

PLAN FOR LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION

Summary of Planning Issues

- The East Central Wayne County Planning Area, given its location relatively near metropolitan areas, its proximity to Honesdale and Sullivan County, New York, and its rural character, clean environment, quality of life, and open land, holds great potential for growth and development.
- Oregon Township is close to Honesdale Borough and development, particularly residential, may shift toward the Township.
- Damascus Township has many residents who are employed in New York State, and community changes in New York, particularly Sullivan County, will have direct effects on the Township.
- Manchester Township, farther from Honesdale and other urban centers, appears to have less potential for development.
- More residential development in the Planning Area and surrounding municipalities will spawn more pressure for retail/service commercial development, and increased demand for municipal facilities and services.
- Planning Area survey respondents overwhelmingly support the protection of open space and preservation of the remaining agricultural land.
- The challenge is to provide for the essential economic growth and development of the three ECWC Townships while concurrently conserving its scenic, historic and natural environment and the remaining agricultural and forest land.
- Groundwater is the sole source for potable water and groundwater conservation and quality protection are critical to the future of the Planning Area.
- Improperly functioning on-lot sewage systems and poor agricultural practices can cause bacterial and nitrate contamination, and highlight the need for groundwater quality protection.
- Any central sewage disposal plans must be considered carefully in terms of the need for correcting sewage problems, supporting commercial uses, managing future residential density, and conserving open land.
- Farming, although not as economically important as in the past, remains an integral part of the rural working landscape. However, more and more agricultural land is falling out of production as farming becomes more economically difficult in the County and all of Northeastern Pennsylvania.
- Continued loss of agricultural land, and the fragmentation of larger parcels will seriously affect the long-term viability of agriculture.

Rural Character Defined

The term *rural character* or *rural atmosphere* is often used to describe what residents hold important about their communities. But, what is rural character? When this question is posed, a variety of answers is the norm, and most are specific to the respondent. In other words, rural character means different things to different people. One person may define rural character as an idealized, romantic, nostalgic vision of what is or what used to be. To another, it may be the combination of homes, open land, agriculture, small businesses and other economic activities that comprise the rural working landscape. It is simply the way one person, or a group of people, remembers their past, individually or collectively, or sees the present. Rural character is relative. What is rural to newcomers may be seen as rampant development to natives. Rural character is ever-changing but is also most often seen as the better way. Rural character cannot be photographed, recorded, standardized or copied. It is individual and unique, and exists in the mind of the person living within, and longing for, that place that is rural in character. And so, how does a local municipality protect the rural character when the term is not, and cannot, be defined to satisfy everyone? For the purposes of this *Plan*, rural character is interpreted as the ***rural working landscape*** which recognizes agriculture, timbering, quarrying, small businesses and residential development as equally important elements of the community.

(Adapted from the *Susquehanna County Comprehensive Plan Update*, 2003, p. I-5)

- Woodland and timbering also remain important to the local landscape and local economy.
- Community survey respondents support certain types of commercial development in the Townships, but desire to limit the scale of development.
- There is area wide support by survey respondents for certain types of manufacturing and industry, with light manufacturing gaining the most support.
- A majority of survey respondents believe that commercial, manufacturing and industrial uses, and mining, timbering and sawmills are compatible with the planning area if conducted in certain areas.
- Lakes and streams with good water quality are key components of the area’s quality lifestyle, and sound land use management is vital to protecting surface water quality.

**Future Land Use --
Conserve Working Landscape and Encourage
Appropriate Economic Development**

The ECWC Planning Area’s regional location, coupled with the area’s thousands of acres of open land, attractive environment, and quality of life, is expected to continue to stimulate residential development similar to the past along with increased demand for retail and service establishments generated by the increasing population. In addition, growth may be stimulated to higher rates by increased demand from a growing Honesdale area and Sullivan County across the Delaware in New York State.

This *Comprehensive Plan* calls for the Planning Area to recognize this status and actively protect the community characteristics essential to the quality of life which is attracting new residents while concurrently fostering a compatible local economy. In other words, it is the intent of Township officials to conserve the Planning Area’s rural working landscape including agriculture and timbering, protect the natural environment, and concurrently encourage smaller scale retail and service establishments, while looking to the region for major shopping and service needs.

Businesses and Employment

As residential development occurs, increased demand for retail and service establishments will be generated. The need to provide improved job opportunities in the

**EAST CENTRAL WAYNE COUNTY
LAND USE PLAN**

Basic Land Use Planning Approach

- conserving and protecting vulnerable environmental resource areas
- preserving agriculture, forestry and the rural working landscape
- protecting residential neighborhoods and subdivisions from incompatible development
- providing well-situated and appropriate development areas to accommodate projected growth
- allowing throughout the planning area residential development at densities consistent with the rural working landscape
- providing incentives and standards for good design and open space preservation as property is developed
- providing for limited scale businesses and light manufacturing which is consistent with the rural working landscape
- relying on the larger region for major retail and service needs
- carefully controlling the development and expansion of public water and sewer service areas
- encouraging the preservation of historic buildings and sites.

Factors for Delineating Future Land Use

- regional location
- existing land use in the three municipalities and adjoining municipalities, and existing zoning districts
- adequate road access
- environmental constraints
- extent of agricultural use

community is also recognized, as is the importance of maintaining existing businesses. Not only does commercial development provide jobs to residents, it pays a higher relative proportion of taxes to support local facilities and services. The intent of this *Plan* is to direct higher intensity commercial development to areas where highway access is adequate. Less intense commercial development will be encouraged in other areas of the planning area where zoning performance standards can be used to afford protection to adjoining uses.

Agriculture, Forestry, Minerals

The historic and present importance of agriculture and forestry are identified as a key elements of the community, and will be encouraged throughout the ECWC planning area provided agricultural and silvicultural best management practices are applied. Bluestone mining and other mineral extraction are recognized as an important part of the local and regional economy and will be encouraged in appropriate locations in terms of effects on adjoining residential development and the environment. Environmental controls will be applied to all mineral extraction operations.

Open Land and Natural Area Conservation

Open land and natural areas are key ingredients of the area's rural working landscape, and Township officials must encourage the conservation of open land if this character is to be maintained. A large majority of community survey respondents support the preservation of open land. Much of the farmland in the Townships and many unique land features have already been developed. Conceivably, all areas of privately owned land which are not wetlands or are not extremely steep, or not already protected by easement, could be developed, using central sewage disposal if necessary. Fortunately, as evidenced by this *Comprehensive Plan* and the land use management ordinances adopted by the three Townships, coupled with the County agricultural easement program and private conservation easements, there is a continuing effort aimed at open land and natural area conservation.

County Planning

As noted in the *Area Wide Planning Section*, the Pennsylvania Municipalities Planning Code requires general consistency between this *Comprehensive Plan* and the Wayne County Comprehensive Plan. As noted in that section, the current Wayne County Plan was adopted in 1994 and it notes that the *Plan* is *very generalized because of the size of the County. Individual municipalities will, so to speak, "fill in the blanks."* In short, the *ECWC Plan* will serve to be more specific than the *County Plan* in terms of growth and development in the ECWC Planning Area and no inconsistencies are anticipated. Wayne County is currently updating the County Comprehensive Plan and local municipal planning will likely be considered in the process so that generally consistency will be addressed.

ECWC Generalized Future Land Use

The future land use of the East Central Wayne County Planning Area will depend largely on the continued refinement of zoning in Damascus Township and the adoption of zoning ordinances by Manchester Township and Oregon Township. Another key factor will be whether or not the three Townships cooperate on zoning by allocating uses based on the entire Planning Area. (See also the discussion in *Land Use Management Ordinances Section*.)

The future land use plan for the ECWC planning area is based on the affirmation of the current zoning districts in Damascus Township with the caveat that the Township will periodically evaluate the effectiveness of the districts, the range of uses in each district, and the need for additional opportunities for commercial and light manufacturing development. In Manchester Township and Oregon Township, three future land use categories are identified as the foundation, but to be refined for zoning district designations. (See the Generalized Future Land Use Map for Manchester Township and Oregon Township.) These types of designations serve well for envisioning the future growth and development of ECWC. Specific zoning districts within each generalized area can be used to specifically define the types of residential and nonresidential uses permitted along with residential densities.

The three basic land use types identified for Manchester Township and Oregon Township are:

- Rural Resource
- Village Centers
- Residential Neighborhoods

ECWC Village Centers

This *ECWC Plan* identifies a number of areas as Village Centers to serve as local focal points for smaller scale and less intense commercial development and social/community activities. In Manchester Township, Lookout has been designated as the sole Village Center. The Village of Equinunk, which currently serves as a Village Center is located in Buckingham Township. No Village Centers have been identified in Oregon Township where residents rely on the Honesdale-Texas Township area for daily shopping and service needs. In Damascus Township, the Neighborhood Development District is consistent with the Village Center designation.

Factors for Delineating Village Centers:

- Currently serves the function of a commercial center or social activity focal point.
- Located along an arterial or collector route.
- Includes a variety of land use types -- residential, institutional, commercial.
- Land available for additional development without severe environmental constraints such as floodplain, steep slopes, and wetlands.

Village Center Development Scenario

- Development would be smaller in scale and intensity than anticipated for Designated Growth Areas.
- Provision of public water and public sewer would not be anticipated now or in the far term.
- A variety of housing types (single-family, two-family and multi-family) would be permitted and dwelling unit densities are set at no more than one per acre with on site sewage and individual wells.
- Higher residential density development would be permitted if central water supply and central sewage disposal are provided by the developer.
- Certain types of commercial, manufacturing, and institutional uses would be permitted.
 - All types of retail and service establishments
 - Vehicle sales and repair operations
 - Light manufacturing such as small machine shops, electronics assembly, etc.
 - County and local municipal facilities and services
 - Public parks and playgrounds
 - Churches, emergency services, day car centers, etc.
- In accord with the Pennsylvania Municipalities Planning Code, *no-impact home based businesses*

would be allowed in all dwellings.¹

- Environmental regulations and development performance standards would be applied to all residential, commercial, industrial and institutional development.
- Agriculture and forestry would be permitted, but mineral extraction would not.

Characteristics of Residential Neighborhoods:

- A group of dwellings, generally ten or more, are concentrated on relatively small lots.
- Few, if any, commercial establishments within the neighborhood.
- Part of a planned residential subdivision.
- Homeowners purchased residence with the reasonable expectation of no future commercial intrusions.

Residential Neighborhoods

Residences are found in a number of planned or historically evolved developments and on individual lots throughout ECWC. Township officials recognize that the future land use plan must allow for all types of commercial and manufacturing uses. However, this *Plan* must also afford to existing residences and new residential development protection from incompatible uses and the *externalities*, that is, negative effects, of mismanaged commercial and industrial development. This is best accomplished by designating separate residential areas, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development. New residential subdivisions should be afforded the same protection

¹The Pennsylvania Municipalities Planning Code defines a *no-impact home-based business* as a *business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.*

from *externalities* as existing Residential Neighborhoods. This would be accomplished by creating a zoning overlay district that would automatically apply residential zoning use standards to new subdivisions.

This *ECWC Plan* identifies the following Residential Neighborhoods in Manchester Township and Oregon Township:

Manchester Township

- Coyote Lane
- Equinunk
- Fork Mountain Estates
- Pine Flats
- Pine Mill
- Priceville
- Reflection Lakes

Oregon Township

- Canterbury Estates
- Carney Road Area
- Carley Brook / Smith Hill
- Girdland Area / Horseshoe Drive
- Wolf Pond / Kennedy Road

Residential development in Damascus Township is permitted in the Rural Residential, Neighborhood Development and River Districts, with performance standards used to minimize *externalities*, that is, impacts from adjoining nonresidential uses.

Residential Neighborhood Development Scenario

- Housing types would be limited to single-family and two-family dwellings, and dwelling unit densities are held at one per acre where on site sewage disposal and individual wells are proposed.
- Provision of public water and public sewer is not anticipated now or in the far term unless failing on-lot sewage systems cause water quality problems.
- Higher residential density development would be permitted only if central water supply and central sewage disposal are provided by the developer.
- Area would be provided for expansion of the existing Residential Neighborhood.
- In accord with the Pennsylvania Municipalities

New Resident Cautions

In recent years, most population growth in rural areas has been the result of people moving from urban and suburban areas. These new residents move to the area for its rural lifestyle, but in many cases carry with them a number of expectations born of the conveniences of suburban and urban life. If these expectations become a reality, as is the case in many of the communities in the rapidly developing Pocono Mountains, the very elements of the rural lifestyle which are so attractive will be significantly eroded.

It is important for new residents to remember that their expectations may be different than the long-term goals of this *Comprehensive Plan* which intends to achieve a balance between conservation and protection and the need for managed development to meet the social and economic needs of the ECWC community.

Why people move from cities to the country . . .

- the rural lifestyle
- clean air and water
- less crime
- lower taxes
- less traffic
- clear night skies

What they expect when they get there . . .

- paved roads
- street lights
- no farming odors
- unlimited recreation facilities
- corner stores
- no more people, houses or development of any kind

Planning Code, *no-impact home based businesses* would be allowed in all dwellings. (See Footnote #1.)

Rural Resource Areas

The balance of the ECWC Planning Area is designated a Rural Resource Area with the principal goal of conserving agricultural and forest land and preserving agriculture and forestry as viable components of the local economy. Concurrently, recognizing that farmers and forest land owners have long been good stewards of their land and must be able to glean a

Factors for Delineating Rural Resource Areas:

- Existing land use is primarily agriculture, forest land and other open land.
- Residences and commercial establishments are located on scattered individual lots.
- Less development pressure.

reasonable economic return from this care, single-family residential development and managed commercial development are envisioned as a continuing part of the rural working landscape.

Rural Resource Area Development Scenario

- Single-family residential development would be permitted, but conservation residential subdivision design is encouraged as a means of preserving open space.
- Multi-family development would be permitted, but only in conservation design subdivisions.
- Residential density would be limited to no more than one dwelling unit per one acre or two acres and no increase in density would be provided for central water supply and central sewage disposal proposed by a developer.
- The provision of public water or public sewer is not anticipated now or in the far term.
- Rural resource uses including agriculture, timbering, mining, quarrying and other extractive industries would be permitted.
- A wide range of commercial, manufacturing uses and institutional uses would be permitted and performance standards such as lot size, setbacks, buffers, and state road access would be applied to minimize impacts.
- Recreation and tourism would be encouraged.
- In accord with the Pennsylvania Municipalities Planning Code, *no-impact home based businesses* would be allowed in all dwellings. (See Footnote #1.)

- Environmental regulations and development performance standards would be applied to all residential, commercial, industrial and institutional development.

Effective Land Use Management

In Pennsylvania, the authority for land use management with zoning is vested in the elected officials of local municipalities. Local elected officials must determine the need for zoning, and if determined necessary, are ultimately responsible for deciding the timing of adoption, and the content of the map and ordinance. Once local officials determine that maintaining community character, protecting open space, and conserving natural resources is important to the community, a zoning ordinance is the most effective tool to accomplish that goal. (See the *Land Use Management Ordinances Section* for more detailed discussion.)

While the SALDO does enable local municipalities to manage how land is developed, it does not always result in the optimal location for development in terms of maintaining rural character, conserving resources, protecting the environment, and enhancing residential neighborhoods. All standards in the SALDO must be applied consistently throughout the municipality. Under zoning, the municipality can be divided into districts where specific uses may be permitted (or prohibited) and residential density and lot size can be varied instead of being linked solely to the type of water supply and sewage disposal as is the case when regulated by a SALDO.

Specific Actions for Residential Development

- Provide protection for residential areas by maintaining separate residential and nonresidential zoning districts, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.
- Incorporate into any adopted zoning ordinance and subdivision and land development ordinance provisions to effect conservation design development to conserve agricultural and other open land, conserve sensitive natural areas, preserve historic resources and maintain rural character.

Preservation/Conservation Techniques

Comprehensive Planning - enables counties, boroughs, and townships to create a vision for the future which can focus on open land preservation.

Maximum Lot Size Standards - limits the amount of land devoted to a use as a means to preserve agriculture.

Lot Averaging Standards - overall density is maintained while the individual lot size varies.

Flexible Lot Size - sets lot size based on the availability of public water supply and/or sewage disposal.

Transferable Development Rights - the right to develop is sold from areas to be preserved to areas where development is encouraged; the overall area density development remains the same. Units which would be constructed on the *sending* property are developed on the *receiving* property, and the *sending* property is preserved.

Overlay Zoning - applies special standards in addition to the underlying zoning district for areas of special concern (e.g., floodplains, prime farmland, steep slopes).

Agricultural Protection Zoning - designate areas where farming is the primary land use and discourage other land uses in that area.

Greenways - corridors of public and private lands preserved as open space, often along streams.

Open Space and Natural Area Acquisition - conservation easements or fee simple title acquired by public bodies or conservation organizations. Permanently limits uses of the land in order to protect its conservation value.

Riparian Buffers - areas of vegetation left undisturbed along streams and lakes.

Wellhead and Aquifer Protection - special standards wells and groundwater sources to protect water quality.

Sewage Facilities Planning - conducted in accord with DEP regulations and aimed at assuring adequate sewage disposal and water quality protection.

Floodplain Management - local regulations based on National Flood Insurance Program standards to minimize flood related damages to structures.

Stormwater Management - local regulations based on area wide plans to minimize stormwater runoff.

Erosion and Sedimentation Control - coordination with County Conservation District to minimize soil loss and protect water quality.

Differential Assessment - agricultural and forest land is assessed at its value for agriculture/forestry instead of the fair market value; example, Clean and Green (Act 319).

- Consider incorporating conservation design as a preferred option for residential development and providing density incentives as a means of encouraging conservation design.
- Provide for a mix of housing types (and sometimes commercial uses) within development projects as a means of more efficient use of land and conserving open space.
- Consider other methods of preserving open land as described in the adjoining sidebar.
- Support the efforts of local land conservation organizations such as the Delaware Highlands Conservancy.

Fiscal Benefits of Open Land Preservation

The Penn State College of Agricultural Sciences Cooperative Extension, in *Extension Circular 410 - Fiscal Impacts of Different Land Uses, The Pennsylvania Experience*, reports on a study conducted in three rural townships in Adams County, Lebanon County, and Perry County. The study found that:

- *Land uses affect the size of the local government, the types of services it offers, the types of equipment it must purchase, and the taxes it must levy.*
- *Land use also affects the number of students in the local school district, the sizes and number of*

school buildings, the number of teachers, and the taxes and tax rates the school levies.

- *The overall fiscal impact of a land use depends on both its (tax) revenue and its (municipal) expenditure impacts.*
- *Residential land, on average contributed less to the local municipality and school district than it required back in expenditures.*
- *Commercial, industrial, and farm- and open land contributed more to the local municipality and school district than they took, thus helping to subsidize the (service) needs of residential land.*
- *If growth must occur, commercial and industrial development has a potentially beneficial impact on the tax base as long as it does not dramatically raise the demand for services.*
- *When farmland is converted for residential purposes . . . the land will be converted from a net contributor to the municipality and school district into a net drain.*
- *Even with preferential assessments, farmland ends up subsidizing the educational costs of residential land and plays a positive economic role in the community.*

The Penn State data reported in the *Cost of Community Services Ratios by Land Use Table* represents a cross section of communities from very rural townships in north central Potter County to highly developed townships in the Philadelphia area. The conclusion in all reported townships was consistent, the cost of services to residential development exceeds the amount of tax revenue generated. Nevertheless, residential development has always been, and will continue to be, and an integral part of the character of the ECWC Planning Area. The important point of the Penn State studies is not that residential development must be discouraged, but that there must be a balance between open land, residential development, and commercial development. Commercial development provides the tax base necessary to support the services required for residential development.

Cost of Community Services Ratios by Land Use				
Township In:	\$ revenue collected : \$ spent on services			
	Resid	Comm	Indus	Open
South Central Townships				
Bethel Lebanon Co.	1 : 1.08	1 : 0.07	1 : 0.27	1 : 0.06
Carroll Perry Co.	1 : 1.03	1 : 0.06	—	1 : 0.02
Maiden Creek Berks Co.	1 : 1.28	1 : 0.11	1 : 0.06	1 : 0.04
Richmond Berks Co.	1 : 1.24	1 : 0.11	1 : 0.06	1 : 0.04
Straban Adams Co.	1 : 1.10	1 : 0.17	1 : 0.05	1 : 0.06
Philadelphia Area Townships				
Bedminster Bucks Co.	1 : 1.12	1 : 0.006	1 : 0.04	1 : 0.04
Buckingham Berks Co.	1 : 1.04	1 : 0.16	1 : 0.12	1 : 0.08
North Central Townships				
Bingham Potter Co.	1 : 1.56	1 : 0.26	1 : 0.15	1 : 0.15
Stewardson Potter Co.	1 : 2.11	1 : 0.37	--	1 : 0.15
Sweden Potter Co.	1 : 1.38	1 : 0.07	--	1 : 0.08
Western Township				
Allegheny Westmoreland Co.	1 : 1.06	1 : 0.15	1 : 0.14	1 : 0.13
Source: <i>Calculating a Cost of Community Services Ratio for Your Pennsylvania Community</i> , The Pennsylvania State University, 1998				

Conservation Easements

private and public actions to preserve open land and water quality. . .

A conservation easement is a legal agreement that is voluntarily entered into between a landowner and a land trust or government agency. The easement may be sold or donated by the property owner and places permanent restrictions on the use or development of land in order to protect its conservation values. In the case of the ECWC Planning Area, agricultural conservation easements have been used to protect farms. Conservation easements could also be used to protect the ridge lines along the Upper Delaware. In addition to government agencies community based non-profit organizations are also acting to preserve land and rural character by accepting donations or acquiring conservation easements. Such organizations range in size from the Nature Conservancy, a nationwide organization, to small organizations with Board members from the local community. One such local organization, the Delaware Highlands Conservancy, based in Hawley, PA, operates in Pike and Wayne Counties in Pennsylvania, and Delaware and Sullivan Counties in New York. The Conservancy holds conservation easements on 6,500 acres, including several easements in ECWC, and participated in the conservation of another 1,500 acres.

Advantages Offered by Conservation Easements:

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner’s needs while protecting the property’s resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner’s Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.

Commercial, Manufacturing and Institutional Uses

This *Comprehensive Plan* recognizes that commercial, manufacturing and institutional uses are important to maintaining the economic and social health of ECWC. While the type, location and intensity of such uses in the planning area have changed over its development history, local residents rely on such establishments for employment, for goods and personal services, and for community facilities and services. Large scale commercial and industrial development is not envisioned for ECWC.

Specific actions for Commercial, Manufacturing and Institutional Uses include:

- Direct high intensity commercial and manufacturing uses to *Designated Growth Areas*.
- In *Village Centers*, limit commercial, manufacturing and institutional to smaller scale establishments.

- Allow a range of commercial uses managed with development performance standards in the *Rural Resource Area* to enable owners of larger parcels to realize reasonable economic gain and to forestall residential development and the decline of agriculture.
- Include effective performance standards in zoning ordinances to ensure community and environmental protection and update the standards to meet changing needs.
- Do not make standards so onerous that commercial and manufacturing development is discouraged.
- Require nonresidential development to consider the physical characteristics of the site as part of the design in order to protect environmentally sensitive areas.

- Allow the clearing of vegetation and grading only after a development plan has been approved.
- To the extent that zoning cannot adequately govern design, prepare and promote design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with ECWC’s rural working landscape.
- Allow for a variety of professional and personal services to be conducted as home based businesses in all areas provided nuisance elements are controlled.
- Allow community related nonresidential uses, such as schools, churches, and nursing homes, in all areas except identified *Residential Neighborhoods*.
- Encourage area economic development organizations to include in economic development efforts the retention of existing business, improvement of the small business climate, and the promotion of tourism instead of only committing resources to *attracting industry*.

Commercial Design Standards and Guidelines

Design guidelines, along with development standards and permit approval requirements for specific location and site requirements, can be used to retain rural character. Standards and design guidelines in rural areas should consider historic design trends in the built environment and should specifically address issues surrounding the massing, form, materials, and color of new buildings or structures. Zoning performance standards in Pennsylvania generally cannot be used to govern the specific architectural appearance of buildings. Design guidelines, which can be suggested by the municipality and voluntarily adopted by the developer, can be effective for ensuring building designs are consistent with community character.

Site design zoning standards should include, for example, maximum impervious cover, landscaped setbacks between buildings and the road, modest parking lot size, interior landscaping for larger parking lots, sign requirements, and vegetated buffers along property lines. A critical requirement is the retention of existing vegetation to the greatest extent possible. Development standards for lighting, circulation, parking, landscaping, and noise should be consistent with the rural area.

Preservation of Agriculture

A distinction must be made between preserving agricultural land and preserving agriculture. Agriculture remains a significant activity in Damascus Township, Manchester Township and Oregon Township and its preservation is a key component of this *Plan*. A 2002, New York State Department of Agriculture and Markets study ² of agricultural land losses in four counties without significant development pressure reported a number of findings applicable to the East Central Wayne County Planning Area and all of Wayne County.

- *Land moves out of farming first and only later (often much later) into other uses. This illustrates the importance of addressing the economic and management challenges. Farmland loss is more attributable to the inability to compete and earn a reasonable economic return than it is to the pressure to sell for competing land uses, even though the latter undoubtedly exists in many instances.*
- *Farmland preservation demands profitable farms. In low-growth areas, containing urban or exurban growth is far less important than encouraging good farm management. Developing and rewarding good farm managers, therefore, is the key to preserving farmland in areas not experiencing development pressure.*
- *Good managers and a profitable agricultural economic base stimulate further agricultural development. Therefore, concentrating efforts on the best farmland and the best farmers are going to produce the greatest results, just as farmers who concentrate their management skills on the best soils also enjoy the highest returns.*
- *The value of purchase of development rights programs is in their ability to help farmers capture their equity and facilitate farm transfers. They should be concentrated, therefore, on the very best farms in the very best agricultural areas, based on sound viability criteria.*

²A Study of Strategies for the Protection of New York Farmland in Areas not Experiencing High Development Pressure, New York State Department of Agriculture and Markets, The Saratoga Associates, (and Shepstone Management Company) November, 2002.

- *Farms need to be grown (expanded) and not just retained. They also need to be mainstreamed into the economies of each county by integrating agricultural policy with economic development strategy, using agricultural Districts as business development zones.*

Open land conservation techniques can be used to minimize the consumption of land for development, but such programs must be coupled with a concerted effort to directly preserve agricultural land and to minimize conflicts between residential and commercial development and agriculture. A successful agriculture preservation program cannot be accomplished solely by the three ECWC Townships. Agriculture preservation is a county, state and national issue which must be addressed by all levels of government and only with the cooperation of the landowners and public. Nevertheless, local officials should support any effort for the development of alternative farm products and improved management practices which will enhance the competitiveness of local agriculture.

As development occurs and farmland is fragmented by interspersed residences, the potential for conflict increases. People who move to the country for the rural lifestyle are not accustomed to living with normal agricultural practices such as the application of pesticides and herbicides, spreading of manure and other fertilizers, machinery in fields at night, and slow moving farm vehicles on roads. If normal agricultural practices are impinged by the complaints of noise, odor and road delays, the preservation of agriculture becomes difficult. In short, many people are in favor of the preservation of agricultural land, but not necessarily in favor of preserving agriculture and its normal attendant practices.

Farmers - Long-Term Stewards and Agricultural Protection Zoning

Farmers have been preserving agricultural land for generations simply by working the land, and the decision to initiate a municipal agricultural land preservation program cannot be made without their concurrence and participation. The land and the value that it holds does, in fact, belong to the farmer and its preservation cannot be legitimately accomplished without maintaining the land's monetary value or compensating the farmer. Land values can be maintained where soils are productive, large parcels of contiguous land are available with few conflicting uses, and agriculture is an economically viable activity.

Large lot, low development density agricultural zoning may be effective in these areas. If the farmer decides to sell the land which has been zoned for agriculture, the value of the land is maintained by its agricultural productivity. In other words, agricultural protection zoning (APZ) is appropriate in areas with good soils and viable agriculture and is used extensively in Lancaster, Berks and York Counties. Typically, APZ sets a very low residential density for new development and limits non-agricultural uses. (See the preceding sidebar from the *Pennsylvania Township News*.)

In contrast, instituting large lot agricultural zoning in areas where agriculture is not economically successful simply takes the value of the land. The land has limited agricultural value and residential development is precluded by the zoning. In essence, the landowner is paying for the public goal of open space preservation because he cannot capture the development value of the land. Where soils are less productive, or the agriculture economy is marginal, or development demand for land has inflated its value, other preservation techniques involving compensation to the landowner may be necessary. In ECWC, the limited extent of prime soils and the difficult state of agriculture suggest APZ is probably not a viable approach.

ECWC Action

In any case, a combination of programs and techniques are generally used in areas where agriculture has been successfully preserved. In the case of ECWC, conservation design subdivision and planned residential development standards, and agricultural easement acquisition, appear to be the most promising means of preserving the remaining agricultural land and other open land. (See later discussion on the Act 319 Clean and Green Program.)

Agricultural Securities Areas (ASA)

ASA's, authorized by the Agricultural Area Security Law, PA Act 1981-43 (Act 43), are another means of preserving agriculture and are initiated by landowners whose combined parcels total at least 250 acres. The parcels must be viable agricultural land and the ASA may be comprised of non-contiguous tracts at least ten acres in size. As of October 1999, some 3.2 million acres of farmland are included in 824 ASA's in the Commonwealth. ASA's provide protection from local ordinances which restrict farming practices and nuisance ordinances unless the local municipality can clearly demonstrate a direct public purpose for the

AGRICULTURAL PROTECTION ZONING

WHAT IT IS. Agricultural protection zoning (APZ) is used by townships to protect and preserve farmland and agricultural-related industries, which require a large contiguous land base free of conflicting land uses. Specifically, APZ discourages development on prime soils and limits non-agricultural uses in defined agricultural zoning districts. This type of zoning typically requires 20 to 40 acres per non-farm dwelling.

HOW IT WORKS. APZ ordinances come in two types: exclusive and non-exclusive agricultural zoning.

Exclusive APZ, which prohibits the construction of any non-farm dwellings and completely limits the zoned area to agricultural-related activities only, is the most extreme and least common type of APZ.

Non-exclusive APZ implements a number of zoning tools that are used by townships throughout Pennsylvania and have withstood court challenges. The simplest type of non-exclusive ordinance sets a very large minimum lot size, 40 acres for example. While this discourages development, it is not conducive to the continuation of commercial agriculture because it has the potential to cut up a large farm into 40-acre properties.

Another form of agricultural protection zoning found in Pennsylvania is referred to as “percent of

land APZ.” Under this type of ordinance, townships specify the percent of tract — usually 10 percent — that can be devoted to development.

The more prevalent form of non-exclusive agricultural zoning in Pennsylvania is area-based allocation zoning, which specifies the numbers of dwellings that will be permitted on a tract and requires them to be sited on small building lots, thus leaving a large part of the tract open and suitable for farming.

Here again, townships are using two different approaches for area-based allocations: fixed and sliding-scale. Fixed area-based allocations require a specified number of acres for each additional dwelling. Sliding-scale area-based allocations allow a higher density of dwellings on small tracts than on larger tracts, reflecting the fact that smaller tracts are less well-suited to farming and have already passed out of the agricultural land market and into the developable land market.

These strict limitations on uses and on the number of dwelling units allowed are the essence of an APZ ordinance. However, good agricultural zoning is often accompanied by programs that increase the probability that agriculture can be sustained, including agricultural security areas, larger setbacks from agricultural areas or operations, and agricultural nuisance disclaimers.

Agricultural Security Areas

Agricultural Security Areas (ASA’s) are a tool for strengthening and protecting our quality farmland from the urbanization of rural areas. Key features of the program are

- Voluntary for farmers. Petitions are submitted to township supervisors by the farmers to create the ASA. They are reviewed every seven years; however, new parcels of farmland may be added to an established ASA at any time.
- A minimum of 250 acres from among all the participating farmers is required.
- An ASA may include non-adjacent farmland parcels of at least ten acres or be able to produce \$2000 annually from the sale of agricultural products.
- Participants receive special consideration regarding:
 - Local ordinances affecting farming activities.
 - Nuisance complaints.
 - And review of farmland condemnation by state and local government agencies.
- An ASA qualifies land for consideration under the Easement Purchase Program at the landowner's request, if the ASA has at least 500 acres enrolled.

Source: PA Bureau of Farmland Preservation Website

protection of the public health and safety. The ASA also restricts land condemnation procedures by state, county and local governments without approval by the State Agricultural Lands Condemnation Approval Board. The ASA program is voluntary and not permanent, with each ASA reviewed every seven years. Individual landowners are free to sell their property and it can be developed at any time. In other words, the ASA Program affords protection to agriculture but is no real guarantee that the land will be preserved.

Nevertheless, landowner participation in the ASA Program demonstrates an interest in continuing agricultural use of the land, and the Townships will promote ASA’s and provide all administrative support necessary. The extent of ASA’s in each of the Townships is listed in the *Agricultural Security Areas and Act 319 Enrollment Table*. Almost twenty-five percent of the total land area in the ECWC Planning Area, just under 23,000 acres, is included in the ASA Program.

Agricultural Conservation Easements

Conservation easements, which can be applied to agricultural land and other open land, preclude development on the land. The landowner voluntarily sells the perpetual conservation easement to a government agency or private conservation organization such as a land trust. (See previous conservation easement sidebar.) The farmer retains the land and can continue to farm it, or can sell the land which is restricted from development. The selling price is typically the difference between development value and the agricultural value.

WAYNE COUNTY AGRICULTURAL SECURITY AREAS and ACT 319 ENROLLMENT (Source: Wayne County Agricultural land/Land Use Cover Study, 2006)							
	Total Acres	ASA Acres	% ASA	Act 319 Acres	% Act 319	Total Assessed Value Reduction	% Assessed Value Reduction
Damascus	51,382	15,144	29.5%	12,870	25.0%	\$17,204,200	4.8%
Manchester	28,841	3,014	10.5%	8,529	29.6%	\$10,802,300	9.2%
Oregon	11,502	4,683	40.7%	1,919	16.7%	\$3,075,600	4.2%
ECWC Total	91,725	22,841	24.9%	23,318	25.4%	\$31,082,100	--

The County Board of Commissioners have appointed the Wayne County Agricultural Land Preservation Board which directs the County Agricultural Preservation Program, and provides ongoing administrative funding. The Program enables the County to participate in the state-funded agricultural easement purchase program. Easements are purchased based on criteria which include soil quality, likelihood of conversion of the farm to other uses, proximity to other eased lands, and quality of land stewardship.

Three easements have been purchased in the ECWC Planning Area, all 206 acres in Damascus Township: Dennis - 112 acres, Neugebauer - 28 acres (plus 81 acres in Berlin Township) and Stone - 66 acres. (See the *Lands In Agricultural/Conservation Programs and Publicly Owned Lands Map*.) A total of 31 farms have been preserved in Wayne County with agricultural conservation easements, encompassing 4,414 acres purchased for a total of \$4,701,447, or an average price of \$1,065 per acre. Statewide, some 323,500 acres on 2,834 farms have been preserved at an average cost of \$2,191 per acre.

Act 319 Clean and Green Program

- A ten-acre minimum parcel size or \$2,000 annual agricultural product sales is required.
- Development is precluded without penalty.
- If the landowner develops the property, the tax savings over the prior seven years must be paid in addition to a penalty of six percent.
- Three categories of land are eligible -
 - Agricultural Use - actively used for producing an agricultural commodity.
 - Agricultural Reserve - noncommercial open space land open to the public free of charge for recreational opportunities.
 - Forest Reserve - must contain trees capable of producing timber or wood products.
- Act 156 of 1998 amended Act 319 to allow a base acre, which may include a residence, farm building or other accessory building, to also qualify for the preferential assessment.

How Farms Are Chosen For Easement Purchase

Aside from being part of an ASA, the farm is rated against other eligible parcels according to the following criteria:

Quality of the Farmland - State regulations require that easements be purchased on farms of a minimum of 50 acres in size. Parcels as small as 10 acres may be preserved if adjacent to existing preserved farmland or used for the production of crops unique to the area. At least half the tract must either be harvested crop land, pasture or grazing land.

Stewardship - Farms are rated on the use of conservation practices and best management practices of nutrient management and control of soil erosion and sedimentation.

Likelihood of Conversion - Easements offered for sale to counties will be scored and ranked for acquisition based on a variety of factors such as:

- Proximity of farm to sewer and water lines.
- Extent and type of non -agricultural uses nearby.
- Amount and type of agricultural use in the vicinity.
- The amount of other preserved farmland in close proximity.

Source: PA Bureau of Farmland Preservation Website

Tax Incentives - Clean and Green

Differential assessment laws enable counties to assess agricultural land and forest land at its agricultural and forest use value instead of its fair market value. The Act 319 *Clean and Green* Program (*The Farmland and Forest Land Assessment Act of 1974*) is the most widely used in the Commonwealth with hundreds of thousands of acres enrolled statewide. The legislative intent of the Act 319 was to protect open land from development and insulate the landowners from tax increases from rising property values. The amount of tax revenues lost from the land enrolled in the program must be shifted to the other taxpayers in the municipality to place the tax burden on those developed properties which generate the greatest demand for services. *Clean and Green* is most effective and finds more participation in areas which have been recently reassessed. Generally, in counties which have not reassessed for many years, there will likely be little difference in the market value and the