3.1 The Multi-Municipal Plan Builds on the Planning Requirements of Article III that are Applicable to Any Comprehensive Plan

The authority given to cooperating municipalities under Article XI builds on the comprehensive planning requirements of Article III. Participants in a multi-municipal planning process must first bring together the Section 301 plan elements. Certainly the place to start is with the existing plans and ordinances of the participants, updated and informed by shared goals and objectives. With this information, the participants can then use the options authorized in Article XI to designate growth areas, future growth areas, rural resource areas, and to describe public infrastructure areas.

Each area of the Commonwealth will have unique planning issues and opportunities. Elements included in a multi-municipal comprehensive...
plan should address issues relevant to the geographic area, as well as those required under the MPC.

Generally, there will be three types of municipalities that may be interested in developing and implementing a multi-municipal plan: (1) those with plans and zoning in place, (2) those with plans and zoning in need of updating, and (3) those with no plans or zoning in place. It is likely that municipalities taking advantage of cooperative planning will include a mix and variation of these types. While areas without any planning and zoning, especially in rural areas, have the greatest opportunity to shape their future through cooperative planning, more developed areas with planning and zoning have the opportunity to rethink their plans in relation to adjacent communities and to adjust their planning and regulation accordingly.

The contents of the plan must meet the needs of the particular mix of participants. Where a group of cooperating municipalities includes boroughs and townships, the multi-municipal comprehensive plan might include elements of downtown revitalization, farmland preservation, and growth management through an infrastructure capital improvements plan and program. The participants must be willing to spend the time and money needed to address the interests of all the participants. If the county is a partner in the planning process, the scope and scale of the plan’s elements will need to deal with broad, county-focused matters as well as municipal and neighborhood level issues.

### 3.2 Public Participation

If a multi-municipal comprehensive plan is going to be meaningful and a true guide to development and conservation in the area of the plan, it must be based on strong consensus among residents and businesses about the desired future of the participating communities. While not required by the MPC, early and frequent public participation is essential to the development and adoption of an effective plan.
Lancaster County’s strategic planning process for their county plan is a good model for development of a comprehensive plan using extensive public participation from beginning to end (see sidebar). Under the MPC, public involvement occurs at the end of the planning process when a public meeting and a public hearing on the proposed plan are required for adoption. A final adopted comprehensive plan that conforms to the requirements of MPC Article III, can be developed by municipal officials and consultants piecing together the plan elements, but without public input, such a plan is unlikely to reflect the underlying public understanding and support that will be important to carrying it out.

Strategic comprehensive planning is a process, informed by municipal officials and planners, that involves the public in thinking about the future of the planning area and determining what the overall content of the plan elements should be. A strategic comprehensive plan builds on well-structured, innovative, and engaging public participation techniques that encourage public involvement in the planning process. Such techniques may include computer simulation, simulation games, design charrettes, the Visual Preference Survey™, facilitated meetings, guided tours, formal neighborhood groups, focused work with specific groups, such as school children and older community members, and newspaper surveys.

A strategic comprehensive planning process should include a public participation plan and a budget for that process. (See Sample Planning Agreement Section 6, Appendix 2A-2.) The costs will vary depending on the types of public involvement techniques chosen. Not every public involvement technique may be appropriate for your community or project. As you proceed with the process, you may discover that it is desirable to change to a more appropriate technique in order to increase the civic capacity of the community to deal with particular planning issues. Evaluating specific techniques in terms of examples, strengths, weaknesses, and relative costs will help you decide which ones to use.

A strategic planning process adds the following desirable characteristics to traditional comprehensive planning:

1. Structures meaningful public involvement throughout the process in various forms.
2. Creates and opens channels of communications.
3. Increases the sense of ownership in and responsibility for the community’s future.
4. Encourages diverse interests to reach common ground on difficult issues.
5. Identifies and clarifies existing strengths and weaknesses, and future opportunities and threats.
6. Emphasizes relationships among issues and planning functions.
7. Considers major events and changes occurring outside the community.
8. Evaluates available resources.
9. Discovers and prioritizes most pressing community needs and desires.
11. Develops collaboration, partnerships, and intergovernmental cooperation.
12. Increases commitment to accountable implementation with deadlines.
13. Serves as a framework for decision making that includes all aspects of the community.
14. Provides a basis for measuring progress and results.
15. Increases responsiveness of government to community issues.
16. Promotes stewardship and sustainability.
Some early public participation activities that can be undertaken while information for the plan is being collected and before work begins on the final plan preparation will help illustrate the importance of community planning and identify critical issues for the cooperating communities.

A. Visioning

Ideally, the planning process will include a visioning process early on in which the cooperating municipalities involve local officials and the public in thinking about what they want the future of their communities to be. Such a process should consider existing, required, and proposed uses to the extent they are known, as well as natural, heritage, and rural resources the participants wish to conserve. A successful process, which may involve one or a number of meetings, results in an agreed-upon vision plan and an action plan that details how and by whom the vision plan will be carried out. Depending on the size of the planning area, a number of such meetings may need to be held in areas convenient to two or more municipalities. It is desirable for visioning meetings to include officials and citizens from more than one municipality since the object is to think beyond boundaries about the larger planning area.

Some of the visioning techniques that can be used are:

- **SWOT Analysis**—strengths, weaknesses, opportunities, threats—borrowed from business, a SWOT analysis can help a community explore an issue like downtown revitalization through individual surveys and group discussion. (See reference for Handbook on Community Visioning in sidebar.)

- **Nominal group exercises**—presentations at public meetings that involve participants in choosing among design alternatives for different uses and configurations of development to help define what new development is needed and desired by the community and what character and features the community wishes to conserve.
Charrette—a more intense process, usually at least a day or several days, involving municipal officials and willing citizen participants in outlining, and perhaps mapping the comprehensive plan principles and areas of uses and infrastructure.

Surveys—written surveys prepared for public meetings or newspaper circulation that give the public an opportunity to choose particular examples, options, and goals for development and conservation.

B. Build-Out Scenario Analyses

An essential tool for analyzing existing uses is the build-out scenario for the participant municipalities that maps and quantifies what all the cooperating municipalities would look like if they were fully built out according to existing zoning. While a final build-out is always subject to change based on economics, demographics, the law, funding programs, and other factors, this exercise helps municipal officials and the public envision how the area would look if current rules are followed. The exercise could include calculated road traffic and additional students in the public school system. Rough or ball-park calculations could estimate the costs of road improvements, the costs to the public school system based on a calculated increase of students from new residential developments, or the relative costs to purchase conservation easements to preserve important areas and also avoid the inevitable costs of development.

The results of a build-out scenario analysis are often unexpected and can lead to the productive reevaluation of development and conservation goals for the cooperating municipalities. By comparing, for example, the population to be accommodated with various housing densities and configurations, participants can get an idea what balance is likely and wanted between development needs, rural uses, and open space preservation.
Fiscal Impact Analyses

Municipalities may also want to do a fiscal impact analysis of different land uses on municipal and school finances. The Penn State Cooperative Extension has an online workbook and explanatory publications that enable municipalities to project revenues and service expenses for residential, commercial, industrial, farm and open land, by plugging in the precise numbers for each municipality and for proposed developments. Visit http://cax.aers.psu.edu/residentialimpact/ or contact Tim Kelsey.

New County Plan Requirements:

MPC Section 301(a)(7) requires the county plan to contain some new elements:

(i) Identify land uses as they relate to important natural resources and appropriate utilization of existing minerals.

(ii) 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.

(iii) Identify a plan for the preservation and enhancement of prime agricultural land and encourage the compatibility of land use regulation with existing agricultural operations.

(iv) Identify a plan for historic preservation.

These exercises are also useful in planning programs for boroughs and mature communities, especially in determining how reuse of land will affect these communities. Among issues to be examined are the need for services and facilities, measures to promote neighborhood stability and improve the general quality of life, and the role of urban municipalities in the planning for the region.

The “build-out” exercises sometimes demonstrate that community goals will not be met under permitted development patterns. The need for planning to avoid identified negative impacts becomes apparent.

3.3 The County Plan

The county plan takes on new importance under the amended MPC. It may be the basis for the multi-municipal plan if most of the municipalities agree to adopt it as their plan. As discussed in Chapter 2, a good approach is for the county to work with sub-regions of municipalities to develop multi-municipal plans for those regions and to work simultaneously on developing a consistent county plan that also addresses countywide issues. Lycoming County, Mercer County, and Montgomery County are examples of counties using the new law to take this approach.

New requirements for county plans (see sidebar) can help municipalities in the development of a multi-municipal plan.

There are also new requirements for consistency among county and/or multi-municipal or municipal plans that will be significant, particularly for state agencies that will look for such consistency as a basis for conforming their funding and permitting decisions to local land use decisions.
3.4 Required Elements of the County or Multi-Municipal Comprehensive Plan Under Section 301

Section 301 contains seven specific required plan elements. Additional requirements call for a statement of the interrelationships among the various plan components, a discussion of short and long-term implementation strategies, and an evaluation and statement indicating that existing and planned development is compatible with plans in contiguous municipalities.

In order to do a good job bringing all these elements together, it is necessary to collect and analyze data on specific topics for all the municipalities in the area of the plan. As emphasized in Chapter 2, it will be advantageous to have the assistance of a county planner and a planning consultant for these tasks. While it is possible for the planning committee to undertake these tasks on its own, planning is a complex job that most volunteers have insufficient time to perform. For multi-municipal planning initiatives to be thorough, timely, and effective, the help of a good planning consultant will be essential.

Multi-municipal planning, like planning for one municipality, is a process that involves inventorying resources and collecting data, analyzing and evaluating the assembled information, and finally making recommendations embodied in the proposed comprehensive plan. Although planning for a number of municipalities is a more complex process, it is manageable if broken into concrete tasks and a well-organized process for evaluation and recommendation.

The statutory language for each plan requirement is quoted in the sidebar next to a discussion of the tasks for each plan element. Examples and sources of information are also shown in the sidebars. Sample work sheets for particular tasks are provided in the appendix to this chapter.

MPC Section 301, and now Article XI, are the only place in the laws of Pennsylvania where government responsibility for considering and integrating all land uses and interests is brought together. It is a job particularly appropriate to county and local governments because its premise is the recognition of private, local interests, which are often in conflict, in a way that both public and private interests are served.

Planning Requirements of MPC Section 301(a):
The municipal, multi-municipal or county comprehensive plan, consisting of maps, charts and textual matter, shall include, but need not be limited to, the following related basic elements:

1. A statement of objectives of the municipality concerning its future development, including, but not limited to, the location, character and timing of future development, that may also serve as a statement of community development objectives as provided in section 606.
A. Statement of Objectives

Process. Elected officials and representatives of public and private interests in the cooperating municipalities participate in a process to state development and conservation objectives for the greater area. The process can be convened by the area planning committee and/or the cooperating municipalities to identify objectives that will provide direction for the preparation of the plan. These objectives should, for example, state what features of the area should be enhanced or protected, what areas are likely or need to change to accommodate anticipated growth, and what aspects of the area, such as transportation or reuse of existing sites and facilities, need to be addressed.

It may be helpful to develop objectives for the overall area and separate objectives that may be important to the individual municipalities. Obviously, the overall and individual objectives should be consistent and compatible. Public involvement programs (such as visioning sessions, nominal group exercises, and charrettes discussed above) are helpful to gather input and help build support and understanding for the planning effort.

Under Section 606, the statement of objectives may be used by an individual municipality as a preamble to the zoning ordinance in place of a comprehensive plan; however, in order to take advantage of the multi-municipal provisions of Article XI, it will be necessary to have a comprehensive plan for the multi-municipal area.

Objectives are developed through discussions among the participants based on sound data and information provided by county and local planners, consultants, and others for the area of the plan. The objectives are usually general statements, but to be useful, they should contain some specifics about uses, densities, and areas.
Sample Statement of Objectives:

Area XYZ:
- Accommodate new development in and around existing developed boroughs and villages.
- Improve or extend existing infrastructure to serve new development.
- Preserve commercially viable agricultural and forested lands in rural resource areas with limited development and private rather than public infrastructure.
- Adopt a transfer of development rights program for the area that enables development rights to be transferred to the identified growth areas where development will be encouraged.
- Specifics on uses, growth areas, rural resource areas, and public infrastructure areas.

Borough X:
- Revitalize town center through infrastructure improvements, attraction of commercial development, and improved amenities. Specifics.
- Accommodate needed housing for seniors and moderate income residents in xx areas accessible to town center by walking and transit.
- Find adaptive reuses for identified buildings and areas that are important to the community's heritage and character.
- Seek traditional neighborhood development projects in yy areas of borough and adjoining township(s).
- Stabilize neighborhoods through code enforcement, blight removal, and provision of green amenities—trees, park enhancements, and greenway connections.
- Specific uses and areas identified to the extent possible.

Township Y:
- Maintain suburban/rural character of community by directing more dense development to area around borough, township center, and zz village centers.
- Enhance existing commercial and infrastructure development serving existing suburban areas before constructing new malls and industrial parks.
- Reuse and improve existing schools and public facilities where possible.
- Provide greenways, bikeways, and trails for recreational and ecological connections throughout the township and as potential alternative transportation for some trips.
- Specific uses and areas identified.
MPC Section 301(a):

(2) A plan for land use, which may include provisions for the amount, intensity, character, and timing of land use proposed by the planning agency for the municipality.

MPC Section 301.2:

Surveys by Planning Agency

In preparing the comprehensive plan, the planning agency shall make careful surveys, studies, and analyses of housing, demographic, economic, and community facilities; and other community facilities and improvements, as necessary to plan for the future growth of the municipality.

B. The Land Use Plan

In preparing the comprehensive plan, the planning agency shall make careful surveys, studies, and analyses of housing, demographic, economic, and community facilities; and other community facilities and improvements, as necessary to plan for the future growth of the municipality.

Population and housing projections for specific time periods are particularly important along with estimates of the basic housing types identified in Section 604.4 of the MPC. Proposed highway, water, sewer, school, and other community facilities and improvements should be identified in the planned facilities and expansions.

In order to foster continued understanding and support for the evolving plan, it may be advisable to undertake public information meetings after the base information is collected in order to explain the findings and to get preliminary reactions to the land use plan. These can be combined with visioning sessions that make use of the base information to involve the public in looking at planning alternatives.
Sources. In order to prepare the land use plan, which is the essence of the comprehensive plan, data and information must be collected from many sources. The MPC makes collection of much of this information the responsibility of the planning agency, which is usually the county or local planning commission or department. In the case of multi-municipal plans, the planning committee will be looking to those agencies to provide the information for the committee to work with in developing the plan, but may also take some role in gathering information. Sources to look to for needed information are listed in the sidebar on pages 3-11 and 3-12.

Collection of existing land use data is usually a time-consuming process. As suggested in Chapter 2 and Exhibit A to the Sample Planning Agreement, it is a good idea to assign responsibility for collection of the needed information to specific members of the planning committee and/or the planners and consultants working with the committee. Land uses change continually in growing communities and the information is often dated by the time the work is collected. In a number of counties, the board of assessment may have useful information, but it is important to verify that information. Land use information is often collected through the use of aerial photos, field surveys, and the knowledge of the local people involved in the plan preparation.

Geographic Information Systems (GIS) data files on natural resources, land use, and other useful topics, is increasingly available at county, regional, state, and federal (USGS) agencies, at universities, and at regional land trust organizations. Using GIS data, if it is reasonably up to date, can save time in developing the multi-municipal plan.

The soundness of the decisions made in the multi-municipal planning process will, to a great degree, rely on the quality of the information compiled to support those decisions. The information should be as current and comprehensive as possible within the budget and time constraints of the planning program. In the event that the zoning ordinances, which
use the multi-municipal comprehensive plan as their foundation, are challenged, the quality of the information and the clarity of the plan’s purposes, process, and objectives will be critical to the defense. Plain language should be used rather than planning jargon and platitudes. A substantial amount of community time, money, and goodwill is invested in the preparation of a multi-municipal comprehensive plan and implementing ordinances. The municipal officials should feel confident the multi-municipal comprehensive plan is based on reasonable objectives, sound data, supportable conclusions, and implementable programs, projects and regulations. The program must be defensible.

C. The Housing Plan

The housing plan is an essential element in the preparation of the land use plan since housing is the most basic land use needed and desired by residents in all municipalities. The multi-municipal provisions of Article XI emphasize the responsibility to plan for housing on a multi-municipal basis by requiring such planning (repeating the language of Section 301) as a “shall” not a “may.” Section 1103(a). In analyzing housing needs for the planning area, it should be borne in mind that the designation of growth areas in a multi-municipal plan must be based on accommodating projected growth “within the next 20 years” at “residential and mixed use densities of one dwelling unit or more per acre.” Section 1103(a)(1).

The 20 year time horizon is a standard long range time frame in planning practice. However, the plan can recognize that the accuracy of growth projections for 20 years cannot be reliably assessed and will be revisited at stated intervals—5 years ideally or 10 years at the most. (Municipal and multi-municipal plans are required to be reviewed at 10 year intervals. Section 301(c).) In this way, projections would be kept current and reasonably useful and defensible for the coming 10 year period.

The important consideration for municipalities planning together for housing needs is to assure that all types of housing categories described
in MPC Section 604(4) are provided for over the planning area and, if growth areas are designated, densities of one unit per acre or more within the growth areas must be planned for to accommodate projected growth. In rapidly growing areas, it is likely that significantly higher densities than one per acre will be required to accommodate that growth if other areas of the plan are to be kept more rural or suburban in character. (See densities discussion in Chapter 4.)

Analysis and Evaluation. Data on existing and projected housing conditions and trends and population projections secured from the sources suggested in the sidebar on page 3-12 should be carefully analyzed and evaluated. Projections should always be checked to determine if the assumptions on which they were calculated were reasonable. The number of units to be anticipated for various types, including multi-family and mobile homes, should be determined based on reasonable and supportable percentages. This might be the percentages that existed in the county as reported in the last census or a more recent inventory. The projections should be checked against the actual housing growth over the last five or ten years to determine if the projections are unreasonably high or low. The projection method used in the plan, whether it is based on a demographic model or a housing trend analysis, should be a model that is determined to be the most reasonable and supportable. In the event it is challenged, the method should be clearly understandable and legally defensible.

The projected number of dwelling units for the various types should be converted to land area projections by dividing the number by the permitted number of dwelling units per acre. Possible adjustments in densities should be discussed. The housing and land area projections should be critically reviewed to make sure they are reasonable for the communities and the time frame of the plan. For example, housing projections have been prepared based on a demographic model and published by a county planning agency that, when converted to land area projections, would require more area than all the undeveloped land, residentially and non-
residentially zoned, that remained in a community. Projections should not be accepted without critical evaluation.

In considering appropriate densities for different dwelling types, it is advisable to investigate the densities of actual proposed or recent developments in the area or similar areas. Densities of multi-family developments in comparatively rural areas are likely to be different from multi-family developments in urban areas. Familiarity with actual housing trends in the immediate or similar areas will be the best guide.

After arriving at density determinations it is advisable to add a safety factor of 25% or more, to account for the uncertainties and changes in market considerations, the use of properties for nonresidential uses (e.g. churches, schools, parks and playgrounds, etc.), unbuildable areas (e.g. floodplains, steep slopes, etc.) within the growth areas, and the inherent inefficiencies of development layout and design.

“Conservation of presently sound housing” often relates to the stability of neighborhoods and land use policies that disrupt or inject incompatible nonresidential uses into those areas. The rehabilitation of housing in declining neighborhoods involves a serious and critical study of the causes of decline and the involvement of professionals that have experience in developing programs to halt these trends and improve neighborhood conditions. In cities and boroughs, community development corporations often have knowledge and practical experience in dealing with these challenges.

**Housing Price.** The limitations of the municipalities to affect housing prices should be understood. Although municipalities set development standards and provide certain services, other reviewing agencies, builders, and financial institutions have more direct roles in the home building process. Other agencies of government, such as the Department of Transportation, Labor and Industry, and the Department of Environmental Protection enforce certain standards. The builders and financial institu-
tions assume the most active roles in the process. The cost of land, particu-
larly in active housing markets, is driven by developers’ competition for land and property owners’ interests in gaining the best return. Housing prices are most directly affected by the developers’ choices of housing types, the square footages of the dwellings, and the amenities included in the homes. There are many examples of expensive, larger townhouses built in one municipality and smaller, less expensive townhouses built at the same density in an adjacent municipality, at times by the same developer. Location and marketing directly affect selling prices. The national economy affects the flow of money. Money supplies and interest rates can put short-term financing for builders and long-term financing for prospective home buyers out of reach. The major factors that affect housing prices are beyond municipal control. Under the MPC, municipalities have no authority to require that developers price their products, for an entire development or a part, to meet the needs of certain income levels.

D. The Transportation Plan

The relationship between land use and transportation is strong and direct. It is not possible to plan effectively for one and not give serious consideration to the other.

Analysis and Evaluation. The identification throughout the planning area of needed roadway improvements, including new roads, widening of existing roads, intersection improvements, and installation of traffic control and traffic calming devices, should be a key aspect of a multi-municipal comprehensive plan. Although highway improvements will play an important role in planning for land use and transportation systems, a comprehensive approach should be undertaken. It will be important to consider land use patterns that minimize the trips required for contemporary living. It should be made more convenient to walk or bike to school, the grocery store or recreation centers. The comprehensive plan should include or recommend the preparation of a plan for walking and biking.

MPC Section 301(a):

(3) A plan for movement of people and goods, which 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.
Where development is great enough to support public transportation, municipal officials should work to have services provided. Rather than relying on the family car for virtually all transportation needs, community planners should establish or encourage transportation options.

The plan should include a functional classification of streets and roads in all the cooperating municipalities so that consistent improvement standards and improvement programs in each municipality will facilitate the purposes the roads are intended to serve. Higher order roads serve to convey traffic through a community, and lower order roads provide access to abutting properties. Other intermediate-order roads provide links between the high-order roads while providing some access to properties. Under a functional classification system, new roads would be built to standards that their function requires. Where possible, existing roads should be improved so that they can function as intended. In order to maintain the carrying capacity of the road system, an access management plan should be developed for arterial roads, whether these roads go through rural or developed areas. This plan would identify methods and improvements that minimize the number of points of access along these roads and that provide safe and efficient access to properties.

Cooperative Planning Process. This is a necessity for proper consideration and integration of land use and transportation. The cooperative planning process requires the development of partnerships between local governments, their MPO or LDD, and PENNDOT. These partnerships allow local governments to work closely with their respective planning partners on land use and transportation issues, and to clarify agency roles and commitments. These roles and commitments can be formalized through intergovernmental agreements as provided for in Section 1102 of the MPC. That section allows cooperating municipalities to use intergovernmental cooperative agreements for the purpose of developing and implementing a multi-municipal comprehensive plan with counties, municipalities, authorities, and special districts providing services such as transportation planning. The provisions also allow state agencies (e.g., PENN-
DOT) the opportunity to actively participate in the development of such plans if the participants and the agencies choose to work together in developing specific portions of the plan.

Section 508-A of Article V-A dealing with municipal capital improvements enable municipalities that adopt a joint (or multi-municipal) comprehensive plan under Article XI to adopt joint municipal impact fee ordinances provided all the participating municipalities adopt the underlying land use assumptions, roadway sufficiency analysis, capital improvement plan, and impact fee ordinance as provided in the transportation improvement plan requirements of Article V-A. The requirements for the imposition of transportation impact fees are complicated and exacting, and may, in fact, make the most sense when undertaken as a joint planning effort by cooperating municipalities. Transportation and capital improvement plans for infrastructure are discussed in more depth in Chapter 7.1 and 7.2.

NOTE: Whether or not cooperating municipalities adopt a joint transportation capital improvement plan and impact fee ordinances, it will be important for a multi-municipal plan to set forth the need for developers to provide traffic impact studies when asking for a zoning change that would alter the anticipated development objectives of the area. Traffic impact studies should be required in the subdivision ordinance for developments that would have significant impacts beyond the site.

Cooperative planning for transportation is particularly significant because under Section 1105 of Article XI, state agencies “must consider and may rely upon” an adopted county or multi-municipal plan that is being implemented by cooperating municipalities through generally consistent ordinances. State agencies like PENNDOT may give priority funding to projects that are consistent with multi-municipal plans.

The Capital Improvement Plan

The capital improvement plan (CIP) is an essential part of planning for the implementation of a comprehensive plan. The amended MPC requires that the CIP, like zoning and subdivision regulation, “shall generally implement the municipal or multi-municipal comprehensive plan...” MPC Section 303(d). A CIP is important for implementing any individual plan, but will be particularly important for carrying out a multi-municipal comprehensive plan because it will be necessary to coordinate funding and implementation schedules among all the participants in order to meet the shared economic development, housing, transportation, and community facility and utility goals of the plan. Each participant will need to adopt a capital improvement program that includes its share of the improvements to carry out the plan.

The capital improvement program typically lists all projects that a municipality is planning over one, five, and ten year periods (or other defined periods), and identifies responsible agencies, funding sources, and completion schedules for these projects. Projects will likely include transportation improvements, water and sewer facilities, community buildings and facilities, parks and recreational facilities, school facilities, and commercial area improvements. While a municipality may not have funding or construction responsibility for all of these projects, its approval and participation is usually required for some aspects of such projects. Examples of CIPs from several municipalities are provided in Chapter 7.2.1, pages 7-15 and 7-16.
E. The Plan for Community Facilities and Utilities

Community facilities and utilities should be considered resources with limited capacities that are to be provided in appropriate places to support and implement a multi-municipal comprehensive plan. The location of certain key facilities, including water, sewer, schools, and roads, are often essential to providing the necessary services to accommodate more intensive residential and nonresidential development. Conversely, these services will facilitate unintended development in areas, such as important farming areas or areas with limiting natural resources, where growth may not be appropriate. On-lot or on-site facilities may serve lower intensity uses that are suitable for these areas. This section is permissive so the multi-municipal plan may include plans for a variety of facilities, services, and utilities. Planning in very rural areas may not need to address facilities plans that are urban in applicability.

Analysis and Evaluation:

Sewage Facilities. Wastewater collection, conveyance, treatment and disposal are critical factors in multi-municipal planning. Planning for the proper types of wastewater systems is essential to the implementation of land use objectives and to ensure high quality natural and man-made environments. The Pennsylvania Sewage Facilities Act (Act 537) assigns to municipalities certain responsibilities for wastewater planning. Each municipality is required to have an official wastewater facilities plan, and, unless proposed facilities are consistent with the plan, the Pennsylvania Department of Environmental Protection (DEP) should not issue permits for facilities. However, a landowner has the option to request a private revision to the municipal sewage facilities plan to provide for his sewage needs and may appeal a refusal to revise the plan.

One of the most important principles in land use planning and regulation is to assure that the Act 537 sewage facilities plan is consistent with the
comprehensive plan. Municipalities do have control over the process of approving sewage facility expansions and extensions through the plan revision process. They have the power to disapprove plan revisions that are inconsistent with the comprehensive plan. This will be especially important to maintaining the integrity and effectiveness of the multi-municipal plan and should be set forth as a principle in the multi-municipal plan. These issues are discussed in more depth in Chapter 7.2.1.

**Water Supply.** The MPC was amended to mandate that a comprehensive plan include a plan for the reliable supply of water. These provisions of the MPC are discussed below (see pages 3-25 and 3-26) and in the discussion of water resource planning in Chapter 7.3. However, the principles related to water service are as complex as those for sewer service. Public water service facilitates development. Water services should be provided where growth is intended and not in areas that should be protected or remain rural. Where users rely on groundwater, these resources should be conserved. Concerns include the quantity and quality of water available for use. In order to do sound planning for water resources, it is essential to obtain as much background information as can be obtained from the sources identified in Section 3.4.B above.

**Schools.** Coordination between community planning efforts and public school districts’ planning has the potential to improve the quality of life in the area and help manage the school districts costs. Community planning should consider the location of the various school facilities and the capacities of those facilities. The delineation of areas for higher density housing in closer proximity to school facilities with capacity or facilities planned for construction or expansion will minimize the time and distance for the commute to school and may result in better managed transportation costs. However, a school district’s decision to locate a school in a more rural area of the community does not justify planning for high density housing in an otherwise inappropriate location.
Community Facilities. The location of other services, facilities, and utilities should be considered in relation to their ability to support or conflict with the land use planning for the multi-municipal area. The land use planning should facilitate the efficient and economic provision of public, quasi-public and privately provided community services wherever possible.

A very important advantage to participation in a multi-municipal comprehensive plan is the attention the plan will receive from state agencies. Sixty-nine different kinds of DEP permits including many air, water, waste, and mining permits are subject to Section 619.2 of the MPC and DEP’s land use review policy. Under that policy, DEP officials may base their decisions on land use considerations where the local government has adopted a joint zoning ordinance, adopted a zoning ordinance as part of a cooperative agreement, or where a county and a municipality or a multi-municipal comprehensive plan exists and the zoning ordinances are generally consistent with the plan. The procedures require that permit applicants provide information about local planning and zoning and provide expanded notice and information about their projects to local governments. Local governments have the opportunity to review the project for land use considerations and provide comments to DEP.

F. The Plan for Protection of Natural and Historic Resources; Agricultural and Forested Lands

The provisions of Sections 301(a)(6) and 1103(a)(6) quoted in the sidebar on page 3-21 are new and potentially powerful for municipalities that choose to plan together. They should be read together to guide cooperating municipalities in planning for the protection of identified resources. While Section 301 mentions only natural and historic resources, Section 1103 uses the broader description of resources that is found in Article I, Section 27 of Pennsylvania’s Constitution—natural, scenic, historic, and aesthetic resources. Ideally, cooperating municipalities will develop an open space plan for their planning areas that includes various open space...
MPC Section 301(a):

(6) A plan for the protection of natural and historic resources to the extent not preempted by federal or state law. This clause includes, but is not limited to, wetlands and aquifer recharge zones, woodlands, steep slopes, prime agricultural land, flood plains, unique natural areas and historic sites. The plan shall be consistent with and may not exceed those requirements imposed under...

[ Certain listed statutes, primarily statutes dealing with mineral extraction and agricultural operations.]

The effect of these requirements is analyzed in Appendix 3A-2 to this chapter.

MPC Section 1103(a):

(6) Plan for the conservation and enhancement of the natural, scenic, historic and aesthetic resources within the area of the plan.

Historic preservationist and author Donovan D. Rypkema strives to educate decision and policy makers about the ways historic preservation creates economic opportunity. He describes “Eight Ways Historic Preservation is an Economic Generator”:

1. Jobs and Household Income
2. Household Income
3. Heritage Tourism
4. Small Business Incubation
5. Downtown Revitalization
6. Small Town Revitalization
7. Neighborhood Stability
8. Neighborhood Diversity

Continued on next page
Process. For the multi-municipal plan for natural and historic resources, it is important for the cooperating municipalities to bring together information from their own comprehensive plans, ordinances, and other applicable plans such as those developed under Acts 167 (stormwater) and 537 (sewage). They will also want to consult with advisory committees such as Environmental Advisory Councils (EACs) and county open space programs (where they exist). But it is also important for them to spend some time (perhaps in an early visioning session) thinking about the planning area as a whole in its natural, as well as its historic, state without the limits of particular plans and subdivision or zoning ordinances. For example, if the area contains one or more watersheds, what would be needed in terms of consistent planning and regulation to protect stream quality, aquifer recharge, and wetlands in those watersheds? Where and how should development occur in relation to protection of these resources?

It is recommended that the cooperating municipalities do a resources inventory for the entire planning area showing all the natural features, prime agricultural soils and lands in agricultural use, woodlands, hazardous areas, and mineral resources, as well as scenic and historic resources, so that these can be addressed in the plan. For historic resources, the inventory of the planning area should include specific identification and descriptions of buildings, sites, and districts or potential districts gathered from the sources listed in Section 3.4.B. (See Appendix 3A-4.)

Once information is gathered, the process should include the mapping and description of the natural, historic, and scenic resources within the area of the plan. The characteristics and limitations should be discussed, including potential hazards to life and property if particular areas (like floodplains or wetlands) are improperly used.

Agricultural and Forested Lands. Where farming is an active and viable pursuit, the plan should address soil characteristics, lands preserved for farming purposes, lands held under preferential tax assessments and...
lands that are actively farmed. Protection policies for specific natural features (such as floodplains, floodplain soils, wetlands, steep slopes, riparian buffer areas, woodlands, mature trees, watercourses, geologic areas with hazardous characteristics, prime agricultural lands, and other natural areas and historic sites) should be noted in the plan. Again, it will be most helpful to have the assistance of a good planning consultant or regional land trust organization who can help the participants consider how these resources should be protected and assure that the planning decisions of the committee reflect careful assessment and sound science.

*Analysis and Evaluation.* Broad areas that contain high proportions of limiting natural features should not be designated in the land use plan for intensive forms of development. Large areas of prime soils and viable agricultural lands areas should be defined and serve as the basis for designation of rural resource areas where limited development, compatible with rural uses, will be planned and zoned for. The plan should include policies for the protection of natural and historic features wherever they exist, regardless of the type of planning area. The plan should include natural, agricultural, scenic, historic, and aesthetic resource considerations in the determination of different planning areas and, also, in the development of site planning policies to be implemented through ordinance standards. The plan affords opportunities for creating regional greenway systems through acquisition, easements, and creative land use regulations. Consistency with the plans of adjoining municipalities is especially important if the greenway network is to be realized.

*Legal Considerations.* In developing the plan for natural, scenic, historic, and aesthetic resources, it is important to be aware of court-made law as well as the provisions of the MPC since the validity of land use regulation is often challenged in the courts on constitutional grounds. It is advisable to consult a solicitor on how the case law may affect the resource protection measures being proposed in the plan.
There is some dynamic tension among constitutional provisions in Pennsylvania that has not been fully addressed by the courts. Article I, Sections 1 and 10 contain provisions requiring substantive due process and protecting private property rights, which have been aggressively interpreted by the Pennsylvania courts to require municipalities to accommodate growth and to create a presumption against the validity of zoning over two acres per unit except for prime agricultural lands. (See discussion of exclusionary zoning challenges in Chapter 7.1.1.)

Article I, Section 27, the environmental rights amendment, added to the Constitution by popular vote in 1968 provides a strong basis for protection of natural, scenic, historic, and aesthetic resources, and makes the Commonwealth the trustee for protecting those rights. (See sidebar on this page and discussion of private property rights in Appendix 6A-4.)

In evaluating the effect of Article I, section 27, the courts have said that the provision is “self-executing” (that is, it does not need legislation to carry it out), and established a three-pronged test in Payne v Kassab, 11 Pa. Cmnwlth. 14, 29-30 (1973), for determining whether Commonwealth agencies have discharged their constitutional responsibilities under the amendment. Rather than give new responsibilities to the state agencies, the courts have looked to how the agencies execute their responsibilities under existing state statutes governing natural and historic resources.

The Commonwealth Court has stated that local governments of the Commonwealth also have trustee responsibilities under Article I, Section 27 by virtue of having been delegated authority for land use planning and protection of natural resources under the MPC. In weighing their responsibilities, municipalities must look first to state statutes to decide whether regulation has been preempted or limited by state authority. (See discussion in Appendix 3A-2 to this chapter.) State laws often specify responsibility for different aspects of natural and historic resource protection—for example, flood plain or stormwater management, which may include both state and local responsibilities.
The Commonwealth Court has also stated that, in exercising this responsibility, municipalities must permit reasonable development of property as well as management of the public natural resources of Pennsylvania. “The result of our holding is a controlled development of resources rather than no development.” Payne v Kassab, at page 29, should be the focus and is the responsibility of local governments. New sections of the MPC directly address the protection and preservation of natural resources. However, amended Section 301(a)(6) states that municipal plans shall not exceed the requirements imposed under the listed state laws as these laws relate to the specific subject matter in question. (These statutes are quoted and discussed in Appendix 3A-2.)

As a general guiding principle, municipal plans and ordinances must have a public purpose that, when balanced against private interests, can be shown to serve a substantial public interest in order to avoid being invalidated under Pennsylvania’s substantive due process case law; and they must not effect a taking of all or nearly all economic use of a property in order to avoid the requirement of compensation under state (and federal) constitutional law. Consequently, in developing plans and regulation, which necessarily involves some restriction on each property owner’s ability to use his or her property, the participants must very carefully evaluate the impacts of restrictions on property, both generally and specifically. It will be helpful to have the specifics of the proposed plan and implementing regulations considered by legal counsel who works with the committee and the participating municipalities.

G. Reliable Supply of Water

Under the amended code, a multi-municipal or individual municipal comprehensive plan shall include a plan for the reliable supply of water. In addition to planning for water supply, the plan must include provisions for the protection of water sources. Such measures could include wellhead area protection and riparian buffer protection ordinances. Water supply planning would include the needs of areas intended for higher
MPC Section 301(b):
... a plan for the reliable supply of water, considering current and future water resources availability, uses and limitations, including provisions adequate to protect water supply sources. Any such plan shall be generally consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. It shall also contain a statement recognizing that:
(1) Lawful activities such as extraction of minerals impact water supply sources and such activities are governed by statutes regulating mineral extraction that specify replacement and restoration of water supplies affected by such activities.
(2) Commercial agriculture production impacts water supply sources.

Note: The State Water Plan is 25 years old and in need of updating. More current data is available from DEP, though it is piecemeal rather than integrated into a plan. Proposed legislation would enable development of an up to date State Water Plan.

MPC Section 301(a):
(4.1) 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.

density housing and nonresidential uses as well as the needs in areas that rely on individual wells.

A consultant with experience in water resources and supply may be needed to comply with this provision of the MPC, particularly where there are significant water resource issues affecting streams and ground water aquifers due to mining, agriculture, development, or other activities. (Water resources planning is discussed more thoroughly in Chapter 7.3.)

In addition to water supply issues, the capability of the water systems for fire fighting is an important community safety matter. In areas where more intensive residential and nonresidential uses will be located, the water system should be looped and a grid formed to provide alternative directions for water flow.

3.5 Other Requirements

A. Interrelationships of Plan Components

No source material is needed to incorporate a statement on the interrelationship of the plan components.

The plan should contain a statement that it is intended to promote and protect the public health, safety, and welfare and that the stated objectives are designed to achieve those general purposes. The various plan components or elements provide background information and guidelines to assist in the achievement of the stated objectives. The comprehensive plan or update is intended to provide the framework upon which more detailed or supplementary studies will be prepared, reviewed, or revised when appropriate. As such, the plan or the update in conjunction with other planning efforts will provide environmental, fiscal, economic, and social benefits for the entire area. The preparation of the plan or update requires a high degree of coordination among the plan components. For
example, housing projections are used in the section on growth management, which in turn is used in the development of a land use strategy. All plan components are used in development of the land use plan.

B. Implementation Measures

Implementation strategies, programs and projects are developed internally through discussions among the participants. In the past, measures identified to implement a comprehensive plan were often buried in the text. To provide more useful information, current plans include a chapter where the implementation tasks and projects are listed by category (road improvements, park and recreation, sewer and water facilities, trail systems, etc.), by intended implementation year, or under lists both by category and schedule. Municipal managers have used these lists to help prepare budgets for coming years. Implementation strategies could be included for the overall area and for the individual municipalities.

C. Compatibility with Plans and Ordinances of Adjacent Municipalities

This a new requirement added by the 2000 amendments. Where municipalities are planning together, the process will certainly involve assessing the compatibility of each participant’s plan and ordinances with its neighbors’. However, it will also be necessary to assess the compatibility of plans and ordinances with municipalities that are contiguous to, but not part of, the cooperative planning group.

The comprehensive plans and zoning ordinances of adjoining municipalities should be reviewed to determine if there are potential conflicts. Proposed development plans should also be reviewed or discussed with the staffs of adjoining municipalities or the county planning commission. In addition to existing and proposed land uses, highway, water, sewer, park and open space, agricultural preservation, and other elements of the comprehensive plans of adjoining communities should be reviewed for compatibility and possible conflicts. Where potential conflicts are identified,
methods to buffer or mitigate negative effects should be considered. The various objectives and functional plans (highway, sewer, water, parks, etc.) of the county comprehensive plan should be reviewed to develop general consistency with the multi-municipal comprehensive plan.

**Sources.** The comprehensive plans, zoning ordinances and development plans may be reviewed in the municipal buildings of the neighboring communities or in the county planning commission offices. The objectives and plans of the relevant county planning agencies may be reviewed.

**D. Ten Year Review**

After a multi-municipal comprehensive plan is adopted, it must be reviewed on at least a ten-year cycle and must be sent to contiguous municipalities and the county planning agency for review. The county planning commission may choose to send it to a regional planning commission. The update must also be sent to the Center for Local Government Services for informational purposes. The plan should be generally consistent with these other plans or deviations should be noted.

The plan review should involve updated information that the initial or previous version of the multi-municipal comprehensive plan relied upon, and consultation of the same sources for updated information. The information would include population and housing data, information on land use changes, and current information on the capacities and service areas of utilities and facilities. An important part of a plan’s update would be the discussion and reevaluation of the objectives that served as the foundation of the plan’s purposes.
3.6 Optional Element of the Plan, Section 301 — The Energy Conservation Plan

This optional provision of the MPC has been little used by individual municipalities (to our knowledge), but could be undertaken more cost effectively by a multi-municipal planning committee working with a consultant to evaluate the energy cost alternatives for various development patterns. Better land use planning, especially on a multi-municipal basis, should result in greater efficiency in the supply and use of a variety of energy resources. Sources used to prepare the transportation, utility, land use, and growth management elements will have applicability for energy conservation. However, municipalities wanting to undertake an energy conservation plan as part of their comprehensive plan will want to consult experts in this field, including public agencies such as the Governor’s Energy Council, the PUC, and private organizations specializing in energy issues such as Citizens for Pennsylvania’s Future.

3.7 Conclusion

In preparing a multi-municipal plan the participants need to be considering the entire area of the plan as well as the needs of each municipality in all their deliberations. Once the required information under Section 301 has been gathered and analyzed the participants are ready to use the extra powers given Article XI to establish resource areas and distribute uses appropriately over the area of the plan. Chapter 4 discusses the process and important considerations in using those powers.

Appendices to this Chapter:

- Worksheets for Planning Elements, Appendix 3A-1
- Preemption and Exceedance, Forestry, and Planning for Historic Resources by Metta Barbour, Esquire, Appendices 3A-2, 3A-3 and 3A-4
- French Creek Communities Regional Visioning Process Summary, Appendix 3A-5
Subdivision Ordinances. One of the most important implementation tools of land use regulation is the subdivision and land development ordinance. It deserves special mention here. It is not discussed in any depth in Chapters 3 and 4, which deal more with the zoning ordinance because zoning regulates uses, densities, and other lot controls such as overlay districts for the protection of particular resources. The zoning ordinance is critical to carrying out the designation of growth and rural resource areas in a multi-municipal planning area and defining how development will occur in relation to the community’s overall objectives.

The subdivision ordinance, on the other hand, regulates how a tract of land is divided, or “platted” for development, and what must be provided within the tract for that development. It is also important to decide during the planning process how subdivision and land development ordinances will be used to carry out the plan.

Article V of the MPC authorizes municipalities to adopt regulations governing subdivision and land development, defined in Section 107 to cover any improvement of one lot or more for nonresidential purposes or any division of land into two or more lots for residential or other purposes, with certain limited exceptions. These ordinances govern activity at the site or tract level and deal with standards for approval of plats, street design and grading, curbs, sidewalks, walkways, street lights, fire hydrants, water and sewer facilities, and requirements for public dedication of streets and open space or recreational land.

Many suburban and rural Pennsylvania municipalities that do not have zoning ordinances rely on county or local subdivision ordinances to regulate tract development. Where there is no zoning, such ordinances may include uniform requirements for “minimum setback lines and minimum lot sizes which are based upon the availability of water and sewage.” Counties may enact subdivision ordinances for areas of the county that are not governed by any local ordinance, but these are preempted by the enactment of a local ordinance. MPC Section 502.

The relationship between the subdivision and zoning ordinances is important to understand and be aware of in the planning process. If a zoning ordinance is enacted in a municipality, it controls the uses, densities, setbacks, heights, open space requirements, and natural resource limitations that govern development in the tract’s district. Conditional uses, special exceptions, or variances may be granted for the development under certain conditions, or the tract may qualify as a planned residential development under Article VII or traditional neighborhood development under Article VII-A and be subject to special rules for approval.

In developing a multi-municipal plan, it will be important to assure that all the participating municipalities enact or amend subdivision and zoning ordinances to conform to multi-municipal plan provisions relating to housing and commercial development, infrastructure, reliable water supply, resource protection, and open space. For example, Section 503 (2)(i) gives municipalities authority to require that “the layout and design of subdivision or land development shall conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof.”