

10. How Effective Is Land Use Planning in Pennsylvania?



This Penn State Cooperative Extension publication is one in a series of bulletins intended to help you better understand the current use of land use planning tools in Pennsylvania. The series uses information from a comprehensive study of Pennsylvania land use regulation and planning, which was made possible in part by a grant from the Center for Rural Pennsylvania, a legislative agency of the Pennsylvania General Assembly.

The comprehensive land use study involved three separate but related surveys that were conducted in late 1999. The first and largest survey was sent to all 2,511 boroughs and townships in Pennsylvania. Forty-two percent, 1,057 of these surveys, were returned. The second survey was sent to all 65 planning directors in Pennsylvania (with the exception of Philadelphia County). Fifty-four surveys were returned, for a response rate of 83 percent. The third survey was sent to all 395 members of the American Institute of Certified Planners who are listed in Pennsylvania. Of these, 181 were returned, for a response rate of 46 percent. The three surveys provide a composite overview of planning effectiveness from a variety of perspectives.

Most of the tables in this publication use data from the state or regional level. For county-level results, visit the Land Use Planning in Pennsylvania Web site at <http://cax.aers.psu.edu/planning/>

Land use planning has been receiving much attention recently due to public concern about sprawl, farm-nonfarm development conflict, and loss of open space. In policy debates about land use, various solutions for improving the effectiveness of land use planning are typically considered, but these “solutions” often are based upon anecdotes rather than fact. Common policy solutions discussed in Pennsylvania, for example, have focused on giving local jurisdictions more land use planning and regulatory tools, and have blamed a lack of intergovernmental cooperation as a major planning problem.

The effectiveness of existing land use planning and regulation in Pennsylvania is important to consider if such planning is to be improved in the future. Such an analysis can identify specific weaknesses that need to be addressed at the local, regional, and state levels; the potential success of policy responses to improve local planning; and the aspects of planning that currently work well.

Background

The four most prominent land use planning tools available in Pennsylvania communities are the planning commission, comprehensive plan, subdivision and land development ordinance, and zoning ordinance. These are considered the basic planning tools, to distinguish them from other specialized tools, such as the official map or transportation impact fees. These tools are authorized under the state enabling statute, the Pennsylvania Municipalities Planning Code (MPC). Municipal governments are allowed by state law to pick and choose which of these tools they want to use, and are free to decide not to use any of them. Any of the tools can be used independently of the others.

County governments in Pennsylvania are also authorized to plan and use land use regulations. Like boroughs and townships, they receive this authority from the MPC. With few exceptions, the grant of planning powers to counties is the same as for other municipal entities. Unlike many other states, county land use regulations are in force only in municipalities without their own regulations; county regulations do not supersede local regulations. Counties, in practicality, must generally play either a supporting role, helping municipalities with their own planning, or be persuasive leaders that direct by bringing municipalities together cooperatively.

Major Planning Tools in Pennsylvania

Planning commissions

Planning commissions are advisors to their elected governing body concerning physical development in the community. They provide policy advice on planning for land use regulations, such as zoning and subdivision controls, and may have some jurisdiction over the administration of applications to subdivide and develop land in the community. Plans for recreation, open space, greenways, environmental protection, natural resources, agriculture, and forestry are prepared by planning commissions. Planning commissions have immense potential influence on the protection, enhancement, and conversion of open spaces in Pennsylvania's cities, boroughs, and townships.

Comprehensive plan

A comprehensive plan is an official public document that serves as a policy guide to decision making about physical development in the community. It is an explicit statement of future goals for the community and serves as a formal vision for the planning commission, elected officials and other public agencies, private organizations, and individuals. A community's comprehensive plan provides context and direction for the community's land use ordinances and regulations, and it should be updated and modified continually in response to changes in the community, neighboring communities, county, and state.

Subdivision and land development regulations

Subdivision and land development regulations not only set up procedures for controlling the dividing of parcels of land, they also set standards for creating adequate building sites—sites that are adequately served by permanent roads, a pure water supply, and a proper means of waste disposal. These regulations are applied to specific development proposals, so the reviewers, usually local and county planners, have an opportunity to recommend improvements before the project is built.

Zoning

Zoning controls the location of different land uses in a community. It may also restrict the types of uses to which the land may be put and the intensity of development. By controlling location, use, and intensity (or density), zoning can have a significant impact on protecting critical features in a community, such as farms, rural villages, fragile environmental areas, or historic areas. Zoning also helps locate development in areas where community services are available.

Much of the recent public policy discussion of land use planning and regulation in Pennsylvania has focused on how much (or little) collaboration there is between municipalities. The very large number of municipalities in Pennsylvania—nearly 2,600—means land use decision making is widely dispersed among relatively small jurisdictions. But many land use issues in Pennsylvania, such as groundwater protection and road congestion, cross municipal boundaries. Thus, land use planning decisions in one municipality can have a major impact on surrounding municipalities.

There has been less discussion about the current effectiveness of land use planning and regulation in Pennsylvania. Measuring the effectiveness of land use planning and regulation is a difficult task, however. Simply measuring land use change (such as loss of farmland) as a way of gauging effectiveness ignores whether such changes are permitted (or even encouraged) by local plans, as well as the intent of those specific local plans.

An alternative way of considering effectiveness is to focus on the use of planning tools and on local officials' judgments about whether planning and regulations are meeting their community goals. Five basic criteria can be used for this approach:

1. To what extent are Pennsylvania municipalities using the four basic planning tools (and are the plans and tools up-to-date)?
2. Which specific tools are being used, and which are unused (or underused)?
3. Are community plans and regulations achieving local goals?

4. Where comprehensive plans have been developed, are they being used to inform community decision making?
5. Is planning coordinated across and within municipal boundaries?

Each will be examined in turn.

1. Extent of Planning Tool Use in Pennsylvania

Statewide, 62 percent of municipalities have a planning commission, 52 percent have a comprehensive plan, 59 percent have a subdivision and land development ordinance, and 57 percent have zoning. More than one third (37 percent) of Pennsylvania municipalities reported they have all four of these land use planning tools. About 29 percent have none of these tools, and the remaining 34 percent have at least one of these four basic tools.

Use of the tools varied by municipality population size and by the pace of population change and building development. Municipalities with a smaller population were less likely to use all four basic tools than were municipalities with larger populations. Only 7 percent of municipalities with fewer than 500 residents use all four tools, for example, compared to more than 86 percent of municipalities with 10,000 or more residents. Significantly, 58 percent of the smallest municipalities use none of these tools.

Even if municipalities report using the major land use tools, it is important that plans and regulatory tools be up-to-date so that they reflect current conditions, needs, and preferences in their community, and changes that have been made to the Municipalities Planning Code. The average date comprehensive plans or land use ordinances were first adopted was in the 1970s, although some municipalities adopted them much earlier and others have done so just recently. Many municipalities reported they have made substantial updates since their plans or ordinances were first adopted. More than half reported updating their subdivision and land development ordinance (SALDO),

and 75 percent reported substantially updating their zoning ordinance. The vast majority of the municipalities making revisions have done so within the past 10 years, ranging from 85 percent who revised their subdivision ordinance to 88 percent who revised their comprehensive plan or zoning ordinance.

The municipalities were much more likely to have updated their land use regulations (SALDO and Zoning) than to have updated their comprehensive plan. Thus, they had much older comprehensive plans. Since one of the most significant uses of regulations is to implement the policies in the comprehensive plan, it appears that in too many places the comprehensive plan is a lesser factor, and the land use regulations dominate.

Table 1. Features Included in Municipal Planning and Land Use Regulations

	All Municipalities	Boroughs	Townships of the First Class	Townships of the Second Class
Feature¹ (percent of all municipalities)				
Mediation option to resolve land use disputes	5%	4%	13%	6%
Capital improvements program/ budget	4	4	3	5
Official map ordinance for public property	11	12	23	10
Access permits for municipal roads	19	6	23	25
Transportation Impact Fees (Article V-A of Municipalities Planning Code)	4	1	10	5
Mandatory open space dedication (or fee in lieu of dedication)	15	10	55	16
Agreement with PennDOT for access coordination	8	5	6	10
Zoning Features (percent of municipalities with zoning)				
Performance zoning	16%	13%	13%	19%
Cluster zoning	29	13	45	37
Overlay zoning	21	9	42	26
Lot averaging	22	16	23	26
Urban growth boundaries	10	8	6	12
Strict agricultural zoning	21	6	10	32
Density bonus for preferred development	10	4	16	13
Transfer of development rights	7	2	6	11
Planned residential development provisions in zoning ordinance	45	36	61	50

¹An official map is a type of land use regulation permitted in Article IV of the MPC. When adopted, it protects publicly owned lands and facilities from being encroached upon by others; it also provides a reservation option for lands that may be needed in the future for municipal purposes. Capital improvements programming and budgets are very useful planning tools for coordinating and sequencing the public expenditures included in comprehensive plans. Transportation impact fees, authorized by Article V-A and officially termed “municipal capital improvement,” are also infrequently used.

2. Other Special Planning Features Used by Municipalities

The Pennsylvania Municipalities Planning Code offers many options for municipalities to use in their planning programs. As shown in Table 1, very few of the respondent communities are using these specialized, non-basic tools. It suggests that local planners either do not know about them or have no interest in applying them in their municipal planning. The responses to these specific features included in municipal planning and land use regulations generally followed the same population and growth pressure patterns discussed earlier.

Neither the basic tools of planning—planning commissions, comprehensive plans, subdivision and land development regulations, and zoning ordinances—nor some of the more innovative planning techniques and zoning options are being used to the extent expected. The tools available to Pennsylvania municipalities to help them manage change and development are underused.

County planning agencies similarly reported not using many of the planning tools available to them (see Table 2). Regional differences in usage reflect, in part, staffing differences among agencies and regions. As was true of municipal planning, it appears that counties also make little use of many planning opportunities.

Table 2. Percent of Counties Using Different Planning Tools, by Region

Land Use Planning Tool	Statewide	Northeast	Southeast	North central	South central	Southwest	Northwest
County Comprehensive Plan	96%	100%	100%	100%	93%	75%	100%
County Subdivision & Land Development Ordinance	79	63	67	86	71	100	100
County Zoning Ordinance	12	0	0	21	8	33	14
County Official Map	16	0	17	29	0	33	29
Geographic Information System (GIS)	73	100	100	73	85	50	14
Metropolitan Planning Organization (MPO)	36	0	83	13	54	75	29
Storm Water Management Plan	69	75	83	79	83	50	14
Sewage Facilities Plan	54	25	100	69	55	25	43
Solid Waste Management Plan	100	100	100	100	100	100	100
Emergency Management Planning	87	88	80	100	86	100	100
County Services Facilities Planning	13	13	0	30	0	33	14
Capital Improvements Program/ Budget	21	25	60	18	0	67	20

3. Are Community Plans and Regulations Achieving Community Goals?

The local officials surveyed were asked about their community's planning goals and how well those goals are being met. Respondents were asked if a particular goal was a planning goal for their municipality or county. If it was, they were asked to indicate on a scale of 1 to 5 how well the planning

program for their jurisdiction was meeting the goal. Table 3 shows the satisfaction with planning goal achievement by officials in the various types of local government jurisdictions.

County planning directors do not see planning and land use regulations as achieving county goals to as great a degree as municipal officials do in

assessing their planning goal achievements. This may be, in part, because professional planners can evaluate these things more critically than non-planners can. For the most part, county scores range in the mid-to-high 2 range. Of the 16 goal items, only 6 scored in the 3 range. This suggests that, in general, county planning agencies are not meeting their planning goals successfully.

Table 3. How Well Are Municipal and County Planning and Land Use Regulations Meeting this Goal, by Type of Municipality (average response of municipalities with this goal, on a scale of 1 "not at all" to 5 "extremely well")

Goal	Counties	All Municipalities	Boroughs	Townships of the first Class	Townships of the second Class
Guide location of development	3.07	3.70	3.71	4.17	3.66
Guide type of development	2.70	3.62	3.64	3.85	3.59
Protect private property values	3.19	3.72	3.77	4.00	3.68
Maintain community lifestyle/ enhance quality of life	3.10	3.72	3.79	4.04	3.65
Preserve agricultural land / farms	2.95	3.63	3.82	3.55	3.61
Stimulate growth and development	-	3.31	3.25	3.80	3.30
Discourage growth and development	-	3.14	3.09	2.75	3.18
Preserve open space	2.83	3.50	3.56	3.48	3.48
Protect natural resources	3.09	3.62	3.70	3.56	3.59
Promote general welfare of residents	-	3.79	3.83	4.16	3.75
Protect groundwater supply	3.05	3.75	4.02	3.47	3.67
Enhance jurisdiction's tax base	2.56	3.45	3.39	3.78	3.45
Keep down jurisdiction's costs	2.67	3.76	3.68	3.86	3.80
Enhance downtown commercial area	-	3.24	3.25	3.88	3.04
Create affordable housing	2.65	3.21	3.31	3.29	3.11
Keep out unwanted land uses	2.77	3.55	3.57	3.55	3.54
Preserve community beauty	-	3.67	3.78	3.78	3.60
Guide location of major shopping and employment centers of regional importance	2.94	-	-	-	-
Guide location of county government facilities	3.04	-	-	-	-
Preserve places of historic significance	2.74	-	-	-	-
Influence municipal plans to conform to county comprehensive plan	2.82	-	-	-	-

4. Are Comprehensive Plans Being Used?

Many would consider whether comprehensive plans are actually used, and for what use, to be the true measurement of planning effectiveness. The principal issue is, if a municipality or county has a comprehensive plan, does the governing body or planning agency use the plan in its decision making? Table 4 is a composite table that shows how three decision-making groups use the comprehensive plan that has been prepared for their jurisdiction. Overall, the use of comprehensive plans for decision making is not overwhelming.

Most of the uses of comprehensive plans are related to either zoning or subdivision plan reviews (see Table 5). Comprehensive plans do not appear to be used often for other planning issues and needs, such as budgeting or infrastructure decisions. To some extent, this suggests a lack of understanding of how comprehensive plans should be part of municipal governance, and of the value such plans can provide to local governments.

Evidence from the surveys indicates that non-use of comprehensive plans is the norm, not the exception. This makes effective planning difficult because the comprehensive plan is supposed to provide context and consistency to a community's plans and land use regulations. The ideas in the comprehensive plan are to be reflected, ideally, in the community's zoning and other ordinances, but such ordinances are relatively inflexible: they simply ask the question, "Does this proposed change meet the standard?" rather than considering the cumulative effect of changes in the community. The latter consideration is one of the major roles of the comprehensive plan, which then helps guide necessary changes in the community's land use regulations.

Table 4: Frequency of Use of Comprehensive Plan in Decision Making (percent of municipalities/counties with comprehensive plan)

Frequency of Use	Municipal Planning Agency	Municipal Governing Body	County Commissioners
Uses it often	28%	24%	16%
Uses it once in a while	25	36	33
Hardly ever uses it	18	23	20
Never uses it	13	12	24
Don't know	15	4	8

Table 5. Purposes for which the Governing Body Uses the Comprehensive Plan (percent of municipalities with comprehensive plan)

Purpose	Uses Comprehensive Plan for this Purpose
Considering zoning amendments/re-zonings	65%
Applying for government grants	30
Conducting hearings on conditional uses	37
Reviewing land development proposals	60
Conducting hearings on curative amendments	16
Preparing the annual budget	8
Preparing municipal water system plans	16
Preparing municipal sewer system plans	26
Preparing municipal capital improvements programs	19

5. Is There Planning Coordination Across and Within Municipal Boundaries?

Coordination and communication between neighboring municipalities is essential for effective planning and land use regulations, because many land use issues cross municipal or county boundaries. Coordination and communication within municipalities themselves is also important because planning and decision-making responsibilities are not wholly centralized within a municipal government.

i. Coordination and Communication *between* Local Governments

The survey responses indicate that many municipalities and counties do not collaborate (or even communicate) with other nearby jurisdictions. The survey responses consistently demonstrated that too many local governments fail to take advantage of important (and relatively easy) steps to increase and improve communication across municipal borders, a necessary precursor to collaboration and improved planning coordination.

Only 11 percent of the municipalities with a subdivision and land development ordinance send development plans to neighboring municipalities for review.

In only 7 percent of the municipalities with planning commissions do the members of the planning commission ever meet (even informally) with planning commissioners in adjacent municipalities.

Only 2 percent of municipalities with a planning commission send a representative to other municipalities' planning commission meetings.

Only 8 percent of municipal planning commissions are members of joint planning commissions, as formally defined by the Municipalities Planning Code. Without such a formal link between municipalities, the informal links, such as referring development plans and occasionally meeting together, become even more important.

Only 14 percent of Pennsylvania municipalities reported that their comprehensive plan was prepared jointly with another municipality. Of these 14 percent, only one in five (19 percent) report that once the plan was developed, they still worked closely with the other municipality.

ii. Coordination and Communication *within* Local Governments

Despite the seemingly dismal level of communication and collaboration between Pennsylvania local governments, it would be a mistake to cite this as the single cause for ineffectual land use planning in Pennsylvania. The survey results suggest that the problem is a lack of communication both *within* and *between* local governments. Communication difficulties exist throughout land use planning decision making, so focusing only on intergovernmental collaboration does not address the underlying problem.

Only 23 percent of municipal planning commissions meet regularly with the governing body of their municipality. It is unusual to find that the planning commission and governing body have a good, face-to-face working relationship; too many do not interact to discuss planning issues and policies.

Only about 40 percent of municipal planning commissions send a representative to attend regular meetings of the governing body.

Surprisingly, only 78 percent of the planning commissions reportedly provide information to the governing body, even though that is one of the most important functions of the planning commission.

Only 33 percent of planning commissions are asked to recommend improvements or capital projects for the comprehensive plan, even though they are the experts on the comprehensive plan, and such decisions can affect land use patterns.

In only 25 percent of the municipalities that have both a planning commission and a sewer or water authority, do both meet to discuss water and sewer needs. About the same low percentage (28 percent) request input from the authority when developing new plans and ordinances, or provide the authority with copies of new plans and land use ordinances (26 percent). At a minimum (but done only in 40 percent of these municipalities), the authority should be sent subdivision and land development plans for comment.

In only 30 percent of the municipalities do the zoning hearing board, planning commission members, and zoning officer meet occasionally to perform an annual review of the ordinance, or to discuss zoning matters in the municipality.

About one-third of the county planning agencies reported that other county departments did not participate in developing the county comprehensive plan, which means, in those counties, important input likely was missed. Twenty-five percent of the counties similarly did not have stakeholder and citizen groups comments when developing the plan.

Implications

The survey results suggest that land use planning and regulation in Pennsylvania is not very effective. Many municipalities have the basic planning tools (i.e., comprehensive plan, zoning, subdivision and land development ordinance, and planning commission), but relatively few have any of the more specialized tools they are authorized to use (such as agricultural protection zoning provisions or capital programming). Many of the existing plans have not been updated recently, so they are very likely out of date. Communities having the basic tools too often reported that both their elected officials and planning commissioners refer to the tools infrequently, so planning plays a minimal role in decision making. When the tools *are* used, they tend to be for narrow purposes rather than to their fullest potential. Lack of communication, both *between* and *within* local governments, also appears to be a serious problem for land use planning in Pennsylvania. The tragedy is that most of the missed opportunities for improving communication could be realized by local governments at little or no cost, and that these opportunities are encouraged— not restricted— by state law.

These responses suggest that the major weakness with Pennsylvania land use planning and regulation is that too many local governments are unable (or unwilling) to fully use the tools available to them. This includes adopting the tools, keeping them updated and current, and actually using them in decision making. Simply creating more local options does not by itself address this weakness.

The underuse of existing tools likely is the result of several factors. Very few of the local governments (only 9 percent) required that those doing land use planning have training in this area. The result is that too many planning commission members, and others, do not completely understand their role, the strengths and weaknesses of the tools available to them, how to use those tools to the best advantage in their community, nor the need to communicate with local officials.

In addition, turnover of planners is a problem in many communities. Twenty percent of the municipalities said they had turnover problems with their planning commission, and another 15 percent reported similar turnover problems with their zoning hearing board. About 40 percent of the counties reported that turnover of professional planners on their staff was a problem, while 31 percent of the counties with GIS support staff indicated similar turnover problems.

Whether enough resources are devoted to planning is also an issue. More than two-thirds of the county planning directors (69 percent) considered their planning agency understaffed, for example. Eleven of the counties (20 percent) reported no full-time professional planners in addition to the county planning director, while 10 counties had 10 or more such planners. Thirty-nine percent of the counties had either one or two full-time professional planners.

Given the complexity of land use planning, helping local people understand and implement the land use planning and regulation tools available to them should be a top priority of both state and local governments. Without a basic understanding of how (and when) to use such tools, and how to better coordinate between and within local governments, it is extremely unlikely in the immediate future that land use planning will become more effective in Pennsylvania.

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Through a series of 15 meetings, a project advisory committee of 29 professional planners from throughout Pennsylvania provided feedback during the survey development, assisted with reviewing the preliminary results, and reviewed the investigators' findings and commentary.

The publications in the series focus on state- and regional-level information. County-level information from the study, that corresponds to the publication series, is available at the Land Use Planning in Pennsylvania Web site at <http://cax.aers.psu.edu/planning/>

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