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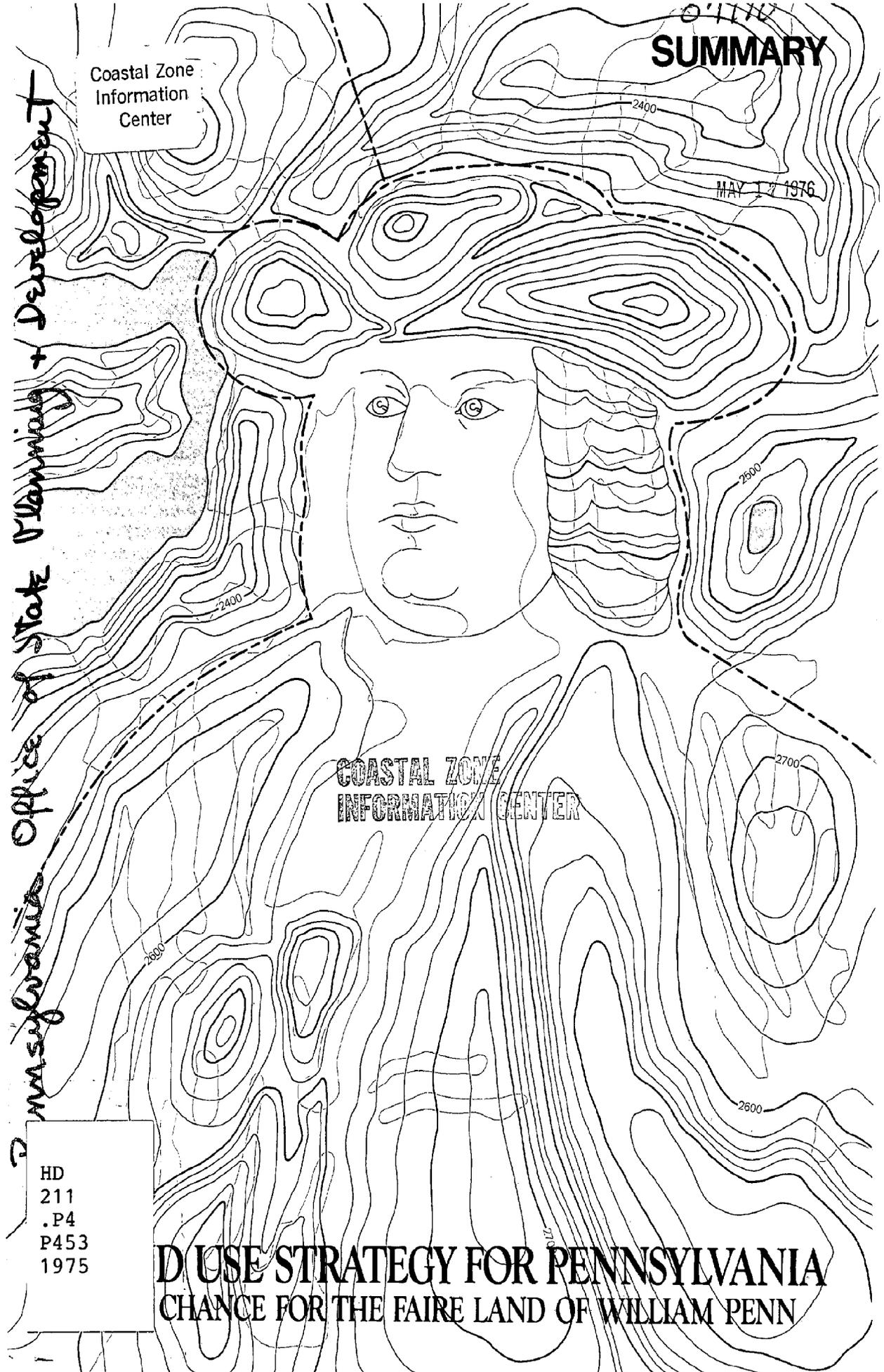
SUMMARY

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LAND USE STRATEGY FOR PENNSYLVANIA
CHANCE FOR THE FAIRE LAND OF WILLIAM PENN





“... the Country is in Soyle good, aire serene (as in Languedock) and sweet from the Cedar, Pine, and Sasefrax, with a wild mertile that all send forth a most fragrant smell, which every breez carries with it to the Inhabitants where it goes.”

— letter from William Penn to the Earl of Sunderland, 1683

THE REPORT IN BRIEF

A LAND USE STRATEGY FOR PENNSYLVANIA:

*A fair chance for
the "faire land" of William Penn*

prepared by:

The Pennsylvania Land Policy Project
204 Fifth Avenue
Pittsburgh, Pennsylvania, 15222

for:

The Pennsylvania Office of State Planning and Development
Harrisburg, Pennsylvania

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PREFACE

In recent years an increasing number of states have enacted land use programs. Several factors account for this quickened state interest in land use planning and regulation:

- heightened public concern over environmental protection;
- an emerging awareness of scarcity, and the need for managing limited resources more efficiently;
- the energy crises; and
- the prospect of national land use legislation.

In Pennsylvania, Governor Shapp called for the development of a State land use program in September, 1973. The Office of State Planning and Development (OSPD) was designated to take the lead in an inter-departmental effort to design such a program. Earlier that year, the Environmental Planning and Information Center of Pennsylvania (EPIC), under the leadership of its president, Thomas Dolan, had proposed preparation of a report and recommendations for an environmentally-sensitive land use policy for the Commonwealth. EPIC was forced to disband before final action could be taken on the proposal, but the Western Pennsylvania Conservancy agreed to assume responsibility for the project, and carried the work forward.

The Office of State Planning and Development approved the EPIC proposal, and applied for and received a Federal grant from the Bureau of Outdoor Recreation, Department of the Interior, to help finance the work. OSPD also agreed to provide certain staff services, including the preparation of graphics. Additional funds necessary to carry out the project were contributed by the Rockefeller Foundation, New York, N.Y.; the William Penn Foundation, Philadelphia, Pennsylvania; and the Richard King Mellon Foundation, the Allegheny Foundation, and the Laurel Foundation, all of Pittsburgh, Pennsylvania. The support of these institutions is gratefully acknowledged.

The project report and three supplemental studies were presented to Governor Shapp on May 15, 1975. The following excerpts from the main report are presented here as a brief guide to its principal findings and recommendations.

Arthur A. Davis
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OVERVIEW

The contrasts, complexity, and diversity that characterize Pennsylvania pose special challenges to the development of a Commonwealth land use policy:

- Rich agricultural areas are being chewed away by encroaching development. Elsewhere, regions in need of economic underpinning fight stagnation.
- Despite 16 major floods in the last 40 years, and expenditures totalling over 4 billion dollars, hundreds of Pennsylvania communities still face the threat of flood waters each year.
- Mountains and the high northcentral plateau offer superb forests and parks, unspoiled landscapes, and abundant hunting and fishing opportunities. Yet these regions also must supply coal, oil and gas, and raw materials for the second ranking industrial state in the Nation. The national energy crisis will increase these pressures.
- Although fourth ranking in population among the states, the Commonwealth still has vast areas that are wild and unspoiled; with two of the Nation's top 25 cities, it is nevertheless a state of small towns. Local government dominates.

Thus far, only the smaller, rural, or recreation-oriented states have enacted comprehensive land use programs; no major industrial state has yet attempted the task. Moreover, other state efforts usually have been galvanized by an overriding issue that triggered action state-wide. But Pennsylvania, the "Keystone State," reflects the attitudes and circumstances of the three regions it joins — eastern seaboard, Appalachia, and middle west. While a number of issues arouse interest throughout the Commonwealth, no single concern dominates.

A Land Use Strategy for Pennsylvania

This report proposes an action program that takes these special requirements of the Commonwealth into account. It recommends a unified strategy for dealing with the State's principal landforms and land uses; and puts forward policies, programs, and intergovernmental arrangements for managing these lands consistent with the political traditions of the State.

The principal land use concerns of the Commonwealth are divided into three distinct categories, broadly related and interdependent, but requiring very different treatment:

- *management of farmlands, floodplains, and mountains.* These are

lands of many values, suitable for many purposes. Management should be directed toward uses that meet economic needs without destroying environmental values.

- *protection of critical environmental areas.* Management of these rare, fragile lands should be devoted to preserving their special environmental or cultural qualities.
- *guiding the direction and velocity of growth.* The management challenge is to channel growth where it will be most useful and efficient, and away from environmentally sensitive areas.

Policies and programs are recommended for managing these landforms. The report also proposes that:

- counties serve as basic building blocks for local governmental planning and regulation;
- the Commonwealth's commitment to regional planning be strengthened;
- Pennsylvania reassert its authority to regulate land uses of more than local impact; and
- a Pennsylvania Land Use Commission with an initial tenure of three years be established by the Governor, to organize and give leadership to the State land use program.

Final sections of the report suggest an approach for meeting the land use inventory and information needs of a State land use program, and present results of surveys carried out to learn how Pennsylvanians feel about the uses and regulation of their "faire land."

MAJOR FINDINGS AND RECOMMENDATIONS

FARMLANDS, FLOODPLAINS, AND MOUNTAINS: RESOURCES UNDER PRESSURE

Four out of five acres in the State are farmland, floodplain, or mountain.

These are the most important landforms in Pennsylvania. The economy of the State depends on how they are used, and so does the quality of the Commonwealth's environment. Accordingly, each is considered as an individual sub-program of a unified State land use strategy.

PRESERVING AGRICULTURAL LAND

Half of the State's best farmland has gone out of food production, and many of the best remaining agricultural lands are near major urban growth areas, and under continuing pressure.

Piecemeal measures to afford farmers relief, such as preferential assessment, will be helpful but not decisive. The simple fact is that farming, as an economic venture, cannot compete with alternative uses of land for housing or commercial purposes.

To place farmers on a par with other land users, a Pennsylvania Agricultural Reserve (PAR) is proposed. The heart of the PAR program would be long-term contracts providing farmers necessary technical and financial assistance in return for their assurance that productive farmlands remain in agricultural use.

A State-wide program, PAR would (1) define, identify, and map farmland that should remain in agricultural production, and (2) encourage farmers to continue operating such lands by offering them a wide range of PAR contract benefits, to maximum limits. Contracts would run from five to fifteen years and be binding agreements, but transferable to other farmers. Counties and communities would be encouraged to enter into supplementary contracts to provide farmers in their areas with additional benefits.

The strength of the PAR concept is its flexibility. Agreements could include all forms of technical and financial assistance presently available to farms and farmers in the State, and such additional benefits as may be authorized by new legislation. Benefits could include tax relief, low-interest loans, technical assistance, and assurances that state funds would not assist in constructing public facilities that increase development pressures.

So long as farmland conservation efforts are temporary, sporadic, and uneven, the loss of productive Pennsylvania farmlands will continue. PAR offers a way to package and deliver needed assistance on a consistent and equitable basis that gives no unfair advantage to either the farmer or the taxpayer.

FLOODPLAIN MANAGEMENT

Pennsylvania has over 45,000 miles of flowing waters that periodically flood their banks. In 1972 most did, with unprecedented damage, dislocation, and human misery.

Past emphasis on structural controls — dams, dikes, and levees — has proved inadequate. The Commonwealth and its communities must face up to the realization that only a comprehensive flood control and floodplain management program can end such losses. To this end, a two-pronged floodplain management program is proposed for dealing separately with the problems of developed and undeveloped floodplain areas.

As a first step, flood-prone lands would be defined, located, and mapped. Depending upon their characteristics, one of two management approaches would be pursued:

- 1) In developed floodplains, funds and assistance for voluntary relocation of persons and businesses would be supplied; planning assistance (including preparation of model ordinances) would be extended to floodplain communities; and land use controls enforced consistent with the capacity of existing flood control structures.
- 2) In undeveloped areas, public acquisition or control would be promoted. Where acquisition was necessary, management of undeveloped floodplains by local governments would be encouraged.

Other recommendations include:

- floodplain management on a watershed basis; and
- enactment of a state-wide flood control and floodplain management program, along lines of Pennsylvania Senate Bill 1.

MOUNTAINS

While not high or massive, the ridges of the Alleghenies and the deeply dissected northcentral plateau have shaped the Commonwealth's settlement pattern, located its transportation corridors, and deeply influenced

its cultural and economic development. They are now feeling the full impact of technology, population increase, and economic development.

Unfortunately, mountains magnify the consequences of misuse: land disturbances tend to be more visible, severe, and lasting. And while there is still a vast area of relatively unspoiled, rugged country in the Commonwealth, these regions are under heavy pressure to supply coal, provide sites for housing, and develop more stable economic anchors. The challenge is to manage these lands to meet both needs. Recommendations are made with respect to the major mountain land uses:

Mining

Pennsylvania's mined lands reclamation laws are among the best in the Nation. However, reclaiming the hundreds of thousands of acres disturbed before these laws came into operation is a continuing problem. To deal with it, land reclamation efforts through Operation Scarlift should be extended, and reclamation efforts directed toward complete treatment of individual drainages.

Second-Home Developments and Lot Sales

Too often lots for second-homes are sold in areas where water, sewer, and other essential public services are not and may not become available. Action to protect consumers is rare, and zoning, sub-division regulations, or other land use controls usually are inadequate or non-existent. The major burden of controlling such sales falls at the county and community level, but State legislation to protect consumers and to preserve environmental quality should be enacted at an early date.

Second-home developments present different concerns. Over time, such communities tend to become indistinguishable from "first home" developments, and therefore, should be planned and developed under criteria as stringent as those for any other housing. Special attention should be paid to water pollution; sewage disposal; soil erosion and sedimentation; highway congestion; availability of public services; effect on scenic, aesthetic, and historic value; and compatibility with official county or local plans.

Public Development

In the mountains, roads and bridges are especially important in determining where development will take place. A sensitive and skillful eye to the design of bridges, culverts, and road cuts can do much to

preserve landscapes that are likely to be of great economic as well as aesthetic value to these regions.

A network of scenic and historic roads is recommended as a most fitting observance of the Nation's Bicentennial by the Bicentennial State.

The Good Life

Recommendations are made with respect to the management and development of State parks and forests. Emphasis is placed on the development of recreation opportunities; educating people to better understand the natural world around them; and acquiring key tracts essential to the protection and promotion of State park, forest, and game lands.

THE NORTHCENTRAL HIGHLANDS: A SPECIAL OPPORTUNITY

It is within the grasp of the Commonwealth to protect for all Pennsylvanians the last major region between the urbanized east and the industrial midwest that is still largely unspoiled and undeveloped. But the opportunity will fade quickly if random development is not halted.

The Northcentral Highlands — bounded on the south by Interstate 80, on the north by Route 6 (or the New York State line), on the west by Route 219 (or the Allegheny National Forest), and on the east by Route 220 (or the eastern border of Bradford, Sullivan, and Lycoming counties) — is a vast region that includes many of the outstanding natural areas in the State. The Pine Creek Canyon, the watershed of the Loyalsock, the Hammersley, Quehanna, and other major wilderness opportunities, are all within the Northcentral Highlands. Fish and game are plentiful. Outdoor recreation opportunities are abundant.

Much of the area — more than 2-1/2 million acres — already is in State ownership. Halting all development on other lands is not necessary. But early action by the State to recognize this region's assets, and to secure them permanently, is essential. A four point program for this purpose is proposed.

CRITICAL ENVIRONMENTAL AREAS: LANDS OF SPECIAL VALUE

These unique or rare areas can be reproduced with difficulty, if at all. The basic objective, therefore, must be to protect their special natural or cultural values. In Pennsylvania, critical environmental areas include

wilderness sites; natural areas; historic and cultural sites and buildings; and wetlands and coastal areas.

WILDERNESS

No natural resource management issue has been more volatile, emotion-ridden, or bitterly-contested than that of wilderness protection and preservation. To some, wilderness is waste; to others, essential spiritual nourishment.

Protection of some wilderness sites in Pennsylvania is proposed. It is recommended that areas be selected on the basis of the experience they can provide, rather than on inflexible standards of former use or condition.

Management recommendations include:

- preparation of an atlas of potential and designated wilderness sites, and keeping it current;
- reaching decisions promptly on sites already identified for wilderness values;
- protection of the three major wilderness areas still available in Pennsylvania; and
- restricting use as necessary to protect wilderness values.

NATURAL AREAS

Pennsylvania contains a diversity of plant and animal communities unequalled in most other states. To preserve this endowment, a system of natural areas is recommended that illustrates the wide variety of flora, fauna, and geology indigenous to the Commonwealth.

Natural area criteria are presented, including site characteristics, and means for ranking potential areas on the basis of quality, degree of threat, size, availability, and so forth. Recommendations for the development of a Pennsylvania natural area system include:

- linking up public and private efforts;
- establishing a Natural Areas Commission to coordinate public and private efforts, operate a clearing house of information, and raise funds for acquisition and operation of natural areas;
- enactment of a Pennsylvania Natural Heritage Act similar to natural areas statutes that have been adopted in Indiana, Ohio, and elsewhere.

HISTORIC, CULTURAL AND ARCHAEOLOGICAL SITES

Pennsylvania, the Bicentennial State, has an especially rich heritage. Yet a major portion of the State's historic and cultural places and structures remain unrecognized, improperly cared for, or threatened by incompatible use or development.

Public and private organizations at local levels are the mainstay of historic preservation in the Commonwealth. Often they are ably organized, and reasonably well-financed. What is lacking is a more uniform level of activity across the State, and better communication and coordination among the many organizations. To meet these needs, recommendations are proposed for:

- developing a comprehensive State historic preservation effort along lines suggested by the Advisory Council on Historic Preservations;
- providing the Pennsylvania Historical and Museum Commission with explicit authority to acquire, restore, maintain, or improve historic sites and areas; and
- encouraging counties and communities in rural or less developed areas of the State to seek out and honor examples of Pennsylvania architecture, history, and achievements.

It is also proposed that State legislation require a six-month stay of destruction for any designated historic site or building. Opportunities for preservation could be fully explored during this time.

WETLANDS AND COASTAL AREAS

Pennsylvania has both coastal and inland wetlands. Fresh water wetlands are concentrated in the glaciated northeast and northwestern portions of the State; the coastal zones are the shorelines of Lake Erie, and the lower Delaware coastal zone. Recommendations for the management of these areas include:

- preparation of a unified coastal zone and wetlands program for Pennsylvania within the framework of the State land use program proposed in this report;
- wetlands management based on the understanding that all wetlands and coastal lands are, by definition, critical environmental areas;
- State acquisition of the few major wetlands important as migratory water fowl habitat that are still unprotected; and
- appropriate action by local governments — ordinarily, the county — to adopt protective ordinances for preserving their wetlands.

GROWTH: HOW MUCH, WHAT KIND, AND WHERE

Until recently, growth of nearly any kind was welcomed. Now, concern over pollution, congestion, and "quality of life" challenge the "bigger-better-busier" view. But most would agree that Pennsylvania should have a growth strategy, and that it should assist in:

- controlling large-scale developments of regional impact;
- locating sites for key public facilities;
- guiding growth around areas unsuited to development;
- attracting desirable growth that can build on existing community resources;
- providing adequate housing;
- improving and diversifying transportation systems; and
- assuring recreational opportunities and urban open space.

GUIDING GROWTH: THE STATE ROLE

The Commonwealth already has a great deal of authority for controlling certain kinds of growth through issuance of sewage permits, strip mining permits, and the like. State construction, such as roads and other facilities, also influences growth throughout the Commonwealth.

A system is proposed for instituting a purposeful State effort for guiding the direction and velocity of growth activities of more than local concern. To accomplish this, a State permit program is recommended. Program components would include:

- defining growth of more than local significance;
- adopting uniform standards and requirements;
- initiating swift and equitable review processes and appeals procedures; and
- conducting a continuing review of policies and procedures.

Applications for developments of regional or state-wide concern would be in the form of impact statements. Counties would be responsible for enforcing State criteria and guidelines.

GUIDING GROWTH: THE LOCAL ROLE

Nine out of ten land use decisions will continue to be made at the local level. In making such decisions, four growth issues are of particular concern to local governments:

- growth/no-growth strategies;
- spot and strip development;
- the exercise of local regulatory processes; and
- property tax policy.

The impact of these growth-related issues is considered, and mechanisms for dealing with them suggested.

A GROWTH STRATEGY FOR THE COMMONWEALTH

Over the long haul, the Commonwealth and its communities should try to attract a larger share of more desirable economic activities. To meet keen national competition for non-polluting light industry, service and distribution facilities, and research and development organizations, many Pennsylvania communities will have to demonstrate that they are attractive places in which to live and raise families.

Current emphasis on conventional economic development assistance — largely roads, water, and sewer systems — does not reach the needs of many Pennsylvania localities for schools, hospitals, community centers, libraries, parks, and so forth. To provide such facilities, it is recommended that the State establish a community improvement revolving fund.

Rapid urbanization continues in some areas, dampened at present by a declining national economy. In these localities, the need is to achieve a fair balance between economic and market forces on the one hand, and on the other, to protect the environment, preserve natural beauty, and improve the quality of life. Means for striking this balance are proposed, including:

- the intelligent application of environmental constraints to help locate sites for particular uses, such as housing and other necessary development; and
- better policy coordination to assure that State and Federal programs do not work at cross purposes.

The application of carrying capacity as a growth determinant in Pennsylvania is also explored.

INSTALLING AND OPERATING A PENNSYLVANIA LAND USE PROGRAM

What organizational structure and administrative apparatus are best suited to a Pennsylvania land use program? How should the governments involved share the task? The report advances the following conclusions and recommendations:

- Most land use planning in Pennsylvania is now entrusted to local governments, and should remain so. However, the large number of governmental units has resulted in fragmented decision-making, a lack of coordination, and uneven performance across the State. To help correct this, *it is proposed that the State's 67 counties be adopted as the logical building blocks upon which to base local land use planning and regulation.*

Townships and municipalities would continue to plan and regulate land use, so long as their policies and standards did not evade or undercut basic framework plans and regulations of the county.

- *The Commonwealth commitment to regional planning should be strengthened;* these governmental pivot points could serve as the principal liaison between the State and the counties.
- *The State needs to reassert its authority to regulate land uses of more than local impact.* For this purpose, present State action to regulate land, such as issuance of sewer permits, air quality controls, and so forth, should be organized and directed toward reinforcing a purposeful State growth policy.
- To organize and provide initial leadership to a Pennsylvania land use program, *the Governor should establish a Pennsylvania Land Use Commission with an initial tenure of three years.* Commission responsibilities would include:
 - 1) preparation of a set of coordinated land use policies for approval of the Governor and the Legislature;
 - 2) supervision of State agency performance related to such policies;
 - 3) development of a comprehensive permit system for controlling growth of more than local impact;

- 4) providing advice to the Legislature and its committees; and
- 5) insuring that all interests have adequate opportunity to participate in the policy-making process.

The choice of an interim commission to organize and guide the Pennsylvania program during its formative years was based on the need to:

- provide fresh leadership;
- bring a broad viewpoint to the task;
- command the respect of State departments and agencies;
- work harmoniously with the Legislature; and
- enlist wide public support.

It is further recommended that the Commission:

- be an independent body of 12 to 15 members, appointed by the Governor and reporting to him through its Chairman;
- be assisted by a small, highly-trained staff;
- include members of the Legislature, local and regional officials, and private citizens representing a range of interests and regions of the State;
- secure advice and assistance of State departments and agencies through a continuing, formal, interdepartmental land use advisory committee; and
- be established for an initial term of 3 years.

Disappearing farmland, floodplain management, economic stagnation, housing needs, suburban sprawl, mining, and other land use-related problems are of deep concern to many. But that concern is more likely to respond to proposals for action than to initiate them. The Commission can help catalyze and organize a State land use effort. But strong executive leadership will be the indispensable ingredient to the success of a land use program for the Commonwealth.

MEASURING THE STATE OF THE STATE: A PENNSYLVANIA INVENTORY AND INFORMATION SYSTEM

Improvements need to be made in refining data collection and distribution. But adequate information is now available to support the initial phases of a State land use program.

Establishing a flexible, effective, permanent arrangement will require time. Steps in that process should include:

- improving the accessibility of existing data;
- establishing minimum standardization of all data requirements;
- creating a data clearance procedure to eliminate duplication and overlap;
- assembling an initial “bare-bones” state-wide data base to serve as the foundation for a mature State data and information system; and
- establishing a unit in the Office of State Planning and Development for supervision of State data and information systems.

EXPECTATION OF THE LAND: THE PENNSYLVANIA LAND USE ATTITUDE SURVEY

Survey results and interviews with experts suggest that the people of Pennsylvania will support an organized effort for better use of their land and landscapes. But they will insist that a balance be struck among economic imperatives, social needs, and environmental protection.

The respondents singled out the following key land use concerns:

- preserving prime agricultural land;
- managing floodplains;
- siting key facilities; and
- guiding large-scale development.

Most respondents believed that more public regulation of land use is needed, and favored some combination of State and local action. They most strongly favored regulation to:

- control the location of commercial developments along roads;
- protect natural ecosystems and maintain high environmental quality;
and
- encourage new development near areas already served by public facilities.

A high proportion of respondents favored action requiring State, county and municipal governments, public utilities, and private developers to file land use impact statements.

Survey results are presented in some detail. While there is substantial diversity between different interest groups, and between the regions of the State, the high level of interest on the part of all respondents was a distinguishing characteristic of the survey. Clearly, Pennsylvanians will respond to a program that seeks better ways of using and conserving the basic land resources of the Commonwealth.

Copies of the full reports are available from:

The Pennsylvania Land Policy Project
204 Fifth Avenue
Pittsburgh, Pennsylvania 15222

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