

“And this is the job that we propose ... a project to develop the opportunities for recreation, recuperation and enjoyment in the region of the Appalachian skyline...to be connected by a walking trail”

*[Benton MacKaye - An Appalachian Trail: A Project in Regional Planning.
Journal of the American Institute of Architects (October 1921).]*



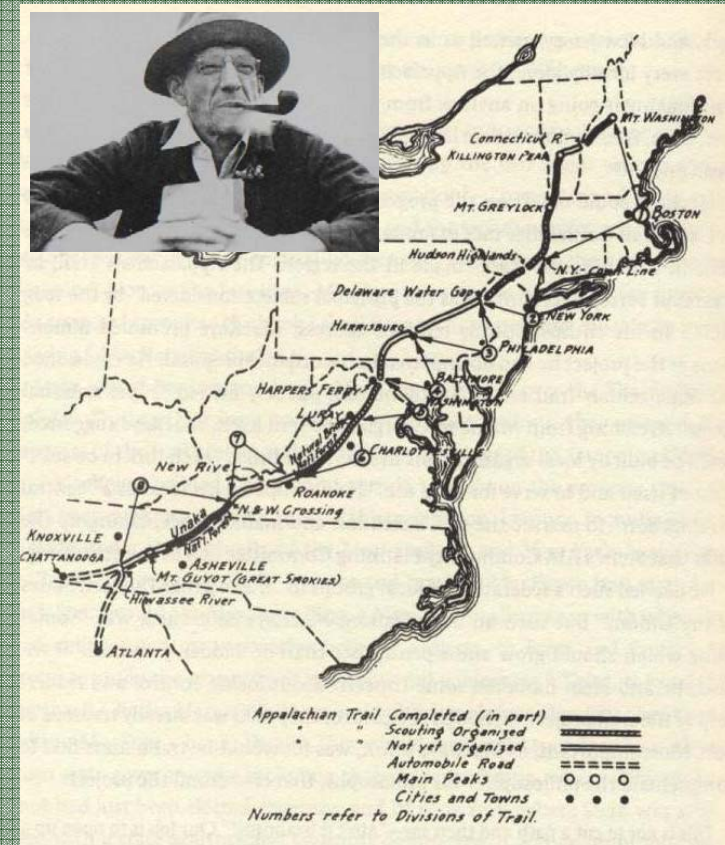
Presentation Outline

- Introduction
- Project Development
- Conservation Guidebook
- Municipal Tools
- Implementation
- Discussion



Introduction: the Appalachian Trail

- First conceived in 1921 by Benton MacKaye
- “Sustainable Regional Planning” – circa 1920s. Ninety years of investment.
- 2,178.3 miles along, crossing 14 states
- Nearly 4 million visitors annually
- Pennsylvania: 229 miles, 58 municipalities, 250,000 population



A History of Protection – A New Era of Collaboration

- 1937: Treadway completion
- 1968: National Scenic Trail status (Appalachian National Scenic Trail)
- 1990s: Completion of acquisition of an average 1,000 foot corridor of NPS/State Lands along Trail
- 21st Century: Large-landscape protection, municipal cooperation and land-use regulation

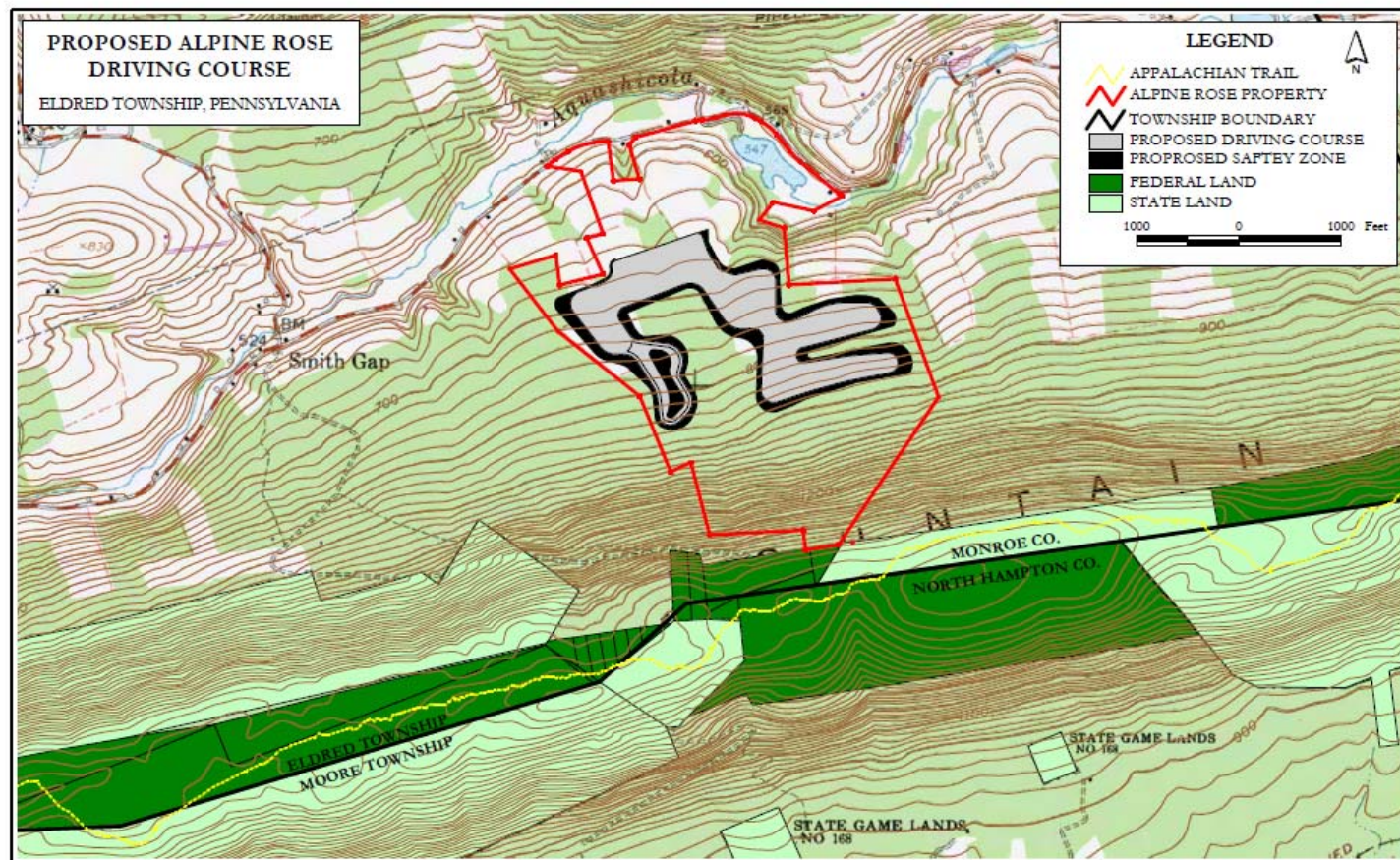


Today's Challenges for the ANST

- Population Growth: 2000 census projected to increase by 15% by 2010
- Increasing “rural sprawl”
- Growth in perceived in-compatible uses:
 - Cellular Towers
 - Wind Turbines
 - Gas Drilling
 - Alpine Rose, Inc – Eldred Twp.



“The High Performance Road Course that Started it All.”



Data Provided By Kent Surveyors - Reproduction by permission only.

Map Produced By Appalachian Trail Conference GIS, April 2002

Alpine Rose Controversy

- 2002: Preliminary plan submitted (S&LDO but no zoning ord.)
- October '02: Supervisors approve and BMPA/ATC appeals

Appeal arguments:

- o Violation of the Appalachian Trail Act and PA Constitution
- o Lack of consideration of the noise and traffic impact as required by S&LDO

BMPA–ATC vs. Eldred Township

- Court of Common Pleas (Monroe) affirms approval – decision appealed
- Commonwealth Court affirms/remands regarding noise enforcement (2005)

Holding:

- o Eldred is not required by the PA constitution, or the AT Act, to zone to protect the trail,
- o race course is not a nuisance *per se*,
- o applicant must clarify noise calculations to ensure enforcement

Alpine Rose Today

- 2005 DEP NPDES permitting is successfully appealed to PA Environmental Hearing Board
- EHB Holding: Alpine Rose did not successfully meet the anti-degradation requirements
- May 2009 PA DEP NPDES approval with conditions after applicant revised stormwater plan



The Response to Alpine Rose: Act 24 of 2008

- Response to weakness in MPC, Trail Act, and PA Constitution per municipal zoning requirement
- Representative Freeman sponsored with trail community assistance
- Amendment to exclude Cooke Township
- Specific language for a “model zoning ordinance” removed in favor of “technical assistance”
- Priority funding required for municipalities without a zoning ordinance

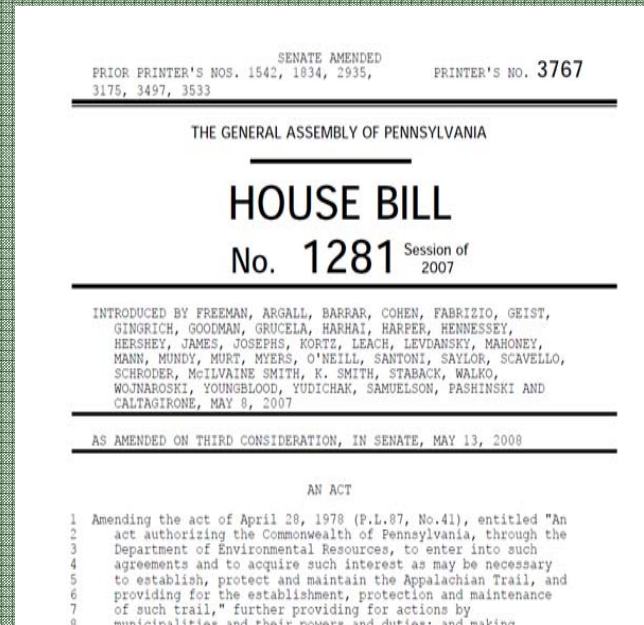
Act 24: Basics of the Legislation

- Amends the 1978 Pennsylvania Appalachian Trail Bill.
- Affects 58 municipalities, 11 counties, 4 boroughs, and 5 municipalities have no zoning
- Requires municipalities in which the AT exists to use their zoning power to:

“preserve the natural, scenic, historic and aesthetic values of the trail and to conserve and maintain it as a public resource.” – Act 24 Section 4(a)

Act 24: Basics of the Legislation (Continued)

- DCED required to notify municipalities and provide technical assistance and priority funding for implementation
- One-year deadline for implementation (Act 23 2009)
- Zoning may be applied only to the area around the trail – not the entire municipality (e.g. - airport hazard zoning.)



Project Development



COVE MOUNTAIN
SHELTER

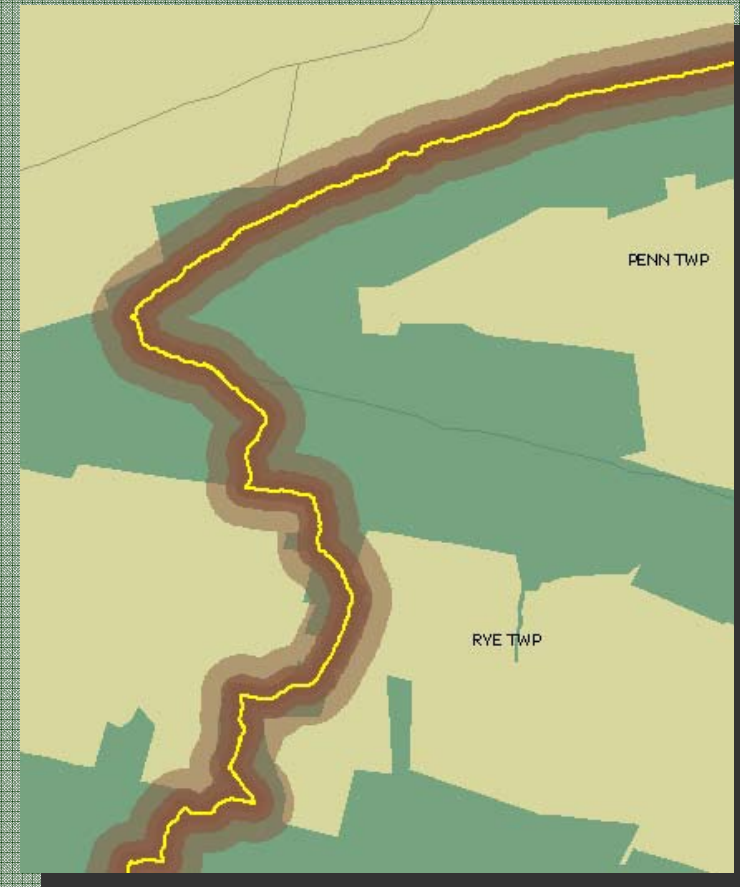
Project Development: Agency Principles

- Create a collaborative environment where municipalities feel the legislation is more opportunity than burden
- Find a balance between uniformity and uniqueness
- Use the opportunity to increase communication between county planning departments, commonwealth agencies, and their constituent municipalities



Project Development: Agency Principles (Continued)

- Follow the principal of “County Direction, Commonwealth Resources”
- Provide resources to assist partners in developing appropriate protection and implementing those ordinances at a municipal level
- Achieve a one-year extension for the deadline for municipal implementation



Wrestling with the Legislation

- What does “through which the AT passes” mean? What is the range and scope? Are we talking about the parcels where the AT runs through, a certain corridor around the trail (1 mile, etc...)?
- How do we evaluate whether the ordinance is preserving those values?
- The legislation reads: “as the governing body deems necessary...” That implies a review, but not a revision? What is the reporting requirement?
- Is there a punitive clause? What happens if a municipality does not review/revise the ordinance within a year?

Wrestling with Potential Implementation: Options

- “One-size-fits-all” model ordinance
- Fifty-eight unique ordinances
- County/municipal overlay or single purpose ordinance (for municipalities without individual ordinance)
- Examples of language and approach based on specific conditions, and level of desired protection



Agency Proposals to County Planners in July 2008

- Create some type of AT Protection Zoning resource that provides examples of ordinance language that will protect the values identified in the bill
- Resource could be a handbook, web-content, training, etc...
- Resource would be funded through DCED/DCNR funds
- Create a steering committee consisting of two county planning directors, agency representatives, and representation from ATC
- Determine applicant and put RFQ on the street in mid-August, 2008

Work Scope and Deliverables

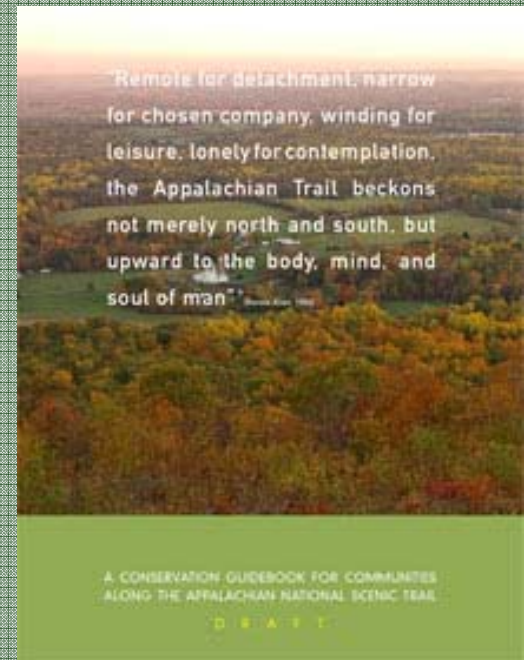
- *Orientation Packet* to municipal officials outlining the approach and web-site creation
- *A State of the Appalachian Trail in Pennsylvania* Report
- *A Conservation Guidebook* for the PA Appalachian Trail, containing regulations and guidelines for using them
- *A Program Implementation Strategy* to assist AT municipalities in protecting the Appalachian Trail.
- *An information clearinghouse* for GIS and other spatial data
- County and municipal outreach efforts to roll-out material

A photograph of a forest path with autumn foliage. The path is covered in fallen leaves and leads into a dense forest. The trees have green and yellow leaves, and the sunlight filters through the canopy. A semi-transparent white banner is overlaid on the top half of the image.

Conservation Guidebook

Conservation Guidebook

- Guidebook to a set of resources
- Table of Contents:
 1. Introduction
 2. The Trail's History
 3. Challenges in Maintaining the Trail Experience
 4. A Checklist for Community Self-Assessments
 5. Developing a Conservation Strategy for the Trail



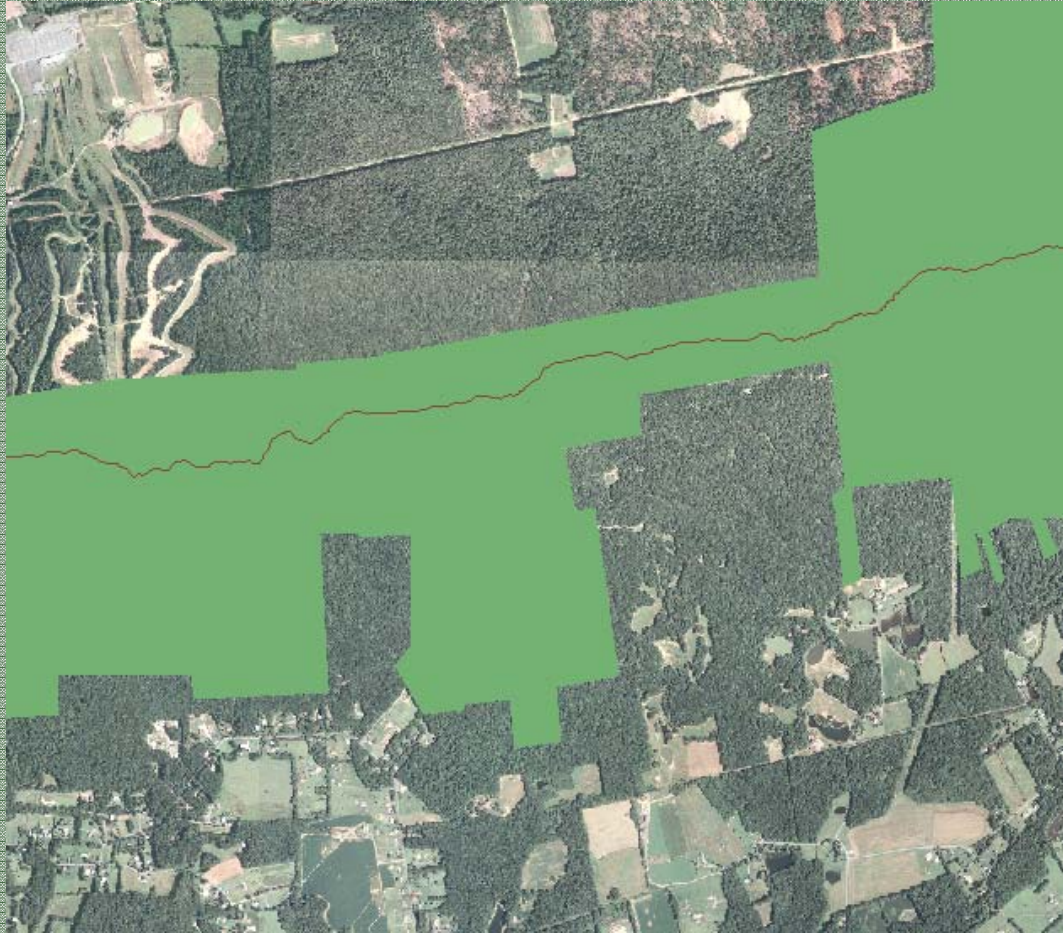
OVERVIEW OF THE APPROACH

- Its major goal is to raise community awareness and to provide a means for establishing local priorities to protect the Trail
- It uses a holistic approach to address multiple non-regulatory and regulatory issues
- It seeks to provide explicit guidance while allowing for flexibility
- It envisions a sustained community commitment over time, rather than undertaking a one-time audit of community circumstances and practices
- It is intended to enable a community's "self-assessment," while recognizing that most communities will require outside technical assistance

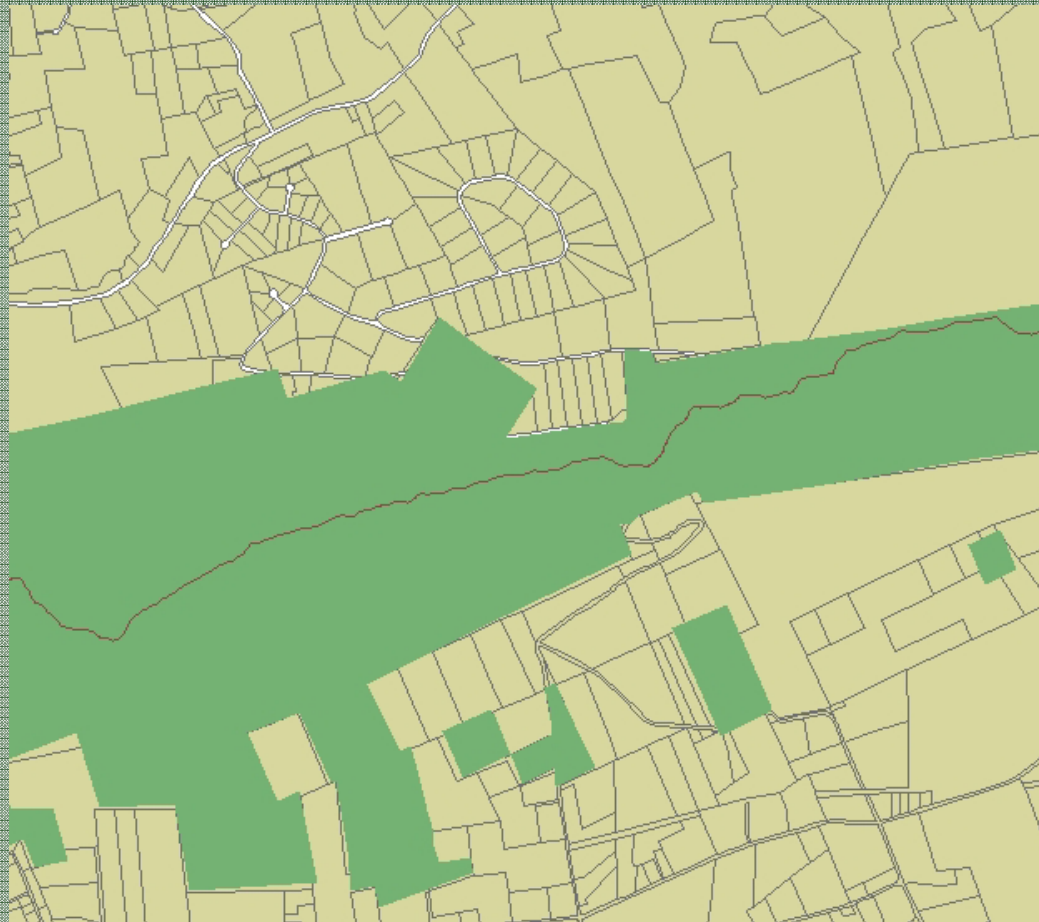
CHALLENGES IN MAINTAINING THE TRAIL EXPERIENCE

- A.A Protected Corridor that Varies in Shape and Size
- B.Diverse Circumstances of Adjacent Landowners
- C.Effectiveness of Municipal Land Use Controls
- D.The Trail's Expansive Views in a Developing Region
- E.Varying Trail Awareness and Access

A Protected Corridor that Varies in Shape and Size



Diverse Circumstances of Adjacent Landowners



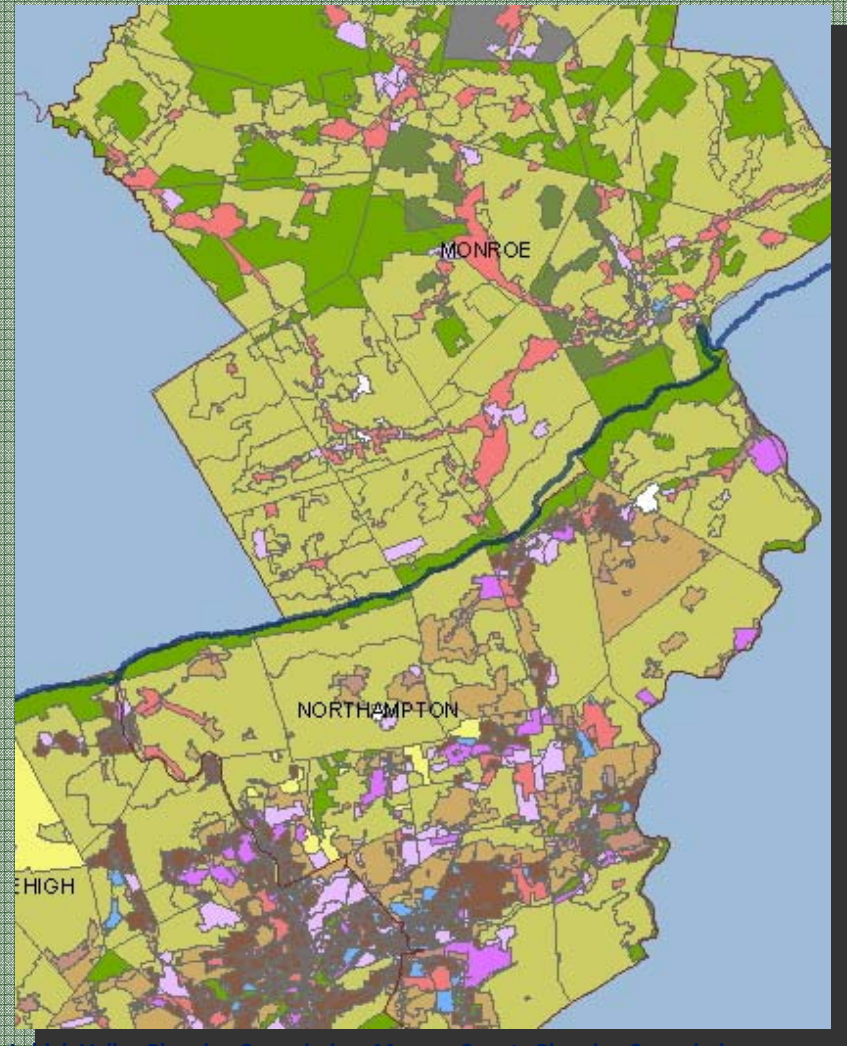
Effectiveness of Municipal Land Use Controls

Lehigh & Northampton Counties

- Environmental Protection
- Agricultural Preservation
- Rural
- Suburban Residential
- Urban Residential
- Institutional
- Office/Business
- Retail Commercial
- Mixed Uses
- Light Industrial
- Heavy Industrial

Monroe County

- Conservation
- Residential
- Recreation
- Commercial
- Enterprise Park
- Resort
- Medical
- University
- Special Use
- Industrial



Lehigh Valley Planning Commission, Monroe County Planning Commission

The Trail's Expansive Views in a Developing Region



Paul Zeph. View From Pinnacle

Varying Trail Awareness and Access



SEVEN CHARACTERISTICS OF EFFECTIVE TRAIL COMMUNITIES

1. They recognize the Trail's national and local significance
2. They have identified the Trail's related landscapes and their susceptibility to change
3. Their zoning regulations are oriented towards landscape conservation
4. They provide mandates and incentives for conservation design
5. Their regulations address potentially high impact uses
6. They work effectively with key landowners willing to consider conservation options for their lands
7. They have the capacity and interest to address Trail-related issues on a long-term basis

A CHECKLIST FOR COMMUNITY SELF-ASSESSMENTS

Based Upon the Seven Characteristics of Effective Trail Communities

Local Recognition of the Trail

Trail Related Landscapes

Landscape Based Zoning

Conservation Design

Potentially High Impact Uses

Key Landowners

Municipal Capacity

Checklist Organization

1.0 Local Recognition of the Trail and Its Significance

- 1.1 Local Access and the Trail Experience
- 1.2 Recognition in the Comprehensive Plan
- 1.3 Actions to Enhance Community Appreciation of the Trail

2.0 Trail-Related Landscapes and Key Parcels

- 2.1 Landscapes Contributing to the Trail Experience
- 2.2 Patterns of Current Ownership and Use
- 2.3 Identification Key Parcels

3.0 Zoning for Landscape Protection

- 3.1 Applicability of Base Zoning to the Trail and Its Related Landscapes
- 3.2 Standards and Overlays to Protect Specific Resource Features
- 3.3 Regulations Addressing Narrow Sections of the Trail's Protected Corridor

4.0 Mandates and Incentives for Conservation Design

- 4.1 Local Experience with Conservation Design
- 4.2 Current Conservation Design Standards

Checklist Organization

5.0 Regulating Potentially High Impact Uses

5.1 Current Uses and Future Prospects

5.2 Adequacy of Current Regulations

6.0 Working Relationships with Key Landowners

6.1 Community History of Voluntary Land Conservation

6.2 Knowledge of Key Landowners

6.3 Potential for Landowner Outreach

7.0 Municipal Capacity to Address Trail and Related Landscape Issues

7.1 Municipal Interests and Capabilities

7.2 Access to Technical Assistance

Desired Outcome of a Community Assessment

Principle 1 - Recognizing the Trail and Its Related Landscapes

- | | |
|---|------------------|
| 1.1. Goals and Policies in the Comprehensive Plan | Potential Action |
| 1.2. Consistency with County and Regional Plans | Good |

Principle 2 - Assessing Landscape Resources and Conservation Needs

- | | |
|--|------------------|
| 2.1. Municipal Access to Resource Information | Potential Action |
| 2.2. Assessing Resources and Their Vulnerability | Potential Action |
| 2.3. Designating Priority Conservation Areas | Potential Action |

Principle 3 - Zoning to Achieve Resource Conservation Goals

- | | |
|---|------------------|
| 3.1. Base Zoning Districts with a Resource Protection Emphasis | Potential Action |
| 3.2. Resource Protection Standards and Zoning Overlays | Potential Action |
| 3.3. Regulations Focused on the Protection Needs of the Appalachian Trail | Potential Action |

Principle 4 - Providing Mandates and Incentives for Conservation Design

- | | |
|---|------|
| 4.1. Regulations Requiring or Encouraging a Conservation Design Process | Good |
| 4.2. Incentives for Conservation Design | Good |

Principle 5 - Regulating Potentially High Impact Uses

- | | |
|--|------------------|
| 5.1. General Stands for Noise, Glare and Landscape Buffers | Potential Action |
| 5.2. Regulations for Specific Uses | Potential Action |
| 5.3. Requirements for Environmental Impact Statements | Good |

Principle 6 - Assisting Landowners and Obtaining Their Support

- | | |
|--|------------------|
| 6.1. Keeping Landowners Informed and Responding to Their Concerns | Adequate |
| 6.2. Working with Conservation Organizations in Landowner Outreach | Potential Action |

Principle 7 - Capacity Building Through Volunteerism, Collaboration and Education

- | | |
|---|------------------|
| 7.1. Volunteer Commissions and Advisory Committees | Potential Action |
| 7.2. Collaborating with Neighboring Municipalities | Potential Action |
| 7.3. Participating in County and Regional Conservation Programs and Initiatives | Adequate |
| 7.4. Taking Advantage of Opportunities for Education and Training | Adequate |

Municipal Tools



Library of Municipal Tools

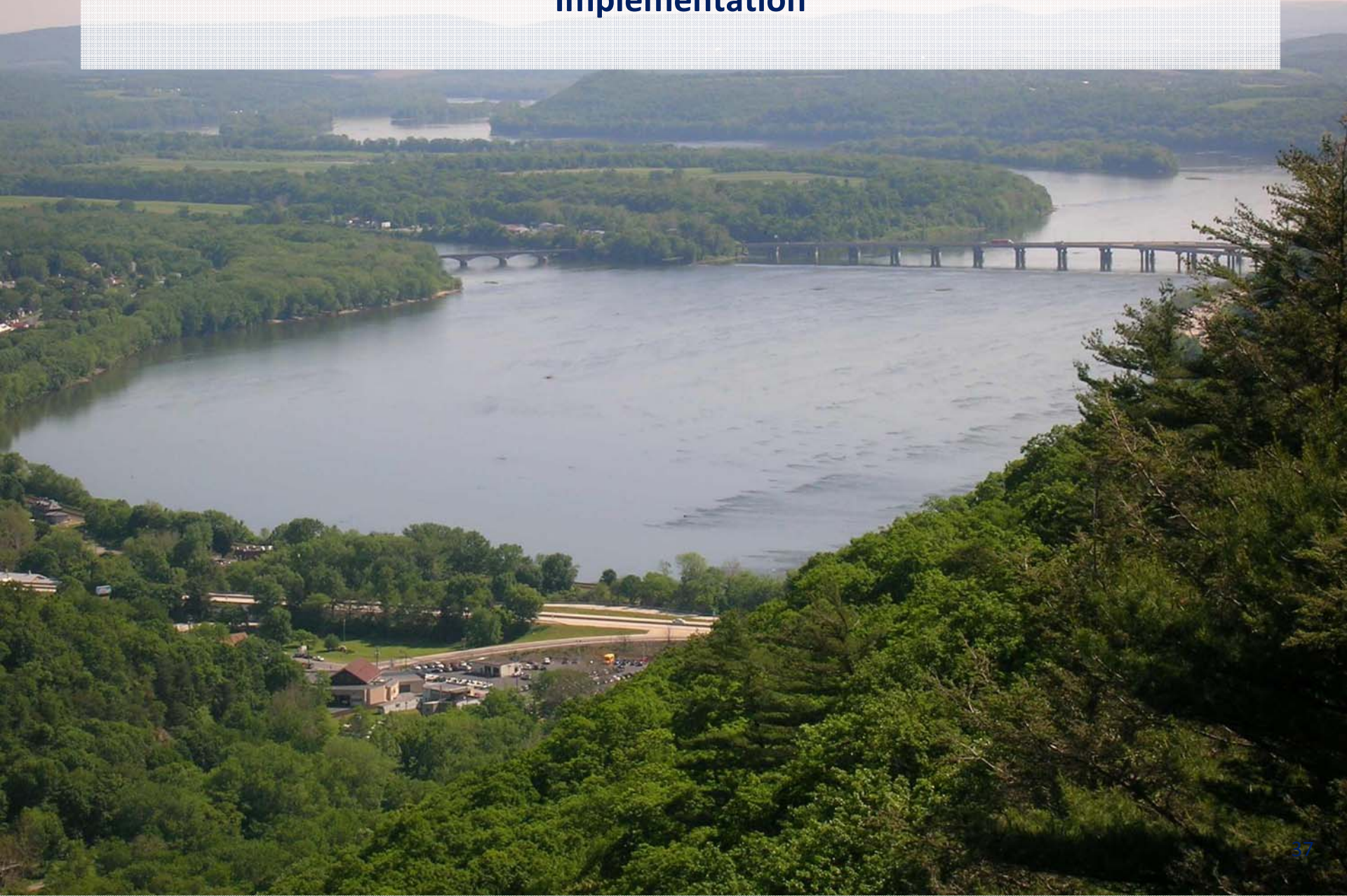
- Web-based for Accessibility and Expansion
- Organized by the Seven Characteristics of Effective Trail Communities
- Regulatory and Non-regulatory Examples
- Model Trail Overlay District
- Set of Tips for Applying the Tools

http://www.apptrailpa.org/index_new.html

Model Trail Overlay District

- Not a “silver bullet” solution
- Addresses adjacent conditions to the Trail
- Contents:
 - Two conservation zones
 - Prohibited activities
 - Development standards
 - Submission and review process
 - Definitions

Implementation



Early Implementation: County and Local Municipal Outreach

- March 2009 Forums – municipal and conservancy input
- May 2009 – Eldred Pilot
- June 2009 – County Planning Department meetings
- November 2009 – regional municipal pilots and resource/GIS roll-out



County Planning Assistance & Municipal Revisions

- Near unanimous willingness to hold municipal outreach meetings and substantively assist municipalities with revisions (using existing LPA structures)
- “You are essentially asking us to do good planning”
- Municipal staff spearheading revisions
- Possible limited consultant contracting in specific counties
- Single-purpose ordinance for northern Dauphin County

The Appalachian Trail Communities Network

- Long-term implementation requires project management and resource development
- Municipal decision-making is built on trust and relationships and peers learn best from peers



The Appalachian Trail Communities Network (Continued)

- Possible Network activities:
 - Researching and training on municipal land use and regulatory innovations, as well as effective enforcement techniques
 - Working with land conservancies to translate technical natural and cultural resource data into ordinance language
 - Working with land owners and developers early in the land development process to ensure low-impact design
 - Using GIS and visualization software to show the impact of proposed ordinance changes on the landscape

Implementation Challenges

- Loss of available state resources for funding county or municipal revisions or training
- Transition to ATC leadership
- Reduction in county planning staff capacity
- Approaching municipal deadline (recently extended to August 2010)



Critical Decisions (We could use your help.....)

1. Are there additional approaches to encourage municipal action beyond the minimal requirements of the legislation (especially if there is no additional capacity?)
2. You've seen the seven principles and the practice examples. Do you have any other techniques for large landscape protection you can suggest?
3. We need additional resources. Any ideas?



THE HEINZ ENDOWMENTS
Edward H. Heinz Endowment • Virginia Heinz Endowment

Concluding Principles

1. Use this opportunity to encourage the community to “own” the AT. Create awareness of the resource and the challenges facing it.
2. *Help Communities Decide How to Eat the Whole Elephant.* To be effective this effort and legislation is about more than just zoning.
3. Design a different approach for TA for the state. This should be more than just a set of model language created in the Ivory Tower.
4. Build an effective long-term, comprehensive approach that realistically addresses landscape change.

Concluding Questions and Answers

http://www.apptrailpa.org/index_new.html

www.wrtdesign.com

www.newpa.com

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