

**THE  
COUNTY OF BUTLER  
COMPREHENSIVE PLAN**

**PHASE II  
(THE PLAN RECOMMENDATIONS)**

**2002**

**Prepared by the  
Butler County Planning Commission**

The preparation of this report was financed in part through a State Planning Assistance Grant (SPAG) from the Department of Community and Economic Development, under the provisions of Act 5A, approved June 30, 1995, as administered by the Pennsylvania Department of Community and Economic Development, Strategic Planning and Program Operations Office.

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# BUTLER COUNTY COMPREHENSIVE PLAN

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**Introduction:** During the course of preparing the final phase of the Butler County Comprehensive Plan, the Pennsylvania House of Representatives passed, and Governor Tom Ridge signed, Acts 67 and 68. These Acts amended the Pennsylvania Municipalities Planning Code (MPC), which is the enabling legislation for Pennsylvania units of local governments who wish to prepare a comprehensive plan, zoning ordinance, or subdivision regulations. The new Acts substantially changed the parameters and nature of a county comprehensive plan in Pennsylvania. Therefore, it was decided to refocus the work program to ensure that the County’s first Comprehensive Plan since the 1970s would be fully compliant with the State Planning Enabling Law. The attached summary chart outlines the old and current standards.

## Act 67/68 Amendments and the County Comprehensive Plan Summary

<b>Requirements</b>	<b>Pre-Acts 67/68 (Old Standards)</b>	<b>Current Standards</b>
Required Plan Elements	Land Use Plan  Housing Plan  Community Facilities and Public Utilities Plan  Transportation Plan  Interrelationships Statement  Implementation Strategies	Required new elements  Plan for protection of natural and historic resources  Identify land uses as they relate to natural resources and appropriate mineral extraction  Identify current and proposed land uses of regional impact  Plan for the preservation and enhancement of prime agricultural land  Plan for a reliable supply of water
<b>Requirements</b>	<b>Pre-Acts 67/68 (Old Standards)</b>	<b>Current Standards</b>

<p>Review and Consistency Requirements</p>	<p>County planning commission to review municipal comprehensive plan</p> <p>Adoption of plan mandated planning agency review of municipal actions involving public property</p>	<p>County planning commission shall publish advisory guidelines to assist in municipal consistency</p> <p>County and municipality shall give plan of the other greatest extent of consideration</p> <p>Review remains. Municipal zoning and subdivision regulations must now generally implement the comprehensive plan</p> <p>Municipal plans must generally implement county plan</p> <p>Where two or more contiguous municipalities request amendments to the county plan and achieve consistency, the county must accept the amendments unless there is a good cause</p>
<p>Responsibilities</p>		<p>County must promote uniformity with respect to local planning and zoning (advisory guidelines)</p> <p>County must act as a mediator in inter-municipal development issues</p> <p>County must review municipal plans and ordinances</p>

In summary, a Pennsylvania county comprehensive plan has always needed the following components:

- A plan for land use
- A housing plan
- A community facilities and public utilities plan
- A transportation plan

- A statement about the interrelationship between plan components and various neighboring jurisdictions' plans

With the new Acts 67/68 standards, the county plan must also contain:

- A plan for the protection of natural resources and for historic preservation
- An identification of land uses as they relate to natural resources and the appropriate use of mineral resources
- An identification of current and proposed land uses of regional impact (including large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential development, regional entertainment and recreation complexes, hospitals, airports and port facilities)
- A plan for the preservation and enhancement of prime agricultural land
- A plan for a reliable supply of water

**The Status of the Comprehensive Plan:** Acts 67 and 68 have brought both new limitations and conferred a higher status upon comprehensive plans in the Commonwealth. The higher status has come through language requiring municipal plans to be generally consistent with the county comprehensive plan and that zoning ordinances and subdivision and land development ordinances are consistent with the comprehensive plan. The limitations are in the codification of jurisdictional lines of authority between local government and State law. Plans must now contain statements that mineral extraction may affect water sources but still be governed by other statutes and also that commercial agricultural production may impact water sources. Furthermore, plans must be consistent and may not exceed a number of State environmental and resource laws. The Code now references nine of these environmental laws which any comprehensive plan must be consistent with and may not exceed:

Agricultural Operations – Protection from Suits (1982 P.L. H 54 No. 133)  
 Nutrient Management Act (1993 P.L. 12 No. 6)  
 Clean Streams Act (1937 P.L. 1987 No. 394)  
 Oil and Gas Act (1984 P.L. 1140 No. 223)  
 Agricultural Area Security Law (1981 P.L. 128 No. 43)  
 Surface Mining Conservation and Reclamation Act (1945 P.L. 1198 No. 418)

Noncoal Surface Mining Conservation and Reclamation Act (1984 P.L. 1093, No. 219)  
Coal Refuse Disposal Control Act (1968 P.L. 1040 No. 318)  
Bituminous Mine Subsidence and Land Conservation Act (1966 P.L. 31, No. 1)

In addition to the clarification about State law jurisdiction, the relationship between county and municipal planning has been clarified. These new standards:

1. Require the county to update its comprehensive plan every ten years.
2. Require that municipal and county comprehensive plans be generally consistent.
3. Require the county to publish guidelines about how municipal plans and ordinances can be consistent with and implement the county comprehensive plan.
4. Require the county planning commission to review all municipal plans once each decade.

It is also clear that State agencies will be looking for municipal county plan consistency in terms of both funding and State project initiatives.

The Butler County Planning Commission has never attempted to intervene in local affairs. The Commission has traditionally served as a technical review body for communities with local land use ordinances, administered the County subdivision and land development ordinance for communities without a local ordinance, and provided professional assistance. These roles will continue. However, the County must now develop an action plan to meet its MPC obligations without departing from these traditional roles.

Within these new parameters, Butler County is preparing this Plan to meet its new responsibilities under the Pennsylvania Municipalities Planning Code and, most important, to serve its citizens and municipalities as the County begins its third century of self government.

## **Community Development Goals and Objectives**

**Introduction:** In a comprehensive plan, community development goals and objectives are mandated by the Pennsylvania Municipalities Planning Code to be a statement of “objectives . . . concerning its future development, including, but not limited to, the location, character, and timing of future development” (PaMPC 301(a)[1]). For Butler County, the diversity and situations regarding various regions, existing land uses, growth patterns, and prospects for future development warrant an approach to these objectives, which recognizes many different situations. This diversity is the center of the County’s planning concepts.

The heart of the goals and objectives lies in the concept plan. The Concept Plan Map (Map 5A) identifies future areas which should be thought of as:

- Urban
- Suburban
- Small towns
- Greenspace
- Rural areas with significant potential for future growth and development
- Rural areas without significant potential for future growth and development










**URBAN AREAS:** Urban area policies should emphasize full infrastructure, a full range of public services, and a full range of housing and employment choices. The County also recognizes that urban forms change over time, and that there will be two very different kinds of urban areas, represented by the City of Butler and Cranberry Township.

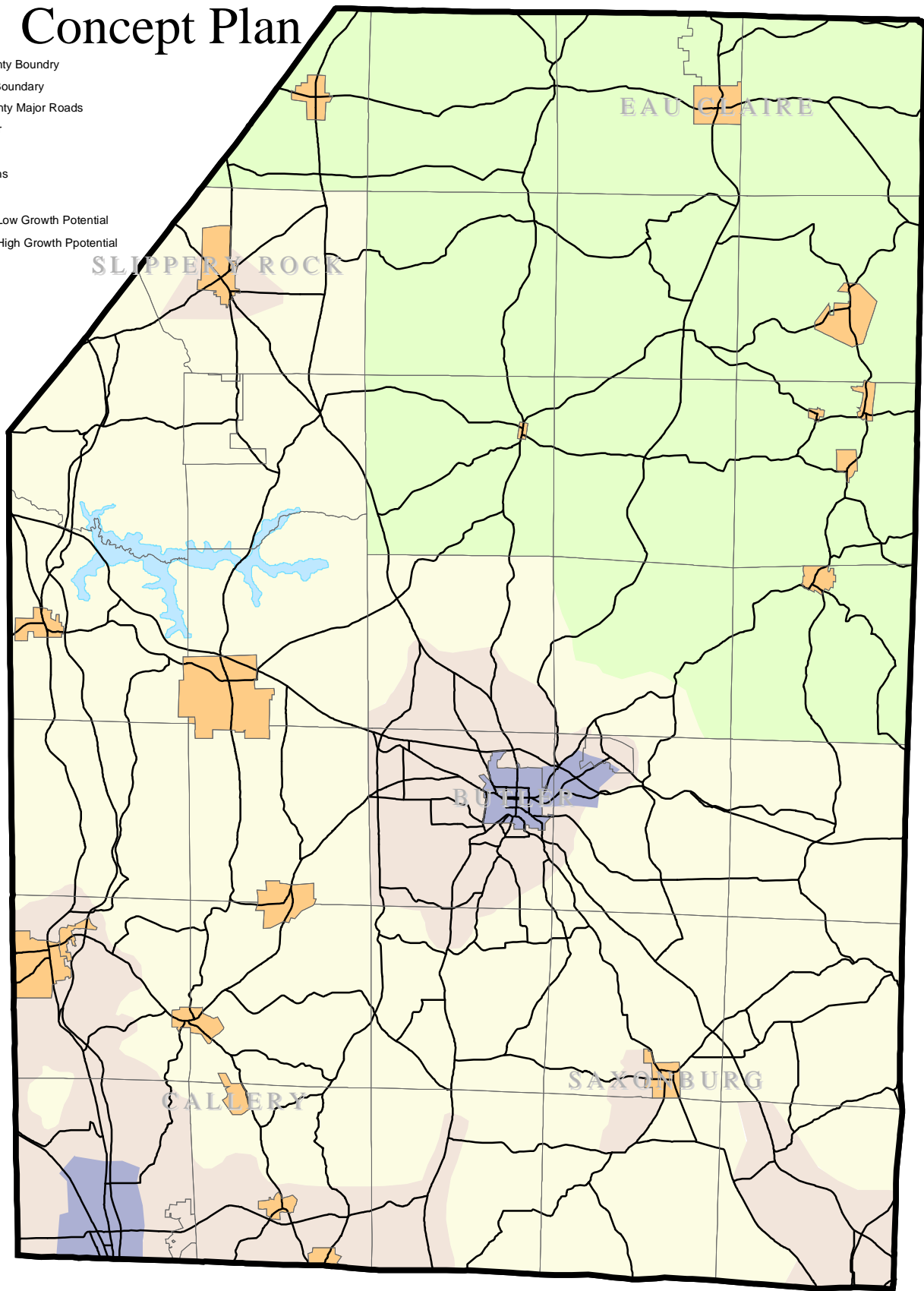
Butler - Should remain the principal administrative, legal, and social seat of the County. The objective is to assist in necessary redevelopment to keep this center strong and healthy. Continued demographic shifts will necessitate that some adjacent suburban areas will also play a role.

Cranberry - Cranberry should be encouraged in the transition from a suburban bedroom community to a full-service information-age city. Surrounding areas will likely become suburbs to this new urban entity.

**SUBURBAN AREAS:** At their best, suburban areas can provide their residents with some important urban amenities in a setting which preserves the best of a rural/small town climate. However, without out careful planning, suburban areas can end up without

# Butler County Comprehensive Plan: 5A: Concept Plan

-  Butler County Boundry
-  Municipal Boundary
-  Butler County Major Roads
-  Lake Arthur
-  Urban
-  Small Towns
-  Suburban
-  Rural with Low Growth Potential
-  Rural with High Growth Ppotential



either urban amenities or a rural/small town climate. The areas depicted as suburban growth on the map share a number of characteristics:

- Proximity to sewer and water lines, or within service areas
- Presence of some additional services, such as police protection
- Significant anticipated growth and development

The key policy for these areas will be to ensure that growth and development remains high quality, and include both inclusion of maximum public service levels/infrastructure, and some reasonable standards to protect quality of life.

**RURAL AREAS WITH POTENTIAL FOR DEVELOPMENT:** Development will occur in these areas due to a variety of natural and locational advantages. It should be the goal of the Plan that such development does not cause suburbanization, but remain primarily rural in character. The heart of the economy of these areas should be the **small towns**.

Goals for these areas should include:

- Protecting rural resource areas, such as agriculture and forestry from conflict due to new residential development.
- Accommodating residential growth while making maximum efforts to preserve rural uses and features.
- Developing economic and land use partnerships between small towns which are service/infrastructure rich but land poor, and townships with land resources but few services.

**RURAL AREAS WITHOUT POTENTIAL FOR FUTURE GROWTH AND DEVELOPMENT:** The objective here should be to build local capacity, emphasize sites for beneficial development, and build improved linkages to urban/suburban areas in other sections of the County. Development will be appropriate in many places but may practically be limited to **key small towns**.

Virtually all of these particular rural areas lag behind overall County economic and demographic performance. Assistance will enable communities in these areas to:

- Easily reach job centers elsewhere in the County
- Build job capacity within the communities
- Use the presence of small towns with infrastructure to reverse demographic decline and stabilize or grow.

One fact remains, Butler County is so diverse, and the interests and needs of its communities and citizens so divergent that the role of the County is especially important. While it is not the County's function to replace municipal government, the County government forms the natural administrative unit that can help weld the County together. This is not to say that the County should ever direct or order municipal functions; the County is simply the appropriate venue to address many inter-municipal functions. Therefore, in addition to specific regional, local, and topical goals included in this Plan, there is one overall objective for Butler County as a whole.

**Promote a Butler County Identity Among Communities and Citizens:** One reoccurring theme of this process has been the expression by citizens in various regions that they do not feel like a part of the County. Southern tier citizens felt emphasis was on the north. Northern citizens felt the central region was emphasized. Diversity can be a strength, but only if there is an underlying identity that everyone is part of something larger.



## LAND USE PLAN

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The Community Development Goals and Objectives detail the desire for each of the broadly defined topical land use concerns, but they will not be self-implementing. The Land Use Plan, therefore, recommends policies which can lead toward the objectives becoming reality. With cognizance of this reality, the County has produced the first Countywide map of current zoning.

However, the Land Use Plan is also the vehicle by which the County will detail its policy to assist in the implementation of planning at both the municipal and multi-municipal level. The County is bound by law to initiate two activities:

1. Review local plans to ensure consistency with the County Plan.
2. Publish advisory guidelines on how municipalities can be consistent and implement the County Plan.

Conversely, if any two contiguous municipalities request an amendment to the County Plan, the County must consider and adopt it (without some overriding reason not to). Conflict has never defined the relationship between Butler County and its constituent municipalities. This Plan intends to continue the long history of cooperation over conflict. Thus, the County Planning Commission will engage in the following activities.

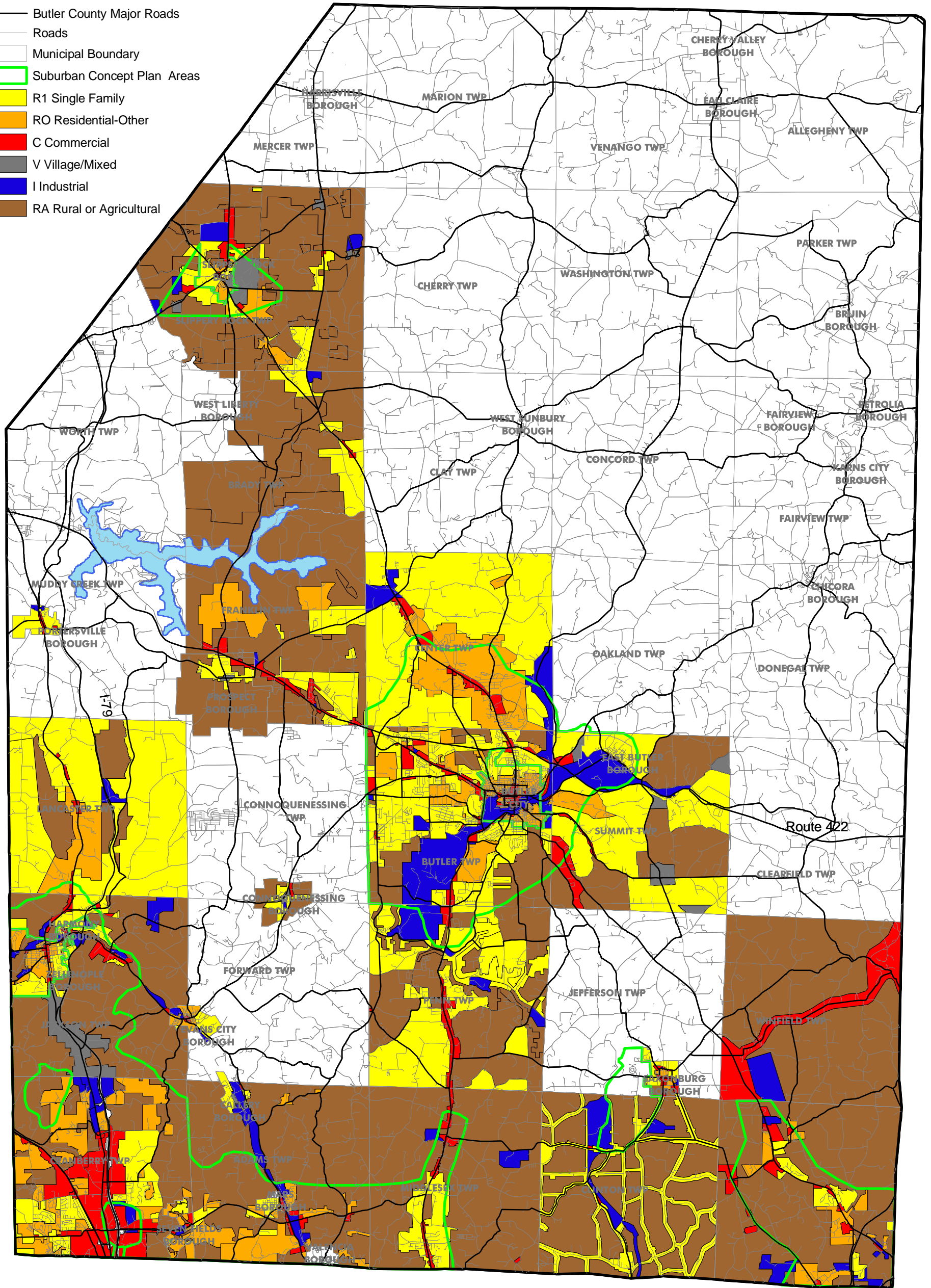
The County Planning Commission will consider its Plan a modular, living document. This Plan contains overall guidelines for ways to deal with the issues Butler County faces. The County Planning Commission will begin its mandatory review of local plans, pursuant to law, but preferentially assisted by local review committees in each region. Whether multi- or single-municipal efforts, any plan which is prepared subsequently to one of these reviews will be given consideration for inclusion in the County Plan. This process of co-adoption will ensure that plans are not just consistent, but that municipal plans can become part of the County Plan.

Recognizing that only a handful of the County's municipalities have professional planning staff, the County Planning Commission will also begin disseminating information about best practices in planning.

Where the County directly regulates, such as the County subdivision and land development ordinance, it will search for appropriate alternative standards, so a county so diverse as Butler is not saddled with a "one-size-fits-all" approach.

# Butler County Comprehensive Plan: 8A: Current General Zoning

- Butler County Major Roads
- Roads
- Municipal Boundary
- Suburban Concept Plan Areas
- R1 Single Family
- RO Residential-Other
- C Commercial
- V Village/Mixed
- I Industrial
- RA Rural or Agricultural



The County will also provide significant levels of assistance to communities in the case of newly defined “developments of regional significant impact.”

**Regional Growth Issues:** At its heart, the planning process is about managing community change. In Butler County, it can be seen that some communities are growing very rapidly, some are growing moderately, and some are declining. Phase I of the Plan divided the County into 5 Planning Regions. While the County grew 14.79 percent from 1990-2000, regional growth was very different. Only one, Region Four, located in the southwest, grew at a rate higher than the overall County. Also, in spite of regional growth, some regions had communities which declined.

Region One, in the northwestern I-79 corridor, had a number of very rapidly growing communities, led by Worth Township.

<u>Place</u>	<u>Region</u>	<u>1990</u>	<u>2000</u>	<u>Change</u>	<u>Percent</u>
Harrisville Borough	1	862	883	21	2.44%
Portersville Borough	1	307	268	-39	-12.70%
Brady Township	1	834	1,452	618	74.10%
Franklin Township	1	2,156	2,292	136	6.31%
Worth Township	1	955	1,331	376	39.37%
Slippery Rock	1	3,008	3,068	60	1.99%
Slippery Rock Township	1	4,638	5,251	613	13.22%
Prospect	1	1,122	1,234	112	9.98%
Mercer Township	1	1,110	1,183	73	6.58%
West Liberty	1	282	325	43	15.25%
Muddy Creek Township	1	2,139	2,267	128	5.98%

Only one community, Portersville Borough, had a decline of residents. Overall, the region gained 12.3 percent, or 2,141 persons, over ten years.

Region Two saw some of its communities gain rapidly (led by Cherry Township), while many saw decline.

<u>Place</u>	<u>Region</u>	<u>1990</u>	<u>2000</u>	<u>Change</u>	<u>Percent</u>
Bruin	2	646	534	-112	-17.34%
Allegheny Township	2	504	555	51	10.12%
Cherry Valley	2	96	72	-24	-25.00%
West Sunbury	2	177	104	-73	-41.24%
Concord Township	2	1,336	1,493	157	11.75%
Clay Township	2	2,360	2,628	268	11.36%
Cherry Township	2	814	1,053	239	29.36%
Fairview	2	224	220	-4	-1.79%
Karns City	2	226	244	18	7.96%
Fairview Township	2	2,009	2,061	52	2.59%
Eau Claire	2	371	355	-16	-4.31%
Petrolia	2	292	218	-74	-25.34%
Parker Township	2	601	700	99	16.47%
Marion Township	2	1,113	1,330	217	19.50%
Venango Township	2	707	732	25	3.54%
Washington Township	2	1,280	1,419	139	10.86%

Boroughs within this region had some of the highest losses in the County. Overall, this region saw a rise of only one half the County rate.

Region Three comprises the greater Butler area, where growth was most rapid in Center Township.

<u>Place</u>	<u>Region</u>	<u>1990</u>	<u>2000</u>	<u>Change</u>	<u>Percent</u>
East Butler	3	725	679	-46	-6.34%
Butler City	3	15,714	15,121	-593	-3.77%
Clearfield Township	3	2,635	2,705	70	2.66%
Butler Township	3	17,265	17,185	-80	-0.46%
Donegal Township	3	1,563	1,722	159	10.17%
Chicora	3	1,058	1,021	-37	-3.50%
Oakland Township	3	2,820	3,074	254	9.01%
Center Township	3	6,239	8,182	1,943	31.14%
Summit Township	3	4,284	4,728	444	10.36%

Overall, this region had a growth rate of 4.04 percent, the lowest of any region in the County.

Region Four, the southwest, saw phenomenal growth, with Seven Fields Borough seeing a 257 percent increase.

<u>Place</u>	<u>Region</u>	<u>1990</u>	<u>2000</u>	<u>Change</u>	<u>Percent</u>
Mars Borough	4	1,713	1,746	33	1.93%
Connequenessing Township	4	3,093	3,653	560	18.11%
Jackson Township	4	3,078	3,645	567	18.42%
Cranberry Township	4	14,816	23,625	8,809	59.46%
Connequenessing	4	507	564	57	11.24%
Evans City	4	2,054	2,009	-45	-2.19%
Harmony	4	1,054	937	-117	-11.10%
Callery	4	420	444	24	5.71%
Forward Township	4	2,339	2,687	348	14.88%
Seven Fields	4	556	1,986	1,430	257.19%
Lancaster Township	4	2,268	2,511	243	10.71%
Valencia	4	364	384	20	5.49%
Zelienople	4	4,158	4,123	-35	-0.84%
Adams Township	4	3,911	6,774	2,863	73.20%

In spite of this, two municipalities did actually register demographic declines; following the typical pattern, both were boroughs. Regional growth was over 36 percent.

Finally, the southeast saw uniform growth, with no community losing population in the measured decade.

<u>Place</u>	<u>Region</u>	<u>1990</u>	<u>2000</u>	<u>Change</u>	<u>Percent</u>
Penn Township	5	5,080	5,210	130	2.56%
Saxonburg	5	1,345	1,629	284	21.12%
Middlesex Township	5	5,578	5,586	8	0.14%
Clinton Township	5	2,556	2,779	223	8.72%
Winfield Township	5	3,162	3,585	423	13.38%
Buffalo Township	5	6,317	6,827	510	8.07%
Jefferson Township	5	4,812	5,690	878	18.25%

It is estimated that over the next 25 years, regional growth will remain the norm for Butler County. However, as the next table (based upon Southwest Pennsylvania Commission projections) illustrates, there will be very divergent patterns of growth.

	<u>2000</u>	<u>2010</u>	<u>2020</u>	<u>2025</u>	<u>10-Year Gain</u>	<u>20-Year Gain</u>	<u>25-Year Gain</u>
Region 1	19,554	26,266	26,860	26,783	6,712	7,306	7,229
Region 2	13,718	15,958	16,291	16,305	2,240	2,573	2,587
Region 3	54,417	74,242	77,373	77,873	19,825	22,956	23,456
Region 4	55,088	92,785	96,332	95,968	37,697	41,244	40,880
Region 5	31,306	48,060	49,456	49,266	16,754	18,150	17,960

County planning efforts must then assist some communities in managing growth, while assisting others to bring some stability. This is why the Community Development Goals and Objectives have divided the County into Urban Areas, Suburban Areas, Small Towns, and Rural Areas with or without opportunities for future growth and development. Since 1980, the trend has been for demographic decline in older urban areas and small towns, formerly rural areas seeing suburban level growth and development, and rural areas growing or declining, based on proximity to employment and business centers (both within and out of the County).

### **Developments of Regional Significance and Impact**

Developments of Regional Significance and Impact are defined by the amended Pennsylvania Municipalities Planning Code as, “any land development which, because of its character, magnitude or location, will have a substantial effect upon the health, safety or welfare of citizens in more than one municipality.” The Code also defines “land development” as: Any of the following activities:

- A. The improvements of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.

C. Development in accordance with 503.1.1

Under Article III (Comprehensive Plans), the MPC states that a county plan must “identify current and proposed land uses which have a regional impact and significance, such as large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential developments, regional entertainment and recreational complexes, hospitals, airports, and port facilities.”

Present developments of regional significance are identified by the attached map, created from the analysis in Volume I. But, what of those in the future? How many new lots would create a regional residential impact? One hundred new lots could be easily absorbed in a southern tier municipality. Half that number might overwhelm a township in the northeast. The County Planning Commission has chosen a proportional standard for regional impact and significance involving any of the following:

Single residential developments which would cause a 15 percent increase or greater in municipal population.

Single, commercial, or industrial developments which would cause a 15 percent increase or greater in traffic on any single road, withdrawal from any water system, or flows to any sewer system.

Any landfill or similar storage facility.

Map 13A illustrates what level such a development might be in various regions of the County. Fifteen percent was chosen due to its relationship as to the Countywide rate of growth from 1990-2000. Thus, if one single development causes a greater growth rate, it is regarded as regional impact or significance. This is not to imply developments of regional impact and significance are negative, only to recognize great impact.

Because the County has no zoning ordinance, and is not considering zoning, it has limited powers beyond identification of such uses. The County does have stated preferences. Developments of regional impact and significance should occur, based on type.

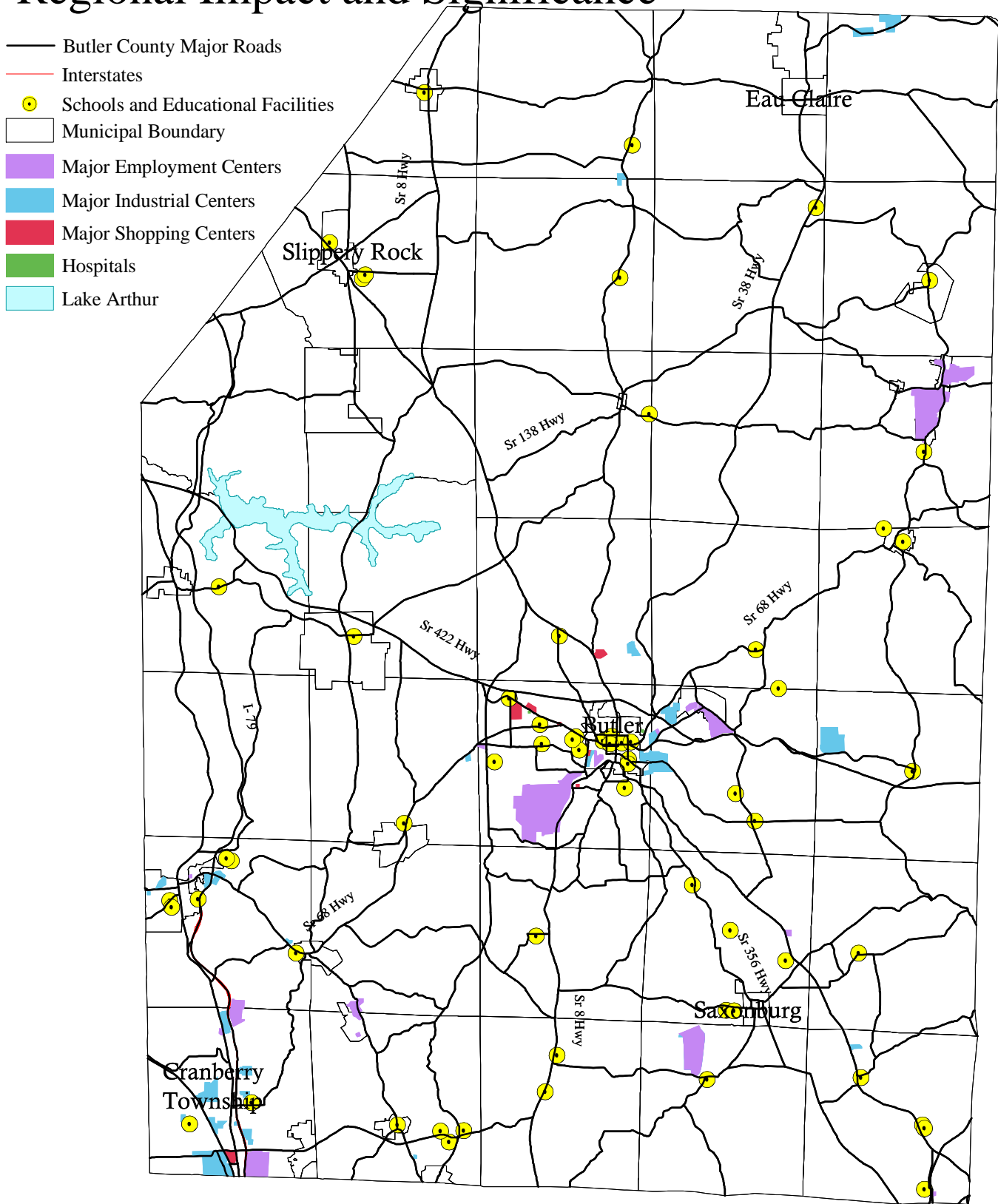
Residential Developments of Regional Impact and Significance:

- Zoned communities
- Within 5 miles of a major arterial or interstate highway
- Within areas of public water and sewer service

Commercial or Industrial Developments of Regional Impact and Significance



# Butler County Comprehensive Plan: 13A: Current Development of Regional Impact and Significance



This Project was funded, in part, by a grant from the Pennsylvania Department of Community and Economic Development, State Planning Assistance Grant.



- Within 3 miles of a major highway or interstate
- Within areas of industrial or commercial zoning
- Within areas of public water and sewer service

These developments should not occur near:

- Agricultural Security Areas
- Within steep slope areas
- Within environmentally significant areas

Map 14A illustrates where commercial/industrial developments of regional significance and impact would best occur.

Beyond this statement of preference, locational decisions must remain in local hands. This is a more difficult matter in un-zoned communities. However, it may be possible to create additional standards in subdivision and land development ordinances which place this form of development on a higher tier. Currently, many ordinances differentiate between minor and major subdivisions, based upon the number of lots. Ordinances might also be able to create a “Regional Impact” category with additional processes:

- Mandatory public hearing
- Inviting neighboring communities for reviews
- Buffering standards

One problematic area is landfills and other potentially hazardous areas. Due to State and Federal jurisdiction potentially overlapping local and County policies, this should be carefully studied before any facility is accepted. Some complexities of this issue include documented hazards between landfill birds and airports, periodic intensity of traffic, and Agricultural Security Areas. This form of development warrants specific standards for County or local adoption, possibly as an alternate form of land development.

### **Key Urban Areas**

The City of Butler and Cranberry Township represent the County’s two urbanized areas. In this respect, “urban” is defined as:

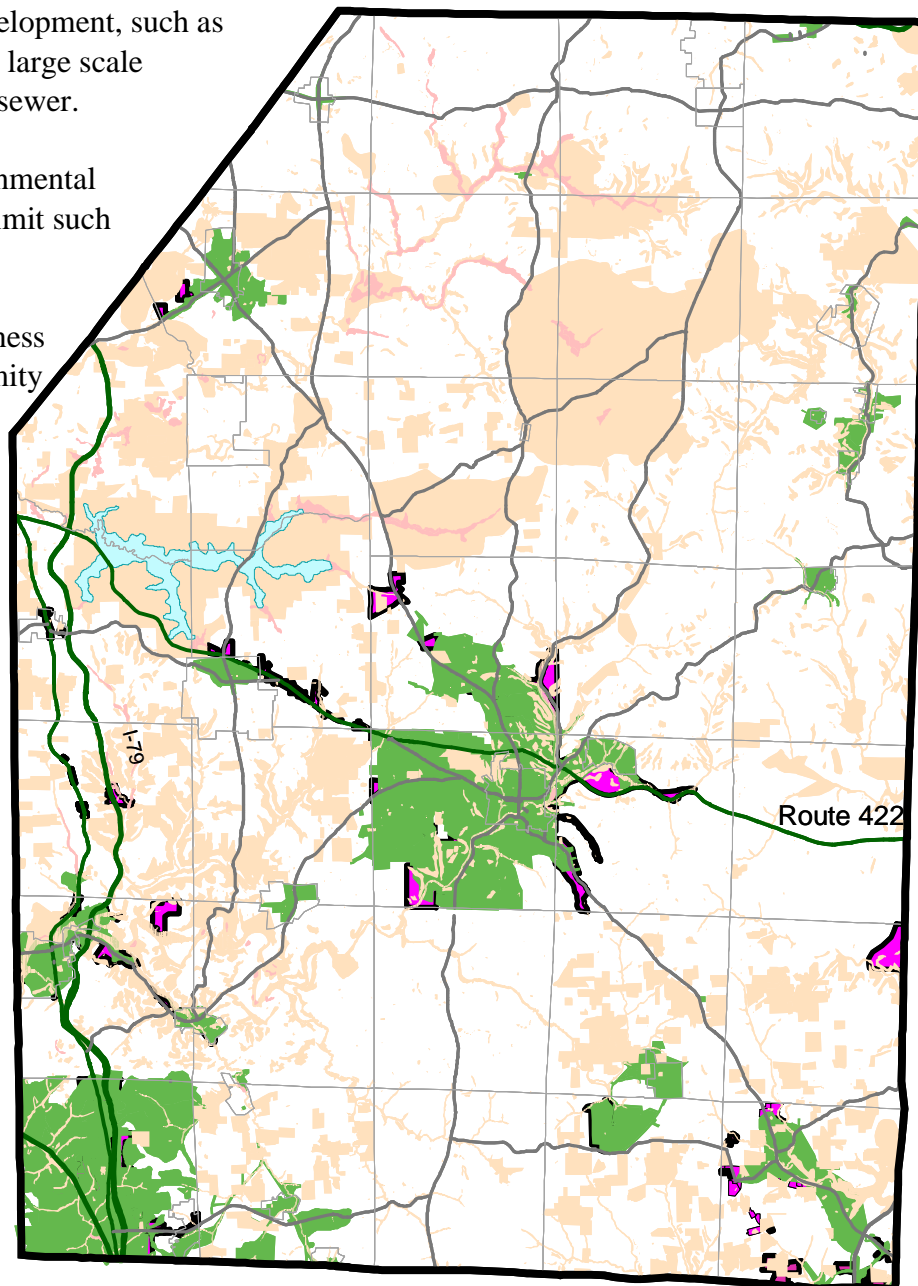
- Importance as a civic and job center
- Importance as a population center

# Butler County Comprehensive Plan: 14A: Locations Favorable or Unfavorable To Future Developments of Regional Significance and Impact

The Green Areas represent conditions favorable to support large scale development, such as access, proximity to other large scale developments and public sewer.

Pink areas contain environmental conditions which would limit such development.

The purple areas are business zoned areas within proximity to major limited access highways.



- Presence of full infrastructure and public services (water and sewer, sidewalks, police, etc.)
- Relatively high population density

In spite of their shared features, even a casual observer will note that the character of each place is very different. Butler represents a typical small American city of the late 19<sup>th</sup>, early 20<sup>th</sup> century. The primary original orientation of buildings was for walking access and industrial access to rail lines. Most lots are narrow and the sidewalk system is virtually complete. There are many multi-story buildings to conserve space within walking distance. It is obvious that accommodation of automobiles has come as an afterthought, with on-street parking, scattered on-lot parking, general use lots, and parking structures.

By contrast, Cranberry Township represents the kind of place that Americans have been building since the Second World War. The primary orientation is for automobile travel. Virtually every business has its own on-lot parking lot. Most lots are wider, larger, and most buildings are single-story.

Much has been written in planning literature about the superiority of one form of development over another, or forecasting various trends about each. However, from the view of Butler County as a whole, it is obvious that both kinds of urban places are needed to offer choices to citizens. A car less 70-year-old retired person needs the walkable options and affordable housing that Butler offers. For a young family with two working parents and school-age children, the owner-occupied dwelling choices and spacious yards of Cranberry Township may be the better choice.

From the County's perspective, the planning policies for each place must emphasize assistance to make them successful within their current context.

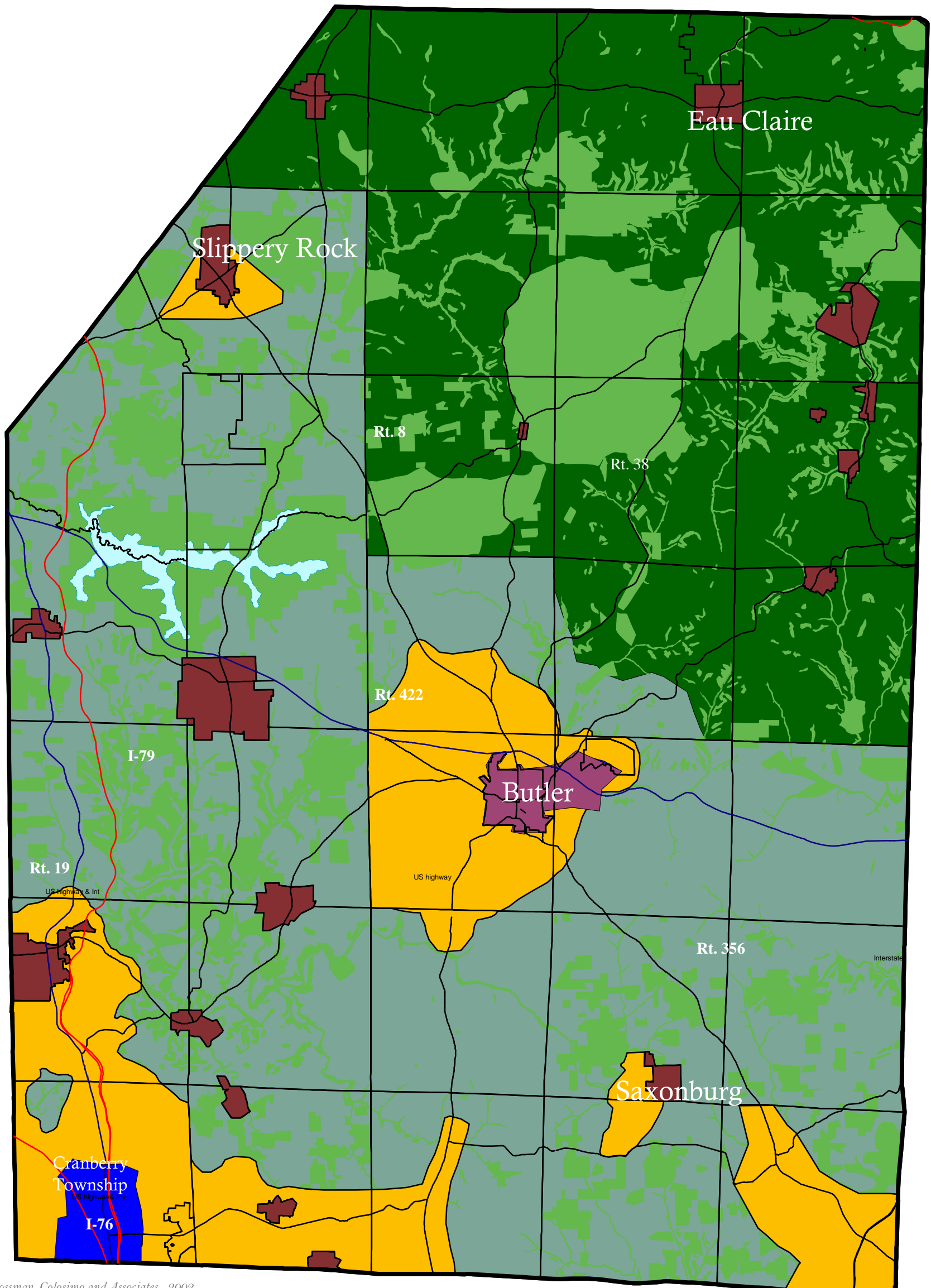
For Cranberry, the key danger is that growth may outstrip the ability to provide infrastructure, and that incompatible growth could cause a quality of life decline. For the City of Butler, there is the danger of continued disinvestment and decline.

Both areas need specific policies to enable them to remain complete urban centers with a full range of goods, services, and activities.

Residential land use policies represent one example of this. Residential developments in the Cranberry area should be expected to pay for improvements, as they are built, to a high standard of quality. Over time, the need will be to convince both developers and

# Butler County Comprehensive Plan: 15A: Land Use Policy Plan

- Interstates
- US Highways
- State Routes
- Priority revitalization-emphasize urban redevelopment and neighborhood conservation
- Cranberry Urban Area-Prioritize further economic diversification
- Small towns- prioritize revitalization and conserve existing development
- Municipal Boundary
- Suburban Development
- Significant Rural Features, includes:  
Slope, Parks, Public Open Spaces, State Game Lands, Flood Plains, Environmental Significance, ASA's
- Rural Revitalization Areas-Prioritize environmental and economic revitalization
- Preserve Rural Uses and Features-Development should not effect rurality



citizens to accept a broader range of housing types. In a high-growth setting, it is possible to provide high-quality, multiple-family housing while still protecting the integrity of single-family neighborhoods. Conversely, residential land use policies in the City of Butler must emphasize conservation of housing stock. Most of the dwellings were constructed prior to 1950. Neighborhoods must be examined to determine what policies will protect these units. In some cases, it may be a strong single-family residential designation. In other cases, traffic or other impacts might warrant the use of these dwellings for professional offices or careful conversion to multiple-family dwellings.

If each area is to attract and maintain residents, policies which emphasize residential amenities appropriate to each market must be included in the mix. For many new residents, Cranberry Township represents a greener alternative to other places they may have lived. Policies should emphasize continued development of “green infrastructure” – trails, tree preservation, municipal parks, even passive stormwater systems. The Butler urban area has the potential to offer the full range of more traditionally urban amenities which often are preferred by both very old and very young households. The features which make Butler special and must be protected include sidewalks/great walkability, historic buildings, and pedestrian accessibility to a wide variety of shopping and social activities.

Commercial/industrial land use policies will also differ. Cranberry Township does not need to subsidize commercial development. It can, and should, demand that these developments pay their own way. Land prices may make the relocation of certain forms of light industry cost-prohibitive, perhaps even in spite of assistance. Where assistance is rendered by County and local governments in Cranberry, the emphasis should be upon increasing the diversity of office/technical businesses. These types of employers define the difference between a suburb and the edge city that the Township is evolving into. For the City of Butler, priority should be given in retention of commercial/industrial businesses. Here, the traditional range of economic development subsidy tools can be used with great effect.

Finally, it must be recognized that the Cranberry and Butler urban areas need each other. Each fills unique residential, economic, and societal niches in Butler County. Where possible, County policies should emphasize strengthening both transportation and administrative linkages between the two areas.

### **Suburban Areas**

To many planners and some citizens, “suburban” has become an epithet. This need not be so. Many households, especially families with children, choose suburban locations for

a variety of reasons: they desire a new home, they like larger yards for play areas, or they wish to maintain separation between home and workplace. For many of these households, the ideal is some greenspace around their home for a rural-like atmosphere, but combined with urban amenities such as paved streets, public water and public sewer service.

The suburban areas depicted on the map do represent problems. First, many residents must use the minor arterial or collector road system to travel to their jobs. The second is that the type of household described in the previous paragraph will become rarer over the next 25 years. Finally, in the short term, there is a question of allocation of land resources. Suburban single-family residential developments are hypersensitive to other land uses. Where land is developed on single-family dwellings, neighboring properties often must also be so limited to avoid conflict.

All of these issues can be resolved by a conscious effort to build better suburbs. The use of suburban areas as principally bedroom communities must be remembered when local transportation policies are being developed. From 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., virtually every adult resident and many of the children will be simultaneously departing and returning to their homes. Street systems must be interconnected. Developers may need to fund off-site improvements to roads to make the transportation system to neighborhoods function properly.

Conversely, density issues should be examined in light of limited land resources. There are only so many developable tracts with public water and sewer. Requiring excessive lot sizes, in this case, will only force costly utility extensions later. Likewise, communities must recognize that planning should begin now for providing alternative housing choices. As current homeowners age, they may prefer townhouse or condominium settings, which will often require a change in local zoning policy.

If developers in suburban areas receive higher densities, it may be reasonable for the community to ask for more amenities. Preserved forests can act as buffer yards. Footpaths and trails can be a part of each development. Tree preservation standards can be integrated to prevent the starkness of new suburbs. Where new development abuts older towns, communities can ensure development continues the preexisting street pattern, street trees, and lot configurations and building lines. This benefits both the new suburbs and the older community. With new tools available through the Planning Code, such as traditional neighborhood developments, it may even be that the better suburbs built in the future will look a little more like small towns.

## **Small Towns**

Butler County's small towns are mostly incorporated as boroughs. As the preceding analysis has shown, demographic trends have not been kind to these boroughs. Many are faced with challenges of an aging population, population loss, and maintaining consistent levels of public service with a smaller tax base. Unfortunately, these small towns represent an ideal for quality of life many people want. A majority of Americans prefer a small-town environment, but trends in the County do not reflect that fact. At their best, small towns can function as a more intimate version of an urban area. The principal obstacle to this function is often limited capacity, due to small size. Their principal advantage is frequently that they have the necessary public water and sewer to support new development.

County policies should emphasize cooperative capacity building among the County's small towns. In some cases, particularly in northeastern Butler County, cooperation may involve geographically close boroughs. In other cases, it may be a borough and a surrounding township. Historically, the relationship between boroughs and townships was often marked by rivalry and animosity. Yet, the traditional economies of each were more frequently complimentary. Cooperation does not mean consolidation or the loss of local sovereignty. Yet, there is only so much a town of less than 1,000 residents can accomplish on its own.

Why should small towns increase capacity? Primarily, because they need some growth and development and are generally receptive to it. If demographic trends continue, Butler County must accommodate significant development. Small towns have the components for such accommodation.

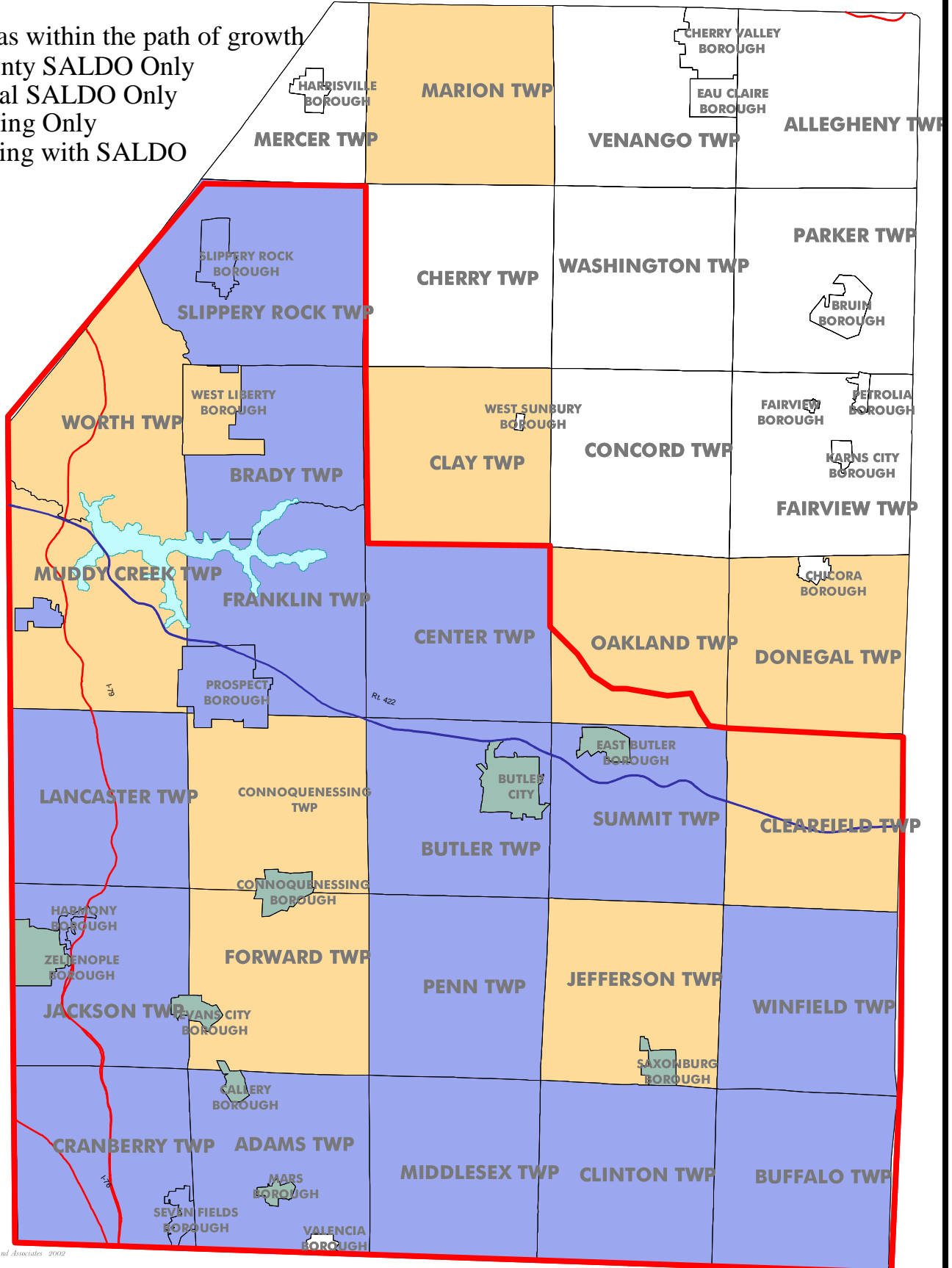
One important policy is to prevent the inadvertent suburbanization of small towns through public policy. As the map of land use regulations illustrates, a fair number of boroughs fall under the jurisdiction of the County SALDO (subdivision and land development ordinance). The County should investigate the feasibility of a borough option SALDO, which could be adopted by reference and still administered by the County Planning Commission. Reviews of municipal land use policies should also emphasize development options which are compatible with preexisting development. These may include small lots, mixed uses, mandatory sidewalks, and other traditional American small-town features.

## **Rural Areas With Significant Potential for Growth and Development**

The rural areas of Butler County are among the features of the County most cherished by citizens. As demographic trends illustrate, citizens are choosing to live in the County's

# Butler County Comprehensive Plan: 18A: Local Land Use Ordinances

- Areas within the path of growth
- County SALDO Only
- Local SALDO Only
- Zoning Only
- Zoning with SALDO





rural settings. This is not inherently a problem, except to the extent that it results in conflict between traditional rural land uses (such as agriculture, mining, or logging) or the development causes utility extensions which result in the suburbanization of the countryside. The key policy for these areas should not necessarily preclude growth, but to manage where it occurs, manage its intensity, and prevent land use conflicts.

With much of the growth and development representing a fairly recent phenomenon, many of these rural growth areas lack a full range of growth management tools. For example, as illustrated by Map 18A, there are a number of townships clearly within the path of growth which lack zoning. As growth is expected to continue, the issue of basic land use regulations may need to be reexamined.

For those communities with zoning, or those considering it, models of appropriate rural standards must be available. Many of the first-generation Butler County zoning ordinances are based on suburban models. Rural districts are often low-density residential districts which happen to allow agriculture. Rural zoning often works best when it regulates scale of activities, rather than types of uses. For example, a convenience store or small diner can be wholly appropriate in a rural setting; a 300,000 square foot mall is not. Typically, many rural residents also maintain home occupations of a different nature than their urban counterparts. Welding shops, farm-based manufacturing, and similar activities can be settings accommodated by regulating scale, such as square foot of building, numbers of outside employees, and emplacing buffers. However, if a diversity of uses is to be accommodated, density must be kept low. Related to this density issue is the condition of many local soils. Septic systems can frequently be saturated or otherwise fail. Without a site of sufficient size, the only option may be public sewer extension. This alone will force suburbanization.

A second issue facing rural communities in the path of growth is residential development, which unintentionally obliterates the rural features which attracted its residents in the first place. One answer to this problem is conservation-based development or conservation subdivisions. The key to this concept is that the essential natural features of the site are identified first, and house lots platted around them. Cluster concepts can also be introduced in exchange for permanent greenspace. Unlike many of the planned residential developments already built, the greenspace need not be public ownership or maintained by a homeowner's association. If protected by deed covenant or accompanied by the sale/donation of development rights, the greenspace may be sold for private agricultural or forestry purposes. Smaller lots in this context are also possible if off-site septic easements are permitted.

Many rural communities simply may not have any appropriate places for significant growth and development. In such cases, it may be natural to form partnerships with

neighboring small towns which do. Under the previous editions of the MPC, joint land use regulations between two communities were inflexible, complex, and difficult to revoke. Presently, if two or more communities prepare a joint municipal comprehensive plan, joint zoning aims can be as simple as a letter of agreement to designate uses. For example, a small borough could agree to host industrial uses for a neighboring township, which could agree in turn to host uses inappropriate to the borough. Both parties would be free to amend the agreement at any time, and either could withdraw if they wish.

### **Rural Communities Without Significant Potential for Growth and Development**

These same intergovernmental agreements can be a tool for the revitalization of places outside expected (or designated) growth areas. For a township without infrastructure and no expectation of even low-density growth, tax-base sustainability is a serious question. This is compounded by the fact that suitable sites for development may not exist. The same joint principal comprehensive planning process can also be a precursor to tax base sharing. Such a scenario could work as follows. Two small townships take their single, collectively best site and develop it for commercial or industrial tenants. A joint authority is formed to fund infrastructure improvements. When the site develops, both communities share the new taxes on a pro-rata share, based on their respective investments. Obviously, this is a fairly sophisticated process. It will require more than one community, but it represents a hope for communities whose access or location limits development opportunities.

Often land use problems are a result of a dis-balance. In Butler County, communities outside the path of growth (especially the northeastern section of the County), one source of dis-balance is a surplus of public lands. Both the school districts and townships in northeastern Butler County have significant nontaxable open space lands. The County should assist State agencies in finding revenue neutral alternatives to purchase, such as conservation easements. Another option may be the encouragement of more State public lands in higher growth sections of the County. Though lands in other regions may be more expensive, the addition of public open space would often be welcomed by residents.

Finally, these areas outside the path of growth must be linked to job centers and other regions of the County. This can be accomplished largely through coordinated transportation improvements.

## **SUMMARY OF POLICIES AND RECOMMENDATIONS:**

Define a role for the Butler County Planning Commission to:

- ▶ Disseminate information which keeps local communities compliant with the MPC and related legislation.
- ▶ Prepare standards of uniform best practices for local use.
- ▶ Serve as an on-call professional planning service when needed.
- ▶ Build local capacity through fostering regional agreements and approaches.
- ▶ Assist in a standardized approach for developments of regional impact.
- ▶ Promote a Butler County identity among all communities and citizens.
- ▶ Educate all facets of the community (developers, municipal officials, citizens) about evolving planning practices.
- ▶ Integrate continued multi-municipal and municipal planning documents into the County Plan.
- ▶ Create a methodology to approach developments of regional impact, defined as:
  - Single-residential developments which would cause a 15 percent increase or greater in municipal population
  - Single, commercial, or industrial developments which would cause a 15 percent increase or greater in traffic on any single road, withdrawal from any water system, or flows to any sewer system.
  - Any landfill or similar storage facility.
- ▶ Explore development of reasonable processes and standards for developments of regional impact in County and local subdivision and land development ordinances.

### Urban Areas

- ▶ Develop land use policies to conserve neighborhoods in the City of Butler and immediate environs.
- ▶ Prioritize the development of stronger linkages between Cranberry and the Butler urban areas.
- ▶ Prioritize the continued growth of office-technical sector development in the Cranberry urban area.

### Suburban Areas

- ▶ Support policies which will lead to the creation of “better suburbs” which can offer both urban amenities and a preserved rural/small-town setting.
- ▶ Support policies which will increase the flexibility of housing choices consistent with changing demographics.
- ▶ Where identified suburban areas abut small towns, encourage “seamless development” which builds linkages between older and newer neighborhoods.

### Small Towns

- ▶ Support capacity-building efforts to assist boroughs in providing a full range of appropriate urban-type services.
- ▶ For boroughs with significant land resources, encourage development options, such as traditional neighborhood development, which would encourage new development which preserves small-town quality of life.
- ▶ Examine the feasibility of a small-town/borough alternative to the County’s subdivision and land development ordinance which can be locally adopted with the County Planning Commission designated as administrator.
- ▶ Examine the feasibility of greater intergovernmental cooperation between geographically close, but small, boroughs in the northeastern portion of the County.

### Rural Areas with Significant Potential for Growth and Development

- ▶ Disseminate information about a wider range of growth management tools to townships within the path of growth, particularly unzoned communities south of the City of Butler or along major traffic corridors.
- ▶ Develop standards for rural development, such as conservation subdivisions, which can ease development pressure without causing undue suburbanization.
- ▶ Encourage communities without capacity to deal with a diversity of land uses and development impact to develop agreements with neighboring communities.
- ▶ Develop model standards for rural zoning districts which can accommodate a diversity of typical rural small business activities while regulating scale, rather than separating uses.
- ▶ Assist in overcoming a dis-balance of public, nontaxable land.

### Rural Areas Without Significant Potential for Growth and Development

- ▶ Assist communities in overcoming small populations and limited capacity through flexible intergovernmental agreements.
- ▶ Assist in the development of all forms of infrastructure which:
  - Serves existing development
  - Builds linkages to other portions of the County
  - Diversifies tax base and creates potential for revenue surplus.

## NATURAL RESOURCES AND CONSERVATION PLAN

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The most recent changes to the Pennsylvania Municipalities Planning Code, as summarized in the introduction of this document, included very significant changes in the attention that county comprehensive plans must give to natural resources. First, all plans must be made in the context of jurisdictional primacy of nine key Commonwealth environmental laws. This issue of jurisdiction, in terms of State law, is underlined by another clause in the Code which states, “It (the comprehensive plan) shall also contain a statement recognizing that

- (1) Lawful activities, such as the extraction of minerals, may impact water supply sources, and such activities are governed by statutes regulating mineral extraction that specifies replacement and restoration of water supplies affected by such activities.
- (2) Commercial agricultural production may impact water supply sources.”

The explicit mention of these acts in the Planning Code is a legislative acknowledgment of the judicial direction of limitations upon municipal planning in Pennsylvania. Previously, this would have been a preemption matter addressed by the courts on a case-by-case basis. Potential limitations are discussed in the following text with a summary of each law. A basic understanding of these laws is particularly important for the Butler County communities which have comprehensive plans and land use ordinances in place.

### **Agricultural Operations - Protection From Suits (1982 P.L. 454, No. 133)**

Common impediments to agricultural operations and investments are nuisance suits and municipal ordinances. These impediments often come into play when non-agricultural land uses extend into agricultural areas. The suits and ordinances then often force a cease in current agricultural operations, or discourage future investments to the current agricultural operations. This act limits the circumstances under which the nuisance suits and ordinances may affect agricultural operations, thus protecting the Commonwealth’s agricultural resources.

Local ordinances are affected in the following ways:

- Municipalities may not include normal agricultural operations under public nuisance definitions or prohibitions. Agricultural operations that have a direct adverse effect on public health and safety are not exempt.

- Direct commercial sales of agricultural commodities are authorized upon property owned and operated by a landowner, as long as the landowner produces at least 50 percent of the agricultural commodities sold. Direct sales are authorized without regard to the 50 percent limitation if crop failure beyond the landowner's control occurs.

Public nuisances are affected in the following ways:

- Nuisance actions cannot be brought against an agricultural operation if it has been in operation for one year or more prior to the action; if the condition taken action against has existed substantially unchanged and is normal agricultural operations; or for substantially changed facilities, if they have been in operation for one year or more prior to the action, or are addressed in an approved Nutrient Management Act.
- Persons, firms, or corporations retain the right to recover damages sustained by them from any agricultural operation in violation of federal, state or local statutes; or from the pollution or change of any stream; or from the flooding of any lands.

#### **Nutrient Management Act (1993 P.L. 12, No. 6)**

This act grants the State Conservation Commission powers and duties to establish minimum criteria for nutrient management plans, evaluate and identify emerging best management practices, evaluate criteria for concentrated animal operations, and provide education and funding when available to the agricultural community for implementation of proper nutrient management.

This act grants the Department of Conservation and Natural Resources, and the Department of Environmental Protection, powers and duties to make assessment reports of Commonwealth water pollution resulting from improper water well construction, non-agricultural chemical and nutrient application, stormwater runoff, and atmospheric deposition of nutrients, and identify initiatives to abate the pollution; provide budgetary and legislative recommendations; and provide technical and administrative assistance.

Operators of concentrated animal operations shall implement nutrient management plans and amendments consistent with this act that have been developed and certified by nutrient management specialists. Plans shall be reviewed by the local conservation district or Commission for Agricultural Operations under the approved review procedure, and approved under the condition that they satisfy the requirements of this act. Nutrient management plans shall be fully implemented within three years of approval, unless

appropriate cause, amendment, or capital improvement extensions are granted. Development and implementation of nutrient management plans are conditions for receiving financial assistance dedicated to development of such plans. Nutrient management plans may also be required for any agricultural operation in violation of the Clean Streams Law, or submitted voluntarily by non-concentrated animal operations. This act preempts all local ordinances regarding nutrient management.

**The Clean Streams Law  
(1937 P.L. 1987, No. 394)**

This act is in effect to preserve and improve the purity of the waters of the Commonwealth of Pennsylvania for the protection of public health, animal and aquatic life, industrial consumption, and recreation. The discharge of sewage, industrial waste, or other substances that contribute to, or create a danger of, pollution into Commonwealth waters is declared not to be a reasonable use of the waters and is therefore a public nuisance.

The Department's primary considerations when implementing this act shall be (1) water quality management and pollution control in the watershed as a whole; (2) the present and possible future uses of particular waters; (3) the feasibility of combined or joint treatment facilities; (4) the state of scientific and technological knowledge; (5) the immediate and long-range economic impact upon the Commonwealth and its citizens.

Specific rules and regulations concerning sewage pollution and industrial wastes are included under Article II and Article III respectively. These Articles include regulations concerning kind and character of discharge permitted; regulations for reviews, research, and surveys; regulations for approval of plans and designs; duties of municipalities; and financing options. Article III also contains regulations concerning the operation of mines and the impact of mines on water quality (Section 315); and regulations concerning the responsibilities of landowners and land occupiers. Thus, the implication is that local zoning or land use development regulations cannot regulate such discharges.

**Oil and Gas Act  
(1984, P.L. 114 0, No. 223)**

This act also relates to the development of coal, in addition to oil and gas. The purposes set forth are as follows:

- (1) Permit the optimal development of the oil and gas resources of Pennsylvania consistent with the protection of the health, safety, environment, and property of the citizens of the Commonwealth;



- (2) Protect the safety of personnel and facilities employed in the exploration, development, storage and production of natural gas or oil, or the mining of coal;
- (3) Protect the safety and property rights of persons residing in areas where such exploration, development, storage, or production occurs;
- (4) Protect the natural resources, environmental rights, and values secured by the Pennsylvania Constitution.

General requirements are provided concerning the following topics: the drilling and operation of oil and gas wells, well permits, permit objection rights, well registration and identification, inactive status, well location restrictions, well casing requirements, well bonding requirements, safety device and plugging requirements, reporting requirements, certain operating requirements for coal mines, general distance requirements, and alternative methods. An Oil and Gas Technical Advisory Board is created to review and comment on all regulations of a technical manner drafted and presented by the Department.

The preemption of all local ordinances and enactments regulating oil and gas well operations regulated by this act, specific relationships to solid waste and surface mining, regulatory authority of the Environmental Quality Board, and the inability for this act to affect previous rights or authorities conferred to the Department from specific previous acts.

### **Agricultural Area Security Law (1981 P.L. 128, No. 43)**

The Commonwealth of Pennsylvania has clear policies concerning its valuable agricultural resources. The Commonwealth has pledged to conserve and protect, and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It has also pledged to conserve and protect its agricultural lands as valued natural and ecological resources due to their contribution to open space, clean air, and aesthetics.

These stated policies led to the creation of the Agricultural Area Security Act, and the following statements of purpose of this act:

- Provide means for the protection and enhancement of agricultural land due to its major importance as an economic and environmental resource;

- Provide financial assistance and security of land use to encourage long-term commitment to agriculture;
  - Protect farming operations in Agricultural Security Areas from incompatible land uses;
  - Protect Pennsylvania's agricultural economy by permanently conserving productive agricultural lands;
- (1) Compensate landowners in exchange for development rights on their privately owned properties;
  - (2) Leverage Pennsylvania state agricultural easement purchase funds and protect taxpayer investments in agricultural conservation easements.

This act authorizes local government bodies to establish Agricultural Security Area Advisory Committees. This committee will advise the governing body as to the establishment, modification, and termination of Agricultural Security Areas. Regulations for proposals are included that discuss the size and type of land eligible, proposals across government boundaries, fees, and notices. The State Agricultural and Preservation Board is also established to administer the purchase of agricultural conservation easements by the Commonwealth. The Agricultural Conservation Easement Purchase Fund is created as the source of all monies to implement this act.

General regulations are also present that pertain to public hearings, evaluation criteria, and decision making on the proposed area, timely reviews of created Agricultural Security Areas, appeals, and limitations and policies regarding local regulations, Commonwealth agencies and certain governmental actions.

**Surface Mining Conservation and Reclamation Act  
(1945 P.L. 1198, No. 418)**

The purpose of this act is to provide for the conservation and improvement of land affected by surface mining of anthracite and bituminous coal, and metallic and nonmetallic minerals. This act will therefore result in the following benefits for the Commonwealth: protection of birds and wildlife, enhancement of land values, decrease in soil erosion, prevention of river and stream pollution, protection and maintenance of water supplies, enhancement of land use management and planning, and prevention and elimination of health and safety hazards.

This act is also meant to regulate the practice of surface mining in Pennsylvania. This is necessary due to the Commonwealth's policy of ensuring the production of a coal supply deemed essential for the Nation and the Commonwealth to fulfill their economic and social well-being. In addition, the production of this coal supply must strike a balance between protection of the environment and agricultural productivity, and the Nation's and Commonwealth's need for coal as an essential source of energy. Regulation of surface mining will proceed through the use of licensing, enforcement of Department rules and regulations, and permits (that shall include necessary maps, surveys, detailed reclamation plans, filed bonds, and other requirements). The health and safety of the public and employees shall always be maintained to the highest respect.

This act will designate areas suitable for reclamation by re-mining surface activities (such as bond forfeiture areas); and provide for re-mining according to special regulations in areas with preexisting pollution discharges. Re-mining shall be deemed unsuitable if the reclamation requirements of this act are not technically or economically feasible. The Re-mining Operator Assistance Program exists to cover expenses related to application preparation for re-mining activities as an incentive for re-mining.

The Department has the right to ensure health and safety, and compliance with the provisions of this act by entering and inspecting, adjusting permits and licenses, ceasing operations, bringing civil actions and injunctions, implementing penalties and fines. The provisions of this act preempt all local ordinances relating to the activities of regulating surface mining, except for those pursuant to the Pennsylvania Municipalities Planning Code. This last clause creates an interesting "chicken or egg" situation.

### **Noncoal Surface Mining Conservation & Reclamation Act (1984 P.L. 1093, No. 219)**

This act relates to the conservation and reclamation of areas used in the surface mining of noncoal minerals. The purpose of this act will aid in the protection of birds and wildlife, enhance land values, decrease soil erosion, prevent pollution to streams and rivers, protect and maintain water supplies, protect land, enhance land use management and planning, prevent and eliminate health and safety hazards, and generally improve the use and enjoyment of the lands.

Specific relationships exist to coal mining and solid waste that regulate the applicability of this act in relation to the Surface Mining Conservation and Reclamation Act and the Solid Waste Management Act. Special requirements also exist for the referencing of this act within construction project fill specifications undertaken on mined land.

This act shall be implemented through the use of licensing, enforcement of Department rules and regulations, and permits (that shall include necessary maps, surveys, detailed reclamation plans, filed bonds to ensure faithful performance, and other appropriate requirements). The health and safety of the public and employees shall always be maintained to the highest respect. Enforcement is provided for through injunctive relief, civil and criminal actions, penalties and fines. In general, the Environmental Quality Board and the Department may declare regulations and issue orders as necessary to carry out the purposes of this act.

Specific regulations also exist for the preparation of yearly progress reports by operators, temporary cessation of mining activities, release of operators from liability after transfer of operations, and waivers and general permitting. Functions of the Department may be transferred to Soil Conservation Districts for mines licensed for less than 2,000 tons of marketable minerals per year.

### **Coal Refuse Disposal Control Act (1968 P.L. 1040, No. 318)**

The Commonwealth of Pennsylvania recognizes that the prevention and elimination of certain conditions that result from the operation of coal refuse disposal areas are directly related to the health, safety, and welfare of the people of the Commonwealth. Specific conditions may relate to air and water pollution; water supplies; or the slipping, sliding, or burning of coal refuse disposal areas. Therefore, the Commonwealth will use this act to control and regulate coal refuse disposal and to encourage the siting of coal refuse disposal operations on land previously disturbed by mining activities or coal refuse disposal operations.

This act grants powers and duties to the Department, the Environmental Quality Board, and the Environmental Hearing Board to administer and oversee the provisions of this act. The implementation of this act shall be accomplished through the use of permits, applications, bonding, and the use of preferred sites as designated by this act. The Department shall designate areas as unsuitable for all or certain types of coal refuse disposal if it is determined that reclamation required by this act is not technologically or economically feasible, or if it affects the land use of said area. The Department encourages and grants permits to conduct coal refuse disposal activities in areas that have preexisting pollution discharges from mining activities.

Under certain circumstances regarding environmental protection, economic feasibility, and public health and safety, the Department may grant permits approving experimental practices and demonstration projects. This practice is encouraged in order to advance

coal refuse disposal technology that will enhance environmental protection in relation to these activities.

Execution of this act is also provided for through injunctive relief, civil actions and suits, penalties and fines, and cessation and enforcement orders by the Department. This act also provides for maintenance of primary jurisdiction over surface coal mining activities in Pennsylvania.

**The Bituminous Mine Subsidence & Land Conservation Act  
(1966 P.L. 31, No. 1)**

A number of factors resulting from non-pit or strip mining, as declared by the Commonwealth of Pennsylvania, are relevant to the creation of this act, including: failure of current legislation and laws to protect the public interest in preserving our land; serious impedance of land development by mine subsidence; a clear and present danger to the public's health, safety, and welfare from mine subsidence; erosion of community tax bases from subsidence; the importance of mining and related industries to the Commonwealth; and inadequate notice in regard to subsurface support of surface structures.

This act, therefore, provides for the conservation of surface land areas affected by bituminous coal mining methods other than "open-pit" or "strip" techniques, enhancement of land values, preservation of surface water drainage, restoration or replacement of water supplies, prevention and elimination of health and safety hazards, compensation of surface structures damaged by underground mining, and general improvement of the use and enjoyment of the lands.

Bituminous coal mines subject to the regulations of this act are required to have permits obtained through application that contain appropriate maps, plans, and other requirements, and are submitted for public notice. Bonds or other securities are also required to insure the applicant's faithful performance of mining or mining operations. Applications shall also address provisions for mine stability, prevention of damage, and human safety. This act contains provisions requiring the restoration or replacement of water supplies affected by underground mining, and the restoration or compensation for structures damaged by underground mining; along with procedures and voluntary agreements relative to these requirements.

The Department has the authority to enforce this act through adoption of rules, regulations, standards, and procedures. Court injunctions, inspections, penalties, notice of operations, access by local officials, and powers of county commissioners to stop mining activities are also covered. Certification of rights of support for surface structures

by underground coal is required unless waived upon the conveyance of land ownership. This act also provides for maintenance of primary jurisdiction over surface coal mining activities in Pennsylvania.

**Analysis of Jurisdictional Issues:** In this setting, the question remains whether a municipal regulation can address activities such as mining or gas extraction at all. There are however, specific areas where a community typically regulates those that are not included in these aforementioned laws. Would a court find such regulations reasonable? Obviously, this is a planning document, not a legal one. From a planning perspective, local regulation of mining, or similar uses, seems to be possible if the regulations do not replicate the purpose of State laws. For example, a mining regulation which sought to meet another land use purpose, such as setbacks to assure access to light and air and general orderly development, would probably be upheld. One which sought to regulate discharge into the waters of the Commonwealth at a municipal level would not. The local regulations would also need to be reasonable. They, for example, must allow some access to mineral resources within the municipality.

Some areas to be explored within the realm of local regulation for mining and similar uses include:

- Establishment of vehicular access standards, particularly where mining vehicles need to enter public roads.
- Establishments of a vegetative screen to buffer the effect of noise and dust to neighboring properties, especially residential areas.
- Limitations on hours of operation, especially where near residential areas.

Within the whole context of the Pennsylvania Municipalities Planning Code, it seems the inclusion of these laws in the Code text specifically dealing with the county comprehensive plan are intended to use the county plan as a tool to establish parameters in local regulations. Toward that end, the County should share and disseminate information about these issues, and perhaps even provide some legal research, to assist municipalities in complying with the Code.

Beyond these mandatory regulatory issues, natural resources represent an important component of Butler County. Across the County, citizens and local leaders have identified the rural setting farms, forests, and waters of the County as key strengths. Yet, from a land use perspective, few local zoning ordinances or subdivision and land development ordinances deal with the wise use or preservation of natural resources.

In typical local practice, subdivision and land development standards make few provisions to clearly identify natural features. The plats submitted for approval by design professionals treat every tract as a planimetric, blank slate. While some communities require topographic lines, others do not. Seldom are tree masses, hedgerows, floodplains, or steep slopes clearly identified as such on proposed subdivision plans.

Even the typical zoning ordinance within the County makes few provisions for natural features on a site. Yard and lot sizes are uniform for the district, regardless of slope, soil, floodplain, or hydrological resources. Some rural communities use larger minimum lots to negate potential problems. However, when the variety of environmental conditions across any community are examined, it may be that, in some cases, one acre may be wholly adequate, but, in others, two acres may not be enough.

Particularly in rural areas which are anticipating significant growth and development, planning policy must account for the unique environmental conditions on a site. One method is to require that the minimum lot size be a buildable area, free from slope or floodway hazards. Developers then have the options of creating some smaller lots and making the hazard areas part of a large lot or residual tract.

Another technique is to base yard sizes for stream-side lots on the slope of land between the stream bed and the home site. Steeper slopes require more significant yard areas, which remain in tree cover or nature regulation to naturally manage stormwater runoff.

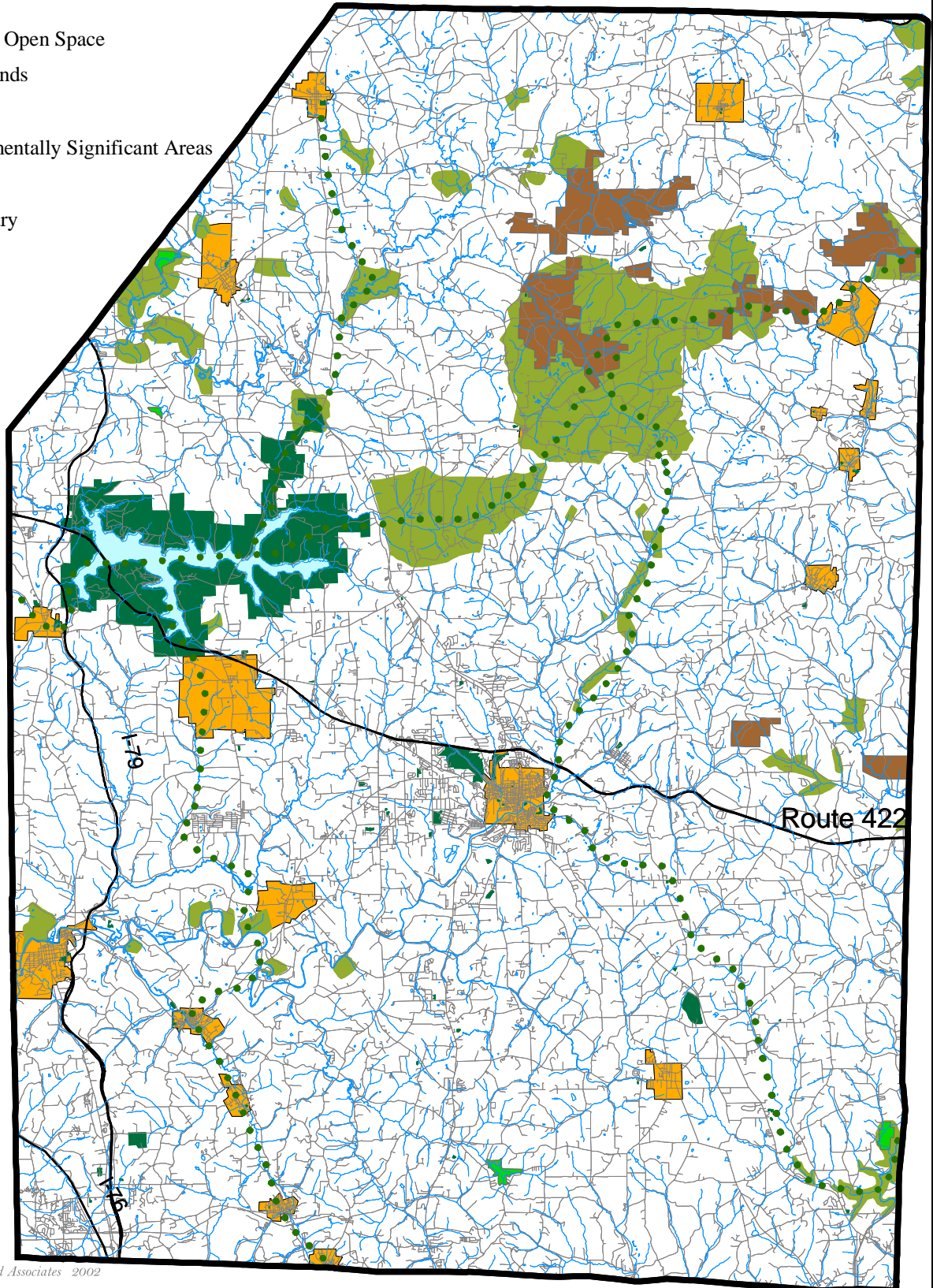
If these techniques are used consistently, rural communities in the path of growth will see opportunities to link natural resources. Whether on a small or large scale, Butler County is blessed by scenic features and tracts of beautiful public lands. Over time, it is recommended that corridors, trails, and pathways link these features. Such initiatives as the North Country Trail and George Washington/Venango Commemorative Trail hold promise to do this. It may be possible to also link these green open areas to small towns in rural areas, creating economic opportunity through tourism.

### **Preserving and Enhancing Prime Farmland**

The preservation of prime farmland has become a major issue across Pennsylvania and much of the Nation. According to the American Farmland Trust, every day, 7.8 square miles of prime farmland are lost through development to other uses in the United States. Agriculture is important to Butler County's local economy, residential land values, and quality of life. Thus, farmland is one of the County's most valuable natural resources. Yet, surprisingly, many municipal land use regulations in Butler County treat agricultural districts exactly like low-density residential areas. Agriculture is an economically difficult endeavor. Farmland owners are, on the average, 20 to 25 years older than the

# Butler County Comprehensive Plan: 33A: Green Space Linkage Concepts

- Potential Green Space Linkages
- Stream
- Other Forms of Open Space
- State Game Lands
- Parks
- Other Environmentally Significant Areas
- Small towns
- County Boundary



Graney, Grossman, Colosimo and Associates 2002

This Project was funded, in part, by a grant from the Pennsylvania Department of Community and Economic Development, State Planning Assistance Grant.



average County resident. For a farmer who has invested all of his finances and energy into a particular tract of land, the options of being able to sell some of that land are often essential to economic survival. This is a complex situation. Policies should protect farms and farming from development. But, these policies must not completely devalue the land without compensation or without allowing alternative uses. Farmland across Butler County must be protected by expanding the range of protection strategies so that there is an approach to fit each situation. Approaches to farmland protection can range from passive, which protect farm uses from conflict, to the full stage of purchase of development rights.

The first tool in the farmland protection arsenal is the Agricultural Security Area, or ASA. The ASA is a simple covenant between the farm or forest landowner and the municipal government. The former states his preference to use the land for agriculture, and the latter agrees not to pass regulations which would restrict normal farming practice or to misuse eminent domain to run roads or utilities through the ASA.

Any farm or forest land is eligible to be part of an ASA if it meets minimum standards for acreage or productivity. The map depicts the extent of known ASAs in Butler County, based on data collected by the Southwest Pennsylvania Commission. Map 34A illustrates several features:

1. There are townships with both prime farmlands and potential for growth which do not have ASAs (or ASA data has not been forwarded).
2. Many ASA areas do not coincide with concentrations of the best agricultural soils.

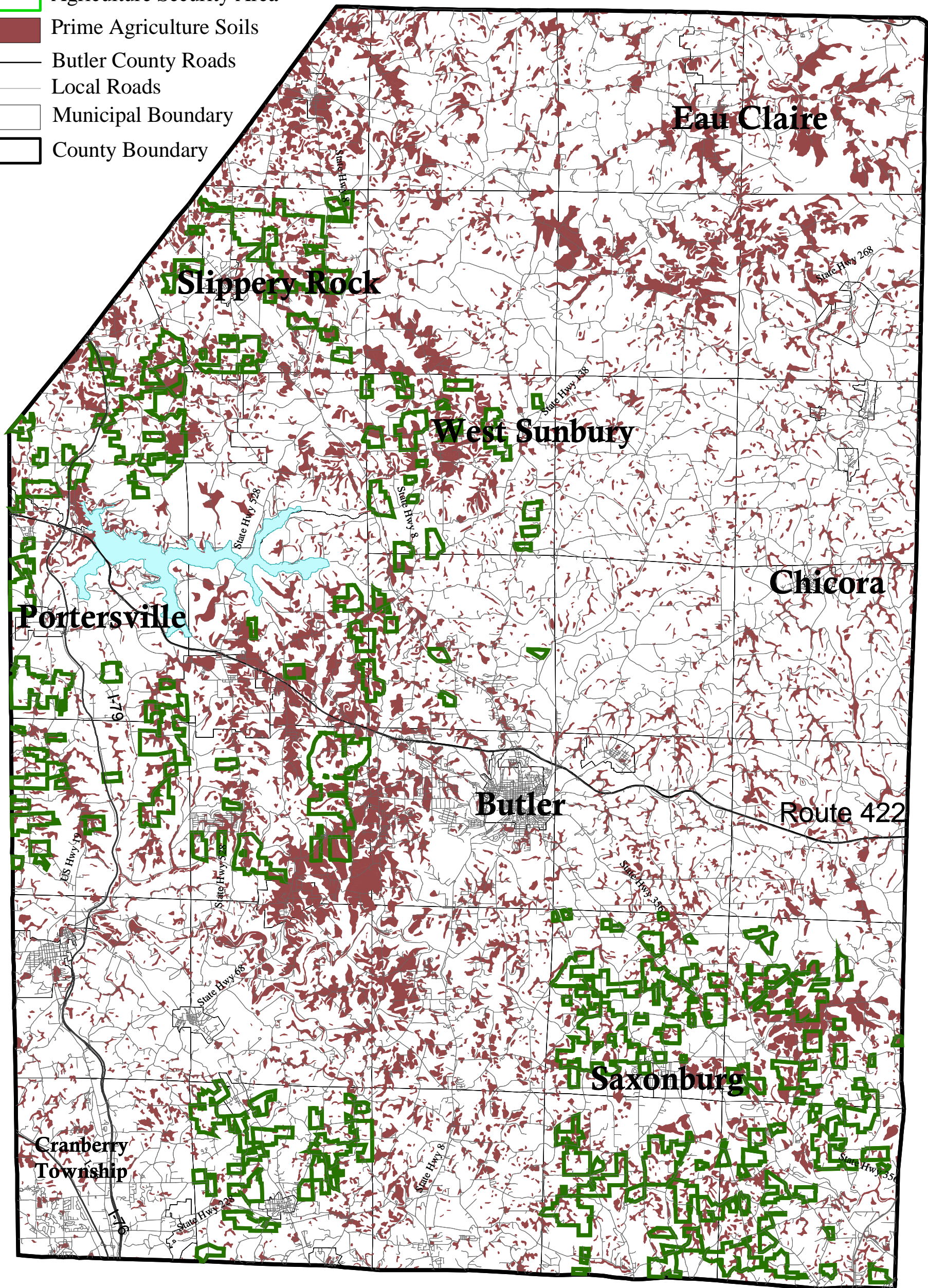
It is recommended that communities reexamine the extent of ASAs to ensure that they include prime farmlands to the maximum extent owners are willing to participate.

Identified Agricultural Security Areas can also be a planning tool to protect farmland from actions by neighbors.

At present, protection is provided by the Commonwealth's Right to Farm and Agricultural Security Area Acts. However, too often, the listing of these areas is not included during other planning processes. For example, a residential subdivision may be made next to an active farm with an agricultural security area. While ultimately the farmer will win any attempt at nuisance suit by a new neighbor, it will still cost money and grief. The solution is for all subdivision and land development ordinances to require that all new lots, which abut an ASA, list the presence of the ASA and what it means on both the recorded plat and deeds. Furthermore, deed covenants for newly platted lots are

# Butler County Comprehensive Plan: 34A: ASA's and Prime Farmland

- Agriculture Security Area
- Prime Agriculture Soils
- Butler County Roads
- Local Roads
- Municipal Boundary
- County Boundary



This Project was funded, in part, by a grant from the Pennsylvania Department of Community and Economic Development, State Planning Assistance Grant.

frequently copies of suburban models which prevent any kind of commercial agriculture or even avocational livestock keeping. By allowing these covenants in an agricultural area, the result will increase the likelihood of new neighbors who are unsympathetic to agriculture and in an intensive agricultural area, may prevent larger lots from ever being used for even small-scale commercial agriculture. If placed on top of an ASA and approved by the municipality, such covenants could also be an inadvertent violation of State law. Implementation of the aforementioned approach could be made through a simple text amendment to most County subdivision and land development ordinances.

Ultimately, there is recognition that, at some level, some farmers in growth areas may be forced to sell all or a part of their land. At present, the options are to sell for residential development, sell as farmland for less money, or sell development rights to the County. The need therefore exists to allow some other land use options for farmland, while targeting the very best farmland for preservation. There are a number of options which should be explored, and fit into township policies within the County. A range of options should fit every situation.

One of the simplest techniques is to enlarge the minimum lot standards for residential development in agricultural areas. Non-farming areas where residential development is to be encouraged, such as rural areas, can be zoned for a minimum lot size of one acre, with or without public utilities, dependent on other health and safety issues. Land in designated agricultural zones is then designated for a minimum lot size of up to two acres. Proponents of this approach believe it steers developers away from agricultural zones and puts more distance between farms and residences, lessening conflict. Opponents say that it actually encourages more sprawl. The technique does seem to work where there is moderate development pressure, but does not work where land values rise and the farmland is subdivided into “estate” lots irregardless of size.

Another viable and recognized farmland preservation tool is allowing some form of strip residential by right. This allows the farmland owner to sell a few “frontage” lots with very low development costs (no new roads). The main problem with this approach is that a large number of frontage lots with direct access can clog existing roads with 10 to 12 vehicle trips per day each new lot can generate.

One of the more restrictive approaches has been true agricultural zoning, which, in essence, is very large lot zoning. This is done through either very large minimums (lots 10 to 40 acres) or using a sliding scale. A few Pennsylvania communities have implemented sliding-scale zoning to protect their best farmland. Under a sliding-scale system, a limit is placed upon subsequent subdivision of lots from the original farmstead. The idea is to encourage the use of those lots too small for viable agriculture for residential purposes, while keeping large tracts in tact. For example, under a sliding



scale, a tract of 10 acres could be subdivided 5 times to create 5 two-acre lots. However, a tract of 100 acres could also only be subdivided 5 times. The landowner would have the choice of creating 4 two-acre lots and a residual of 92 acres, or 5 twenty-acre lots, or any combination thereof. However, the tract can never be subdivided more than 5 times. Successful sliding-scale systems have been supported by the courts where they can show a relationship to the minimum size needed for a viable farm. These limitations, frankly, devalue property for intense development, but, the minimum large lots that result become very valuable. The nearest community to Butler County to use this tool is Plain Grove Township, Lawrence County.

The idea of the conservation subdivision is another technique which has been used for the successful preservation of farmland. It allows full density utilization of the tract while still retaining farmland. It succeeds because:

1. There is not necessarily a relationship between minimum lot size and the density of houses in a development. In conventional one-acre zoning, a forty-acre tract might yield 35 one-acre house lots (after deducting roads and rights of way). A conservation subdivision approach might allow the 35 units, but locate them on half-acre lots, with the remaining 20 or so acres dedicated as permanent farmland.
2. The developer is also offered a “menu of options.” These can mix small farms of ten acres with small house lots. A key to the allowing of “substandard lots” is the provision of off-lot septic field easements. These easement areas can still be used for farmland.

The best way to protect farmland is to buy it. Pennsylvania has instituted a program of Purchase of Agricultural Conservation Easements (PACE), and Butler County has actively participated. The greatest shortcoming of this program is that it is very expensive. Limited financial resources must be targeted toward those farms which will be viable in the long term. Traditional farming will not be viable in many suburban areas. If development rights are purchased, the use of preserved agricultural land will be toward equestrian facilities, landscaping enterprises, or public open space. To save traditional agriculture, purchase of easements should largely focus on rural areas with potential for growth and development.

For rural areas outside the path of growth, it may be that at least one of the impediments to the local economy is environmental deterioration. It does not seem to be entirely coincidental that many of the communities without significant potential for future growth and development also have significant areas of acid mine drainage, and unreclaimed

mines. Environmental restoration should be prioritized here where lower land values preclude market forces from restoring land.

This finally leads into a Butler County initiative to fund conservation. Butler County was the first county in western Pennsylvania to respond to the Environmental Stewardship and Watershed Protection Act. This Commonwealth act allows counties to obtain redundant landfill closure funds and use the funds for:

- Orphan gas and oil well plugging.
- Watershed-based conservation efforts, wastewater treatment/safe drinking water and stormwater (10 percent of DEP allocation and all of PENNVEST funds outlined in the act).
- Purchase of agricultural conservation easements.
- Acquisition of land for parks conservation, historical, and recreation uses.
- Planning, including Park Recreation, Open Space Plans, River Corridor/Watershed Plans, Master Site Development Plans, Feasibility Studies, Natural Area Studies and Inventories, Greenways and Recreational Trail Plans, Maintenance Management Plans, Conservation Plans, Zoning Plans, Land Use Plans, and research or educational documents.
- Educational materials, including video tapes, workshops, meetings.
- Acid mine drainage abatement.

The County has responded by bringing various interest groups together under a County Environmental Advisory Council (EAC). This group has developed a mini-grant program and used these funds to leverage State competitive funds. Many of the activities recommended by this Plan are eligible for such funding. Thus, the EAC should represent a key organization to assist in Plan implementation.

#### **SUMMARY OF KEY RECOMMENDATIONS:**

- ▶ Disseminate information about the preemption of local planning and land use regulation by the Clean Streams Law, Surface Mining and Reclamation Act, Bituminous Mine Subsidence and Land Conservation Act, Coal Refuse Disposal Control Act, Oil and Gas Act, Non-Coal Surface Mining and Reclamation Act,

Agricultural Security Area Law, Act Protecting Agriculture for Nuisance Suits, and the Nutrient Management Act.

- ▶ Disseminate information about local regulations specifically not preempted by aforementioned Commonwealth acts (parking, ingress/egress, etc.).
- ▶ Promote use of planning standards for local use, which account for floodplains and steep slopes and other environmentally sensitive areas.
- ▶ Disseminate information about land uses as they relate to natural resources in a local context.
- ▶ Promote a full range of farmland protection strategies.

## ECONOMIC DEVELOPMENT PLAN ISSUES

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An economic development plan is not a required chapter of a Pennsylvania comprehensive plan. Typically in Pennsylvania, economic development is the realm of public-private partnerships, such as Industrial Development Authorities, or Economic Development Corporations. In Butler County, there is a countywide Community Development Corporation (CDC) and several sub-County regional entities at work. The CDC has its own strategic plan. Frankly, by any normal economic measure, these entities have been very successful. Within the context of western Pennsylvania, the Butler County economy continues to perform quite well. Recently released Census income measurements illustrate this fact.








As with other chapters of this document, the issue of economic development must be limited to its context of relationship with land use. There are many activities a community can do to stimulate and maintain prosperity. A community can subsidize targeted business through a variety of practices, from rent reductions in facilities to tax abatements. A community can provide below-market rate capital through loan or grant programs. Public agencies can provide information useful to economic or market research. Public-private partnerships can also develop physical sites for business to locate upon or expand into. Obviously, these relate to both economic development and the use of land.

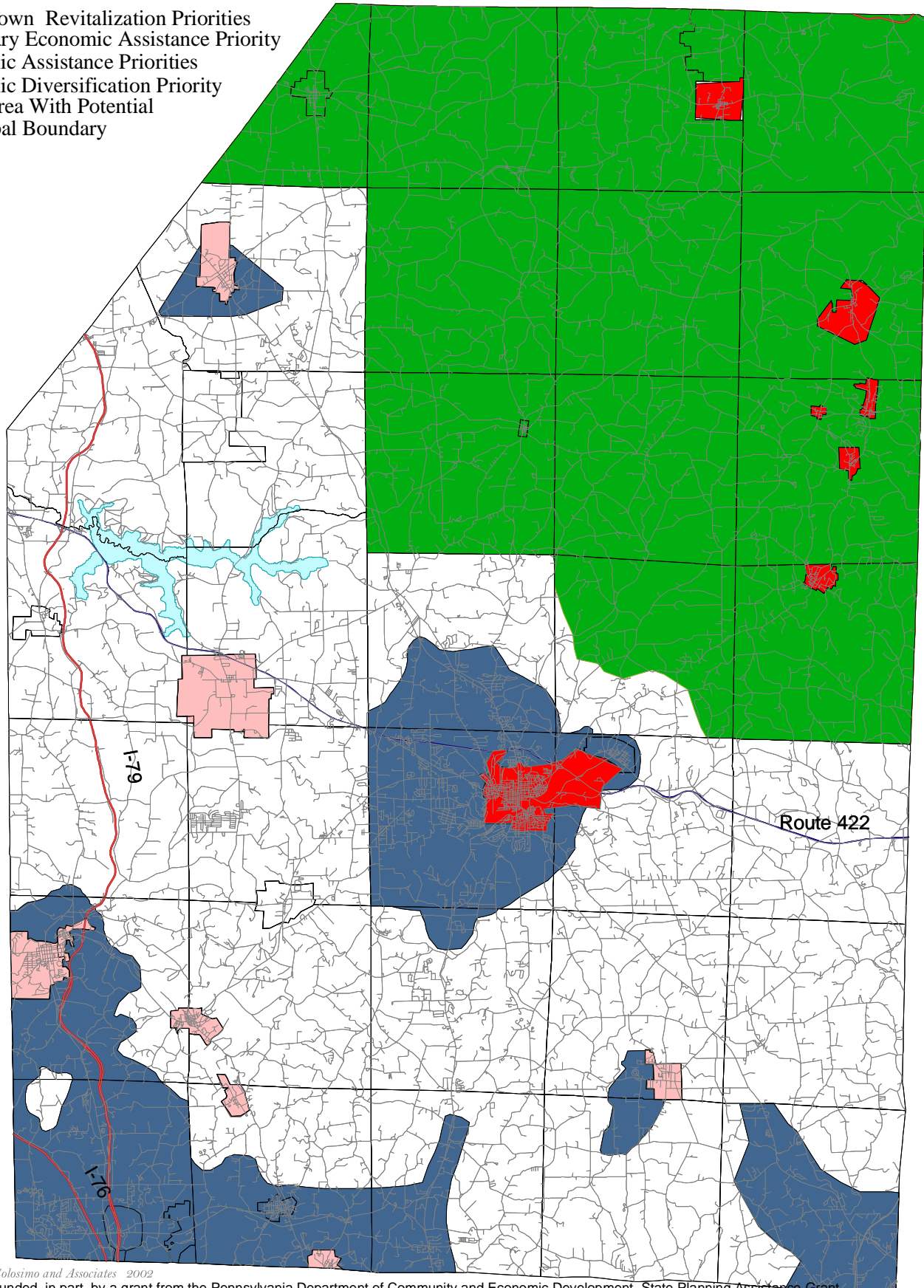
Key land use issues, as they relate to economic development, are based upon the relationship between land costs and the targeted sector of the economy. The CDC has a concern that there is not enough turnkey industrial space within the County (defined as space which can be used immediately). In southern Butler County, market forces may have priced much industrial land beyond affordability for some industries. In other areas, land is affordable, but infrastructure is not available.

This coincides with the fact that some portions of the County need assistance which emphasizes economic diversification and maintaining prosperity, while others need help to create prosperity. Subsidy programs, whether publicly developed space or tax abatements, are not necessary in the path of growth for any business. Bluntly, Cranberry Township does not need to grant a tax abatement to a retail business which creates a few part-time jobs. However, a community in the northeast might, more seriously, consider such an approach. Economic development in rural areas should be cognizant of infrastructure limitations, and subsequent development should be small scale. More intense uses can be better supported within or adjacent to small towns.

# Butler County Comprehensive Plan:

## 39A: Plan Economic Issues

-  Small Town Revitalization Priorities
-  Secondary Economic Assistance Priority
-  Economic Assistance Priorities
-  Economic Diversification Priority
-  Rural Area With Potential
-  Municipal Boundary
-  Roads





Generally, however, this section of the Plan recommends that public policy “stays the course.” Butler maintains a diverse economy, preventing cyclical events in the national economy from causing a local calamity. Local efforts have gone well beyond the traditional “smokestack chasing” model of economic development into endeavors such as agribusiness, retail redevelopment, and tourism. The success of these policies is seen in relative prosperity at the household level.

### **SUMMARY OF KEY RECOMMENDATIONS:**

- ▶ Assist in the continued development of high-quality business development sites.
- ▶ Examine the regional capacity to absorb development, especially the presence of “turnkey sites.”
- ▶ Encourage targeting of development based on land use choices and economic impact.
  - *Urban/Suburban Areas: Encourage further economic diversification*
  - *Rural Areas: Small-scale, low infrastructure needs*
  - *Significant Economic Impact in Low Growth Areas: Maximize assistance*
  - *Low Economic Impact in High Growth Areas: Allow most development to pay its own way, unless meeting targeted diversification goals.*
- ▶ Prioritize revitalization assistance efforts in:
  - The City of Butler and small towns
  - Areas outside the path of growth

## HOUSING PLAN

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Section 301(a)2.1 of the Pennsylvania Municipalities Planning Code requires that all comprehensive plans include a plan for housing which, must “Plan to meet the housing needs of present residents and of those individuals and families expected to reside in the municipality.” The Code further states such a plan may address conservation of sound housing, rehabilitation of housing, or accommodating new housing. To accommodate these future needs requires a general understanding of the current situation, and the recent past. This can be summarized as follows, taken from both Volume I of the Comprehensive Plan and the Butler County Housing Needs Study, prepared by a coalition of banks, education, and housing interests, and recently released 2000 Census data.

- Overall, housing supply has grown Countywide. The latest estimates would indicate there are now over 70,000 housing units in the County (the formal 1990 Census count was 59,061 units and the 2000 Census was 69,794).
- Housing growth rates have been accelerated beyond the rate of population growth for every region in the County, due to declines in the average persons per household.

Sector	Population Change 1990-2000	Housing Unit Change 1990-2000
1 NW	+12.30%	+17.21%
2 NE	+7.54%	+8.20%
3 Central	+4.04%	+9.53%
4 SE	+36.59%	+37.39%
5 SW	+8.51%	+12.67%

- While every region of the County gained housing, many boroughs lost both population and housing units.

<b>Community</b>	<b>1900-2000 Population Change</b>	<b>1990-2000 Housing Change</b>
Bruin	-112 (-17.39%)	-34 (-12.78%)
Butler City	-593 (-3.77%)	-12 (0.16%)
Cherry Valley	-24 (-25.00%)	-8 (-20.51%)
Eau Claire	-16 (-4.31%)	-11 (-7.14%)
Evans City	-45 (-2.19%)	-11 (-1.28%)
Fairview	-4 (-1.79%)	-3 (-3.70%)
Petrolia	-74 (-25.34%)	-34 (-25.56%)
Portersville	-39 (-12.70%)	-6 (-5.22%)
West Sunbury	-73 (-41.24%)	-26 (-35.62%)

In most cases, population decline was higher than housing unit loss, inferring a number of vacant units also reflected in the Census.

- Home ownership rates remain high. In fact, the Countywide rate of 77 percent remains significantly above the 70 percent Statewide rate.
- Surveys of newspapers and realtors show that rental housing remains scarce. At one point in the greater Butler area, only 25 rental units were found available from an estimated stock of 1,800. In southern Butler County, only 8 units were available of a stock of nearly 1,300. Only the Slippery Rock area (a college town) showed a substantial surplus of rental units.
- The SF1 Census files from which affordability of housing can be extrapolated were not recreated for 2000. However, Volume I of the Comprehensive Plan identified generally areas of greater affordability (based on average income to average housing cost ratios compared to the State). Generally, southern and western portions of the County had less affordable housing than central and

northeastern sections. The most affordable units were in small, northern boroughs like Petrolia.

- Field studies, based on an informal sample, showed 173 units in need of rehabilitation in the communities of Callery, Cherry Valley, Evans City, Fairview, Karns City, Petrolia, and Washington Township alone.

### **Housing Goals, Objectives, and Strategy**

Besides the fact that the Planning Code mandates a housing plan, why is housing important? There is a myriad of reasons. First, a population made up of homeowners are more likely to be stable residents who will remain in the community. Homeowners are also more likely to participate in civic life.

The quality of housing stock also is a major factor on how outsiders perceive a community. This affects employer recruiting and business development. Finally, Pennsylvania's local governments receive most of their funding through real estate taxes and related fees.

If it is agreed housing is important, it must also be recognized that accommodating future needs will differ, based upon the composition of the citizenry. A young couple with two children has different housing needs than a 65-year-old single person. The strategy must be cognizant of these differences as well as diverse regional needs. The following is a threefold strategy mirroring the Planning Code emphasis:

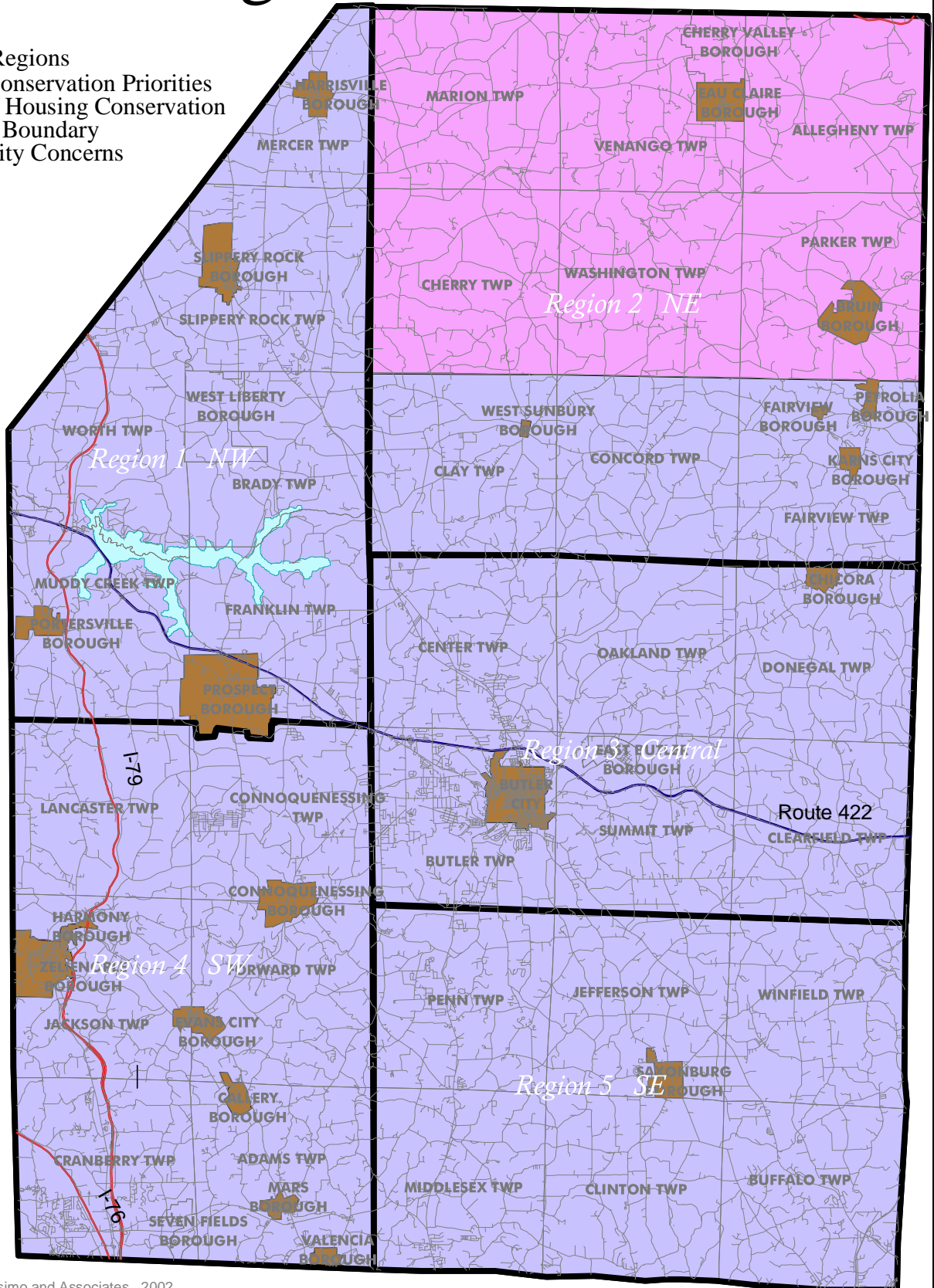
- Conserve sound housing
- Rehabilitate deteriorated housing
- Accommodate needs for new housing

This strategy is summarized in the Housing Plan Map (Map 43A). The map depicts areas where housing condition problems tend to occur, and populations are stable or declining. Other areas are where growth has occurred and supply and affordability concerns may arise. Generally speaking, the former conditions can be expected in much of Region 2, most boroughs, and the City of Butler. The latter situation will occur in Regions 1, 4, and 5. These are the least affordable housing areas in the County, a side effect of a rising real estate market.

**Conserving Housing:** The overall situation with housing shows that high rates of home ownership have kept much of Butler County's housing stock sound. However, there are dangers from several factors:

# Butler County Comprehensive Plan: 43A: Housing Plan

- Roads
- ▭ Planning Regions
- Housing Conservation Priorities
- Secondary Housing Conservation
- ▭ Municipal Boundary
- Affordability Concerns



- The general age of housing is a cause for concern, particularly in communities where the typical homeowner is also aging.
- Sluggish residential real estate markets in the northeast, many boroughs and parts of the City of Butler have fewer owner-occupied homes. Many formerly owner-occupied units become rental units, sometimes in absentee ownership.
- Land use and transportation conflicts can threaten the quality of housing. High traffic counts may be excellent for commercial real estate but can depress residential markets. Even in a high demand area like Cranberry Township, some vacant housing can be seen in commercial fringe areas along major roads.

The bottom line is that much of the County's sound and affordable housing consist of older homes in boroughs, Region 2 (NE), or the City of Butler. These units are also the most at risk for blight, deterioration, and abandonment. There are several actions which can reverse this trend. The first is the form of zoning. Traditional protective "R-1" (single-family residential) zoning is a proven means to stabilize housing. Even in areas without zoning, developers typically mirror such standards through deed covenants for new residential areas. However, many older zoning ordinances classified the older sections of communities into multiple-family zones, reserving the R-1 designation for newer neighborhoods. Typically, these ordinances also do not differentiate between the construction of a new apartment and the conversion of a single-family dwelling into apartments. The typical result is a single-family dwelling is sold, inadequately converted, and can create problems for neighboring units which destabilizes the entire neighborhood.

In County review of land use ordinances, there should be some attention to a comparison between areas of older housing as an existing land use, and the zoning designation of such areas. Where possible, the re-zoning of viable single-family neighborhoods to a single-family designation should be pursued. At the same time, as an alternative, land use standards should be developed for conversion apartments. From a local zoning perspective, "conversion apartments" can be made a separate listed use, different from multiple-family dwellings. Then, standards can be developed to ensure adequate parking, livable space, and provision of cooking/bathroom facilities. There are also similar options in non-zoned communities. The conversion of a single-family dwelling into apartments is considered by the Pennsylvania Municipalities Planning Code to be a land development, unless it is three or fewer units and the governing ordinance specifically excludes them. It is suspected that many conversions have been made without compliance to county or local subdivision and land development ordinances.

Where the housing is devalued from land use conflict (such as growth of commercial areas, or high traffic), another approach may be in order. If zoning is in place, consideration might be given to allowing multiple-family dwellings in the district. A home surrounded by busy streets and retail uses may not be attractive for a single family wanting to purchase a home, but it may be a very desirable location for a young single person looking for an apartment. Many zoning codes traditionally did not allow co-mingling of multiple-family housing and retail uses because they represented the tenement conditions that zoning was trying to stop (a “Bowery-Boys” situation of families in flats above shops and children playing stickball in the street and stealing from merchants). This is very unlikely in a modern highway commercial corridor. The same standards for conversion apartments previously recommended could also prevent such situations.

Neither zoning nor the subdivision and land development ordinance can deal with pre-existing conditions. This must be left to municipal codes. Communities have two principal options. The first is adoption of the BOCA Property Maintenance Code. The Commonwealth is currently implementing a Statewide Building Code. However, this will only apply to new construction or renovation. The property maintenance code is meant to deal with existing structures. Its main disadvantage is its complexity. However, if a community is already administering, or planning to administer the building code, a BOCA-certified officer could handle this code as well. The second, more simplified, option is a rental licensing ordinance. Rental licensing has been a tool in many college communities where overcrowded, poorly converted rental units have been a problem, but it can also be a usable tool in any community with a stock of older rental housing. Under a rental licensing ordinance, units cannot be rented until inspected. Unlike BOCA Property Maintenance, the inspection standards are much simpler. Typically, standards are basic ones to ensure safe decent housing which does not become a blight on a dense urban neighborhood. Examples from one licensing ordinance include:

“Foundation and Structure: The exterior of the dwelling shall be structurally sound so that it does not pose a threat to the health and safety of occupants and provides protection from the environment. The foundation should not have structural defects which show potential for collapse.”

“Windows: All living and sleeping spaces shall include at least one window which can be easily opened for ventilation. Windows shall have no defective glass, shall be weather tight, and have locks.”

“Sanitary Condition: The structure and its equipment shall be maintained in a sanitary condition. Each structure shall have containers with covers for the storage of rubbish. Any insects, rats, or other pests in the structure or on the

premises shall be exterminated and the structure shall be treated to be rodent/vermin proof.”

The advantage of rental licensing over BOCA Property Maintenance is that the modest annual fees cover the cost of inspection, and the level of training is lower. Also, unlike BOCA, it is not primarily complaint-driven, and targets only that housing which is historically and regionally shown to be at risk.

Local action should include more than codes to conserve sound housing. One typical problem is that many County residents who rent would like to become homeowners. The most affordable units are located in boroughs, the City, and Region 2. The Housing Needs Study estimates that there is a gap of 932 affordable units needed for purchase in Butler County. This means there is a similar number of low or moderate-income households currently renting who would be potential purchasers of a home. The principal obstacles to purchase typically include lack of funds for a down payment; lack of affordable, sound units for sale; and credit problems. Each can be addressed.

To quote from the County Housing Needs Study, “Even when available, affordable housing can be out of reach of first-time home buyers due to down payment and closing costs required. This is unfortunate, because in some areas, once these costs are covered, home ownership can be more affordable than renting.” The study states that many prospective home buyers also lack the skills to navigate the complex buying process.

The ideal solution could be to mate these prospective homeowners with units in boroughs or Region 2 which are either presently sound or salvageable through rehabilitation. The key would be to create a public-private partnership between lenders, local government, and the home buyer. The lender would agree to accept a grant for rehabilitation funds as a substitute for a traditional down payment if the buyer was otherwise credit worthy. Local government would provide the grant funds and agree to second position on the mortgage. The buyer would agree to remain in the home for at least 5 years or return the grant amount upon sale.

Grant funds could be obtained through several sources. The Department of Community and Economic Development (DCED) manages the HOME Program and the Community Development Block Grant (CDBG) Competitive Program. Federally funded, the CDBG Program is aimed at low-moderate income families and allows for a wide variety of project activities (existing housing, infrastructure, streets, etc.). The Federal government allocates significant funds annually to the Commonwealth which then distributes it to eligible cities, boroughs, townships, and counties through entitlement funds or Statewide competitive grants. The County could only receive competitive funds to augment a project started by its entitlement program. However, it could apply on behalf of a



coalition of municipalities. There is also the Home Start Program, managed by the Pennsylvania Housing Finance Agency (PHFA), with funds from the Pennsylvania State Treasurer. This complements the Statewide Home Ownership Program by offering loans to middle-income and first-time home buyers, single-parent families, and certain veterans. In this program, applicant income cannot exceed 150 percent of the area's median income. The principal help local and County government could provide are helping applicants learn about and apply for the program. The HOME Program is officially titled the Home Investment Partnership Program. It is a Federal (HUD) operation, with the Commonwealth acting as a sub-grant agency for most municipalities. Aimed at lower-income households, HOME can provide a variety of assistance. Since 1992, there has been from \$1.0 to \$1.6 billion allocated annually for the HOME Program. Assistance is given in one of three categories:

- Rental housing and tenant-based assistance
- Home-buyer programs
- Homeowner rehabilitation

Pennsylvania Act 137 of 1992 also allows counties to increase the fees charged for recording deeds and mortgages. The funds generated by these fees are to be deposited in a Housing Trust Fund. Trust fund dollars can be used in a variety of ways to aid income-eligible residents with rental or sale housing. By making this fee generated, the program is somewhat independent of State/Federal guidelines. It also allows realty transfer fees to be put to a use that directly benefits all property owners.

One advantage that Butler County has in implementing a home ownership program is the number of locally owned banks. These are a tremendous asset to the County and make the development of such a program truly possible.

Credit worthiness does represent the most significant impediment to home ownership. Throughout the strong economy of the late 1990s, bankruptcies remained at a record high. Many bankers believe lack of good credit represents the principal obstacle to home ownership among those who could possibly afford to buy a home. A "typical" bankruptcy involved \$7,000 to \$12,000 in unsecured credit card debt. Credit counseling before problems develop is a must. This represents another opportunity for new public-private partnerships, as does the issue of general technical assistance of home buyers. Educational programs could represent an inexpensive start for local government, and a reasonable CRA project for local banks. One unexplored avenue for this education would be through cable access and radio programming.

**Rehabilitating Deteriorated Housing:** The aforementioned CDBG Program has been used in Butler County to rehabilitate homes by entitlement communities such as Slippery

Rock Township. While many homes have been returned to a sound condition, there are problems with the traditional rehabilitation program. Good contractors are hard to attract when the construction economy is good. The delivery of services is also difficult at the local level, requiring direct technical assistance. HUD is also in the process of developing lead-based paint restrictions which will significantly raise the per unit cost of housing rehabilitation. One community involved believes its per unit cost will rise from about \$18,000 per unit to over \$50,000 per unit. This is often higher than the market value of the home. However, the cost will be lower if the home is not occupied, which makes the aforementioned home buyers program a realistic alternative to standard owner-occupied rehabilitation.

If HOME or Competitive CDBG funds are to be applied for, it should be done, if possible, before lead-based paint waivers expire in Pennsylvania. With the lead-based paint standards, a County role may be more important. Another reasonable approach to owner-occupied rehabilitation will be Act 137 funds. An alternative to this might be combining education with ACT 137 as a materials-only, locally controlled grant. If vocational education students could be used to perform the work on vacant housing, significant cost savings could be realized, particularly when contractors are at a premium. This approach has been successful in some Ohio communities and could even be economically self-sustaining.

The other issue with rehabilitation is targeting. Municipal-wide programs benefit individuals, but sometimes do not really impact neighborhoods. Consideration might be given to targeting efforts in only concentrated areas of substandard housing. As reflected in the map, this includes the City of Butler, many boroughs, and Sector 2.

One option might be a comprehensive approach. What if a pilot CDBG project simultaneously addressed streets, parks/greenspace, sidewalks, utilities, and housing rehabilitation in a single block or neighborhood? A possibility may be to try modest County infusion of CDBG or other funds into an entitlement community willing to commit to such an effort.

**Accommodating the Needs of New Housing:** The needs for new housing will be based upon the characteristics of the population and continued growth. It can be assumed that Butler County's historic growth trends will continue, which will raise several issues:

- As the current resident population ages, their housing needs may change. Whether regarded as "empty nesters" or young retirees, households currently lodged in a detached, single-family dwelling on a suburban lot will begin to look for low maintenance, smaller units in increasing numbers.

- There will continue to be a special needs population of low income persons, handicapped persons, and elderly persons who need some form of assisted living.
- Families looking for affordable single-family, detached dwellings will continue to migrate to Butler County. This will continue to maintain or raise real estate values and may ultimately create problems in the cost of housing.

What are the impediments in Butler County to meeting the needs of these persons? There are primarily two factors which could discourage or encourage housing. The first is the applicability of local zoning and development standards. The second is the ability of the market to respond to needs of these persons as they change.

Given the age of many zoning ordinances in Butler County and widespread local prejudice against anything but single-family housing, there may be zoning impediments to high-quality townhouse, condominium, or apartment development. In some cases, this may be insufficient land resources appropriately zoned. In other cases, it may be unduly harsh standards. The need is for a general re-examination of how local standards deal with alternative forms of housing.

Model standards should be developed for:

- o Minimum lot standards which reflect the reality of the municipality
- o Planned Residential Developments which mix housing densities
- o Mobile home parks which maintain quality
- o Infill housing in urban areas which can integrate modern modular or affordable units into the existing urban or small town fabric. This can be accomplished through a Traditional Neighborhood Development District, Planned Residential Development standards, or siting standards for modular units.

A typical problem with older zoning ordinances is the application of a suburban standard in both rural and urban/small town situations for single-family dwellings. A typical suburban lot is anywhere from about one-half acre (20,000 to 25,000 square feet) to nearly an acre (37,000 to 40,000 square feet). In a rural setting, this may not be sufficient for on-lot sewage disposal, safe yield of on-lot water, or buffering from land use conflict. Conversely, in urban or small town areas, a standard this large could be excessive. Model

standards could be developed for lots which are appropriate to all the settings identified in the community development goals and objectives:

- Infill lots of 7,000 to 15,000 square feet where water and sewer are available. Options could also include neo-traditional narrow lot options for walkable communities with sidewalks.
- Suburban lots as defined above.
- Rural lots where no utilities are available and sizes of 40,000 to 80,000 square feet may be necessary to protect basic health and safety. (This size of lots does bring concerns about sprawl, and alternatives are mentioned in the Land Use Plan.)

Planned Residential Developments are permitted by the Pennsylvania Municipalities Planning Code as a means to facilitate the mixing of housing types and to give developers choice in varying density. Basically, normal zoning lot requirements and subdivision and land development ordinance lot requirements can be waived to permit smaller lots in exchange for greenspace or other amenities. Model standards should be developed for municipal use, which can integrate such developments into rural suburban or small town settings.

Mobile homes and mobile home parks represent a real affordable housing choice for rural residents of the County. The problem is that there have been some very poorly executed mobile home park developments which have caused a backlash by citizens and local governments against all development of this form. The solution is a standard for mobile home parks that ensures a quality development, which does not adversely impact the neighborhood through street standards, waste disposal, lot sizes, tie downs, screening, and buffer yards.

Among the cutting edge in manufactured home developments are modular units designed to fit into urban settings, but few ordinances have caught up with the trend. Also, the newest planning tool, Traditional Neighborhood Development (TND), has only been used by a few western Pennsylvania communities. TND differs from the previously mentioned Planned Residential Development in that additional design standards are explicitly permitted, giving a small town or urban community more incentives to consider alternative forms of development.

These modern standards will be appropriate to ensure local public policy does not become an impediment to meeting housing needs, whether for a low-income urban infill project or an upper-income suburban condominium community. However, for local governments that are really serious about trying to attract housing, especially

communities with a need for infill housing in developed areas with vacant land. Subsidizing housing may be a possibility through tax abatement. In Pennsylvania, State law allows a tax abatement for up to ten years on improvements to industrial or commercial land to encourage redevelopment. This program, known as LERTA (Local Economic Revitalization Tax Assistance) has been used in Butler County. However, there is a residential counterpart which had not been used in the County. This program, known as RETAP, allows residential real estate taxes to be abated for up to three years. In simple terms, if the County, school district, and municipality agree if a new home is built on a vacant lot, for three years, the only taxes due will be the original lot valuation. This represents a significant incentive for either the developer or the home buyer. It could be a viable tool in the City of Butler and many boroughs.

Certainly, changes in public policy mentioned previously will not change the market, but developers willing to take risks which could benefit both them and the community will not find regulatory barriers. An incentive could be created by combining RETAP with innovative zoning, or offering municipally owned lots at a reduced rate for innovative development. The County could foster this by education. An education program aimed at the local design and development community could bring in successful developers and designers from other places. Topics could include neo-traditional development, conservation subdivisions, and conservation easements mixed into market housing and other tools.

The policy that will succeed in Butler County will be where the best of the development community and local government leadership are sitting down together to meet citizen needs. To quote the Housing Needs Study, “It is clear that “big” government solutions no longer are affordable or effaceable. However, public-private partnerships, effected at the local level, have proven to be efficient mechanisms to tackle programs such as those encountered in the housing area.” Unfortunately, the term has become overused and trite, but the power of public-private partnerships cannot be underestimated. The success of the British Empire in the 19<sup>th</sup> century was due to public-private partnerships between the Navy and firms such as the Hudson’s Bay Company and East India Company. The Transcontinental Railroad is another example. Certainly, such an approach could ensure Butler County continues to meet the housing needs of its citizens.

### **SUMMARY OF KEY RECOMMENDATIONS:**

- ▶ Encourage urban and small town areas with zoning to re-examine policies to solidify single-family neighborhoods. Develop model standards for conversion of single-family dwellings into apartments different from new construction.
- ▶ Encourage zoned Commercial Highway areas to permit conversion of remaining single-family dwellings into multiple-family dwellings.

- ▶ Work with communities that wish to adopt existing structure or rental codes to develop administrative hurdles and processes model standards.
- ▶ Work with municipal coalitions and local lenders to develop a simplified, locally controlled first-time home-buyers program.
- ▶ Work with local lenders and educators to begin a Countywide credit counseling education effort.
- ▶ Consider Act 137 funds for locally controlled housing programs.
- ▶ Encourage targeted housing rehabilitation as an alternative to scattered sites. Consider a comprehensive residential neighborhood revitalization pilot project.
- ▶ Create modern zoning and subdivision model standards for:
  - Minimum lot sizes gauged to community setting
  - Quality mobile home parks
  - Alternative development of Planned Residential Developments or Traditional Neighborhood Developments
- ▶ Support and participate in select residential real estate tax abatements.
- ▶ Construct an education program in cutting-edge trends in housing development aimed at both municipal officials and the development community.

## HISTORIC PRESERVATION PLAN

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Section 301 (7) (iv) of the Pennsylvania Municipalities Planning Code requires counties to “Identify a Plan for Historic Preservation.” Furthermore, all comprehensive plans must prepare a plan for the “protection of natural and historic resources to the extent not preempted by federal or state law.” The clause also specifically identifies “historic sites” as one of the resources to be included. Beyond this mandate, there are other reasons to include a plan for the preservation of historic resources in this document:

- Historic resources represent a significant part of the fabric which contributes to local quality of life. Whether a historic landscape created by agriculture, or a pleasant downtown of nineteenth century buildings, these images are a major part of what makes Butler County a desirable place to live.
- Historic resources have an economic value as a source of revenue through tourism. Recent studies show that visiting Pennsylvania’s historic towns is a very popular activity for tourists.
- The conservation of historic buildings can also make economic sense from a tax vantage, and from an approach of “recycling” good buildings, rather than replacing them.
- Local government activities which utilize Federal funding, such as the Community Development Block Grant, must plan for the impact of those activities on historic resources. If such planning is not careful, the results can be an expensive and time-consuming process.

In reviewing the background information that has been collected, a number of issues arise. The first is the extent of historic structures in the County. It is known there are one recognized historic district and six other individual National Register sites. It is also known that the County is peppered with archeological sites. A number of iron furnace remains have also been inventoried, as well as 53 resources identified in Smith and Swetnam’s A Guidebook to Historic Western Pennsylvania. There were also local informal surveys such as Beautiful, Bountiful, Butler County. These resources include a range of markers, sites, buildings, and structures which reflect the County’s agricultural, institutional, residential, and industrial heritage. A comprehensive cemetery inventory was also completed by the County Historical Society. However, there are many resources which have never been included in any formal inventory. These include, of course, not only many undetected archeological sites, but also many sites now commonly

taken for granted. For example, the homes, churches, taverns, and clubs of such places as Lyndora reflect an important part of the immigrant experience in Butler County. Folk architecture in rural areas, such as barns, corn cribs, and vernacular style houses have never been formally examined. It must be thus recognized that the historic resources inventory may evolve over time as information grows.

While Butler County may not have a complete inventory of its resources, it is known they are valued. In addition to the active County Historical Society, there are active local groups in communities ranging from Harmony to Slippery Rock. Realtors also state that, unlike some other counties, historic homes in communities such as Butler and Zelenople remain hot sellers.

Within this context, there are a number of appropriate goals and objectives:

- Utilize the County's rich history and resources as a means to build a Butler County identity within this diverse community.
- Expand the database of information about local historic resources.
- Expand the toolbox of preservation tools known and available to communities, thereby linking commitment to historic preservation at all levels into land use planning processes.

**Promoting the County Identity:** There is no doubt that knowledge about a community's past can increase affection and local patriotism. This was seen by many County residents during the recent County bicentennial. The key is to build on and continue that "bicentennial spirit" to be a meaningful part of everyday lives of local citizens. Over the years, the County Historical Society has expanded from primarily genealogical concerns to developing sites and museums and becoming involved in preservation issues. As a County-level organization, there is great potential of this being an agent for building a strong County identity.

One approach may be to create a special marker for County resources which includes its clear identification as a County resource. While these are dismissed by some as "vanity preservation," they have been successful. Examples include the Century Farms program at the State level. The idea of an identification or marker program is also not particularly expensive, with the primary costs being the plaques themselves. A Countywide committee could be created to either review nominations or actively make selections.

Another tool may be further site acquisitions, which the ultimate form of protection to a historic resource. Where financially feasible, further purchase of properties by the



County Historical Society should be supported. A model in this respect is the Erie County Historical Society. Beginning with resources in the City of Erie, the Society has purchased other sites, particularly in western parts of the County, where it now operates a bank museum, a historic house, and farm museum.

In addition to promoting a County identity for those who live here, this can be a proven technique of encouraging tourism. Perhaps because of Butler County's prosperity, there has not been a widespread emphasis on heritage tourism. Regions which have seen more economic problems, such as Venango County to the north, have devoted significant attention to this issue, through the formation of the Oil Region Heritage Park and the marketing of Oil City/Franklin/Titusville as the "Victorian Region." Certainly, an expansion of emphasis on heritage tourism would only add to the County's economic diversity, which is its key strength. For example, would it be possible to build on the concept of "Harmonist Region" to include pre-civil war communities such as Prospect and the fertile farming regions that surround them? Such efforts work best when there are key sites acquired and open to the public as an anchor for smaller sites, driving tours, retail and hospitality businesses.

Great potential for this may begin with the current efforts to commemorate the Venango Trail and George Washington's 1753 journey through the County. This trail was a key route used by native peoples and became the land route young Washington used to travel to French posts in northwestern Pennsylvania to exercise Virginia's claims to the Ohio Valley. The interpretation of the trail can be a key in tying many of western Pennsylvania's French and Indian War era sites together. As the portions of the trail also parallel modern Routes 528 and 8, it can also expose visitors and residents alike to some of the most scenic and historic areas of the County.

**Expanding the Database:** There are divergent sources of information available, but no comprehensive historic resources survey. Funding is available for such surveys from the Pennsylvania Historical and Museum Commission (PaHMC). Unlike some other grant programs, the PaHMC grants do include "soft" match. The inclusion of County planning support resources, such as GIS technology, office supplies, or dedication of part-time staff, could make such a project fundable.

Beyond this, there is a need to assemble and disseminate information which is already existing. For example, Butler County has an active chapter of the Pennsylvania Archeological Society with close ties to the Carnegie Museum of Natural History. Basic data about each cemetery could be added to the GIS system.

The end result of this will simply be more information to make intelligent decisions. For example, if CDBG sewer extensions can avoid archeological sites, thousands will be

saved. Once more information is gathered, it also will allow communities to select from the full range of tools available to meet their own preservation needs.

**Expanding the Toolbox:** Just as there has not been widespread emphasis on heritage tourism in Butler County, there has not been widespread use of preservation tools. Many smaller counties have more National Register sites and districts. Many also have adopted other approaches. To steward their historic resources, recognizing that the County is very diverse, the tools used in each circumstance may differ widely. A major purpose of this chapter of the Comprehensive Plan is to give communities the knowledge to choose tools which fit their needs. Key tools include:

- The National Register of Historic Places
- The Related Tax Credit Program
- The Historic District Act of 1961
- Subsidizing Preservation
- Zoning and Codes for Preservation

**National Register:** The key tool of historic preservation policy in the United States is the National Register of Historic Places. The Register was established as a part of the Historic Preservation Act of 1966. Properties listed on the Register may be listed for architectural or historic significance. That significance may be local, statewide, or national. Significance may be related to a famous person, an event, or keyed to broad patterns in the past (such as the Westward movement or industrial revolution). As an administrative process, the National Register listings in Pennsylvania are administered by the Pennsylvania Historical and Museum Commission, which is designated by the Federal government as the official State Historical Preservation Office. The Museum Commission's policies have been to encourage the listing of districts in which a number of related structures can be honored and interpreted in their connection with one another. Generally, sites not connected to districts are discouraged unless they are part of a tax credit effort (see below). Once listed, the Register has three main benefits. First, the National Register is an honor. Inclusion increases interest in local and national history, and thereby increasing patriotism and love of place.

The listed property also receives a higher degree of protection from any project utilizing Federal funds which would create an adverse impact upon it. It is important to note that this protection does not apply to any private activity. The property owner remains completely free to alter, expand, or even to demolish the structure. However, government-funded projects, such as road-building activities or use of Community Development Block Grant funds, must either determine the impact and, if significant, take corrective action. At the very least, an extensive documentation process is required before demolition or significant alteration. Thus, the Register can protect private

property from destruction by a public body. However, it must also be noted that eligibility for inclusion on the Register is regarded as the same as formal listing. For example, if a highway project discovered a historic site in its way through a mandatory environmental review process, the site, though not listed on the Register, may be identified by the SHPO as eligible for listing and thus receives the same statutory protection.

**Tax Credit:** Owners of income-producing property, who conduct restoration activities which meet the Secretary of the Interior’s Standards for Historic Preservation, can receive a significant 20 percent tax credit. For business owners, the tax credit, if pursued carefully, can result in significant profitability, as this is a credit, not a deduction. The difficulty tends to be in working with a design and construction team that understands the standards and also in completing the necessary paper work. This is an area in Butler County where additional education could be worthwhile. It must be noted that the determination of listing or eligibility must precede application of the credit.

**The Historic District Act:** For communities which really value their historic resources, land use regulations can do more than not encourage destruction; they can actively protect resources. There are two options for this in Pennsylvania. The first is the creation of a historic district under the provision of the Historic District Act of 1961. Not to be confused with a National Register Historic District, the State law is significantly more comprehensive. This is implemented through a municipal ordinance, which must be certified by the PaHMC. Upon passage of the ordinance, the local government is empowered to create a Historic Architectural Review Board (HARB). The composition of the HARB is defined by the law and must include an architect, code officer, and realtor. Subsequent to passing the ordinance and creating the HARB, all new construction, exterior renovations, and demolitions must be reviewed and approved, upon which they are granted a certificate of appropriateness. The HARB approach is used in a number of Pennsylvania communities, including Franklin in Venango County and Harmony in Butler County. Its principal shortcoming has been a perception by property owners that the actions of the HARB can be arbitrary or unrealistic. The main advantage is that unlike a zoning hearing board or planning commission, the HARB contains known experts in historic preservation.

**Zoning and Codes:** Communities were always empowered to create zoning for the purposes of “regulating, restricting, or prohibiting uses or structures at, along, or near places having unique historical, architectural, or patriotic interest or value.” However, with the passage of Acts 67 and 68, zoning now “shall provide for protection of natural and historic features and resources.” However, the Planning Code is silent on how this mandate might be accomplished. It should be a policy of the County to help the many

zoned municipalities meet this mandate while still meeting other goals of their ordinances.

While every community has historic resources, it must be remembered they are part of a living heritage. The downtowns and compact neighborhoods are not museums. They are homes and businesses laid out in a pleasing, efficient community which often mixes the new and the old.

As discussed in the Housing Plan, it must be recognized that at least some of the damage to historic resources was fostered by inappropriate suburban-style zoning. Some zoning ordinances have applied such standards as on-site parking and extensive yards which make it easier to build new buildings which destroy the urban fabric, pre-existing density, or even encourage demolition. Communities with both historic resources and zoning should review their ordinances for these unintended effects.

At a minimum, they must ensure that the standards for on-street or off-street parking, and reuse of non-conforming buildings do not encourage the demolition of sound historic buildings in centers.

Permit zero lot line and very minimal side yard requirements so that new buildings can be built at similar mass to preserve streetscapes.

Use the sign section of zoning ordinances to preserve streetscapes, while allowing advertising.

Another means to prevent unnecessary destruction of historic buildings is through the use of adaptive re-use codes. Adaptive re-use codes promote preservation by giving further use rights to owners of historic structures. For example, a historic building in an R-1 District might have the right to use the structure for a professional office, a use perhaps not normally allowed in that district. The approach specifically can deal with “white elephant buildings”—former churches and schools which may not be usable under normal nonconforming use standards. The approach can also tie into the tax credit program by opening up more opportunities for income-producing property to be rehabilitated. The first adaptive re-use code in western Pennsylvania was adopted by the City of Meadville, though Clarion Borough also releases National Register properties from parking requirements.

Another new power is the article added to the Planning Code entitled Traditional Neighborhood Development, or TND. TNDs are another means to encourage innovation in which local planning ordinances of zoning and subdivision regulations can be combined. A significant difference between TND and other planning tools is that there

are specific powers to regulate not only bulk and density, but some elements of design. Again, the City of Meadville in Crawford County has used this approach, to bring quality mixed-use development to downtown.

A more used option is to utilize zoning powers to protect historic resources through some form of outright designation. This power is specifically granted by the Pennsylvania Municipalities Planning Code, but has not been as commonly used in Pennsylvania. The typical approach has been to create an Overlay Zoning District, which includes preservation standards. Where development is proposed in the Overlay District, a local historical commission acts as advisor to the Zoning Hearing Board. This type of ordinance was adopted by the City of Erie.

**Subsidizing Preservation:** There is little doubt that the quality of many of the older buildings in the County could not be replicated today, simply due to changing economics. In terms of long-term investment, it simply makes sense to foster a policy which reinvests in these private structures. Encouraging participation in housing rehabilitation programs can allow low-to-moderate-income homeowners to make in-kind replacements to the historic materials which comprise the components of their homes. Many could not otherwise afford the quality of materials inherent in in-kind material replacement. As a substitute, they would, thus, utilize inappropriate or inferior modern materials.

For commercial structures, the Commonwealth has periodically made cost-share programs available for facade restoration. Communities with significant downtowns, who plan to pursue this, should strive to develop a market study; then address physical revitalization needs through a partnership with downtown banks and the Pennsylvania Department of Community and Economic Development. Mars and Slippery Rock are both involved in such processes. A key need may be, over time, to extend this to smaller downtowns with fewer resources.

Facade programs tend to work best where the merchants are also building owners. In a situation where buildings are rented by absentee landlords, there is less financial incentive. One component of this partnership could be an effort to secure below-market capital for tenants to purchase the building. A second alternative is a form of conservation easements for centers in which the facade, after restoration, becomes public property through an easement. This can have some obvious tax benefits for even an absentee owner. Though theoretically understood, this tool has not been widely used in Pennsylvania.

**Conclusions:** Butler County has a rich history which is recognized by many residents. However, there has not been widespread work to document or promote resources. From a planning perspective, there is a very real need to bring municipal regulations into compliance with historic preservation mandates, in a manner which also meets other

regulatory needs. This can be accomplished by the County Planning Commission publishing models and land use guidelines. There is also not a wide knowledge of subsidy tools. Better use of tools can be encouraged to evolve out of an education process which begins with identifying, documenting, and interpreting Butler County resources.

### **SUMMARY OF KEY RECOMMENDATIONS:**

- ▶ Create a uniform marker/signage program for County-level historic resources as a means to promote a County identity.
- ▶ Support continued property acquisition and resource capacity expansion of the County Historical Society.
- ▶ Combine existing databases about historic resources (cemetery inventory, archeological sensitivity, National Register) into a simple GIS system for land use planning purposes.
- ▶ Using the GIS system as a starting point, conduct a Countywide historic resources survey.
- ▶ Develop model zoning standards for communities to comply with historic preservation standards required by the Pennsylvania Municipalities Planning Code.

## COMMUNITY FACILITIES PLAN

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Section 301 (4) of the Pennsylvania Municipalities Planning Code requires comprehensive plans to contain “a plan for community facilities and utilities.” The Code states the plan may deal with every issue from libraries to hospitals. Traditionally, this Plan chapter is primarily graphic in nature, and focuses on the provision of public water and public sewer. This is because the State mandates municipalities to also prepare a Sewage Facilities Plan (as authorized under Pennsylvania Act 537). Recent strengthening of the Pennsylvania Municipalities Planning Code now requires planning for a reliable supply of public water. For such information, a graphic approach is the best way to convey the concepts. Traditionally, the comprehensive plan would also recommend future service areas, based upon current and anticipated land use. This approach has recently led to controversy in other counties, where sewage providers proposed to use public grant money to service areas not identified as such by the county or municipal comprehensive plan. The problem was simple. A comprehensive plan was adopted that did not recommend a portion of a municipality for future public sewer service. Later, the community decided to extend service to this area and found it not fundable due to a conflict with the comprehensive plan. If Butler County follows the typical path of outright depiction of recommended future service areas, a similar controversy will inevitably occur. As an alternative, the County considers its proper role to encourage a consistent policy, based upon commonsense planning principles. Butler County does not intend to dictate where municipalities, authorities, or other water and sewer providers should or should not extend service.

The County has identified three major commonsense principles which led to the creation of this portion of the Plan. The first is that land use policies, such as zoning, should be consistent with utility service areas. The second is that public water and sewer service areas should prepare for reasonably anticipated future growth. Finally, sewage and water extensions, consistent with the concept plan, should be prioritized.

Finally, this Plan chapter will examine the relationship between growth and development and other community facilities and services, including public and private water, schools, and protective services.

**Land Use Policies and Public Sewerage:** There is no doubt that the presence of public sewage treatment is one of the engines driving growth and development in Butler County. The extension of sewerage represents a substantial public investment which can have a considerable effect on a private resource (land). This links the action of providing public sewage treatment to land use policies. For example, if a community has zoned land for agricultural purposes, the huge investment of sewer is going to either encourage the conversion of the farmland or become an investment with little environmental or economic return. A similar relationship can exist between lot sizes and sewage. The

service cost benefit ratios are substantially higher to extend service to an area with 200 feet wide lots versus one with 80 feet wide lots.

The Community Facilities Plan I Map 62A illustrates that there remain a number of areas zoned for rural/agricultural/low-density uses which are within current service area boundaries. Conversely, there are a number of high-density areas outside public service areas. This map illustrates that communities should be encouraged to create policies to make infrastructure and land use policy consistent. Primarily, agricultural areas already served can be re-zoned, or performance standards developed to protect their current integrity.

It is the recommendation of the County that this issue be examined by every community which has both zoning and public sewer service. The potential for this inconsistency is more pronounced in townships than boroughs. Again, communities have at least two choices in this situation, and the County does not wish to dictate a choice.

As mentioned previously, one option involves re-zoning. If this is being considered, the municipality should examine the capacity of the agricultural/low-density zoned lands for denser or more intense uses. The following principles can help guide such re-zoning:

- Presence of nearby single-family residential areas would argue against re-zoning to commercial or industrial uses.
- Presence of high-volume traffic areas would argue for commercial purposes.
- Increase in density within service areas could meet needs for forms of housing addressed in the Housing Plan (i.e., multi-family dwellings for retired persons).
- Efficient service densities would dictate single-family lot standards of at least 2 units per acre, and minimum lot widths of no more than 100 feet per unit.

Conversely, a community may have very legitimate reasons for retaining agricultural/low-density designations. These may include farmland preservation, presence of environmental limitations, or preserving rural character. If this is the case, zoning must reflect this. Standards can be developed to limit future connections to public sewer by lot frontage. Another option is to net out environmentally sensitive areas from minimum lot size standards. In addition to tap-in limits, line size could be integrated into plans to extend sewer, while preserving rurality.

Finally, there are similar land use policies which can potentially conflict with infrastructure. One of these is Agricultural Security Areas. In many communities, Agricultural Security Areas may or may not correspond to both zoning policy and public sewer.

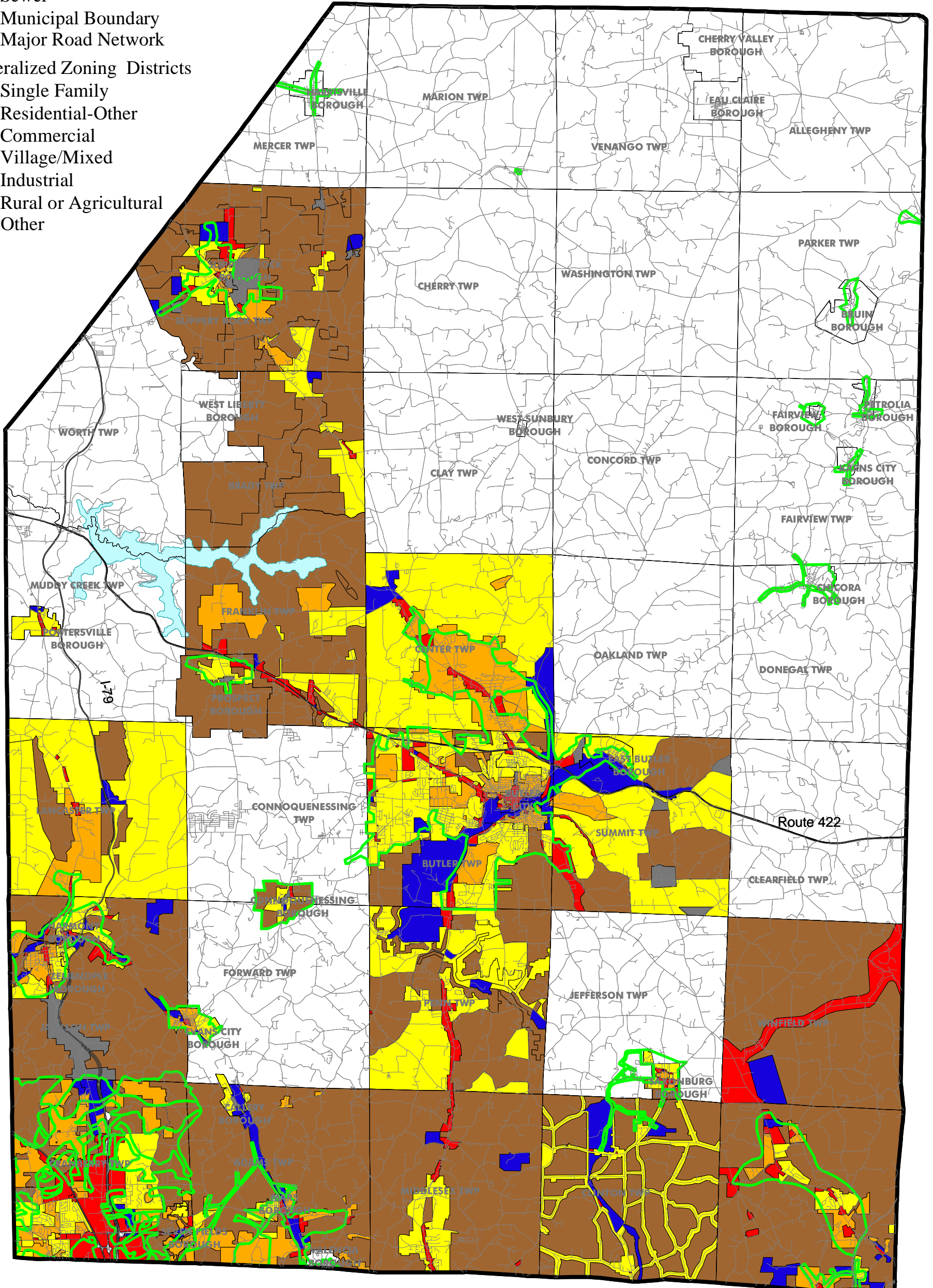


# Butler County Comprehensive Plan: 62A: Community Facilities Plan I- Comparing Current Sewer Service Areas with Local Zoning Policy

- Sewer
- Municipal Boundary
- Major Road Network

## Generalized Zoning Districts

- Single Family
- Residential-Other
- Commercial
- Village/Mixed
- Industrial
- Rural or Agricultural
- Other



Needless to say, discussion about these policies must involve both sewer service providers and municipal officials/planning commissions. Frequently, the authorities can bring much to the table in terms of helpful discussion. The authority form of providing service is also essential to resolving the complexity of inter-municipal service provision. The basic need is for planning to ensure consistent approaches (or at least a full understanding of exceptions to consistency).

Equally important with consistent policy is the need for systems to plan for anticipated growth. As mentioned in the Reconnaissance Study, Butler County demographic growth is being driven by in-migration, not natural increase. Regional gains from the SPC Cycle 8 projections can be summarized as follows:

<u>Planning Region</u>	<u>10- Year Gain</u>	<u>Total 25- Year Gain</u>
Region 1 (NW)	+6,712 Persons	+7,229
Region 2 (NE)	+2,240 Persons	+2,587
Region 3 (Central)	+19,82 5 Persons	+23,45 6
Region 4 (SW)	+37,69 7 Persons	+40,88 0
Region 5 (SE)	+16,75 4 Persons	+17,96 0

Thus, in a continued high-growth scenario, communities in the region may need to provide for service to households at the following ratios (new population divided by household size):

<u>Planning Region</u>	<u>Projected New Households - 2012</u>
Region 1 (NW)	2,777

Region 2 (NE)	967
Region 3 (Central)	8,658
Region 4 (SW)	15,662
Region 5 (SE)	6,910

It can be assumed that many of these new households will desire public sewer service. How much land will be required to accommodate them?

This will be dependent upon the density of development. The next table illustrates the acres needed at common densities of one-acre lots, half-acre lots, and quarter-acre lots.

**ACREAGE NEEDED FOR  
ANTICIPATED NEW HOUSEHOLDS**

<u>Planning Region</u>	<u>Acre Lots</u>	<u>Half Acre Lot</u>	<u>One- Fourth Acre</u>
<u>Region 1 (NW)</u>	<u>2,777</u>	<u>1,389</u>	<u>694</u>
<u>Region 2 (NE)</u>	<u>967</u>	<u>484</u>	<u>242</u>
<u>Region 3 (Central)</u>	<u>8,658</u>	<u>4,329</u>	<u>2,165</u>
<u>Region 4 (SW)</u>	<u>15,662</u>	<u>7,831</u>	<u>3,915</u>
<u>Region 5 (SE)</u>	<u>6,910</u>	<u>3,455</u>	<u>1,728</u>

It must also be realized that residential growth brings the need for land to serve shopping centers, offices, and institutions. A general ratio is 1-acre non-residential for every 4-acre residential development (actually residential acreage \* 27%). If the half-acre standard for residential land is used for planning purposes, the following results:

**Total Acreage Needed to  
Accommodate Anticipated Development**

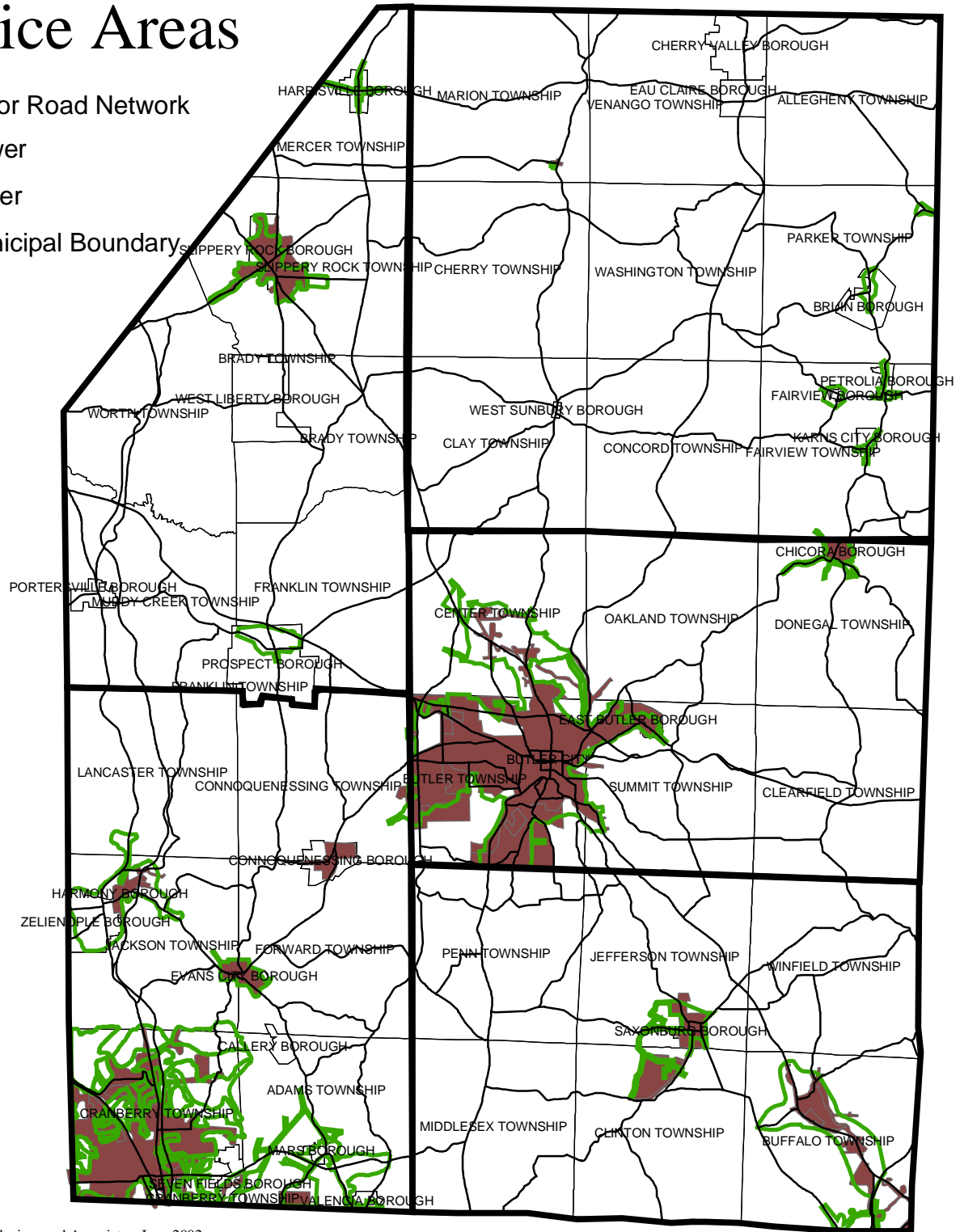
<b><u>Planning Region</u></b>	
Region 1 (NW)	1,764 Acres
Region 2 (NE)	614 Acres
Region 3 (Central)	5,497 Acres
Region 4 (SW)	9,945 Acres
Region 5 (SE)	4,387 Acres

The final question is, how much land is available in service areas already? Land cover from the Reconnaissance Study was used to determine the maximum acreage available within these areas (total acreage in service area minus environmentally limited areas and fully developed areas). The results are as follows:

<b><u>Plan ning Regi on</u></b>	<b><u>Land Needed to Accomm odate Growth</u></b>	<b><u>Ma xim um Acr es</u></b>	<b><u>Diff ere nce</u></b>
<u>Regi on 1 (NW )</u>	<u>1,764 Acres</u>	<u>2,911 Acres</u>	<u>1,147</u>
<u>Regi on 2 (NE)</u>	<u>614 Acres</u>	<u>264 Acres</u>	<u>-350</u>
<u>Regi on 3 (Cen tral)</u>	<u>5,497 Acres</u>	<u>2,969 Acres</u>	<u>-2,528</u>

# Butler County Comprehensive Plan: 66A: Community Facilities Plann III Comparing Public Water and Sewer Service Areas

- Major Road Network
- ▭ Sewer
- ▭ Water
- ▭ Municipal Boundary



<u>Region 4</u> <u>(SW)</u>	<u>9,945</u> <u>Acres</u>	<u>9,379</u> <u>Acres</u>	<u>-566</u>
<u>Region 5</u> <u>(SE)</u>	<u>4,387</u> <u>Acres</u>	<u>1,266</u> <u>Acres</u>	<u>-</u> <u>3,121</u>

Only one Planning Region has a possibility of being able to accommodate the projected growth at assumed densities without extending service areas. These situations are depicted in the set of regional maps.

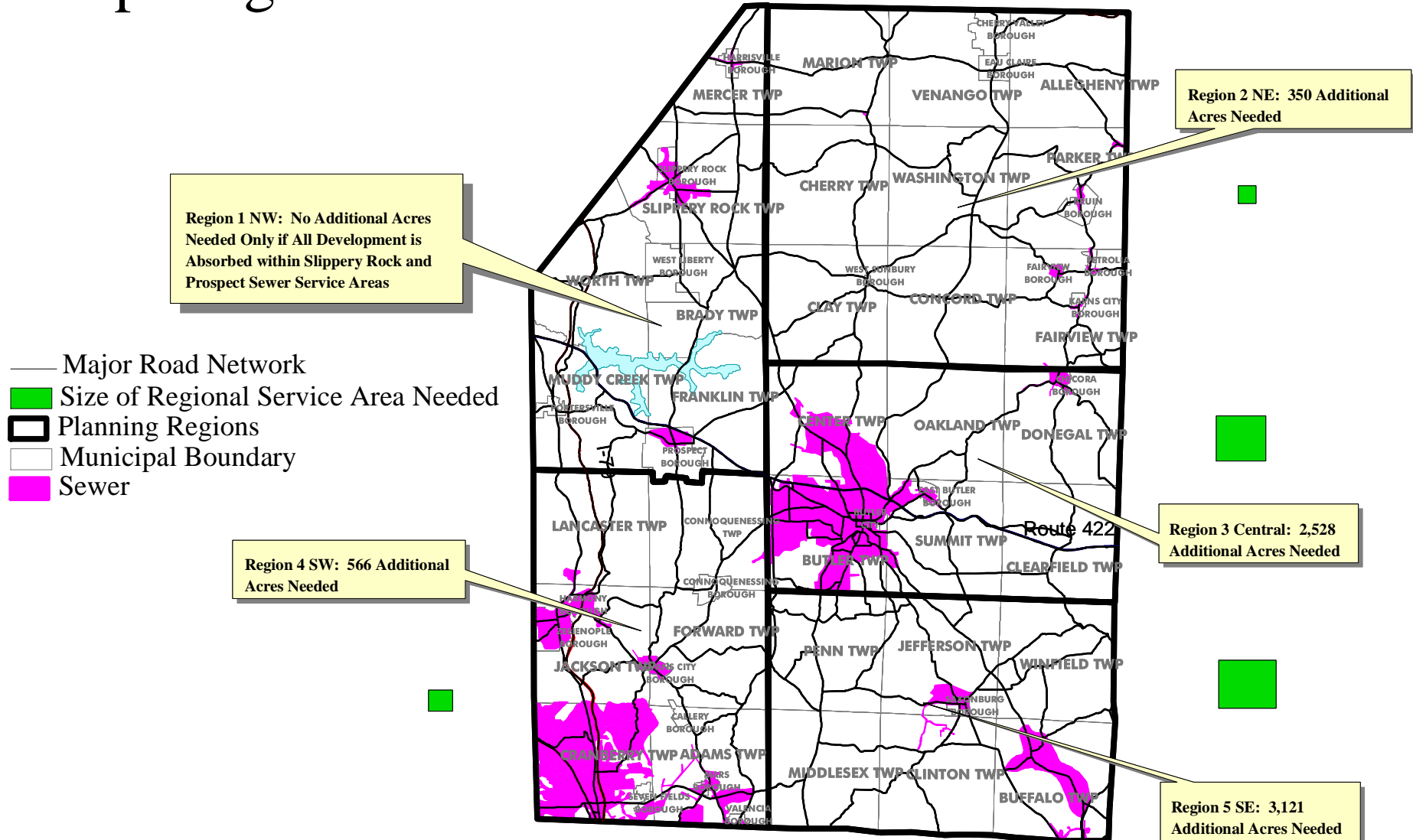
Planning Region 1 is a result of Prospect Borough. Only a small part of the borough is fully developed. The Slippery Rock Municipal Authority may also have sufficient land resources. Planning does not anticipate significant growth, but there are large areas unserved. In reality, most new development will practically be dispersed over a wide area and outside service areas. Region 3 has excess land, but much of it is constrained by slope. As the square shows, many additional acres are needed. In Region 4, Cranberry Township and Adams (Breakneck Creek) have the best potential to absorb the enormous projected growth. However, this may be limited by the differences between land cover data and reality on the ground. Region 5 is limited because only Buffalo Township has service with geographic capacity. It is geographically impossible to expect six townships' worth of growth to concentrate there. The answer here may be examining the feasibility of new small sewage treatment systems in Middlesex, Clinton, or Penn.

It must be emphasized these are County-level examinations based upon regional data. The growth scenarios are mathematical projections, not predictions. The land cover data is no substitute for land use surveys conducted on the ground. These numbers, however, are an appropriate starting point for regional discussions on the issues of growth and public sewer needs. The bottom line is the entire issue of density of development and extensions of service must be examined by municipalities, authorities, and regions.

It must also be recognized that some growth may occur outside sewer service areas and rely upon on-lot sewage disposal. In many cases, on-lot sewage is regarded as maintenance free by both municipal officials and citizens. Inevitably, unmaintained septic systems fail. In a growing community, it is likely that a complaint will be filed. If this happens enough, an Act 537 Sewage Facilities Plan must be prepared to respond. The typical solution is to extend public sewer. Some Pennsylvania communities are attempting to avoid this panic-planning process by actively managing on-lot sewage systems and creating mini-sewer service areas served by small package plants or multi-user sand mounds. For those communities who do not wish to incur the cost of public



# Butler County Comprehensive Plan: 65A: Community Facilities Plan II- Comparing Future Service Areas and Needs



sewer, or wish to protect health and safety while protecting rural character, this approach has much promise. The encouragement of active on-lot sewage management by municipalities is a policy wholly endorsed by the County Comprehensive Plan.

The expansion of public sewage treatment has long been emphasized over public water service. This is for several reasons. First, adequate sewage disposal is a requirement of any development process per Act 537 and regulations adopted from it. Second, inadequate sewage disposal can create real public health and safety hazards. Finally, with 40-plus inches of precipitation in a typical year, water resources are not first in the mind of the average Pennsylvanian. The results of this situation can be seen in Map 66A, comparing public water and sewer coverages. In almost every instance, sewerage has outpaced public water lines. This is illustrated on the Comparative Plan Map (Community Facilities Plan III).

When the growth projections are considered, the lack of planning for public water supply may need to end. In addition to the obvious issues of safe yield and treatment plant capacity, there are land use relationships in this area as well. Major issues include lack of local hydrological and hydrogeological data, and the relationship between specific land uses, density, and water use. This is important both within and outside public water service areas.

Both zoning ordinances and subdivision and land development ordinances can make safe water withdrawal a part of their density standards. For example, a major subdivision outside a service area can be required to prepare a hydrological study preceding approval. New development near public water sources can be required to connect, based upon the number of lots and distance. Density can be based on a safe yield by municipal study as well. For example, a township could prepare a hydrogeological study toward density-based water supply overlay zones (limit development density to prevent overdrawing aquifers). If on-lot water supply is a problem now at current levels of development, it will certainly be a greater problem in the future. With a sound understanding of the abilities of the local aquifers to supply on-site water, and the knowledge of how much water various forms of development require, such density standards can be developed. For example, if it could be shown that the safe withdrawal from a particular aquifer was 50 percent less than the water that would be withdrawn by that same area if developed to full residential density, a township would be justified in increasing minimum lot size by 50 percent.

The EDU-based sewage flow estimates can also be used to accurately estimate water withdrawal for certain land uses. Of particular concern are certain light industries (such as food processing, or industrial cooling water), car washes, and large restaurants. If a community has public water, it should consider at what EDU level such businesses should be confined to within service areas.



Also, land use regulations can, and should, include overlay zone protection for wellhead areas for public water sources. Many communities in Butler County have not done so. Wellhead protection standards are a very direct means to protect this public resource.

Finally, the many growing communities within Butler County must begin to examine their community services capacity. Growth, greater density, and suburbanization frequently bring pressure for higher service levels. The County has responded by investments in County-level services such as the excellent County library system. This relatively flexible entity illustrates the ability to provide services to urban, suburban, and rural communities within their context.

One particular challenge will be to school systems. These facilities must be devised to meet the needs of anticipated in-migrants. Unfortunately, State-level school district enrollment projects (which represent the basis of State funding for school facilities) cannot account for in-migration. However, the Pennsylvania Department of Education will accept alternative projects. The summary table compares PDE and SPC Cycle 8 projections.

<u>School District</u>	<u>Current Enrollment</u>	<u>Projected Enrollment</u>	
		<u>PD E</u>	<u>SPC-Base d</u>
<u>Seneca Valley</u>	<u>7,440</u>	<u>8,475</u>	<u>14,194</u>
<u>Moniteau</u>	<u>1,762</u>	<u>1,670</u>	<u>1,351</u>
<u>Slippery Rock</u>	<u>2,646</u>	<u>2,782</u>	<u>5,123</u>
<u>Butler Area</u>	<u>8,493</u>	<u>7,420</u>	<u>15,897</u>
<u>Karns City</u>	<u>1,896</u>	<u>1,653</u>	<u>1,530</u>

<u>Freeport Area*</u>	<u>1,876</u>	<u>1,876</u>	<u>2,079</u>
<u>AC Valley</u>	<u>1,102</u>	<u>800</u>	<u>108</u>
<u>Mars Area</u>	<u>2,626</u>	<u>2,876</u>	<u>5,914</u>
<u>South Butler County</u>	<u>2,980</u>	<u>2,407</u>	<u>7532</u>

\*Includes non-County municipalities

Obviously, there is substantial discrepancy. As the County’s principal demographic information broker, the County could refine the SPC numbers with local building permit data and provide school districts with better localized projections. This will mean that facilities are constructed to fit anticipated growth.








Another challenge will be communities with some areas of suburban growth but remaining rural areas. Suburban areas will be pressure points for more services such as police protection. Through intergovernmental agreements, such as provided for by Acts 67 and 68, it may be possible to establish sub-municipal service districts. This will enable one municipality to meet the needs of its rural and suburban constituencies.

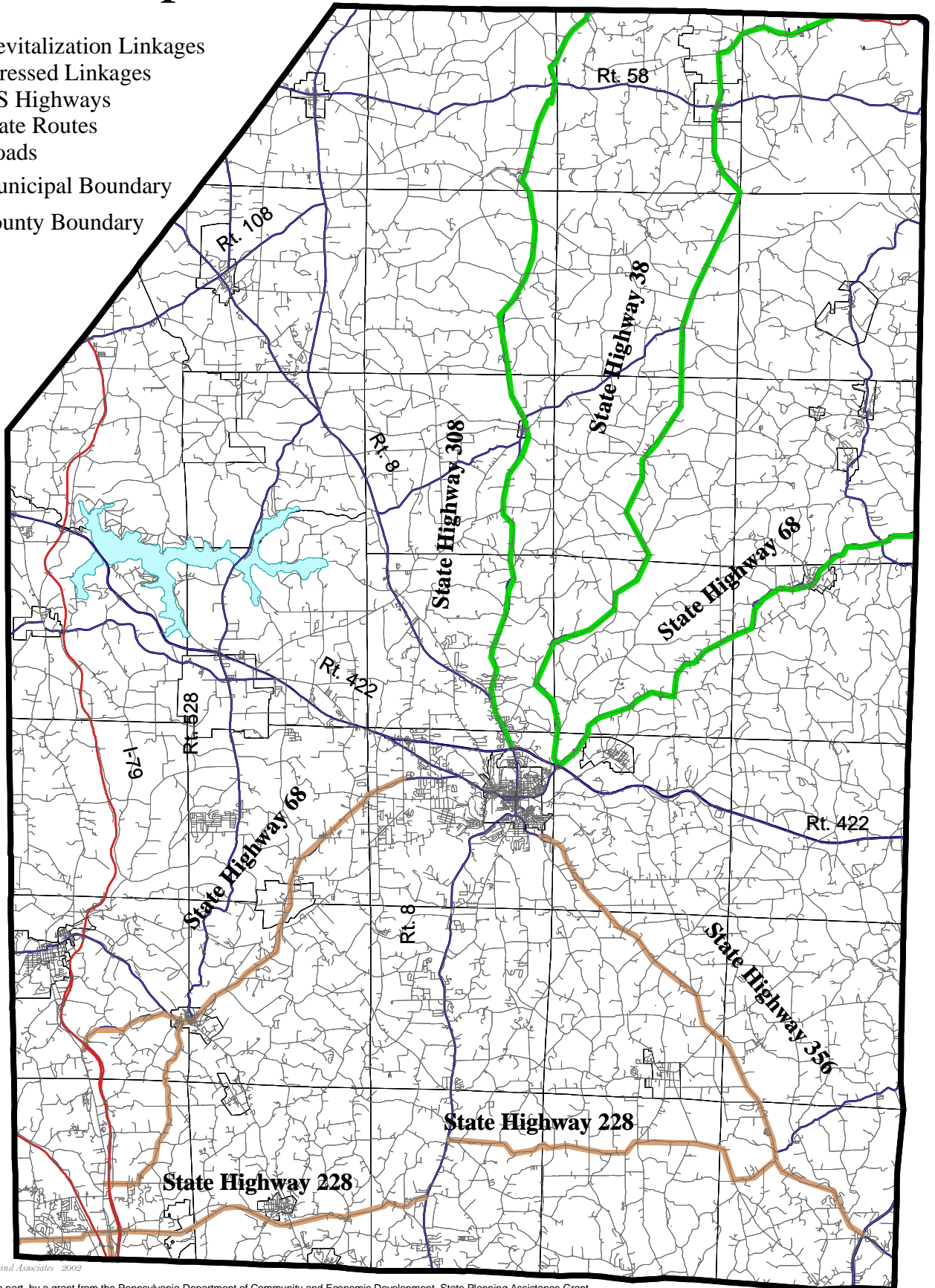
**SUMMARY OF POLICIES AND RECOMMENDATIONS:**

- ▶ Encourage and assist greater consistency in public sewer and land use policies.
- ▶ Use growth projections as a starting point to examine local growth capacity on a municipal and regional level.
- ▶ Encourage active municipal management of on-lot sewer service areas and on-lot systems.
- ▶ Prioritize assistance in infrastructure for growth communities near sewage and water treatment plant capacity.

- ▶ Prioritize public water service to sewer service areas.
- ▶ Integrate water withdrawal standards into land use planning.
- ▶ Prepare a model wellhead protection ordinance for use by County communities.
- ▶ Work with school districts to prepare customized enrollment projections for facilities planning.
- ▶ Examine MPC tools to establish sub-municipal/inter-municipal community/services districts. Prepare model inter-municipal cooperation agreements.

# Butler County Comprehensive Plan: 70A: Transportation Plan Issues

-  Revitalization Linkages
-  Stressed Linkages
-  US Highways
-  State Routes
-  Roads
-  Municipal Boundary
-  County Boundary



## TRANSPORTATION PLAN

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The Pennsylvania Municipalities Planning Code states that this element of the comprehensive plan is defined as, “A plan for movement of people and goods.” The parameters of this element, “may include expressways, highways, local street systems, parking facilities, pedestrian and bikeway systems, public transit routes, terminals, airfields, port facilities, railroad facilities and other similar facilities or uses.”

As with the other chapters of the County Comprehensive Plan, the central linkage between diverse issues is land use. Public investments into transportation infrastructure have an enormous effect upon the use of land. Government invests in roads and streets to relieve congestion. This makes travel easier and leads to more people using the road. Businesses relocate to be convenient to the new numbers of vehicles. More drivers and cars are attracted to the businesses. This continues and increases congestion. An example of this can be seen in the Route 68/356 corridor from the Route 422 exit (Lyndora) to its junction with Hansen Avenue in Butler. This road originally had potential to relieve the amount of traffic on the Route 8 corridor through Butler. However, the growth of highway commercial uses and the resultant signalization needed for traffic control has negated any such original advantage. This is simply a result of lack of coordination of transportation policy and land use policy. Yet, improvements must be made to accommodate anticipated growth. A crude estimate of this growth can be made by assuming each new dwelling will generate 10 vehicle trips per day. This would look like this on a regional basis.

<b><u>Planning Region</u></b>	<b><u>Current Household- Generated Vehicle Trips Per Day</u></b>	<b><u>Projected New Residential Based Vehicle Trips Per Day - 2012</u></b>
Region 1 (NW)	71,000	+27,770
Region 2 (NE)	56,000	+9,670
Region 3 (Central)	23,000	+86,580
Region 4 (SW)	22,000	+156,620
Region 5 (SE)	12,000	+69,100

If the Land Use Plan builds out as illustrated, this new traffic will put enormous strain on certain linkages. Based on available data, it can be assumed that at least 30 percent of the Countywide workforce is working outside the County, and 90 percent of these are working in Allegheny County. The strain will thus occur where residents are trying to get to main connectors to Allegheny County (I-76/I-79/Route 28/Route 8) via two-lane inadequate major/minor arterials and urban or rural major collectors. These two-lane roads are simply inadequate. This has already been recognized by other studies, such as the Route 228 early options analysis and the Buffalo Township Land Use and Transportation Initiative. What must be recognized to prevent this from being a proverbial puppy chasing its tail is that:

- Growth will bring pressure for land use changes which alter the function of roads, mixing locally generated traffic with through traffic.
- Every one of these stressed linkages represents a multi-municipal issue, which municipal level planning cannot adequately address.

Such conditions occur because of the ready access to two-lane roads. Along limited access highways, development is largely concentrated only at interchange areas. Without limited access, intense land use mixes local traffic and through traffic. The result is both congestion and accidents.

The relationship between the issues of land use and transportation can be seen by comparing the zoning types which generate major traffic and the road system. At the community level, it is a very typical practice to zone areas adjacent to major highways for commercial and industrial uses. Examples may be seen in Penn and Middlesex Townships, with large sections of Route 8 zoned for commercial purposes, and Winfield Township, where all major highway areas are so designated. Conversely, from a County/Regional vantage, this type of zoning designation can compromise the use of the road in moving traffic through the County and to other places.

Communities are often left with no-win choices in such circumstances. Residents do not want to build homes near busy roads. The traffic makes roadside commercial uses the remaining use. Communities in such a situation have a variety of choices to prevent this congestion:

- Re-zone excess roadside commercial districts to other uses.
- Emplace design standards to maximize safety and limit congestion.
- Encourage non-commercial/high traffic uses within commercial districts, such as multiple-family dwellings with quality standards.

The multi-municipal aspects of this situation can be seen by following the road connections from major industrial areas to major arterials. For example, the Victory Road Industrial Park in Clinton Township can be anticipated to generate significant traffic due to shipping and receiving as it builds out. This traffic will be moving along the 228 corridor to either Routes 28, 8, or the I-79/I-76 area. In doing so, this traffic will affect the Townships of Buffalo, Middlesex, Adams, and Cranberry, regardless of their own planning policies (this is not to put all blame upon the originator of the traffic, only to illustrate the regional aspects of the issue).

The ultimate solution must be regional planning agreements which purposefully link the issues of land use policy and transportation. The County cannot mandate such agreements, but it can act as an agent to facilitate them. The ideal would be the adoption of regional plans which:

1. Recognize the effects of municipal transportation policy on neighboring communities.
2. Remove unnecessarily redundant zoning designations through intergovernmental agreements.
3. Adopt unified access management standards.
4. Lead to multi-municipal coalitions which can enter the transportation funding arena with regional plans which will not cancel each other's efforts.

The natural coalitions may be:

Route 356 from Butler Township to Buffalo Township

Route 228 from Cranberry to Buffalo Township

Route 68 from Butler Township to the Route 528/Interstate 79 area in Jackson Township

Such an approach may ultimately also help the northeastern region. This area is not suffering from stress on its transportation infrastructure, due to growth. It needs improvements to increase economic connections to the rest of the County. Typical needs here are straightening, re-grading, and selected passing lanes on such roads as Route 308, Route 38, and Route 68. If these needs are met with other economic issues, there is a chance that this area could both see significant revitalization and absorb some

additional countywide growth. At the very least, it will help residents of these communities commute to job opportunities elsewhere.

The County can facilitate this through multi-municipal technical assistance and the development of financial incentives. If communities adopt regional plans which meet the above criteria, the County can respond by raising the status of requested improvement projects. Quite simply, two or more communities which work together should receive some “bonus points” when the Butler County Transportation Improvements Program (TIP) is being submitted for funding. Furthermore, the County can begin to promote the cutting-edge transportation management structure that will be necessary to implement such an approach. These best practices range from those appropriate to suburban residential standards to highway commercial situations.

**Typical Commercial Situations:** Promote maximum land utilization, especially full depth of development. Strip commercial should be discouraged. Several tools can help accomplish this:

- Setbacks to leave enough land for the future secondary access
- Require connected parking lots
- Require new roads be planned for connection to future development
- Official mapping should be considered to ensure a sensible street system which is a continuation of the existing pattern
- Re-zoning key tracts at intersections

An example of the preferred alternative is the recent improvements in Cranberry Township at the Barnes and Noble/Wal-Mart/Homeplace plazas, and Moraine Point in Butler Township. All the businesses share a principal access point. Shoppers can drive between stores without re-entering Route 19 or Route 356. These types of development concentrate traffic, rather than spreading it over miles of secondary roads.

Even with traffic control standards in place, communities which anticipate significant suburban growth and development must recognize that some physical improvements still must be made, and such improvements cost money. The MPC recognizes this and authorizes municipalities to prepare Transportation Capital Improvement Programs and subsequently adopt impact fee ordinances. This allows the community to assess per-lot fees which go directly to transportation improvements. Many developers prefer this because improvement costs are shared across an area, rather than saddled upon one developer. Thus far, only one Butler County municipality (Cranberry Township) has chosen to use this tool. It may be useful in other communities.



Municipalities across the County should also reexamine their road and street standards to ensure they are consistent with their land use goals. The typical Butler County SALDO requires a fairly wide (22-24 foot cartway) curbed suburban street, regardless of street function or density. Cul-de-sacs are either discouraged severely or permitted without restraint.

Evolving best practices show that street design should be linked to the streets function and either frontage width or overall density. In high-density areas with narrow lots, streets should be wide enough to accommodate on-street parking and sidewalks are more essential. Suburban densities of one-half acre or three-quarter-acre lots can function well with the suburban 22-24 foot-curbed street. Very low density subdivisions can function with narrower streets (20-foot cartway) and in these rural situations, sidewalks and curbs may be inappropriate.

One real problem is a lack of street inter-connectivity in the County. Cul-de-sac lots are popular to discourage through traffic, but can result in placing large amounts of traffic on a few points. The traditional limit on cul-de-sacs was a 600-1,000 foot length limit for fire protection. Evolving standards are more toward limiting the number of lots per cul-de-sac (24-25 lots) and preventing one cul-de-sac from leading into another.

Public policy must also recognize that transportation is more than individual cars. The City of Butler and many small towns have higher proportions of non-drivers. Public transit policies should remain consistent with demographic trends, and connections must stress linking small towns to urban areas and connecting the Butler and Cranberry urban areas.

The most traditional form of transportation is walking. Ironically, in many communities, walking has become recreational, rather than a utilitarian activity. Part of the idea of building better suburbs is to make it at least technically safe and feasible to walk to a destination, such as shopping or recreation or education. Residential street systems should take advantage of evolving traffic calming practice to permit this. Even highway commercial areas can, and should, be connected to pedestrian areas.

Finally, in times of national defense, local airports became a crucial resource. Land use policies should support airport expansion. Airports must also be protected from encroachments into airspace by high objects and certain hazard uses (such as landfills).

## **SUMMARY OF POLICIES AND RECOMMENDATIONS:**

- ▶ Disseminate information about population projections, prepared by the Southwest Pennsylvania Commission, and their effect on transportation resources.
- ▶ Build multi-municipal planning coalitions to create solutions which link land use and transportation improvements for selected road networks stressed by regional growth and development.
- ▶ Promote intergovernmental agreements and a uniform approach to corridor zoning.
- ▶ Develop a system to prioritize transportation improvement projects which are the product of multi-municipal coalitions.
- ▶ Develop and distribute “best practices” commercial zoning and land development standards which maximize interconnection and secondary access between developments.
- ▶ Develop “best practices” subdivision standards which link street systems to the density of development and the nature of the surrounding community.
- ▶ Promote transit in key small towns and other areas where demographics warrant.
- ▶ Develop appropriate standards to foster destination-based (as well as recreation-based) pedestrian access systems.
- ▶ Support expansion of local airports and land use protection (height, high-impact use restrictions for airports).

## CONCLUSIONS: INTERRELATIONSHIPS

The MPC requires comprehensive plans to contain, “A statement of the interrelationships among the various plan components, which may include an estimate of the environmental, energy conservation, fiscal, economic development and social consequences on the municipality.” It is also required that the plan be cognizant of the effect of its policies on neighboring communities by including, “A statement indicating that the existing and proposed development of the municipality is compatible with the existing and proposed development and plans in contiguous municipalities, or a statement indicating measures which have been taken to provide buffers or other transitional devices between disparate uses.”

The various Plan components relate to the Concept Plan, and ultimately to the extensive visioning process which led to the concept plan map. After a series of regional meetings, focus groups conducted with various interests, local government workshops, a survey, and visioning exercises among the Planning Commission, this Plan has attempted to account for a variety of circumstances and needs within the County. Butler County is a diverse place. It is not the vision of this Plan that every place develop like Cranberry, or that every small town look like Saxonburg, or that Buffalo Township’s approach to farmland preservation is the only correct one. Subsequent Plan chapter recommendations are based on the Concept Plan. Some policies are appropriate for small towns, others for various rural, suburban or urban areas.

In examining the border areas of the County, it is believed that no policy will affect a contiguous municipality in a negative manner. Generally, the diversity of policies for the County regions are ones that would be as appropriate in the neighboring jurisdiction. Many issues are consistent. Northern Allegheny County communities must deal with the issues associated with rapid growth and development. Many Venango County communities are dealing with issues of economic difficulty and need for revitalization such as Butler County communities in the northeast are facing. Buffering should not be necessary due to consistent policies.

Finally, consistency will be assured through the County’s willingness to accept municipal or multi-municipal amendments and to consider co-adoption with municipalities. Over time, this will add a third phase of regional level documents, consistent with this effort, yet a continuous process.