

**AREA-WIDE PLANNING –
PLANNING AND DEVELOPMENT IN WAYNE COUNTY, THE REGION
AND CONTIGUOUS MUNICIPALITIES**

Planning Code

The Pennsylvania Municipalities Planning Code (MPC) dictates, and common sense suggests, that planning and development in contiguous municipalities, the county and the region be considered when a local municipal plan is adopted. MPC §301.4(a) goes on to state that *municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan.*

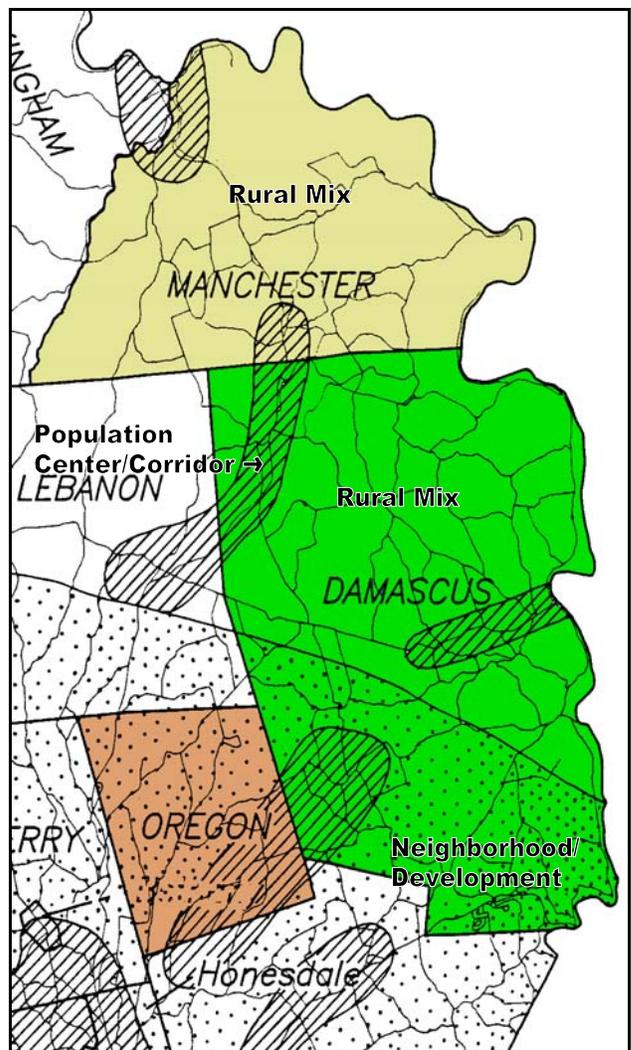
County Planning

A 1988 amendment of the Pennsylvania Municipalities Planning Code required all counties in the Commonwealth to prepare and adopt a comprehensive plan. Wayne County adopted a comprehensive plan in December, 1994. The *Generalized Future Land Use, Wayne County Plan, 1994, Figure* shows the County Plan information for the East Central Wayne County Planning Area and surrounding municipalities.

The *County Plan* is intended to provide a twenty-year generalized description of land use and it includes the East Central Wayne County Planning Area in three future land use classifications -- *population center/corridor, neighborhood development, and rural mix.* The individual classifications are not defined but the *County Plan* envisions *multi-based economic development for the County, which places the priority neither on tourism nor on residential development but rather on multi-based economic development, including not only tourism but also industrial development and commercial expansion. The County would accelerate its efforts to secure small to mid-sized industries and encourage their location throughout the County. The adoption of zoning ordinances by interested municipalities would be endorsed as a means of buffering such uses and ensuring their compatibility with residential development but performance standards combined with flexible location criteria would be emphasized more often than strict districting.*

Minimum lot sizes would be set typically at one acre and clustering would be encouraged as a means of preserving open space and lowering development costs. Multi-family development standards would be

used to ensure health and safety but flexibility in location would be allowed. Emphasis would be on achieving a variety of types of housing construction at different price levels. Mobile home park standards would be strict and so would those applying to individual mobile home siting. However, flexibility in location would be permitted. A chief priority would be to create and maintain an adequate supply of affordable housing, for existing residents at various income levels.



Generalized Future Land Use
Wayne County Comprehensive Plan, 1994

**WAYNE COUNTY
COMPREHENSIVE PLAN
1994**

Rationale for Multi-Based

Economic Development Plan

- providing affordable housing and higher incomes for current residents
- concerted industrial development to support economy for resident population and provide jobs for youth
- a more balanced economy to be *recession-proof*
- combine environmental conservation with economic development
- not be allowed to become just another trendy resort area or a collection of trendy neighborhoods

Implementation Recommendations

- serve as an information source providing data, technical assistance and guidance to community interests, developers and public officials
- review municipal ordinance in terms of barriers affordable housing and economic development
- sponsor *planning schools* for local officials
- encourage the use of performance standards in land use regulations rather than exclusively traditional zoning
- discourage excessive minimum lot size
- develop model regulations for clustering, PRD and multi-family as a means of reducing costs and saving open space
- encourage the use of alternative sewage treatment technologies, and encourage the expansion of existing facilities to concentrate development
- review local development plans for overall planning issues
- develop a package of incentives for industrial development
- conserve agricultural lands to make farming more profitable
- promote less complexity in wetlands regulation
- support streamlining of all state environmental regulations
- encourage cluster commercial development
- encourage municipalities to use zoning incentives for protecting environmentally sensitive lands
- recommend that local zoning ordinances apply the same standards to public and private projects

The other major priority would be to create more and better paying jobs - the objective being to raise the standard of living for all while maintaining and improving property values. Conservation of natural resources would also be an important part of the equation but in the context of a balanced approach.

The MPC at §301.4 also requires general consistency between local municipal comprehensive plans and a county comprehensive plan. Given that the factors used by the County in designating future land use and implementation recommendations, as listed in the adjoining sidebar, are consistent with the approach of this *ECWC Comprehensive Plan*, consistency between the two plans is not anticipated to be an issue. In any case, the Wayne County Planning Commission will, in accord with the MPC, have the opportunity to review the *ECWC Plan* and provide comments on any inconsistencies. The *County Plan* 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.

Finally, the MPC provides a mechanism to reconcile any local-county planning inconsistencies by giving local municipalities the opportunity to request a change in the county plan to ensure consistency with local plans. The county must accept the requested change unless a refusal can be clearly justified. In any case, the MPC requires counties to update their plans every ten years. MPC §302(d) states: *Counties shall . . . consider amendments to their comprehensive plan proposed by municipalities which are considering adoption or revision of their municipal comprehensive plans so as to achieve general consistency between the respective plans. County comprehensive plans shall be updated at least every ten years. Where two or more contiguous municipalities request amendments to a county comprehensive plan for the purpose of achieving general consistency between the municipal plans or multimunicipal plan and the county comprehensive plan, the county must accept the amendments unless good cause for their refusal is established.*

Regional Planning

Regional planning in the Wayne County area of Pennsylvania is not formalized in any municipally organized body. Each county planning agency is

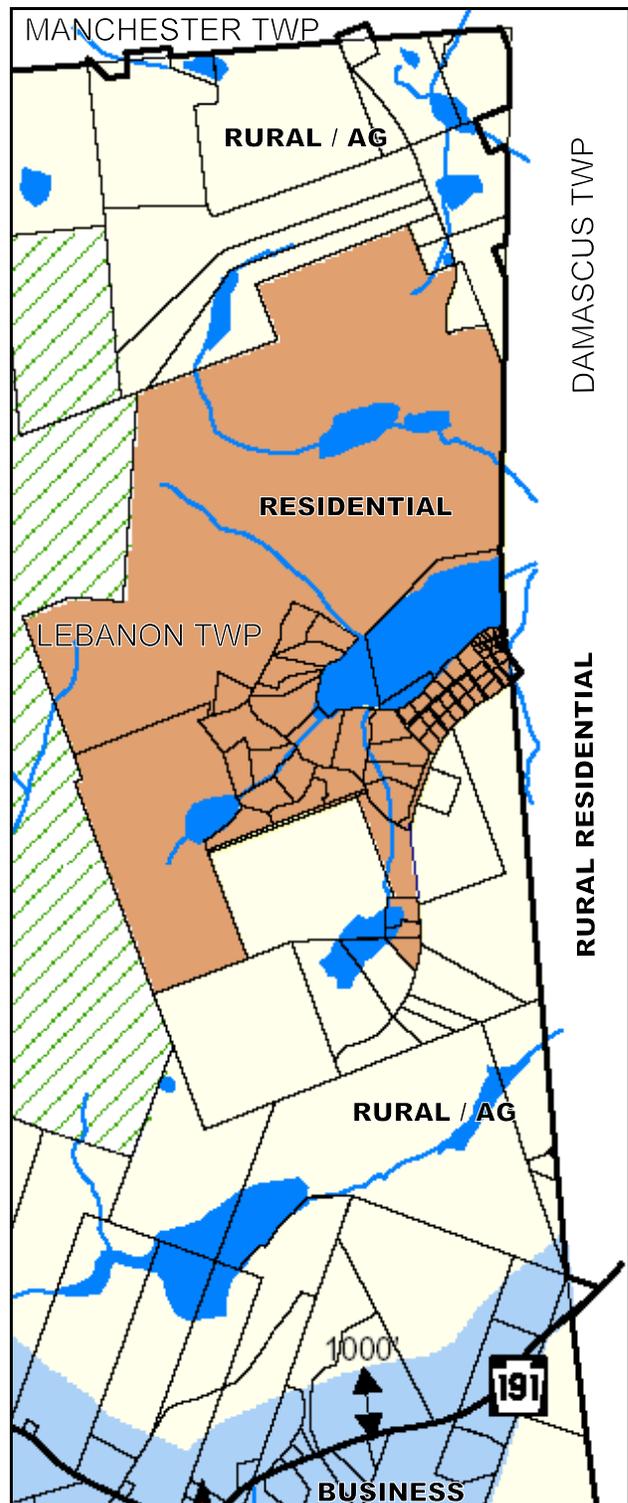
responsible for review and coordination of planning within its jurisdiction. The Northeastern Pennsylvania Alliance, located in Pittston, Luzerne County serves as a community and economic planning and development information source and funnel for grants and special projects for Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill and Wayne Counties, but has no municipally authorized regional planning power.

Planning and Zoning in Contiguous Municipalities

The *Planning in Contiguous Municipalities Table* provides an overview of the extent of planning and zoning in the municipalities adjoining the East Central Wayne County Planning Area. In the areas along the common borders, the adjoining municipalities are generally similar in character to the Planning Area, that is, largely agricultural and forest land with scattered residential development.

PLANNING IN CONTIGUOUS MUNICIPALITIES			
Municipality	Subdivision	Comp Plan	Zoning
Berlin Twp	yes	no	no
Buckingham Twp	yes	yes	no
Dyberry Twp	county	no	no
Lebanon Twp	yes	yes	yes
<i>county</i> = governed by county subdivision ordinance			

Buckingham Township recently updated its comprehensive plan, but a zoning ordinance was never adopted to manage land use. The Lebanon Township Comprehensive Plan and the Lebanon Township Zoning Ordinance were both adopted in 2003. Lebanon Township borders Damascus Township and Manchester Township, and the Lebanon Plan calls for *rural resource areas* with a mix of uses along all border areas except the Route 191 corridor where a *mixed use growth area* is delineated and around Duck Harbor Pond where a *residential growth area* is delineated. As the *Lebanon Township Zoning Districts Figure* shows, the Zoning Ordinance reflects the Comprehensive Plan. All parts of Damascus Township adjoining Lebanon Township are zoned RR-Rural Residential which allows a wide variety of land uses, ranging from all forms of agriculture, to single-



Lebanon Township Zoning Districts

family, two –family and multi-family dwellings, to retail and service establishments and light manufacturing. The range of uses is similar to those permitted in the Lebanon Rural/Agricultural District, and this, in combination with the performance

standards in the Damascus and Lebanon ordinances, will minimize inconsistencies of land use between the two Townships. While the potential for conflicting land uses does exist, this is the case where any two dissimilar districts adjoin, and zoning ordinance performance standards can be tailored to provide protection for adjoining uses.

As the East Central Wayne County Planning Area develops its future land use plan, the zoning in Damascus Township and existing land uses in all adjoining municipalities must be considered to minimize, and avoid if possible, any conflict. For example, it would be inappropriate to designate an industrial or heavy commercial area adjacent to an existing residential development of residential zoning district in an adjoining municipality. The future land use plan suggested by the *Wayne County Comprehensive Plan* may also serve as a guideline for local municipalities in assuring compatibility of land uses along municipal borders. In any case, the public review and adoption process for this *Comprehensive Plan* will enable municipal officials of the contiguous municipalities to identify any potential inconsistencies.

Contiguous Municipality Review

MPC §502.1(b) provides standing for local municipal governing bodies to appear before and provide comments to any contiguous municipality considering a proposed subdivision, change of land use, or land development, thereby allowing issues of conflicts to be raised. Any changes made to zoning districts must be considered in terms of the zoning and existing land uses in any adjoining municipality to avoid such land use conflicts. Planning Area local officials should work together and with officials from adjoining Townships to establish agreements to formalize this process among contiguous municipalities so that any municipality potentially affected by a zoning change or a development project has the opportunity for review. The MPC already requires this for comprehensive plans and amendments.

Upper Delaware

National Scenic and Recreational River

One of the influences on the growth and development of the East Central Wayne County Planning Area, particularly Damascus Township and Manchester Township, over the past thirty-five years was the federal study and eventual designation of the Upper Delaware as part of the National Scenic and Recreational River Program. The National Park

Service web site reports some annual 150,000 visitors to the Upper Delaware which adds significantly to the local economy.

A reflection of the area's rural character and quality environment, and the long-term conservation of that character and environment, the 1978 designation recognized the importance of the River Corridor to the heritage of the entire nation. As part of the cooperative planning process undertaken by the participating local municipalities, the five affected counties, the two states, the Delaware River Basin Commission and the National Park Service, *Land and Water Use Guidelines* were developed to advise local municipalities in their land use control efforts to continue to protect the River Corridor by restricting inappropriate development. This approach was undertaken in response to local demand for continued basic local authority over land use control and community development decisions as an alternative to widespread land acquisition by the National Park Service .

River Management Plan

The *Upper Delaware River Management Plan* provides a detailed history of the federal designation of the River, the management planning process, local participation in the process, and the development of the *Land and Water Use Guidelines*.

The *Land and Water Use Guidelines* provide a range of goals and objectives for conserving the integrity of the Upper Delaware Corridor while at the same time sustaining its continued economic viability. Rather than proscribing specific actions required of local municipalities, the *Guidelines* allow a range of alternatives and performance standards to meet a specific River Corridor conservation goal. Alternatives include such performance standards as minimum lot size and width, building setbacks, and ridge line development limitations, and regulations for parking, signs and the types of uses permitted in the River Corridor.

Substantial Conformance

Following the development of the *Land and Water Use Guidelines* the Upper Delaware Council and the NPS conducted a *substantial conformance* review of all of the local municipal land use ordinances in the Corridor. Federal land acquisition is severely limited in municipalities in substantial conformance where

land use regulations are deemed adequate to afford Corridor protection. In those municipalities not in substantial conformance the NPS can acquire land threatened by development which is not consistent with the *Land and Water Use Guidelines*.

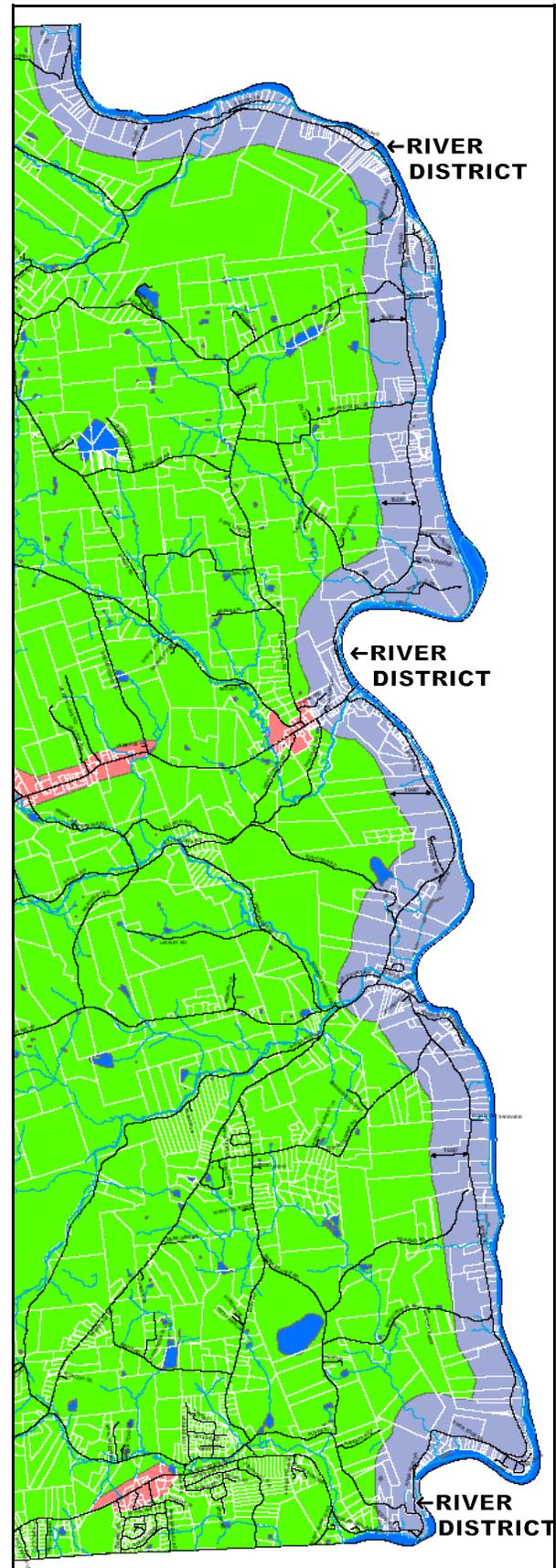
Manchester Township, lacking zoning, is not in substantial conformance because the location of land uses is not regulated. The Damascus Township Zoning Ordinance was found to be in substantial conformance given the designation of the River District with the stated intent *to conform to the requirements of the National Wild and Scenic Rivers Act and the regulations developed by the U.S. Park Service, the managing agency for the river corridor; i.e., to allow for the enjoyment of the Delaware River valley by providing for housing, agricultural pursuits, river-related recreation and other activities in harmony with the intent of the Act.* (See the *Damascus Township River District Figure*.)

Upper Delaware Council

The Upper Delaware Council (UDC), formed in 1988, is a consortium of local riparian municipalities, the two states, and the Delaware River Basin Commission that works with the National Park Service to protect the integrity of the River Corridor. Eleven of the fifteen River municipalities are members of the UDC, although none of the four in Wayne County participate.

The Council coordinates local interests on such issues as River flows, ridge-top protection, recreational use of the River, flooding, the proposed power lines, the Route 97 Scenic Byway, and cell towers. The UDC also administers an annual competitive technical assistance grant program of some \$25,000 for participating municipalities and other organizations in the Corridor for land use planning and other River-related programs.

Damascus Township and Manchester Township have chosen not to participate in the Upper Delaware Council, but may want to reconsider given the track record of the Council and opportunities membership affords. In Damascus Township, sixty-six percent of resident respondents and seventy-six percent of nonresident respondents agreed that *Damascus Township should consider joining the UDC*. In addition, a clear majority of each group supports *dialogue with neighboring NY towns and establishing a ridge-top ordinance*. In Manchester Township,



Damascus Township River District

forty-five percent of survey respondents agreed that the Township should join the UDC, thirty-eight percent disagreed, and seventeen percent were not familiar with the UDC.

Intermunicipal Cooperation

This multimunicipal plan is an important first step to cooperation on land use management. The findings of this *Comprehensive Plan* clearly demonstrate that most issues facing the Planning Area Townships are area-wide issues. Population growth, the transportation network, economic development, land use management and environmental protection all transcend municipal boundaries and demand regional attention. As noted in other sections of this *Plan*, the importance of intermunicipal cooperation on growth and development issues in the area cannot be overemphasized, and local officials will continue to work together to address growth and development issues.