you tonight, and I'm trying to do this for the same issues, is to speak specifically to the business community, since I am a businessman. I own a manufacturing company; my whole life has been spent in manufacturing and distribution. I didn't come to this issue for the professional side. I came to this issue because

³ The General Assembly passed the "Growing Greener" initiative in December 1999. The environmental funds will be used to clean up streams polluted by mine drainage, plug oil and gas wells, repair and develop park lands, and preserve farmlands.

⁴ State Senator James Gerlach (Chester) has sponsored legislation (SB 300) similar in nature to Rep. Steil's H.B. 13.

⁵ David J. Steil was elected to the state House of Representatives in 1992 and represents the 31st district (Bucks County). He graduated from the University of Minnesota. Steil is president of M-TEC Corp. and previously held senior positions with Goodall Rubber Co. and Asbestos Control Tech. Inc.

I joined the planning commission in a township in Bucks County, just about five years after Interstate 95 opened. So I had to read about these issues, and I had to see what was happening in my lovely community. I had to see 34 development plans at one time. My colleagues and I didn't know anything about land planning. We were just trying to fulfill the law as part of the planning commission board. It's hard enough to review one or two or three, but reviewing 34 at any one time is impossible. We were having two, three, four meetings a month going to one or two o'clock in the morning to try and feel if these issues were going to last. We were forced to rely on professional staff. But the worst part about it was that we never had the opportunity—without creating more time and more meetings and more nights away from home—to look at the laws we were signing.

The point I want to make is that the cost of being in the path of the development winds up in the cost of being in business. We business people pay real estate taxes. And as business people, we don't carry enough of the pull. We can only vote as individuals. We're not voting by business interests. But when the business community begins to understand these costs are affecting our way of doing business and our ability to compete, then we could get really interested in it. We could go to the local newspaper, the local school district and doubt if they would have 8.3 percent increase in the school taxes for this year. Now I don't know about the rest of the business people in the audience, but I can tell you that in my business, none of my costs are going up 8.3 percent in this year. Not the cost of material, not the cost of labor, not the cost of facilities, not the cost of research and development. Nothing is going up 8.3 percent. But my taxes are. Now I can't take that increase and go to my customers and say, "Hey, I really need you to pay this 8.3 percent because my school district raised its taxes, so I need the money from you." Now, you all know that's not going to happen. So, we've got to find a way to absorb that 8.3 percent increase in taxes. And that's the whole point of managing development, managing sprawl. Because if we manage it, we can control this cost.

Some of you may ask, "Well, why do you have those kind of costs?" Well, take the best-managed school district that you can imagine, the very best managed. It's run the way you would run a good business. And now take 600 more kids and stand them on the doorstep in September, waiting to be educated. How would you manage those costs? How would you manage the schools you have to build—say, three schools in five years because of development.

So those are the two major reasons that I want to talk to you about this issue of sprawl. We need to support the business community, and we need educate everyone. People in my community and, I'm sure, in your community, initially move from understanding the issues to saying, "Well, just say no, just tell the people you can't build anymore; that's the end of it." We all know that doesn't work. So we have to accomplish this with several beatings over our heads. And we have to accomplish this with several objectives.

Now, what are our objectives in this legislation? Well, our objectives were three-fold when we set out. The first was to get people in the municipality to manage the break or the peak of development. That was the first of our objectives. We're not trying to put mandates on this stuff, we're not trying to say that we, the representatives in your assembly, know how to manage this process. We know that different things work in different communities. So we're trying to provide a list of options. We're trying to say to the community, "Use these options to manage the

process if it works for you. If it doesn't work, don't use them. Do just what you're doing now." Some municipalities are not going to adopt those options, because they think that they won't work, because they have other issues which they believe are better, and that's fine. They may proceed. They may not proceed. But we have to give them the tools, we have to give them the framework, if you will, through which they can accomplish this type of land planning.

The second thing that we wanted to accomplish was to provide some options for builders and developers. Now those options particularly relate to the concept of mixed-use zoning. Now most of you probably know what the term zoning means. Zoning was a concept that was developed just after World War I; it matured in the years following World War II, and it's now the principal tool for how all of our communities are planned. And there are several different kinds of zoning. What most municipalities in Pennsylvania use is a concept called single-use zoning. It's a real simple concept. Single-use zoning says you put different types, or various options of, buildings in their own little areas. So you put big houses over here, little houses over here, commercial-industrial over here, apartments and townhouses out over here, and everybody's separated in their nice little pods, staying to themselves. We make sure that people who can afford big houses are zoned in with other people who can afford big houses, and people who can only afford little houses—well, we keep them in their community. But the one thing we don't think about is, how do you connect all those pods? Roads. What goes on a road? Automobiles. Then we wonder why we have traffic jams, why are people over-crowded? Because they clustered in pods. You don't get the services that you need. Where do you buy your groceries? Where do you go to church? Where do you go to school? How do you buy your clothes? Where do you get things for your automobiles? You've got to go somewhere else. And that's when you see everybody on the road going somewhere to do something so that they can satisfy the result of the system—so that they can live for another day. That's what we get from single-use zoning. And that is the law of the land in almost every municipality in this state. And it's true of other states, too; it's not just this state. One thing that we don't do is a concept called mixed-use zoning. Now if you take any municipality, any borough, any building, any small thing, and anything in this state, and you look at how they grew up. They didn't use zoning then, but they grew up in a natural way. And that natural way was that on the same block you mix housing types. Whether you were a higher income level, a moderate income level, or a lower income level, you could all live on the same block. You could have big houses connected to small houses. And a couple of blocks away was the store you went to buy what you needed in terms of staples. You didn't need to travel. And that's the concept of mixed-use zoning. Mixed-use zoning says stores are on the streets. They don't have acres of parking lot. They're on the streets. And we even would have people living above the stores. So at night, people were on the streets, because this is where they lived. There was a lot of housing in the community. Well, we lost that when we created these pods, because now we create malls and shopping centers that have acres of asphalt in front. And you can see the stores. You have to look over a couple of acres of cars just to see the stores. But, of course nobody's out at night, because at nine o'clock or 10 o'clock or whatever it is, all the stores close up and it's just an empty mall. And downtown. Downtown, where these types of stores existed, has been sucked dry by developments which have grown around it.

Well, our second objective is to create, is to give builders and developers some options, and one of them is to encourage them to use mixed-use building concepts. I don't think that everybody in

the state will have to live in a building zone. Some people want that house isolated in a residential zone. And they have that right to do that. Because people are going to live where they want to live. But we ought to at least provide the option of living in a village. We have to at least make it legal to build a village. And almost anywhere in this state, it isn't legal to build one. You can't use these building concepts. We can't use the very concept in which most of us grew up. And I'm going to venture to say that most of us in this room tonight grew up in a village or in a town or in a city. We didn't grow up in suburban sprawl. That problem didn't exist. So we can't repeat that example of our own childhood today.

The third objective that we have, and probably the most important objective in many respects, because if we don't recognize this, we'll lose the whole battle: We have the battle of private property rights. We have to respect the fact that people who own property have rights. And we have to respect those rights. So, what we're trying to do is find mechanisms by which people can realize the value of their land. But not necessarily build on it. And there are ideas and ways we can do that.

So, those are our three objectives. Now what can we try and do? First, pass House Bill 13. House Bill 13 has several features to it. Its first feature is the concept of consistency, borrowed from the Municipalities Planning Code, which you may hear me abbreviate as MPC.⁶ In enabling legislation, created in the state law, under which municipalities have the right to do their planning and zoning, the state essentially gives the right for municipalities to do this process. So we need to establish the border, the outline, the perimeter of what they can do. Other than the Municipalities Planning Code, the whole issue of consistency is dealt with by current state law. But one of the things that isn't dealt with is: if municipality A creates a use that municipality B doesn't like, they have to stand for it. Municipality A doesn't have to permit municipality B to be a partner to that development or planning process. Currently, they don't have the right to appear before the planning commission or the board's supervisors to say, "Your shopping center is going to dump all the traffic on our roads. We're going to have to deal with it. We don't think that's possible." That's not a part of the MPC. So we want to first of all create some compatibility between the comprehensive plans; that is the master plan, if you will, and the zoning ordinances of individual municipalities. We also want to make sure that those municipalities and their ordinances conform in some way to a county plan, or rather, a county plan is developed considerate of the needs of the individual municipalities. We don't want the county going off and doing something that is totally different than what the municipality first put together. We want the two teams to work together to come up with a plan which is for the entire county. So that's the whole concept of consistency.

Now, one other issue that we dealt with in the original version House Bill 13 was what we call the concept of concurrency. We are still working on that and we're going to find a way to do it. But concurrency is an idea that says, "If you're going to build, you have to build the infrastructure concurrently with the impact of your goal. You can't just build a hundred houses and then worry about where are they going to get educated, what are we are going to use to service those houses, where is the water coming from, where is the sewer coming from, how are they going to store water, how are we going to deal with intersection problems, etc." We have to

⁶ The Municipalities Planning Code (MPC) dates from 1965.

make sure that the infrastructure is concurrent with the building. Now that will be the job of a committee. We're working between the builders and the municipalities at this point to begin to address this issue of infrastructure. One of the things that builders—and I want to be very careful here to say this—builders and developers are not the enemies in this issue. I think it's very important that we understand that the home-building community is at stake. It is a legitimate business. They are legitimate business people. I don't know about you, but in my area, there's no house that goes unsold. It's never been more true: If they build it, they will come. They have, and they continue to come. So, let's not look at the builders and the developers as the enemy; they're not. They are part of the process, they are part of what we need to solve this problem. If there's any blame that people want to cast in all this—and we're Americans, we've got to find someone to blame—it's the legislators. Just be careful. It's the legislators' fault, because for years we have allowed this type of planning code to exist since 1965. We just haven't brought it up to date. So if we want to do that within the concept of this concurrency, we need to get concurrency because we need to do that just so that the building and developing communities have some ground rules laid out and municipalities have the right to expect certain things to happen. And that issue has to be dealt with separately.

The other thing in House Bill 13 that we have is there are many municipalities that have achieved consistency in their planning. We're going to give them some extra priority, added priority for state grant and loan programs particularly. We want to make sure that those municipalities who are achieving the kind of planning that we believe is needed to build better communities will see a little bit extra benefit out of the state grant and loan programs. Yet, it doesn't say if you don't do that, you won't get any state grants or loans. We're not doing that; we're just saying let's make sure we give some added consideration to those communities that have put together consistent, comprehensive plans.

Now, House Bill 14 is a bill that says to the municipalities, "We think that there's value in working together. We think that there's value in putting together a more global plan." Again, we're not saying to anyone, "You have to do this." But we're going to allow municipalities to create a very comprehensive plan for two, three, four, five municipalities, or however many municipalities want to get together. They don't have the right to do that currently. There is, under the municipality planning code, something called joint supervision, which does allow municipalities to plan together, but they have to create a common zoning-hearing board, a common planning commission, and it becomes quite a burden. And, as a result, there is only one group of municipalities that have actually created a joint supervision. We want to make it very simple, so we said under another state law, "Let's get this started right, sit down, and these people of goodwill will work out a comprehensive plan for their communities. And if they will do that, we will give them some added incentive." What are those added incentives? The first incentive is—if they get this in writing under a joint comprehensive plan—to create some kind of growth boundaries. Now I'll be careful with growth boundaries. We're not talking about typical growth boundaries, no; here's why: You can build on this site, you can't build on that site. That's not what we're talking about here. It's Pennsylvania law; we're saying our communities will look at the core residential areas. And we will allow our community to grow from that core residential area and create a boundary around that, into which we will not extend municipal infrastructure beyond that. So if someone says, "I want to build way out here, just because some manufacturer wants to sell its plant right now." If you want to build, you can still

build, but we're not going to affect the roads, we're not going to affect public infrastructure in that area, because we're going to grow in this area. And so the term we should use would be "designated growth area." We're going to designate growth areas within this boundary. That's one of the rights you get if you plan together.

The second right we're going to do—it's more of a protection—is we're going to try and give you the protection against what are called curative challenges. Now, if you're a municipal official, you're probably familiar with curative challenges. Essentially, what a curative challenge is, is a lifting of a zoning ordinance within a municipality. And those challenges are ruled on an exclusionary basis. No municipality today can exclude a specific type of development or any type of development. The law is very clear that you must plan for all uses in every municipality. That means from one room to mansions, you've got to provide for it all. You can't exclude people. And this is a democracy, and that's fair; that should be the way it is. Everyone has the right to live where they choose. And we don't have the right to exclude people with lower incomes or moderate incomes from our communities. But the problem with this is, that under the current practice, every municipality applies for all uses. So we're saying, "Let's only combine with those uses within the confines of two, three, four municipalities. We don't have to provide for every community, let's just provide it in a range of communities." And if we do that, we'll make sure that you're protected from curative challenges. Another right we're going to give you is that we are going to make sure that state agencies aren't making decisions that countermand or countervail your comprehensive plan. In other words, if you get a designated growth area, we don't want the state government making a decision regarding schooling or water, providing water to an area that isn't in the designated growth area. We are going to make sure that their decisions are compatible with your decisions. And that will change state agencies. Because they are not taking into account your local plan. They've simply done the limited processes based on their own evaluations of meeting the standards, without ever looking at the environmental consequences.

In addition to that, we want to provide a few other incentives, particularly in the area of funding. We want to make sure that there is funding available; again, a higher priority, a higher level of funding for those municipalities that have sat together at the table and put together a comprehensive plan for their municipality. And if we can do that, we believe there's strength in numbers, we believe that municipalities will craft good plans, at least if they have the option to do so. But, if that won't work, we haven't lost anything, have we? Are we any worse off than we are now? No. We believe that if municipalities begin to work together, they'll find lots of areas to coordinate.

The third bill, which is not on the House agenda right now, is House Bill 15, and this is truly a unique bill because it's a totally new idea. It's never been tried anywhere in the country. Most of the other things—like the concurrency, consistency—things like that, were tried other places in the country. The third bill creates a concept called "common-based zoning" that has not been tried anywhere; this is brand new. And one of the reasons it's not part of the legislative package immediately is because we still have a lot of work and to explain it to people. I understand it completely because I wrote the bill, so I have to make sure that everybody else understands it. Remember, I've got to convince 102 colleagues that it's a good idea, because that's how many votes we need to pass anything in house. This common-based zoning is what protects the rights

of private property owners, because it creates the private-market trading mechanisms to the transfer of developers. Actually, it's taking the right to build on this property, where you really don't want to build, and putting it all on this property, where you do want to build. The reason why they haven't worked very well is because it's government who's decided, "Let's take it from here and put it there, and this is the value of it." And that isn't going to work, in my opinion. We've got to bring private forces into this mechanism. If we do that, I think we can actually begin to develop buildable and non-buildable sectors within municipalities, because the people who are in nonbuildable sectors will find a way to realize the value of their property without actually building on it. Because you can't build in the buildable sector until you buy the rights from builders in the non-buildable sector. And I think that's a relatively simple concept; we think it can work. We've been doing a lot of work, and I'll tell you, in over two years now, no one has come back and said this isn't going to work. No one has been able to say this. There's a lot of questions about how it will work. But the concept, we believe, is very fundamentally sound. Now that's going to come along after the other two bills. And we're tying it all together now with Senate Bill 300. Senate Bill 300 and House Bill 13 started out to be pretty much the same bill, but then kind of diverged. Today we're working on trying to bring House Bill 13 and Senate Bill 300 together and move that along with House Bill 14. So we'll actually bring two bills—both house bills and the senate bills—to be voted on floor. That means the house and the senate will be part of the process. I would expect to see that these bills will come to a vote in early June. I think in the first two weeks of June, we could get this done. There's a long number of amendments in the committee process. There are over 24 amendments on House Bill 14 alone. We were successful in getting those amendments passed that we wanted passed and seeing those that would have hurt the bill defeated. So it came through the committee process in very good shape, and that leads me to believe that we have the support in the legislature. So I thank you very much for listening to me tonight. I'll be very happy to answer your questions. And keep the faith, because it is going to happen.

JIM WEAVER

So I would like our panelists to come forward and populate those chairs up there, and at that point would like to ask some questions of these two very eloquent speakers tonight. My breath has honestly been taken away by the information that has been presented. Let me just introduce the panelists as we go down. Pat Levin from West Lampeter; Dan Herr, Strasburg Township; Ed Goodhart, Manor Township; and Les Houck, Salisbury Township. Now what we want to do is take maybe twenty or thirty minutes here to have our local experts on living and working through these kinds of issues fire back at what's happening in Harrisburg to see if we can't make this much more of a Lancaster-based understanding. Pat, do you want to leap forth? You're first in line there.

PAT LEVIN

Two things we talked about this evening: mobilizing and educating the public. How do you see this working—on a practical matter—if the House Bills are passed at a local level, because local government officials do not always understand what's going on with the public that comes in to complain or make statements about land development issues. How do you see mobilization and education at the local level?

REP. STEIL

I think there's several things that will happen. If the legislation passes, giving municipalities some of these tools, we're going to look to the community and economic development. In particular, we will look at the center of local government services to begin developing the mechanisms, the education, the training sessions, the documentation to support these extra tools for municipalities. And we're also going to look toward the associations—the Pennsylvania State Association of Township Supervisors, The Borough's Association, the County's Association—to work with us in terms of educating local municipal officials. Because we need to get the word out to them so that they understand what their options are. Some may choose not to take those options, but we can do that to both the state and to their individual trade associations.

DAN HERR

I was curious whether there has been any thought to requiring municipalities to work together. It sounds as though, from House Bills 13 and 14 that you described, it's still entirely on a voluntary basis. And it seems to me that part of the risk is that you may not have any logical groupings of municipalities that decide they want to work together. Had there been any thoughts to having some higher body make those decisions and draw some lines on maybe a county-wide level?

REP. STEIL

Yeah, I'll take a shot at that, and then let Dave take a shot at it, because he may have some different viewpoints. We have given that long thought. We've had a lot of conversations with the individual municipalities, associations, with our colleagues. And it's pretty clear that we simply do not have the legislative support to mandate that kind of thing. Now I say that, is that is a better way to go? The one thing we have to remember in this state is that we have 250 years of planning at the local level. To reverse that process, it begins to mandate a radical approach. It is, I think, a very difficult thing, even if we were able to do it legislatively, but culturally can we accomplish it, and will that lead us to better planning? I always say to people that some of the best land-use plans in this state have come from municipalities. It's because they're there, they're doing the job, and they're seeing these kinds of issues. So, number one, I don't think there's legislative support and number two, culturally, I think the process would be too long for us to deal with the issue in the kind of timeframe we need to deal with it.

REP. ARGALL

I think I've seen some real progress in communities voluntarily working together. When I was first elected, I was able to get a small grant for a borough and a township to do some joint recreational programs. And from the day it was announced, I had calls from my own Republican committeewoman in my township screaming at me for twenty minutes that I was trying to have the borough take over the township. All I wanted them to do was play tennis and soccer together. I don't get those kinds of calls anymore. It seems as though they're volunteering. Maybe we start with soccer and tennis and some of the easy stuff, and move on from there. But, we were talking earlier—in Berks County, just outside of my district, a borough and a township voluntarily went the whole way. They just merged within the last couple years. I guess you can't get any more

cooperative than that. Now, I don't expect to see a lot of that across the state. But where it makes sense, if the local people drive it, and I think we're moving in the right direction. Yeah, we have a lot of boroughs and a lot of townships, and that's part of our heritage, I guess, dating all the way back to William Penn. Maybe some other states didn't evolve that way, but we did, and we've got to accept that. And I think in many cases, that's the way our local people want it. I think that the state can encourage cooperation, but I agree a hundred percent that if someone in Harrisburg tries to sit there with a big stick and tell our local officials what to do, it's not going to be pretty, and it's not going to work.

ED GOODHART

First off, I'd like to thank both of our representatives for appearing here tonight. I think, as an elected official, it's been very comforting to me to have you say what a lot of us at the local level have been trying to say for a long time, that we can't just arbitrarily make decisions. Like we don't want that Wal-Mart. We don't want it, but we've got to make those provisions for something to be somewhere. I think that your explanation that every municipality has to provide for everything was well explained. And secondly, I'd like to thank you for involving the associations, particularly Representative Steil. I know you've worked very, very closely with particularly the townships, which represent probably eighty to ninety percent of the undeveloped land in this state. Working very closely, and we're supporting those bills and working with you to do that. I'd like to come back to Pat's comment and that's the issue of education again. When we take surveys of our people, typically the two things that we hear that sprawl—whatever other term that they use to define it—and traffic are the two things that bother our people. And yet, they say, we want higher-density development, but not next to mine, and we want roads to be improved or new roads, but not in front of my house or near my place. We want it next to you. And it's an extremely difficult thing. I guess education has to go beyond the government officials and business people and extend to people with quality-of-life issues. And, I don't know how we do that. I'd like to propose legislation, but I guess sometimes it's difficult for us. I know in our case, in Manor, we feel we provided the tools to developers. We have a village zone, which basically says to the developer, "Within that zone, you can do pretty much what you want." There's no setbacks, there's no side yards, there's no rear yards, there's no front yards, you can build right out to the street. And try to get people to, and get builders to, respond to the market. How do we do that?

REP. ARGALL

Yeah, I think we're getting there in that we have some very progressive, innovative builders. When you look at some of the projects I've seen in Chester County—I was at one last week. I think some of it's just human nature, too. My brother's contributed to sprawl in Lancaster County now for ten years. He migrated here because of the lack of jobs back home and bought a traditional home. And he thought that was pretty neat, and it turned out at the time he had to mow the grass. And, all of sudden that traditional piece of God's earth maybe didn't look quite as good as it did in the brochures. And so, with builders offering new options in zones like the one you're talking about, and other people just talking to their friends and neighbors and relatives—I think that people are starting to catch on that they want more options. And some are going to, they'll admit, somebody's going to want that two acre, ten acre, that's definite. If I had my way, I wouldn't mow a piece of grass for the next ten years. It's just I have other things I'd

rather do. But some people are going to like to do that, and they need to have that choice. But I think the builders are helping in that way.

REP. STEIL

I think it's very important that the kind of legislation that's being passed offers these options both to municipalities and to builders. Because you're going to get the best energy when you have people who want to work on a better process than we're doing now. There are some builders who just want to throw up fifty houses and then scoot on to the next spot. And we'll probably always have that type of occurrence. But there are others who want to build in a different way, who want to build a more creative way. But they don't want to fight a municipality for two years to get the right to do that. They don't want to take the time to do what they believe they have to do: to educate someone else. So what they do is they bring in what's called a buy-right plan. In other words, they say, "What are your regulations, what are your ordinances; we'll do that, that's what we're going to build." Then again, we want both municipalities and builders to look at the options that we hope we can include in some of this legislation. And say, "There is a better way; we can constructively work together to create the kind of community that we all say we want to live in."

LES HOUCK

Thank you, I appreciate it very much. I would like to follow up on the educational thing, because when the municipality's planning code was changed, what items in there were helped? Are there deficiencies in that? And we continue to talk about the builders, but the builders can only do what municipalities allow them to do. Unless there's—and to be right up front, don't give any more mandates. Because mandates are. . . . How do you accomplish this, what is the plan on the educational side? Because there's a lot of municipalities—a lot of them are in Lancaster County—that are doing a good job. And by mandates, you penalize those that are doing good for those that didn't. What would be the educational—what are some of the things that would be added—that would not be mandates that would start to move this forward.

REP. STEIL

I think first of all, to begin with this process, is to provide incentives. If we're going to get municipalities to work together, to do this kind of joint municipal comprehensive planning, we have to give them good reason to do so. And that's why—when I outlined a list of tools, the things that are available to municipalities to do that, because here's a group of things that you can do—that other municipalities who choose not to be part of this comprehensive effort can't do. And we think that when municipalities begin to look at that, and they begin to look at some of the protections they get from curative challenges and those kinds of things. And let's try. Let's sit down at the table, let's see if we can't get two, three, four municipalities here to work out something that works for all of us. And so I think that's the first education—in saying, "Here are the benefits, here's what will happen if you agree to do this." Secondly, and probably just as importantly as this process, is demonstrating what happens if you don't do it. I would like to know that municipal officials give up, to bring them down to some areas that I represent, who got struck by the path of development when it began to occur in the late seventies and early eighties in my area. The legislation that we're doing here isn't going to help me. It's not going to

help people I represent because our land is nearly gone. If you can see what has happened in our area, we're trying to say, if we can lead you to think about this before that developer gets here, then you have a chance to build good strong communities. If you wait until the developers are at the door, the projects are ongoing, it's too late. Because you're going to be forced to make decisions by essentially volunteers, uncompensated volunteers, and volunteers who are not knowledgeable in municipal planning for the most part. You are going to be asking them to make decisions, in a very short period of time. And they're going to spend a lot of effort while trying to hold on to full-time jobs. It just doesn't work, so you have to start much earlier and that's the other part of the education process, is you have to get out and get ahead of this issue.

REP ARGALL

I think, too, that a big piece of it, if we want to allow those rural areas to remain rural that would like to remain rural—I hate to use the same word so many times in the same sentence—then we've got to do something for rural communities. Our big cities and our smaller boroughs fought for the package that the House and the Senate began to work on a couple years ago. Before we found out we protected the rights of slum lords to such a degree. Wait a minute, what about the rights of the poor people that have to live in that community? And so we tried to reestablish, to re-center over a little bit. To look at some of the things, what can we do in our own backyard? Not just cities, but some of the boroughs because they come up with about eight thousand people. We have some of the same problems that Lancaster, outside Pittsburgh, and Philadelphia have. There's so many of these issues that are obviously intertwined, the deputy secretary of community and economic development is thrilled we're holding another hearing on Thursday on the Keystone Opportunity Zones. These are the twelve-year tax-free zones in places like the city of Chester. Where in Chester, they looked at a model to try and stabilize their housing base as well, as in my area we're looking at economic development. There they really wanted to look at housing. So they tore down I guess some of the worst parts of the city, and they began to build new homes. Now think about the deal these people are getting. You get to buy a nice house, and they will not have to pay state income tax, county property taxes, local property taxes, school-district property taxes. And they're having trouble selling those homes. Because if they have kids, they don't want to send their kids to the Chester City School District—Chester-Upland, one of the worst in the state according to all the state rankings. And so until we get that problem resolved—I mean, twelve years of no taxes is a pretty big deal, but it wasn't as good a deal for those people in that city. And so, when I say we're still unraveling the ball, I mean it; we're not yet where we want to be.

JIM WEAVER

I might just ask a question of our panelists—turn the spotlight on them—because I've heard a lot of emphasis on education. The Hourglass Foundation believes a lot in that very thing; that's one of the reasons we tried to bring these groups together. And you wouldn't have to be too good at counting to know that there's a thousand plus, maybe a thousand twenty six at last count, elected officials in our county of Lancaster who have either zoning, planning, or supervisory roles. What is your assessment, as people who devote your lives to those issues of our readiness to listen and to act on what is heard? And I'm going to ask you to look around the room and see how many of that thousand and twenty-six showed up tonight. They all received personal invitations, but realizing all the other obligations that they have and the fact that most of these positions are

unpaid, how ready are you to take some of this initiative that Harrisburg has talked about tonight?

REP. STEIL

It's a two-way street. The local elected officials are incredibly important. Don't expect them to do it all on their own. One of the best things that we did in my district was something that was initiated in rural Pennsylvania. They call it community visioning. I still call it dreaming because that's what we did. We invited everybody in to a meeting to say, "What do you want this community to look like in ten years? What kind of things should we be asking the mayor and the supervisor and the school district to work on?" And we were so frustrated by the lack of progress. We had two hundred people in front of the committee. And one of the things we worried about, we said, "Oh boy, I'm going to really get the supervisor, the council and the mayor mad at me." And they said, no, they were so busy with day-to-day issues. The idea that somebody was going to look ahead ten years and start working on some House Bills, they were thrilled to help out.

JIM WEAVER

To my panelists, let's assume that the bills passed tomorrow. What would you do the day afterwards?

ED GOODHART

The first thing I would do is write Senator or Representative Steil a letter of thank-you. Having been our supervisor a long time, it's certainly something I've been hoping to see. But you know, I can only speak for Manor Township. I can't speak for my colleagues or the other municipalities. Your question—I'm sure you knew the answer to it when you asked—it's going to be as varied as the people here tonight. There's going to be some municipalities that are going to jump all over this and run with it, and there's others that it's going to be a year before they know it happened. I can't speak for the others, I wouldn't do that. There's some elected representatives here tonight that would say that, hey, they'd be ready to go, but the colleagues in their own forum probably wouldn't. I really can't answer that, but the tools are very, very valuable to us. If they can give us that, I would certainly, to answer your question, I'd give it to our planning commission. And say hey, this is the new legislation, how do you feel it can be important for us in Manor Township? And going a step further and picking up on the whole concept of inter-municipal cooperation, which is exceedingly important. I think in Lancaster County we've done a lot of that. I applaud our county commissioners for the last two years for holding the County Expo. I don't know how many people took the time to go to that, which demonstrated all the inter-municipal cooperation. Not just inter-municipal, but interagency, cooperation going on. The average person doesn't know that. I've seen my neighbors here, several people from East Hempfield Township. The amount of projects that we've done together and the amount of money we've saved each other, it's just a daily process that we do on a regular basis. I would suspect that we're talking now about the mergers of police departments. I would suspect that we'd be talking to them and going to them and say, hey, do you want to sit down and talk about some of this, and I would suspect that they would say yes. How much of that would happen in the other sixteen municipalities, I can't answer that.

JIM WEAVER

David Steil threw out an example of what's happening down in Buck's County. Anybody want to offer another idea or two?

REP. ARGALL

I've seen some of these barriers start to break down. I live in Schuylkill, but represent East and Northern Berks. And when I first started going down there after the 1991 redistricting, I was kind of confused, because the habit for a long time in Berks County is they talked about city, which is Reading, and they talk about the county. And me, from over the mountain say, "Isn't the city in the county?" They always wanted to keep them apart, and I think eventually people caught on that as Reading began to have more and more and more problems, that these problems didn't stay in the city of Reading. You know, there's boroughs and townships there, too. There has been around the country what they call this hole-in-the-doughnut theory. And the fact that, look at Philadelphia—Philadelphia's problems aren't staying in the city of Philadelphia. I'm sure we have a lot of suburban residents who probably wish that they were, but they're not. People are starting to get it, so maybe they're cooperating out of the goodness of their hearts, or maybe they're cooperating because they realize that these problems are affecting them. Whatever it is, we'll take it.

JIM WEAVER

If I can just say so, when we did our first survey of the county's attitudes and perceptions of the quality of life three years ago, more than two-thirds of the people who responded said that the quality of life in Lancaster as a community depends upon revitalization of the inner city. They're way ahead of the game in this regard. And I suppose the questions I'm asking go back to the tremendous mosaic of elected officials—that we have to somehow harness that and make it begin. And I say that with pretty deep appreciation of how tough a task that must be, with so many people to coordinate with, with such huge of a challenge in terms of changing the way people develop, the way they design, the way they sell, the way they market the various pieces of land in this county.

LES HOUCK

First a comment to that question: I just want to read the bill and remember that local officials are only as good as the local voters. Representatives are only as good as the people who elect them. Manor Township and our township, we're very fortunate. I think we have an excellent group of voters that put people in that are real different. So that's why we get a little hedgy. We're 85% agriculture, which was run by about 98% Amish, who have entirely different issues. They're not necessarily looking for money from other areas to support them; they'll take care of themselves, but they're also concerned about development. One of the issues right now is building codes—how will that affect the Amish who don't have electricity? They're compelled to have it. So each one of these bills that come down, we have to look at and how it will it affect our people. And again—reach back—what comes out of local government is scary sometimes, what comes out of state government is scary sometimes. Because we're not talking about a local representative, we're talking about Philadelphia, Pittsburgh, Scranton. We have to take a close look at it.

REP. STEIL

I think that probably said it best why bills were crafted the way they were. There's no one of us who's bright enough to write something that will work in every one of the 2500 municipalities of the counties and the state. So what we do is give you a range of ideas, a range of options as we call them and say, "Look at these and look at what might work, and take those that work, reject those that don't work. Work together with your local municipality." And eventually we'll come to it. But it's not going to be an overnight change in the way we do business. But it begins to evolve. Remember, it took us fifty years to get to where we are now. It's going to take us the next fifty years to begin to bring back this planning process into the types of communities, the types of lifestyles we want. And I think that begins with educating individuals first and educating the business community, because they have to be a very vital part of it.

PAT LEVIN

I just wanted to address your question about what we would do if the bill passed. My planning commission—there's Dave Martin who's in the audience; he and I were meeting the other night until, what was it, 12:30—7:30 till 12:30. I welcome any efficiency in dealing with these issues at the local level. And the long meetings—we've spent a lot of time, which is volunteer work—we've spent a lot of time there. And to ask us to go to other meetings and read stuff we get in the mail, I think it's very difficult. So I would suggest if the bills are passed, that someone from the county planning commission, someone who is elected, can be there, come to a planning commission meeting, come to a supervisors' meeting. And we are now talking about doing a co-op plan with some of our other municipalities, and then look at what way we can work together. Because I think this is an opportunity for municipalities who haven't worked together to come together to find out about the new changes and find those opportunities to work together. And to use it as a positive movement.

REP. ARGALL

I'm shocked, I have other meetings, and I realize that local officials in this township don't know their colleagues on the other side of the line. God forbid there's a county line in between or one of those other municipal barriers. I see more and more of that happening all the time. It's being encouraged, but it's not being mandated.

JIM WEAVER

Each of you represent different municipalities, and I think Lancaster county has had some urban growth boundaries during the last four or five years. Do your municipalities have urban growth boundaries, number one, and number two, have you changed your zoning to increase destination within those urban growth boundaries during that time period?

DAN HERR

I can respond for Strasburg Township. Strasburg Township and Strasburg Borough worked out a joint comprehensive plan in 1993/1994 that included an urban growth boundary around the borough of Strasburg. The Strasburg borough is entirely surrounded by Strasburg Township. And we worked out together a logical area for the borough to grow, if and when it does. Then the township did do a rezoning.

ED GOODHART

From Manor Township, yes and yes. In fact, I think we were the second community to adopt the urban growth boundaries in the county.

LES HOUCK

Yes for Salisbury Township. We're in the process, and we're not really in a big hurry because our zoning—that's left us a little more restricted since 1972—was amended. Which was the urban growth boundary.

JIM WEAVER

Let me ask some of the questions from the floor. This is directed towards David Steil. Assume that several municipalities decided to work together. How would they decide who gets the undesirable parts, for example, strip malls? What would be considered undesirable?

REP. STEIL

Every municipality would share part of this. If you have to look at all the uses and the height. First of all, what is undesirable? If commercial use is undesirable, well, some municipalities say that's desirable. It's high-density housing. Apartment buildings, townhouses, condominiums, mobile homes, fabricated homes, manufactured homes. Is that undesirable? That's not in every community. Many communities have places for those things, and have very successfully made places for those things. The idea is to be sure that when municipalities do have planning, that they look at those uses and place them where they make the most sense. In one municipality, it looks to make sense to place a lot of the high-density housing types, residential types in one area, and another municipality is probably going to look at the commercial use, commercial/industrial use. But it takes a comprehensive effort of municipalities. And don't take people with goodwill to do this, because if you go into the process and say, "I'm going to make sure that I stick all those uses somewhere else," it's not going to work. I mean there won't be a municipal comprehensive plan. Because everyone has to share their opinion in the end.

LES HOUCK

We talked about continuing to preserve the farmland. But really what's going to keep that land is the farmer making money. If the farmer's not making money, are we going to evolve farms where there aren't farms anymore? What can you do for the farmer so that they can preserve that land?

REP. STEIL

I don't think that's going to come out of land-use preservation. That's going to come out of tax reform. It is the taxation structure in this state that is probably thriving on economic viability, or the lack of economic viability, in our agricultural community. I think that we have to look at farmers very differently. I've often said that one of the biggest problems that I see is that, as a manufacturer in this state, and farmers are manufacturers, but they are treated differently from other manufacturers. Manufacturing bills in this state are not passed under means of production.

Sure, they're taxed on their land and their building, that's real estate taxes. But their means of production is not taxed. But farmers—unlike manufacturers in this state, we tax their means of production. We treat them differently than other manufacturers. Until we recognize that we cannot create a viable agricultural community if we continue to do that, than we cannot be successful.

REP. ARGALL

Okay, the bottom line, though—we can't preserve farmland without preserving farmers. And I understand what we're up against. I'm told the turkey business was apparently a pretty good business up until about the time that I married a turkey farmer's daughter. And then the prices took a nose dive. And we loved turkey in my office, and I think the idea was, well, you can't make any money out of it, at least we won't go hungry.

JIM WEAVER

I want to ask this last question to the panel. Since most local governments don't have the expertise and are often in conflict, and since the state is often in conflict with local government, and since 2500-plus municipalities compete with each other for economic development—why not give more power to county planning and have a state department of planning to provide funds necessary for good planning?

REP. STEIL

Well, one of the things we're trying to do with this is to put more emphasis back on county. The county needs to be a vital part of this process. But bluntly, and it goes back to the issue before, why don't we address it more top-down approach? State plan, county plan, municipal plan. And direct it from the top down. And even if we were all to agree that that's a better way to do it, there aren't a whole lot of people in the state who agree with us. So there aren't 102 votes in the legislature at this time to create that kind of a planning process. So whether we like it or not, we are forced to deal with the reality, and that is that we're going to deal with planning the municipal way. But we need to bring the county into this, and several times—Lancaster is one, and Chester is another that have been very successful. They've had planning departments, planning commissions that are very competent. And they've been done on a voluntary basis, a cooperative basis, to bring municipalities into this process. We want to provide even more tools to do that. Remember one other thing too, that in this state, some 1400 municipalities in that area do not have planning and building regulations. Many of them don't even issue building permits. So they are truly outside of this process. Something of over half of them in this state.