Plan Regionally, Implement Locally
An Evaluation of Multi-Municipal Planning and Implementation in Pennsylvania

Report Summary
Introduction

In 2000, Pennsylvania launched a new approach to intergovernmental land use planning with the passage of Acts 67 and 68,1 which amended the state’s Municipalities Planning Code (MPC). This legislation enabled and provided incentives to encourage neighboring municipalities to cooperate in preparing and implementing “multi-municipal plans,” and has led to a significant increase in land use planning efforts and intergovernmental cooperation. Thanks to the new policy, thousands of citizens have attended public meetings and expressed hopes and visions for their communities. From rural areas to fast growing suburbs and older cities and boroughs, participation in multi-municipal planning in Pennsylvania has been robust. Multi-municipal planning efforts are underway in every region of the state and in nearly every county. States across the country have looked to Pennsylvania’s approach to multi-municipal planning as a new and interesting way to encourage collaborative land use management.

10,000 Friends of Pennsylvania played a crucial role in advocating for the legislation to enable multi-municipal planning. Since Acts 67 and 68 were passed, we have encouraged communities to make use of the new approach through training and technical assistance. In 2002, we released Planning Beyond Boundaries, a detailed guide for local governments interested in multi-municipal planning and implementation. In a continuing effort to advance collaborative land use management in Pennsylvania, staff of 10,000 Friends have collaborated with Dr. Kurt Paulsen of the Department of Urban and Regional Planning at the University of Wisconsin to conduct a comprehensive assessment of multi-municipal planning, including: an inventory of multi-municipal planning efforts in Pennsylvania; an evaluation of the approach, identifying potential barriers and good practices; and recommendations for improving multi-municipal planning and implementation. This report presents a summary of that research.2

The Context and Purpose of Multi-Municipal Planning

The regulation of land use and land development is one of the most important powers of local governments in the United States. In Pennsylvania, which has a tradition of strong local governments, land use planning is local democracy in action. Elected supervisors and commissioners who make land use decisions are held accountable to local voters, and citizens have opportunities to participate in public meetings and hearings and make decisions on zoning boards and planning commissions.

But there has been growing recognition that excessive localism can lead to problems at the regional level. As each municipality pursues its own interests through zoning and land use controls, the aggregate effects on the region may be undesirable. Development in one municipality may degrade water quality in another, and one municipality’s shopping center may cause traffic congestion elsewhere. Municipal competition for fiscally desirable land uses such as shopping centers and office development may encourage rapid growth and “sprawl” in the suburbs while older communities see their businesses leave and their tax bases decline. Such problems are especially likely in Pennsylvania, where regions are typically divided into numerous small municipalities. With 2,562 municipalities, Pennsylvania ranks third among all states in the number of independent municipal governments.

Pennsylvania’s unique legal environment provides additional reasons to promote inter-municipal coordination. Courts have held that every municipality that chooses to use zoning must provide for every lawful land use within its borders. The case law on which this doctrine is based was established to protect property rights and to ensure that municipalities provide adequate land for reasonable development. If each municipality could pick and choose only those land uses they preferred, then important but locally objectionable uses such as heavy manufacturing or mining might be
underprovided, reducing the economic welfare of the entire region. But many have argued that this requirement has encouraged municipalities to “over-zone” for commercial and industrial uses, leading to excessive and haphazard development, often in areas without adequate infrastructure.

Regarding residential development, Pennsylvania has developed a “fair share” housing doctrine. Just as every municipality that zones must provide for every lawful land use, municipalities with zoning must also provide for a variety of dwelling types encompassing all basic forms of housing — single-family, two-family, mobile homes and mobile-home parks, and a “reasonable range of multifamily dwellings in various arrangements.” Municipalities “in the path of growth” and not already highly developed must accommodate their “fair share” of higher-density multi-family housing and must provide land use regulations that meet the legitimate needs of all categories of people who may desire to live within their boundaries. Like the “every use” requirement, the “fair share” doctrine has encouraged scattered development and has made it difficult for local governments to direct development to locations where growth is appropriate and infrastructure is available.

Multi-municipal planning provides a way for local governments to accommodate the full range of land uses and dwelling types, but not necessarily within the boundaries of each municipality. Instead, local governments can join together to create multi-municipal planning regions and allocate land uses within those regions in ways that make sense. Planning and implementing land use controls on a wider, regional level reduces the influence of arbitrary municipal boundaries and allows for land use decisions that are more rational in respect to economic development, fiscal impacts, environmental protection, and quality of life.

Inter-governmental land use planning is not a new concept in Pennsylvania. Prior to the MPC amendments of 2000, two or more municipalities could prepare land use plans cooperatively. In fact, by 1998 there were at least 46 cooperative planning efforts involving 129 municipalities. However, implementation of those plans was inhibited by a requirement for joint zoning. To avoid having to provide for the full range of land uses within each municipality, cooperating local governments were required to adopt a joint zoning ordinance and surrender one of their most important powers to a regional entity. This proved to be unpopular. As of 2000, only four joint zoning ordinances were in effect.

The MPC reforms of 2000 were designed to eliminate this obstacle by allowing local governments to implement multi-municipal plans through individual zoning ordinances, as long as each municipality brings its zoning into general consistency with the multi-municipal plan. While joint zoning remains an option, cooperating municipalities can now obtain the benefits of regional planning without giving up control of their land use ordinances.

Some states have responded to the challenge of regional land use coordination by instituting regional governments or by giving counties, regional planning commissions, or the state greater power to supervise local government land use planning and regulation. In contrast to such top-down approaches, Pennsylvania’s multi-municipal planning policy authorizes and provides incentives for voluntary coordination among municipalities.

One of the most important incentives for multi-municipal planning is legal protection for municipalities wishing to share land uses — that is, to allocate land uses over the area of the plan. Article XI of the MPC gives explicit direction to courts and other bodies that hear legal challenges to zoning ordinances (zoning boards or governing bodies) to consider the availability of uses within “a reasonable geographical area” and not to limit their consideration to “the municipality whose zoning ordinance is being challenged.”

In addition, the MPC allows (but does not require) state agencies to prioritize funding and assistance to municipalities participating in multi-municipal plans. More precisely, state agencies “shall consider and may rely upon” plans and ordinances in making permitting and financing decisions, and “shall consider and may give priority consideration to” projects consistent with the county or multi-municipal plan. Such consideration is limited to municipalities that “have conformed their local plans and ordinances to the county or multimunicipal plan by implementing cooperative agreements and adopting appropriate resolutions and ordinances.”

Additional incentives are in the form of planning tools available to municipalities that prepare and implement multi-municipal plans. The MPC authorizes multi-municipal planning participants to:

- Develop and implement multi-municipal transfer-of-development-rights (TDR) programs. TDR programs, which can create market-based incentives to protect farmland and open space, may span the boundaries of local governments participating in multi-municipal plans. The MPC stipulates that development rights must be transferred from “rural resource areas” to “designated growth areas.”
• Share tax revenues and fees. Tax revenue sharing is authorized in the recognition that land use sharing can create winners and losers in terms of future tax base growth. Municipalities that chose to remain mostly rural or agree to accept the region’s share of less fiscally beneficial development (such as affordable housing) can receive compensation in the form of revenue from neighboring municipalities whose tax bases are growing.

• Adopt specific plans. Specific plans are detailed “master plans” (including street layout and design standards) for non-residential portions of the multi-municipal planning region.

Last but by no means least important as incentives for multi-municipal planning are grants to local governments. State support for local land use planning is provided by the Land Use Planning and Technical Assistant Program (LUPTAP) of the Department of Community and Economic Development (DCED). Guidelines for LUPTAP funding give priority to the preparation and implementation of multi-municipal plans. In addition, many counties have contributed substantial funds and in-kind staff assistance for the development and implementation of multi-municipal planning efforts. Regional planning commissions, foundations, and the Local Government Academy (in the Pittsburgh region) have also provided funding for multi-municipal planning.

### An Inventory of Multi-Municipal Plans

The research for this report included an inventory of multi-municipal plans prepared after the MPC reforms of 2000. Table 1, which presents data current as of late December 2007, is based on four sources: (1) reports of LUPTAP grant recipients, where available; (2) data gathered by DCED’s Governor’s Center for Local Government Services;

### Table 1. Multi-Municipal Plan Completion and Implementation

<table>
<thead>
<tr>
<th>Plan Complete</th>
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<tbody>
<tr>
<td>Plan adopted by all participants</td>
<td>110</td>
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<tr>
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<tr>
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<td>57</td>
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<tr>
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<tr>
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<td>5</td>
</tr>
<tr>
<td>Plan not adopted</td>
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</tr>
<tr>
<td>Plan Draft Complete</td>
<td>5</td>
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<tr>
<td>Plan Currently in Progress</td>
<td>51</td>
</tr>
<tr>
<td>Total Multi-municipal Plans</td>
<td>172</td>
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- Participating in multi-municipal plan
- Plan completed and adopted
10,000 Friends of Pennsylvania's survey of county planning departments: and (4) a review of websites of municipalities and county planning departments. As can be seen, 172 multi-municipal planning efforts were undertaken between 2000 and 2007, with 116 of the plans completed and an additional five in the process of reviewing completed draft plans. Fifty-one plans were in progress as of late 2007, with a number of new planning efforts just beginning in the summer of that year. Given the time required to reach agreement on initiating a multi-municipal plan, securing funding, and preparing and adopting a plan — we estimate that the process averages between 2.5 and 3 years — 116 completed planning efforts in seven years represents truly significant progress.

Of the three options for cooperative zoning — county zoning, joint zoning, and individual zoning (consistent with an adopted multi-municipal plan) — the latter was the preferred option and was being utilized in 57 multi-municipal planning efforts. Fourteen joint municipal zoning ordinances were either completed or in preparation as of late 2007. Given the relatively few joint municipal zoning ordinances, it is apparent that most municipalities prefer to maintain individual control of zoning. Only three planning efforts, all located in Fayette County, envisioned using county zoning.

These 172 planning efforts comprise 742 separate municipalities (29 percent of all municipalities in the state), 26 percent of Pennsylvania's total land area, 25 percent of its population, and 27 percent of its “urbanized” developed land. Participation in multi-municipal planning is widely dispersed, with all regions of the state and most counties represented. At least nine planning efforts cross county boundaries.

Table 2 shows that all classes of municipalities — townships of the first and second class, boroughs, and cities — have taken part in multi-municipal planning. The highest rates of participation are in townships of the second class and boroughs, but cities are also well represented, with more than 20 percent participating. These findings suggest that multi-municipal planning is encouraging intergovernmental cooperation between older communities (cities and boroughs) and their rural and suburban neighbors.

On average, municipalities participating in multi-municipal planning have higher proportions of school-aged children, lower percentages of senior citizens, higher median incomes, newer housing stocks, higher median valued housing stock, larger percentages of multi-family housing, higher development densities, and faster population growth rates. Compared to non-participants, multi-municipal planning participants had almost twice the average population growth rate (during the 1990-2000 census period). While many older, slower-growing and rural municipalities are indeed participating in multi-municipal planning, the early adopters of multi-municipal planning are predominantly communities that face development pressures and have greater fiscal capacity to engage in planning.

#### Selected Case Studies

Presented below are descriptions of five planning efforts from diverse regions of Pennsylvania that have been selected to illustrate a variety of ways in which communities have chosen to develop and implement multi-municipal plans. See the full version of this report or the 10,000 Friends website (www.10000friends.org) for additional case studies and more details on the following cases.

**Pottstown Metropolitan Regional Comprehensive Plan (Montgomery & Chester Counties)**

This multi-municipal plan, adopted in 2005, includes the borough of Pottstown and seven neighboring townships in Montgomery and Chester counties. The effort was launched shortly after the MPC reforms of 2000 in order to address growing concerns about sprawling development in the townships, rising school taxes, and the decline of the borough.
The Montgomery County Planning Commission, which had substantial prior experience with intergovernmental planning processes, played the role of planning consultants. Commission staff were active in all phases of plan development and have remained involved as advisors since the plan was completed.

The fact that the planning area included two municipalities in Chester County presented few problems, since the Chester County Planning Commission was open to Montgomery County taking the lead. The two planning commissions cooperated with each other in the review and final production of the plan.

The plan document is an example of the high-quality plans prepared by the Montgomery County Planning Commission, with a thorough and detailed analysis of land use and housing needs. The plan clearly calculates fair share housing requirements and demonstrates that adequate land is made available in the future land use plan to accommodate needed growth and development, including affordable housing.

The plan also clearly identifies growth areas and rural resource areas, and sets specific standards for use and density within its seven designated planning land use categories. For each land use category, specific goals and objectives are identified. Planning commission staff feel such specificity is needed to ensure that multi-municipal plans are legally defensible, an important consideration in a region where legal challenges from landowners have been common.

The implementation agreement, which conforms to a model developed by Montgomery County Planning Commission, was the only one we were able to find that specifies municipal commitments of the number of acres to be made available for “fair share” housing and states which municipalities will accept which land uses. The agreement establishes the Pottstown Metropolitan Regional Planning Committee (RPC) as an advisory body to oversee implementation of the plan. Composed of two representatives from each municipality (including at least one member of the governing body), the RPC comments on developments of regional impact and
reviews municipal land use ordinances for general consistency with the regional plan. The implementation plan also describes a procedure by which a municipality may withdraw from the regional planning organization and stipulates a one-year waiting period to allow time for any necessary plan revisions.

An unusual provision of the implementation plan is the establishment of a regional legal defense fund to assist municipalities with litigation related to plan implementation. Participating municipalities are each contributing $4,000 annually to the fund.

Some municipalities have made zoning changes pursuant to the regional plan. For example, North Coventry Township was able to downzone its rural resource area from one unit per two acres to one unit per ten acres because there are ample opportunities for residential development elsewhere in the planning area.

The Pottstown Metropolitan RPC has recently joined with four other RPCs that are implementing multi-municipal plans in western Montgomery County and northeastern Chester County. Known as the “Inter-Regional Planning Cooperative,” this group is meeting regularly to identify common infrastructure needs, highlight best practices, and develop initiatives to support regional planning and cooperation.

**GrowingTogether: A Comprehensive Plan for Central Lancaster County**

Encompassing the city of Lancaster and ten other municipalities in central Lancaster County, a 154-square-mile area with a population of more than 198,000 people, Growing Together represents one of the largest and most ambitious multi-municipal planning efforts in Pennsylvania. It builds upon a strong growth management foundation established by the Lancaster County Comprehensive Plan, which in the 1990s proposed a series of growth areas aimed at protecting...
farmland and concentrating development around existing communities. The growth areas have been adopted by 59 of the county's 60 municipalities.

Growing Together is an initiative of the Lancaster Inter-Municipal Committee (LIMC), a council of governments dating back to the 1960s. LIMC members decided to undertake this project largely because they believed that collaboration in land use planning would enhance their ability to protect farmland — a goal to which most were already firmly committed. Other motivations included the need to deal with mounting traffic congestion and the desire to coordinate transportation planning.

Adopted in 2007, Growing Together builds on the recently updated county comprehensive plan by recommending that 100 percent of future growth within the next 25 years occur within designated growth areas (DGAs). Combined with Lancaster County's award-winning purchase-of-development-rights program, the plan provides for strong protection of agricultural uses outside of designated growth areas.

In addition, the plan goes beyond designating growth areas to identify 36 Growth Opportunity Areas — focal areas that will accommodate compact, mixed-used development.

Municipalities are urged to develop regulatory tools and incentives to help Growth Opportunity Areas become the target of "exemplary intensive development in the coming years."

However, the concept of compact, mixed-used development has encountered some public resistance in Lancaster County. East Hempfield Township, one of the Growing Together participants, has recently rejected a proposed Traditional Neighborhood Development (TND) ordinance in response to organized opposition from residents living near Growth Opportunity Areas. While public opposition to compact development could pose a challenge to the plan's goal of targeting development to Growth Opportunity Areas, the Growing Together plan has helped forge a consensus between municipalities and the county that provides an important framework for future growth.

**Northern Tier Coalition Multi-Municipal Comprehensive Plan (Susquehanna County)**

This plan includes ten townships and two boroughs in rural Susquehanna County, in northeastern Pennsylvania. Although Susquehanna County has experienced only moderate growth pressure, participants initiated this effort...
in 2003 in the hope of avoiding the sort of haphazard development they saw occurring in neighboring parts of Pennsylvania and New York. Their main interest was in preserving the region’s rural character and quality of life.

While none of the communities previously had zoning ordinances, coalition members agreed in advance that they would adopt zoning once the plan was completed. In fact, they took the unusual step of including a commitment to cooperative zoning as part of the intergovernmental agreement that established the planning process.

The plan, adopted by all twelve municipalities in 2006, emphasizes preserving the rural character of the region and managing rural development. It establishes a number of village areas, but seeks to concentrate most future development within one growth area where water and sewer services are available.

After the plan was adopted, the coalition obtained LUPTAP funding to develop zoning ordinances based on the plan. At the time of our site visit (April 2008) a model zoning ordinance had been developed, and the municipalities were expected to adopt it in the summer.

The coalition originally envisioned that a single planning commission and a single zoning hearing board would be created for the entire region. Once the plan was completed, however, the group decided that such an arrangement would be unmanageable given the region’s large size. Instead, they agreed to divide the region into five sub-regions, four of which will have their own planning commissions and zoning hearing boards. The fifth sub-region, consisting of two townships, will attempt to create a single zoning hearing board, but the two municipalities will retain their own planning commissions.
The coalition will maintain a region-wide “Northern Tier Planning Committee,” consisting of elected officials from each municipality. According to the implementation agreement, the region-wide planning committee has responsibility for reviewing developments of regional impact and reviewing municipal land use ordinances for consistency with the plan.

Greater Williamsport Alliance Multi-Municipal Plan (Lycoming County)
Lycoming County has a history of county-wide land use management that dates back to the early 1990s, when a county zoning program was initiated. While zoning has long been a familiar concept in Lycoming County, at the start of the current decade many municipalities lacked comprehensive plans or had plans that were badly in need of updating.

In 2001, the Lycoming County Planning Commission initiated a countywide planning program that included the development of six regional multi-municipal plans and a concurrent update of the county comprehensive plan. One of these areas included the city of Williamsport and five surrounding municipalities. These communities had previously worked together through the Greater Williamsport Alliance, an intergovernmental group that helped prioritize regional projects.

The multi-municipal planning process was guided by a Planning Advisory Team (PAT), consisting of local elected officials, local planning commission members, school district representatives, representatives of municipal authorities, and members “at large.”

The Lycoming County Planning Commission played a key role, coordinating the countywide process and managing the contract with the firm of Gannet Fleming, which assisted in preparation of all six multi-municipal plans as well as the county plan.

Completed and adopted in 2005, the greater Williamsport plan is thorough and complete, articulating a clear vision and objectives. Its goals include concentrating development in and around the existing developed areas and strengthening the downtowns of the city and boroughs.

The greater Williamsport municipalities have recently received LUPTAP funding to update their zoning ordinances to make them consistent with the plan, and a land use sharing agreement could result from that process. If so, it will likely be limited to “undesirable” land uses, such as adult entertainment.

Williamsport’s zoning ordinance revision is expected to contribute to the city’s revitalization. For example, the plan recommended rezoning the area around the Williamsport Hospital and Medical Center to accommodate future expansion of that institution. Without such rezoning, the city could risk losing one of its most important employers.

Edinboro/Franklin/Washington Multi-Municipal Comprehensive Plan (Erie County)
This plan includes the borough of Edinboro and two neighboring townships in Erie County. The three municipalities decided to initiate a multi-municipal plan in 2002 because their existing comprehensive plans were out of date and they realized a regional plan would be more cost effective than three individual plans. Unlike most other plans we have reviewed, in which regional organizations (usually county planning commissions or councils of government) played important coordinating roles, this planning process was administered entirely by the three municipalities.

The planning process included surveys of local leaders, town hall meetings in the three municipalities, and a citizen survey. Public participation revealed a strong preference for lower-density development, preserving the rural character of the townships, and protecting Edinboro Lake.

The completed plan, adopted by the three municipalities in 2005, identifies Edinboro Borough and proximate parts of Washington Township where sewer service is available as the “core development” area to which growth and development are targeted. Places outside of the core development area are designated as agricultural areas or for low-density residential development.

Following adoption of the plan, the three municipalities considered joint zoning, but the idea was abandoned when Washington Township officials decided to move ahead on their own with comprehensive rezoning. They were eager to implement the plan’s land use recommendations and felt joint zoning would take too much time. The township’s rezoning included changes to accommodate a growth area west of Edinboro and down-zoning a section east of the borough, where sewer service is not available, from residential (R2) to rural conservation. These revisions were accomplished within a year and a half of the plan’s adoption. Franklin Township has been slower to update its land use ordinances, but it is now doing so with the help of a LUPTAP grant.

The most significant outcome of the planning process has been an agreement between Edinboro and Washington...
Township to resolve Edinboro Lake’s pollution problems. Washington Township’s sewage treatment plant, built in the 1960s, is no longer adequate and has been a major source of lake pollution. A consent order issued by the Pennsylvania Department of Environmental Protection (DEP) in 2002 required Washington Township and Edinboro to find a cooperative solution to their sewage problems. After working together on the multi-municipal plan, the two municipalities decided to prepare a joint sewage facilities (Act 537) plan. The Act 537 plan has led to an arrangement whereby Washington Township will pay the full costs of an upgrade to Edinboro’s treatment plant. This will allow the township to abandon its own underperforming plant and pipe its sewage to Edinboro’s facility. In return, Edinboro will grant the township a seat on its sewer authority’s board. Officials from the two municipalities say they never would have arrived at this solution had they not worked together on the multi-municipal plan.

**Strengths and Challenges of Multi-Municipal Planning**

Below we summarize the strengths of multi-municipal planning so far, and identify challenges and barriers to more effective multi-municipal cooperation. This analysis is based on the inventory of plans discussed above, surveys and interviews with planners and plan participants across the state, and 14 case studies of multi-municipal planning efforts.

**Participation in Multi-Municipal Planning**

As noted above, the broad participation in multi-municipal planning, with nearly 30 percent of the state’s municipalities taking part, represents a strong beginning. Particularly encouraging is the fact that multi-municipal planning has involved many older, developed areas in partnership with growing suburban and rural townships. More than
80 percent involve at least one city or borough, and every plan we reviewed acknowledged the importance of targeting growth and redevelopment to existing communities. Multi-municipal planning efforts have also extended to many rural areas of the state which previously lacked comprehensive plans and land use ordinances.

An ongoing challenge will be to encourage new municipal participation and new multi-municipal planning efforts. Because multi-municipal planning is voluntary, it is most likely to be undertaken in areas where a commitment to planning and intergovernmental cooperation is already present. As other municipalities around the state see the results, and as counties and state agencies continue to offer education, training, and technical and financial assistance, the number of participating municipalities and multi-municipal plans should continue to grow.

Implementation
Implementation of multi-municipal plans has often been challenging and is frequently quite slow. Our data suggest that of the 116 completed plans, 39 (or about 33 percent) are not being implemented through conforming zoning ordinances. Given the fact that the MPC reforms of 2000 were designed to make it easier for municipalities to implement cooperative plans through individual zoning, this finding is disappointing.

However, multi-municipal planning has led to a significant increase in the number of joint municipal zoning efforts — from only 4 prior to 2000 to at least 14 by the end of 2007. Although joint zoning is just one of several ways to implement a multi-municipal plan, it is probably the one that confers the strongest legal protections.

Another measure of implementation is the existence of formal cooperative implementation agreements. As described in Article XI of the MPC, implementation agreements specify the obligations of municipalities and create a process for bringing land use ordinances into general consistency with multi-municipal plans. Although our survey did not produce reliable information on the presence of signed implementation agreements, the case studies show that implementation agreements are by no means universal. Of the 14 planning efforts we reviewed, only 5 had resulted in signed implementation agreements. (A sixth implementation agreement was still being negotiated as of June 2008.) Interviews made it clear that municipal officials are typically hesitant to sign implementation agreements because they think it means giving up some of their autonomy, and objections raised by solicitors often lead to protracted negotiations.

While most of the planners and officials we interviewed believe implementation agreements are necessary to coordinate land use sharing arrangements, many say they are not needed in regions where each municipality is providing the full range of land uses and housing types. In any event, our case studies provide numerous examples of benefits derived from multi-municipal planning efforts that did not culminate in implementation agreements.

Use of Special Tools
For the most part, the special tools made available to municipalities participating in multi-municipal plans — multi-municipal transfer of development rights, tax revenue sharing, and specific plans — are not being utilized. There is some interest in multi-municipal TDR programs; one already exists in southwestern Berks County and others are being planned in Lancaster and Chester counties. But our surveys and case studies revealed no instances in which specific plans have been adopted, nor are there any examples of tax revenue sharing linked to multi-municipal plans.

While the infrequent use of special tools may simply reflect a reluctance to try new approaches, it is important to note that these tools are only available to municipalities that have adopted a multi-municipal plan and conformed their ordinances through cooperative implementation agreements. Given the hesitancy to enter into implementation agreements, it is not surprising to find that special tools are underutilized.

Regional Allocation of Land Uses
As discussed above, one of the main policy objectives of multi-municipal planning is to relieve municipalities from having to accommodate every land use by allowing communities that plan together to allocate land uses over a larger area. Although it is often difficult to determine whether a multi-municipal plan has resulted in a different land use allocation than would have occurred had each municipality planned individually, our case studies suggest that at least some communities have taken advantage of the new options for land use sharing. Examples include the Northern Tier plan, which concentrates nearly all future commercial and industrial uses in a single growth area; and the Pottstown area plan, where at least one township felt justified in down-zoning its rural resource area because ample housing was being provided elsewhere in the planning area. We found further examples of proposed land use sharing in other plans from Beaver, Berks, Chester, Delaware, Lycoming, and Montgomery counties.
Nevertheless, many municipalities that participate in multi-municipal plans continue to provide for the full range of land uses. Multi-municipal plans often build upon earlier comprehensive plans and zoning ordinances that had been developed under the assumption that all municipalities must accommodate all uses. The new regional plans often result in only minor departures from those earlier land use policies.

In many of the case study communities, plan participants expressed interest in land use sharing, but only in respect to uses commonly considered undesirable — such as mobile home parks, quarries, landfills, or adult businesses. Nevertheless, reaching agreement on the regional allocation of undesirable uses often proved difficult because few municipalities were willing to be repositories of unwanted businesses or operations.

Many multi-municipal plans lack the analyses that may be needed to support the regional allocation of housing needs. It would be consistent with best practices (and most legally defensible) for growing areas to provide specific calculations of forecasted land use needs, especially for housing, along with explanations and policies to ensure that suitable land at reasonable densities is made available. Likewise, implementation agreements should specify each municipality’s obligations to make zoning provision for the land uses identified in the multi-municipal plan.

Plans prepared by the Montgomery County Planning Commission provide good examples of analyses and implementation agreements that are likely to protect municipalities against fair-share legal challenges. Communities in Montgomery County — as well as those in other southeastern counties such as Chester and Bucks — understand the need to assure that their plans and ordinances are legally defensible, since legal challenges from landowners are more common in those areas. It is worth noting that planners and municipal officials in other parts of the state, including some high-growth areas, have much less experience with legal challenges, and consequently are less concerned about these issues.14

**Inter-governmental Cooperation**

In many areas of the state, multi-municipal planning efforts resulted from existing relationships among municipalities through regional planning bodies or councils of government (COGs). In cases where municipalities already had cooperative relationships or regional forums, these existing relationships served as the basis for increased coordination in land use planning.

Even in areas where there was little prior experience with intergovernmental cooperation, multi-municipal planning has served to strengthen relationships among municipalities. By our estimate, at least half of the completed and adopted multi-municipal planning efforts have maintained some level of regular contact among municipalities through planning commissions or COGs. The case studies provide numerous examples of ways in which municipalities have continued to cooperate once the planning process was completed.

**Citizen Participation**

Based on our case studies and surveys, it appears that substantial efforts were undertaken all across the state to involve citizens and stakeholders in plan development, often going far beyond the formal public hearings required by law. Multi-municipal planning typically includes efforts to inform and involve citizens through, for example, surveys, open houses, public meetings, newsletters, and web pages. There have been news reports describing public forums or meetings that attracted hundreds of citizens. While there are certainly some cases where participation was only a token effort to comply with the law, it is clear that multi-municipal planning has mobilized countless citizens to engage in community planning.

**Logistical Challenges**

Comprehensive planning is usually an arduous and time-consuming process, and the challenges are compounded when several municipalities are involved. Local leaders we interviewed often complained about numerous meetings, lengthy approval processes, and communications difficulties.

Multi-municipal planning committees are composed primarily of local elected officials, although municipal employees sometimes participate. Because most local officials serve part-time and for little pay, they are usually not in a good position to manage the logistics of complex inter-governmental efforts, including sending out meeting notices and providing public notice to relevant newspapers. Even in cases with strong outside planning consultants, municipal staff support is needed to play a coordinating role. In the cases we reviewed, invaluable staff support was often provided by county planning commissions or councils of governments or, occasionally, by municipal employees. In one of our cases, staff support fell mainly to the external planning consultants, but this is an expensive option.

**Role of Counties**

Counties and county planning agencies often play extremely important roles in the multi-municipal planning process. Many have contributed in-kind staff support, facilitating and
coordinating the planning process, and often provided technical assistance and mapping services. In some counties — Mercer, Lycoming, Fulton, and Berks, for example — county planning staff have taken the lead in initiating regional planning efforts. The Montgomery County Planning Commission and the Lehigh Valley Planning Commission have served as the planning consultant in preparing plans. And several county planning agencies have continued to play important roles after plan adoption, such as monitoring implementation, preparing progress reports, or reviewing developments of regional impact.

In addition, many counties have provided significant funding for multi-municipal comprehensive planning efforts. LUPTAP funds from DCED require a 50 percent local match, which is often provided, in full or in part, by counties. At least one county, Berks, has provided full funding for multi-municipal planning.

In nearly all the plans we studied, there were strong efforts to make the multi-municipal plan consistent with the county comprehensive plan. In many cases, specific inconsistencies between multi-municipal plans and county plans were identified and resolved through processes of negotiation.

**Plan Quality**

Many of the plans we reviewed presented their conclusions as recommendations, often utilizing language such as “should consider,” or “may consider.” Many also read like a consultant’s list of proposed recommendations, rather than as a statement of concrete decisions and policies the municipalities actually intended to enact. Contributing to the vagueness of plans was a tendency to include “wish lists” of desired projects in the hope that projects listed in multi-municipal plans might receive priority funding from the state.

According to Article XI of the MPC, to achieve the benefits and legal protections associated with multi-municipal planning, municipalities should bring their land use ordinances into general consistency with the multi-municipal plan. But consistency is difficult to determine when plans lack specificity and are couched in recommendatory language.

**Funding Issues**

One of the more frequently repeated criticisms of multi-municipal planning is that municipalities participate primarily because money for planning is available, and that some municipalities never intend to move toward implementation. While we acknowledge this as a concern, we believe that funders of multi-municipal planning can take steps to ensure willing and committed participation, and to some extent they are already doing so.

Cash contributions from municipalities are one way to encourage greater commitment to the plan and its implementation. Many municipalities have had to make only modest contributions to the costs of plan development, and in some cases the plans were funded entirely by external sources. While external funding no doubt increases participation in multi-municipal planning, that increase may come at the cost of reduced commitment to implementation. Funders need to acknowledge this trade-off and strive for an appropriate balance.

This is not to suggest that external funding for multi-municipal planning has been overly generous. In fact, compared to the magnitude of the challenges faced by municipalities and the level of resources needed to prepare high-quality multi-municipal comprehensive plans, LUPTAP funding has been limited. We estimate that LUPTAP grants to support multi-municipal planning have averaged about $6,600 per municipality assisted. It is significant that so many multi-municipal planning efforts have moved forward with such limited state funding.
Conclusions and Recommendations

To achieve greater coordination among local governments in land use planning, Pennsylvania has opted for a voluntary and incentive-based approach. Rather than imposing state-level policy objectives on local government officials, Pennsylvania has left it to the local governments themselves to coordinate planning efforts and has encouraged them to do so through financial support and other incentives.

The voluntary nature of multi-municipal planning is both its greatest strength and its greatest challenge. Research on states with planning mandates, where local governments are required to prepare comprehensive plans, suggests that such an approach elicits broad compliance but limited commitment from local governments. By respecting the traditional autonomy of Pennsylvania’s local governments, multi-municipal planning avoids the problem of perfunctory compliance with unwelcome state mandates. In places where intergovernmental relationships and planning capacity already exist, multi-municipal planning can foster even stronger planning and intergovernmental coordination. Where relationships and capacity are only emergent, the process of multi-municipal planning is a first step toward stronger coordination in the future.

The challenge is that, in many Pennsylvania communities, the incentives for multi-municipal planning are not strong enough to overcome resistance to planning or insistence on municipal independence. While much has been accomplished since the MPC reforms of 2000, more can be done to encourage participation in multi-municipal planning, improve the quality of plans, and strengthen implementation.

Funding Recommendations

- In light of the important contributions the program is making to many state policy objectives, the Commonwealth of Pennsylvania should continue and expand LUPTAP funding for multi-municipal and county planning efforts. Expanded state funding could be used to bring multi-municipal planning to counties that have not provided financial support for local planning.
- The Commonwealth should provide increased funding for consistent implementation of plans.

Indeed, the LUPTAP grant program is already moving in this direction. One possibility to consider is a much lower local match requirement for implementation efforts, with final payments contingent on actual implementation.

- Additional measures to encourage implementation of multi-municipal plans should be considered. For example:
  - Counties and other funding agencies could adopt policies to require municipal commitment to implementation as a condition for receiving grants.
  - LUPTAP funds could be administered by county or regional planning commissions, with final disbursement of funds only upon certification by the county that the planning effort is consistent with the county plan.
  - Or, DCED itself could hold back a portion of funds until municipalities adopt the completed multi-municipal plan and send copies of adopted plans and adoption resolutions to DCED. This is the practice in some other states.

Public Information Recommendations

- One of the difficulties we encountered in conducting this research was a lack of information on plans and their implementation. In a search of more than 500 municipal and county planning websites, we could find only 53 plans available on-line and only two implementation agreements. We recommend that all participants involved in multi-municipal planning work to ensure timely posting of planning documents, zoning ordinances, and cooperative implementation agreements on websites for public viewing. If one of the goals of planning is greater involvement by citizens in public decision making, an informed citizenry should have ready access to plans, ordinances, and agreements.

- We found only limited compliance with the MPC’s requirement that municipalities and counties prepare yearly reports on multi-municipal planning. To be fair, many county planning commissions produce comprehensive annual reports that include informa-
tion on multi-municipal planning activity. However, all participants should take seriously the obligation to provide publicly available reports so that officials and citizens can monitor implementation progress.

• Likewise, we recommend that DCED improve the availability of information about multi-municipal planning, implementation, and funding on its website. The lack of publicly available, accurate, and verifiable information from DCED on multi-municipal planning and implementation makes it difficult for citizens and policy-makers to assess the program's performance.

Planning Recommendations
• We recommend that ongoing and future multi-municipal planning efforts consider using the planning process to achieve greater consensus and specificity on the distribution of land uses across the region. We hope that some of the examples presented in this report serve as models for better practices.

• The portion of the MPC that specifically authorizes multi-municipal planning also enables participating municipalities to create “Specific Plans,” which are detailed master plans for non-residential portions of the multi-municipal planning region. Specific plans enable municipalities to create implementing ordinances that include diagrams and specific design standards. The MPC stipulates that Specific Plans may be used only to implement multi-municipal or county plans and must be limited to non-residential areas. In other states, specific plans are sometimes used to specify physical design standards for mixed use developments, where housing and non-residential uses are combined in the same development plan. Although Pennsylvania communities have shown growing interest in mixed use developments, the provision for Specific Plans in the MPC is of little use in enabling such developments. Moreover, our research has revealed no instances of Specific Plans being adopted, and our survey results and discussions with planners across the state suggest that the advantages of Specific Plans are not clearly understood.

We recommend that the provisions for Specific Plans be moved out of the multi-municipal plan section, so that they would become available to all municipalities.

We also recommend that the “nonresidential” constraint be removed. A forum of developers, planners, municipal officials, design professionals, and other interested parties could be convened to draft more specific legislative proposals to balance the needs of communities and developers. Because Pennsylvania faces challenges of redevelopment in so many older cities and boroughs, it should look to the experience of other states in enabling high-quality mixed use development.

• TDRs (transferable development rights) can provide an effective tool for implementing multi-municipal plans and promoting revitalization in cities and boroughs. One way to encourage more use of multi-municipal TDRs would be to remove the MPC's stipulation that development rights can be transferred only from “rural resource areas” to “designated growth areas,” replacing it with a more general requirement that the TDR program be consistent with the multi-municipal plan. While we strongly support using TDRs to direct development away from rural areas toward older communities and other areas where growth is desired, the MPC's restrictions could discourage another beneficial application of TDRs — cluster development in rural areas. Clustering of rural development is a main feature of the Growing Greener conservation planning technique, the use of which was recommended in nearly all the plans we reviewed.

Other policy changes and financial inducements would help expand the use of TDR programs. For example:

• The state could encourage more participation in TDRs with financial incentives or tax credits.

• Pennsylvania could authorize counties to develop TDR programs and ordinances, as in Maryland and New Jersey. Some counties in Maryland create “TDR banks” where development rights are lined up, recorded, and financed in advance to avoid delays in development. Developers can go to the “TDR bank” and buy development credits already prepared. The money they pay helps fund subsequent development right purchases.
NOTES

2 For a copy of the full report, contact 10,000 Friends of Pennsylvania or download the report at www.10000friends.org.
3 In Pennsylvania, unlike its neighbor New Jersey (with which the “fair share” doctrine is commonly associated) “fair share” refers to the number and types of housing units available, not the affordability of those units or the income characteristics of occupants. As the Commonwealth Court notes, “Pennsylvania’s approach to zoning is different from that of New Jersey. In Pennsylvania, municipalities are not legally mandated to use zoning as a socio-economic tool to create housing for various classes of people.” Heritage Building Group, Inc., v. Plumstead Township Board of Supervisors 833 A.2d 1205 (Pa. Cmwlth. 2003).
4 53 P.S. § 10604 (a).
6 Denworth, J., et al., Planning Beyond Boundaries: A Multi-Municipal Planning and Implementation Manual for Pennsylvania’s Municipalities, 10,000 Friends of Pennsylvania (2002), at p. 1-12, citing reports from August 2002 of the Pennsylvania Governor’s Center for Local Government Services (DCED). It is unclear and not specified in these sources whether these 46 multi-municipal planning efforts were for preparation of joint comprehensive plans or for more narrow functional plans (e.g. open space, transportation).
7 Ibid, note at p. 1-6. Cf. “Land Use Trends in Pennsylvania,” Department of Community and Economic Development, Governor’s Center for Local Government Services, (2000), p. 51, which identifies the 4 joint-zoning ordinances as 1) Rosslyn Farms, Crafton, and Thornburgh Boroughs (Allegheny County); 2) Centre Township and Centre Port Borough (Berks County); 3) Newton, Upper Makefield, and Wrightstown Townships (Bucks County); and 4) West Hemlock, Derry, and Limestone Townships (Montour County).
8 53 P.S. § 11006-A (b.1). See also § 10916 (h).
9 53 P.S. § 11105 (a).
10 Every effort was made to ensure that the data presented are consistent, accurate, and up-to-date. In cases where information could not be verified, we took the most conservative approach. Nevertheless, some of the information may not be the most current. There were a few cases where a multi-municipal plan was proposed and grant funding was applied for but the planning process had not yet begun as of December 2007. Those cases are not included.
11 In order to calculate this, we utilized a state-wide Land Use/Land Cover GIS data file interpreted from satellite imagery for the year 2000 to analyze land development and density trends in Pennsylvania municipalities. Land is considered developed if it is classified as “urban” in the interpreted satellite data.
12 We do not include the 1st and 2nd class cities (Philadelphia and Pittsburgh) because they are not covered under the MPC. We include Bloomsburg (the only incorporated town) among 2nd class townships.
14 See, e.g., “Measuring the Effectiveness of Comprehensive Planning and Land Use Regulations in Pennsylvania” (Center for Rural Pennsylvania, 2001), at pp. 94-5, reporting survey results that 60 percent of municipalities report receiving no curative amendment requests. Anecdotal evidence suggests that a few counties receive the majority of curative amendment challenges.
15 Detailed figures of award amounts and average per-municipality grant funding are not available from DCED, but some evidence of the scale of the LUPTAP funding can be gleaned from the Governor’s proposed 2008-09 budget. Reporting actual figures from 2006-2007, the LUPTAP program spent approximately $3.3 million and assisted 501 municipalities. That works out to an average of about $6,600 per municipality assisted. See Commonwealth of Pennsylvania, Governor’s Office of the Budget. 2008-09 Proposed Governor’s Executive Budget. Available at: www.budget.state.pa.us. Last accessed June 10, 2008.
17 For example, under Wisconsin’s comprehensive planning grant program, in order for municipalities to receive the final 25 percent of grant funds, they must submit to the state a copy of the plan and certification of adoption by the municipality. This hold-back of funds has been successful in ensuring that municipalities adopt the comprehensive plans. See, Wis. Admin. Code 2008, ADMIN 48.09 (4): “The department shall withhold 25% of the grant award as final payment until all of the following occur: (a) The grantee provides the department with a copy of the adopted plan as provided by s. 66.1001 (4) (b), Stats., and the department verifies the plan meets all provisions of s. 66.1001,Stats.” Information available at: www.doa.state.wi.us/category.asp?linkcatid=745&linkid=128&locid=9.
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Produced by:
10,000 Friends of Pennsylvania

Researched, written, and edited by:
Kurt Paulsen, Ph.D.
Assistant Professor of Urban and Regional Planning
University of Wisconsin
kpaulsen@wisc.edu

Edward W. Wilson, Ph.D.
Vice President for Policy & Research
10,000 Friends of Pennsylvania
ewilson@10000friends.org

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Advisory Committee
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Richard Bickel, Delaware Valley Regional Planning Commission
John Cover, Montgomery County Planning Commission
Joanne Denworth, Governor’s Policy Office
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John Ahlfeld, Lancaster Intermunicipal Committee
Terry Carcella, Washington Township
John Cover, Montgomery County Planning Commission

Dave Darrow, Franklin Township
Andy Doherty, Londonderry Township
Roger Dunlap, State College Borough
Michelle Franklin, Berks County Planning Commission
Dan Gracenin, Mercer County Regional Planning Commission
Tom Graney, GCCA, Inc.
Rick Grossman, GCCA, Inc.
Eric Jarrell, Montgomery County Planning Commission
Kurt Hausammann, Lycoming County Planning Commission
Jim Hazen, Lower Dauphin School District
David Henderson, Franklin Township
Jody Holton, Kise, Straw & Koldner
Robert Jacobs, Centre County Planning Commission
Terri Lampie, Pottstown Borough
David Lodovico, Daugherty Township
Linda Marshall, Centre County Planning Commission
Jim McMaster, Smith and McMaster, P.C.
John Palley, Twin Rivers Council of Governments
Andy Paravis, North Coventry Township
James Pashek, Pashek Associates
Dick Prescott, Lower Salford Township
Tim Reardon, Tri-County Planning Commission
Geoffrey Reese, Lehigh Valley Planning Commission
Harry Roth, RothPlan
Mary K. Seville, Fulton County Planning Commission
Sherri Smith, Lower Dauphin School District
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For hard copies, contact us at:
10,000 Friends of Pennsylvania
200 North 3rd Street, 4th Floor
Harrisburg, PA 17101
info@10000friends.org
www.10000friends.org