

ICP Hosts Founding Conference of Pennsylvania Land Use Coalition in Valley Forge



Renowned environmental lawyer Robert J. Sugarman addresses the founding convention on October 7th, 2006.

The term suburban sprawl typically summons the familiar images of superstore strip malls strung about highway cloverleaves and serpentine developments encroaching on farmlands and forest. However, when Lehigh University ecology professor Dork Sahagian sought an illustration for recent development trends in the Delaware Valley, including the depopulization of downtown urban centers and the rapid development of outer-ring ex-urban communities, he found something more compelling: side-by-side satellite images of Europe and North America at night.

Europe appears mostly dark, with beads of light clustering around Paris, Rome, Berlin, London, and the North Sea Coast. The American night, in contrast, is splattered with white blotches diffusing across wide tracts of land. Where Europe exhibits dense, almost geometric patterns of bright light, North America is smeared with a luminescent fuzz. This image, according to Sahagian, is the result of low-density commercial and residential development, or sprawl, which rapidly consumes land while exacting a devastating ecological toll on soil quality, wetlands, and the atmosphere.

Environmental experts, township officials and citizen activists from Bucks, Montgomery, Chester, and Lancaster Counties convened in Valley Forge last weekend to discuss the impact of suburban sprawl on their communities, and to formulate approaches

to moderating over-development. These discussions resulted in the formation of the Pennsylvania Land Use Coalition, a new non-profit organization that will fight sprawl through judicial and legislative processes. “We don’t need someone telling us that there’s traffic congestion,” said event organizer and speaker Henry Rowan. “We need to think of sprawl as a social and scientific problem.”

Sprawl is a development pattern characterized by low-density construction, segregated land use, and automobile-dominated transportation within a region in close proximity to an urban center. Unlike growth, sprawl connotes the redistribution of population and business rather than its increase. For example, given the rapid development of Bucks and Montgomery Counties over the last twenty years, one may have the impression that the Delaware Valley is exploding when in fact the region has only seen the redistribution of population rather than growth.

On the first day of the conference, professionals from the scientific, civic, and legal communities defined sprawl as an ecological threat, an urban planning disaster, and a series of judicial precedents. These experts not only described sprawl within the framework and terminology of their respective professions, but also outlined strategies for reversing the deterioration of inner-city and inner-ring suburban communities while moderating outer-ring growth.

Professor Dork Sahagian, “Sprawl and the Environment” – A teacher and Director of the Environmental Initiative at Lehigh University, Professor Sahagian lectured on the environmental economics of sprawl. Professor Sahagian understands conservation efforts as a means of preserving the environment while stressing the human cash value of natural resources. “What can forests do for us?” asked Sahagian. “They reduce erosion and run-off, sequester carbon, reduce albedo (the shininess of the earth), and hold an aesthetic value.” Drawing upon models developed by other social ecologists, Sahagian estimated the value of Earth’s marine, forests, grasslands, wetland, lakes and rivers at \$33 trillion annually.

By establishing a business case for the natural environment, Professor Sahagian hopes to bridge the cultural rifts separating scientists, politicians, and citizens. “Decisions are based on values, not quantitative risks. Science must be translated for subjective

application.” For Sahagian, suburban sprawl not only means the loss of wetlands and the disruption of wildlife migration routes, but also more car miles and gasoline consumption, increased flooding risks for downstream communities, and the potential permanent loss of economically vital natural resources.

Henry Rowan, “The State of Sprawl” – Executive Director of the Institute of Community Preservation and Chairman of the Buckingham Township Board of Supervisors, Henry Rowan discussed how Pennsylvania state law has weakened the ability of local communities to fight development. Rowan described how the Growing Smarter legislation which Pennsylvania enacted in 2000 has prioritized regionalized planning authority while leaving local communities defenseless against sprawl. Rowan asked “Is regional planning where we want to go? Is it part of the problem? Could it amplify the problem?” While some have characterized the Growing Smarter legislation as “a good start,” Rowan suggested that the laws are instead a step backwards.

Rowan argued that townships need to be able to protect themselves against curative amendments, a process whereby landowners can substantively challenge the validity of a local zoning ordinance that prohibits or restricts the use of their property. Though initially designed to insure affordable housing in suburban communities, curative amendments have in practice furnished developers with a tool to build what they want, where they want, resulting in the development of expensive housing. “Is this an affordable house?” he asked the audience while pointing to an image of a home costing nearly a million dollars. Rowan believes that “Pennsylvania land use law is not about affordable housing, it is about property rights.”

While detailing how the Growing Smarter legislation and curative amendments have hampered the ability of townships to control development, Rowan outlined a strategy for empowering communities to stop sprawl within their boundaries: the State must enact Local Option legislation which would allow townships to assess environmental impact fees, enact resource based zoning, and require that needed infrastructure be in place before developing. In addition, Rowan stressed the need to correct the curative amendment process so that it becomes a tool for rational social change rather than a developer’s sledgehammer. Rowan finally emphasized the need for

expanding efforts to preserve farmland, natural areas, and historical treasures, including the historic “baby bridges” which characterize the region.

Robert Sugarman, Esq., “The Legal Landscape of Sprawl” – Longtime environmental and civil rights attorney Robert Sugarman presented a historical account of judicial milestones in Pennsylvania land use law. During the 1960s and 1970s when the Pennsylvania Supreme Court was formulating the “fair share” test for municipal zoning, the court was primarily concerned with enabling residents and businesses to move out of Pennsylvania’s cities to develop the countryside. Considering what he sees to be the saturation of the Delaware Valley’s suburban rings, Sugarman suggested that “When the reason for the law ceases, the law should cease. We have reached the capacity of our infrastructure.”

Sugarman argued that Pennsylvania land use law has punished townships for attempting to limit development within their boundaries, claiming that, “Only in land use do you allow developers to destroy the environment if a township makes a mistake. Given the region’s fragile environment and the fact that Pennsylvania’s land use law has only succeeded in giving developers a club to use against townships to build luxury rather than affordable housing, Sugarman argued that communities should have the authority to “require and implement a system for internalizing the cost of the development.” As such, Sugarman sees solutions to suburban sprawl coming from the local level. Citing what he believes is the failure of the Delaware Valley Regional Planning Commission to curb over-development in the Philadelphia area, Sugarman remarked, “Regionalism is only as good as the regionalists...What we need is a system that allows the local governments to work together. Local government should have the option to control things.”

Sugarman concluded by outlining some potential judicial and legislative strategies for fighting sprawl through the courts and the offices of elected officials. Said Sugarman, “Let’s let the Supreme Court of Pennsylvania see that development has a huge impact on Pennsylvania and that the law needs to match the facts.” Turning his focus from the state supreme court to the state legislative chambers, Sugarman argued that land use advocates must translate their objectives into experiences which voters and politicians can

understand. “We are in a crisis in southeastern Pennsylvania. Traffic congestion is our best friend. It’s a tool for mobilizing citizens. Everyone’s sat in traffic.”

Howard J. Cain, “The Politics of Sprawl” – Political strategist Howard Cain closed the first day of the conference by describing the approaches that the Pennsylvania Land Use Coalition will need to adapt in order to affect legislative change. “You have to think about how you’re going to get 103 votes needed to pass legislation in Harrisburg.” Emphasizing the need to develop a concise and simple mission statement, Cain said that when describing the need to stop suburban sprawl, “You need to reduce things to a comic book level. The more specific about what you’re requesting you can be, the better off you are.”

Illustrating his principle, Cain explained how the current ex-urban ring environment could be seen as a wet paper towel. While the towel can support some weight, excessive stress would tear it apart. Similarly, the Delaware Valley’s ecological systems can support some degree of development, but at a certain point fails. “Who could argue against that?” Cain asked his audience.

Tactically, Cain believes that the best way of approaching a legislator is to “show up at his or her office with people from their district.” Drawing a number of members from the ranks of elected township supervisors, the Pennsylvania Land Use Coalition, should also emphasize its connection with the “brotherhood of elected officials,” according to Cain. Supervisors can understand the demands made upon state legislators, and as such, Cain believes that they are in a privileged position to deliver guidance on issues of development.

On the second day of the conference, organizers officially formed the Pennsylvania Land Use Coalition (PLUC), ratified a mission statement, and elected officers, board members, and staff. “Municipalities have been working individually. We need a system to transfer a body of knowledge,” said Henry Rowan.

Comprised of members geographically ranging from Bucks to Lancaster Counties, the organization elected its chairman, Steve Santarsiero, from Lower Makefield, Bucks County and its vice president, Chris McNeil, from East Vincent Township, Chester County. Alluding to the regional variety of PLUC’s members, the

chairman of Warrington's Board of Supervisors, Glen McKay said, "We're diverse in what we want." Henry Rowan believes however that "Warrington's problems are Buckingham's problems. Buckingham's problems are Warrington's problems." PLUC's Board of directors will initially include the following list, with more members to follow:

- Andy Paravis-Chester County
- Norm Vutz-Chester County
- Glenn McKay- Bucks County
- June McWilliam- Bucks County
- Pat Murphy-Bucks County
- Rich Myers-Bucks County
- Jordan Yeager-Bucks County
- Barb Eisenhardt-Bucks County
- Clare Quinn-Chester County

In addition to appointing its board, the group ratified the following mission statement:

Preamble: Throughout Pennsylvania today we face metropolitan areas in which our cities suffer from decay while surrounding towns and countryside face ever increasing pressure to accept development that places an undue burden on their financial and natural resources. Mindful of this problem and the need to address it, we, elected municipal officials, community leaders, members of various citizen groups, and concerned residents of Southeastern Pennsylvania have come together to promote sustainable communities throughout the Commonwealth by empowering municipalities with:

- The flexibility to enact ordinances to control development;
- The ability to adopt new commercial revenue structures that will enable towns to pay for the cost of infrastructure necessitated by commercial development;
- The ability to assess a wider range of impact fees
- The ability to establish new public transportation structures;
- Greater ability and state financial support to redevelop brownfields and other redevelopment through more comprehensive liability protection and tax incentives;
- A vehicle for coordinating land use planning among communities without depriving municipalities of their autonomy;
- A vehicle to share ideas and information and provide technical support to promote best practices for sustainable communities.

In discussing PLUC's near-term objectives, the board related their personal experiences working to counter the effects of sprawl and expressed their hopes for what the organization can accomplish. Andy Paravis, a supervisor in North Coventry Township, Chester County asked, "How do we pay for this? There is one school, Owen J. Roberts, in our area. Not one student walks to class in the entire district."

Pat Murphy of Richland Township described the dramatic increase in traffic which he has witnessed in Upper Bucks County over the last several years, Murphy said, “There is a kind of myopia among [Richland Township’s] supervisors. They beat their chests and say they haven’t raised taxes in 15 years but they don’t take into account the increased cost of living.”

Rich Myers of Rushland hopes that PLUC will incorporate older, inner-ring suburban communities like Cheltenham, Bensalem, and Bristol. “Older communities suffer as fringe communities get development and taxes.”

PLUC’s board members are currently planning the group’s initial course of actions. Early initiatives will likely include the drafting and distribution of a questionnaire to all Southeastern Pennsylvania candidates for elected positions, and a series of town-hall meetings across the region. Henry Rowan believes that there exists an urgent need for a confederation of community officials and residents to wage a collective fight against sprawl. “In order to see a society which works, we need to innovate, educate, legislate, and motivate.”