



THEY CAN'T DO THAT, CAN THEY?

HOW IS LAND USE DECIDED IN YOUR PENNSYLVANIA TOWN?

Take this quick quiz and see how you score. The answers are provided directly after the questions, so don't peek!

Did you ever drive by a new development and wonder how and why that particular subdivision/office complex/industrial park is being put there? The answers may surprise you, since myths abound about how land use is decided. Take the quick quiz below and see how you score. The answers are provided directly after the questions, so don't peek!

1. Land use is primarily determined by:

- (a) federal laws.
- (b) state laws.
- (c) local regulations.
- (d) developers.

The correct answer is (c). Local land use regulations are the primary mechanism guiding land use. The state passes on the right to regulate land use through legislation that enables municipalities to zone, and all but a few of Pennsylvania's 2500+ municipalities have zoning in place. Zoning allows municipal governments to determine what type of development is appropriate for various areas of the municipality, for the good of all its citizens. Federal and state regulations are largely restricted to federal and state lands, and developers are simply reacting to what local zoning laws tell them.

2. Local land use planning and regulation is done by the:

- (a) Governing Body.
- (b) Planning Commission.
- (c) Zoning Hearing Board.
- (d) Environmental Advisory Commission/Open Space Board.
- (e) All of the above.

The correct answer is (e), all of the above. The Planning Commission prepares your municipality's Comprehensive Plan of Development, which lays out the town's vision for future growth; under Pennsylvania law, the Plan must be updated every ten years. In addition, the Planning Commission may prepare the subdivision and land development and planned residential development regulations, which specify how and when land can be subdivided for development. The Planning Commission may also

Nonpoint Education for Municipal Officials (NEMO) is an educational program for land use decision makers that addresses the relationship of land use to natural resource protection.

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prepare a zoning ordinance, which sets the rules for what kind of development is allowed in each area of the municipality and prepare a building and housing code. Planning Commissions may receive input from the Environmental Advisory Commission or Open Space Board, which provides opinions on the impact of certain development on the municipality's natural resources and open space.

3. Members of local commissions and boards are:

- (a) **appointed by the municipal governing body.**
- (b) **appointed by the municipal manager/secretary**
- (b) **elected by the municipality's population.**
- (d) **appointed by the county planning commission.**

The correct answer is (a). Members of local commissions are appointed by the governing body of the municipality.

4. Members of local commissions and boards are:

- (a) **paid handsomely for their time.**
- (b) **volunteers.**
- (c) **compensated a little for their service.**

The correct answer is (b). Your neighbors are volunteering their time. Traditional Pennsylvania home rule would not be possible without the help of volunteers, since most towns have relatively few paid staff. You don't have to be a professional planner, engineer or scientist to serve on these boards, either, which highlights the critical need for training and education of new board members.

5. A controversial development proposal in town can be denied:

- (a) **if public opinion is running against the proposal.**
- (b) **by a municipal referendum on the proposal.**
- (c) **only if municipal land use regulations are changed.**
- (d) **only if the proposal fails to meet the land use regulations in force at the time of submission.**

The correct answer is (d). Once a proposal is submitted, it can only be denied if it fails to meet the current regulations in place. Of course, negative public opinion and the accompanying adverse publicity can result in an application being revised or withdrawn, but legally neither a town-wide rally nor a referendum can halt a proposal. Conversely, the blessing of each and every resident in town cannot save a proposal that doesn't meet land use regulations.

6. No one is ever allowed to build:

- (a) **in a wetland.**
- (b) **on a floodplain.**
- (c) **on prime agricultural soils.**
- (d) **none of the above.**

The answer is (d). Although there are federal, state, and local regulations that govern activities in and near wetlands, there may be occasions when limited development is



permitted. On occasion, as a condition for approval, a developer may be required to create new wetlands. Building on a floodplain may be permitted in some towns, but is rarely a good idea. Finally, there are no prohibitions against building on prime agricultural soils. In fact, the site characteristics that make these areas good for farming also make them prime building sites, so a town interested in protecting its agricultural heritage should include farmland preservation in its plans and regulations.

7. Citizens can voice their concerns or ask questions about proposed development by:

- (a) attending regular commission meetings, which have “public comment” periods, or writing to the commission(s).**
- (b) attending and participating in commission informational meetings.**
- (c) attending and participating in public hearings, which are convened to gather public input on a specific proposal or issue.**
- (d) joining a planning commission, EAC or Open Space Board.**
- (e) all of the above.**

The right answer is (e). There are many opportunities to learn about land conservation and development in your town, and to make your concerns heard to your fellow citizens serving on land use boards. If you have an interest in guiding the future of your town, consider joining a commission—commission members turn over rapidly, and new volunteers are always being sought.

8. Residential development:

- (a) increases the tax base of the town.**
- (b) is an economic drain on the town.**
- (c) is a “break even” proposition for the town.**

The correct answer is (b). Economic studies show that most residential development creates increased needs for community services such as fire, police, education, and public works that are not covered by the tax revenue from new homes. The Agricultural Research and Cooperative extension at Penn State University conducted 12 cost of community services studies throughout Pennsylvania and found that, on average, for every dollar of revenue raised from the residential sector, the communities and school districts spent on average \$1.26 on services. For farmland and open space, only \$0.07 was spent for each dollar of revenue.

9. One and two-acre residential development is a chief contributor to:

- (a) rural character.**
- (b) natural resource protection.**
- (c) suburban/urban sprawl.**

The surprising answer is (c). Contrary to common belief, one and two acre zoning poses a major threat to rural character and natural resources like clean water, open space and wildlife. “Cookie-cutter” subdivisions eat up and homogenize local landscapes to the point where every town looks the same. Effective community planning incorporates natural resource and open space protection up front, and promotes less consumptive land development patterned after traditional villages



(“neotraditional” development and “cluster” subdivisions are two prominent examples) rather than post-World War suburbia.

10. Open space planning and protection:

- (a) is important for town character.
- (b) is important for natural resource protection.
- (c) is an economic plus for the town.
- (d) must be primarily a local initiative.
- (e) all of the above.

Yes, the answer is (e). As noted, preserving open space is a key to preserving your town’s character and protecting your water, land, and wildlife resources (see NEMO fact sheet # 9: Conservation Subdivisions). In addition, many studies show that open space is actually a money maker for the town, bringing in more money in taxes than the cost of what little services it requires. For all these reasons, open space protection is an important local issue—and as the federal and state government get out of the business of protecting land, it’s increasingly falling to towns and private local groups like land trusts.

11. Land use planning is:

- (a) a dirty word around here.
- (b) an anti-American plot.
- (c) the most effective, and cost-effective, way for a town to protect its economic, social and environmental health.

Well, it may or may not be a dirty word, but there’s nothing anti-American about self-determination for communities. The fact remains that land use planning is the key to keeping your town a nice place to live, and land use planning is nothing if not local. So, it’s up to you and your neighbors serving on town land use boards to determine the future of your town, and how it’s going to look and feel for the next generation.

Scoring

1-3 correct answers: You might want to look at your town’s Comprehensive Plan.

4-7 correct answers: Think about joining a local land use board.

8-9 correct answers: Consider a career in planning.

10-11 correct answers: Apply to the NEMO Program for a job immediately!



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