

**HISTORIC, CULTURAL AND NATURAL RESOURCES PLAN****INTRODUCTION**

Historic resources are the visible and tangible record of the past occupation of Perry County. These resources give the area a sense of place while contributing to the physical environment. These resources include buildings, districts or groups of buildings and sites of national, state, or local historical, cultural, engineering, architectural, and archeological significance.

To promote the protection of historic resources, they must be identified and evaluated. This includes both public and private considerations judged significant. The purpose of this element of the comprehensive plan is to promote the protection of these historic resources that are important to Perry County and enhance awareness of the history of the County.

**FEDERAL LEGISLATION AND FINANCIAL RESPONSE**

It is not the intent of this section to identify all federal legislation pertaining to historic preservation. It is however, the intent to identify the legislation that has had the most significant impact on historic resources and preservation. This legislation includes the following:

**Antiquities Act of 1906**

The first Federal historic preservation legislative response was the Antiquities Act of 1906, which give the President of the United States authority to establish historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on federal lands as national monuments.

**National Park Service Act of 1916**

The second legislative response was the National Park Service Act of 1916. The National Park Service provides administrative services to the Advisory Council on Historic Preservation and prepares the National Register. The Service also developed the criteria for evaluating the eligibility of nominees to the National Register.

**Historic Sites Act of 1935**

The third major legislative response was the Historic Sites Act of 1935. This Act declared it a national policy to preserve for public use historic sites, buildings, and objects of national significance and directed the Secretary of the Interior to make a survey of historic and archaeological sites, and to acquire, restore, maintain, and manage the sites.

**National Historic Preservation Act of 1966**

With the passage of the National Historic Preservation Act, Congress made the Federal Government, in cooperation with State and local governments, Indian Tribes, organizations, and individuals, a full partner and leader in historic preservation. First, the Act established the National Register of Historic Places, which authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American History, architecture, archaeology, engineering and culture. Second, the Act created the Advisory Council of Historic Preservation an independent government agency responsible for advising the President and Congress on historic preservation matters; recommendation of studies, coordination with state and local agencies, organizations, and individuals. Third, the Act establishes the responsibilities of a State Historic Preservation Officer (SHPO) to administer the national historic preservation program at the State level. Each SHPO is responsible for the development of a state-wide plan for preservation, surveying to identify historic properties, nominating properties for the National Register, providing technical assistance to Federal, State, and local agencies and the public, participating in federal undertakings that affect historic properties, helping local governments become certified to participate in the program, and other activities.

Section 106 of the Act grants legal status to historic preservation in Federal planning, decision-making, and project execution. This requires all Federal agencies to take into account the effects of their actions on historic properties and to provide the Advisory Council of Historic Preservation an opportunity to comment on actions and the manner in which the Federal agencies are taking historic preservation into account in their decisions.

Over the past thirty-five years, several executive and legislative actions have been directed toward improving ways that all Federal agencies manage historic properties and consider historical and cultural values in their planning. Some of the more important legislation includes; Executive Order 11953 (1971) and, later, Section 110 of the Act (1980, amended in 1992) gives Federal agencies concise direction to identify and consider historic properties in Federal actions; Executive Order 13006 (1996) proposed the Federal Government utilize and maintain economically feasible historic properties in Central Business Areas; Department of Transportation Act of 1966; and the National Environmental Policy Act of 1969

**FEDERAL TAX INCENTIVES****Tax Reform Act of 1986**

Under this Act, a property owner is eligible for a 20 percent tax credit, along with a 27.5 to 31.5 percent straight-line depreciation for the substantial rehabilitation of historic buildings for commercial, industrial and rental residential purposes (but not owner occupied buildings), and a 10 percent tax credit for the substantial rehabilitation of

nonresidential buildings built before 1936. The 10 percent tax credit is not available for rehabilitations of certified structures.

**Rehabilitation Investment Tax Credit (RITC)**

The RITC is the most widely used incentive program. Certain expenses incurred in connection with the rehabilitation of an old building are eligible for a tax credit. RITC's are available to owners and certain long-term leases of income producing properties. There are two rates, 20 percent for historic buildings and 10 percent for non-residential, non-historic, with different qualifying criteria for each rate.

**Charitable Contribution Deduction**

The Charitable Contribution Deduction is taken in the form of a conservation easement and enables the owner of a "certified historic structure" to receive a one time tax deduction. A conservation easement usually involves the preservation of a building's façade by restricting the right to alter its appearance.

The Federal Tax Incentive Programs are coordinated through the State Historic Preservation Office, Bureau for Historic Preservation, Pennsylvania Historical Museum Commission and the National Park Service.

**OTHER FEDERAL PRESERVATION INCENTIVE PROGRAMS****The Transportation Equity Act for the 21<sup>st</sup> Century**

Under this program 10 percent of the funds appropriated to Pennsylvania for Surface Transportation Programs are made available for special "enhancement" activities. Applications could include historic preservations, research, planning acquisition, and development of projects that are along transportation corridors and are related to the improvement of a highway and its surrounding areas. The program is administered between the Federal Highway Administration and the Pennsylvania Department of Transportation.

**Certified Local Government Program**

The National Historic Preservation Act of 1966, as amended, established the Certified Local Government Program, the legal and administrative context within which the SHPO relate to and participate in the National Historic Preservation Program. The Act establishes a program of matching grants to the states through, which the federal government assists the SHPO in carrying out their historic preservation responsibilities. Presently, Federal law provides that at least 10 percent of the annual Historic Preservation Fund grant allocation to Pennsylvania be set aside for distribution to Certified Local Governments with an average amount of \$90,000 to \$100,000.

**PENNSYLVANIA LEGISLATION AND FINANCIAL RESPONSE****Historical and Museum Commission Act of 1945**

On June 6, 1945, the Pennsylvania State Legislature established Act 446, which established the Pennsylvania State Historical and Museum Commission (PHMC). This Act amended the Administrative Code to consolidate the functions of the Pennsylvania Historic Commission, the State Museum and the State Archives. PHMC is an independent administrative board, consisting of nine citizens of the Commonwealth appointed by the Governor, the Secretary of Education ex officio, two (2) members of the Senate appointed by the President Pro Tempore and Minority Leader, and two members of the House of Representatives appointed by the Speaker and Minority Leader. The Executive Director, appointed by the Commission to serve at its pleasure, is an ex officio member of the Environmental Quality Board, County Records Committee and the Local Government Record Committee.

The powers and duties of the PHMC fall into these principal fields; care of historical manuscripts, public records, and objects of historic interest; museums; archaeology; publications; historic sites and properties; historic preservation; geographic names; and the promotion of public interest in Pennsylvania history.

The PHCM also conducts a landmark identification program, presenting identification plaques to property owners for attachment on structures included in the Pennsylvania Inventory of Historical Places. The landmark identification program also includes the placement of roadside historical signs at various sites and locations having statewide and national historic significance.

In the Mid 1970s, Governor Shapp issued an executive order requiring the Office of Historic Preservation to approve all proposals involving the demolition of a state building. The Governor concurrently directed the Office of Historic Preservation to develop a program that will assist the public and private sectors in implementing the Commonwealth's policy to "protect and enhance our irreplaceable resources." To achieve this executive order, the Office implemented a five-point program, as follows:

1. Registering historically or architecturally significant sites and structures on the National Register of Historic Places and on the Pennsylvania Inventory of Historic Places;
2. Advising and guiding individuals and organizations regarding historic preservation and its funding;
3. Reviewing applications for federal preservation grants;
4. Working for legislation at the state level as an effective tool in historic preservation; and

5. Working with other governmental agencies to review the impact of projects, such as highway, on the Commonwealth's historic resources.

**Local Historic District Act, Act 167 of 1961**

The Act was adopted in 1961, amended in 1963 and 1980. This Act authorized counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing buildings within historic districts.

**Pennsylvania Municipalities Planning Code, Act 247**

Act 247, the Pennsylvania Municipalities Planning Code, was enacted in 1969. The Act authorizes counties, cities, townships, and boroughs to establish by ordinance, local planning commissions, zoning regulations and subdivision and land development regulations; and by a resolution adopt a comprehensive plan.

Article VI, Zoning, Section 605, states:

“The provisions of all zoning ordinances may be classified so that different provisions may be applied to different classes of situations, uses and structures and to such various districts of the municipality as shall be described by a map made part of the zoning ordinance. Where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made with any district:

For the regulation, restriction or prohibition of uses and structures at, along or near: places having unique historical or patriotic interest or value.”

The combination of Act 167 and Act 247 provides the constitutional authority and legislative framework for local governments to develop, adopt and implement historic preservation programs. The authority is provided and legal and planning advice is available, however, it up to the municipality to determine the necessity and benefits of historic preservation.

**PENNSYLVANIA HISTORIC MUSEUM COMMISSION GRANTS AND PLANNING PROGRAM**

The Pennsylvania Historic Museum Commission offers multiple funding opportunities to wide variety of applicants, including but not limited to, museums, historical societies, municipal governments, and non-profit organizations. Guidelines pertaining to the PHMC's three primary grant programs are found in this section. The programs and

eligibility criteria are briefly described. Detailed information can be found on the PHMC's website. [www.phmc.state.pa.us](http://www.phmc.state.pa.us)

The three (3) primary grant programs include:

**Certified Local Government Grant Program**

Funding under this program is limited to federally designated Certified Local Governments. There is only one type of grant.

- Competitive
- Matching
- Maximum Award \$25,000
- Funding in the Categories of Cultural Resource Surveys, National Register Nominations, Technical and Planning Assistance, Educational Interpretive Programs, Staffing and Training, Pooling CLG Grants and Third Party Administration

**Keystone Historic Preservation Grant Program**

Funding under this program is available to nonprofit organizations and local governments for capital improvements on historic resources listed in or eligible for listing in the National Register of Historic Places. Private property owners are not eligible for funding under this program and may wish to refer directly to PHMC Programs of Interest for information on investment tax credits and historic home sites program.) There is one type of grant.

- Competitive
- Matching
- Maximum Award \$100,000
- Funding in the categories of Preservation, Restoration, and Rehabilitation

**Pennsylvania History and Museum Grant Program**

The Pennsylvania History and Museum Grant Program was initiated with a special appropriation from the Pennsylvania General Assembly in 1985 and has been supported since that time by an annual appropriation of funds to the PHMC. Funding under this program is designated to support a wide variety of museum, history, archives and historic preservation projects, as well as nonprofit and local government. There are ten types of grants:

**1. Archives and Records Management Grants**

- Competitive
- No Match Required to \$5,000
- Matching to \$15,000
- Maximum Award \$15,000
- Funding in the Categories of Access and Preservation Programs, and County Records Improvement Programs

- 2. General Operating Support Grants for Museums**
  - Competitive
  - No Match Required
  - Maximum Award \$150,000 (based on percentage of annual operating budget)
  - No Special Categories
  
- 3. General Operating Support Grants for Official County Historical Societies**
  - Noncompetitive
  - Matching
  - Maximum Award \$10,000
  - No Special Categories
  
- 4. Historic Preservation Grants**
  - Competitive
  - No Match Required to \$5,000
  - Matching to \$15,000
  - Funding in the Categories of Cultural Resource Surveys, National Register Nominations, Planning and Development Assistance, Educational and Interpretive Programs, and Archaeology
  
- 5. Historical Marker Grants**
  - Competitive
  - Matching
  - Maximum Award \$650
  - No Special Categories
  
- 6. Local History Grants**
  - Competitive
  - No Match Required to \$5,000
  - Matching to \$15,000
  - Maximum Award \$15,000
  - Funding in the Categories of Public Programs, Research and Writing, and Educational Programs
  
- 7. Museum Project Grants**
  - Competitive
  - No Match Required to \$5,000
  - Matching to \$15,000
  - Maximum Award \$15,000
  - Funding in the Categories of Institutional Development, Collections Management, and Educational and Interpretive Program

**8. Statewide Conference Grants**

- Selective
- No Match Required
- Maximum Award Generally Does Not Exceed \$5,000
- No Special Categories

**9. Statewide Organization Grants**

- Selective
- No Match Required
- Maximum Award Generally Does Not Exceed \$100,000
- No Special Categories

**10. Technical Assistance Grants**

- Competitive
- No Match Required
- Maximum Reward \$1,500
- No Special Categories

**HISTORIC PRESERVATION IMPLEMENTATION TECHNIQUES**

There are several techniques available for implementation of historic preservation programs. The method chosen will depend on the municipality's goals and objectives, the status of the historic resource, and the receptivity of the public to government regulations. The purpose of this section is to identify several available preservation techniques.

**Historic District Ordinance**

The Adoption of Act 167 authorizes municipalities to create historic districts. The general purpose and intent of a historic district ordinance is to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures and areas of historic interest or importance with the municipality.

Several important elements of a historic district ordinance include; a reference to the enabling legislation, the purpose, definition of technical terms, a boundary, criteria for designation, creation of a Historical Architectural Review Board and their duties, powers and responsibilities, design guidelines, demolition by neglect, definition of economical hardship, description of the certificate of appropriateness application review procedure, and fines and penalties for violation of ordinance requirements.

A municipality must draft a historic district ordinance that best fits the community's need. Regulations should depend on the community's willingness and ability to accept regulations. The ordinance must reflect community consensus in protecting and preserving its historic resources.

**Special Purpose Historic Districts**

Act 167 also authorizes municipalities without zoning controls to enact special purpose ordinances to create historic districts.

**Zoning Ordinances**

Act 247, the Pennsylvania Municipalities Planning Code authorizes the creation of historic zones independent of Act 167. The zoning ordinance regulates area, bulk, density and land uses within a municipality. The historic district may be established by the zoning ordinance as a district or overlay.

**Subdivision and Land Development Plan Review**

The subdivision and land development plan review process provides a method of identifying possible development proposals, which might adversely affect local historic sites and structures. An established preservation-planning element containing a historic site inventory is necessary for the effectiveness of such a monitoring procedure.

Other methods of implementation techniques include; easements, deed covenants, outright acquisition of property, and appropriate rehabilitation of buildings. Further preservation implementation techniques can be found by contacting the PHMC.

**PERRY COUNTY HISTORIC PRESERVATION EFFORTS AND ACTIVITIES****Historic Preservation Districts**

Bloomfield Borough is the only municipality in the County, which has created a Historic Preservation District in its zoning ordinance. The Historic Zoning District covers sixteen square blocks in the “heart” of Bloomfield Borough. Many of the buildings are utilized by commercial uses on the first floor and residential uses on the second and third floors. The permitted uses are limited to residential, light commercial, offices, and governmental uses. In addition to the limited uses permitted, all building permits have to be authorized by the Borough Council upon recommendation of the Planning Commission, as to the architectural features, including signs.

**Historical Society of Perry County**

The Historical Society of Perry County was originally established in the middle nineteenth century. After a period of dormancy, the Society was re-established around 1924 and incorporated as a non-profit organization in 1953. The Society is comprised of approximately 270 members and is administered by an elected Board of Directors with an additional three members chosen by the President of the Board. The full Society meets four times a year, while the Board meets monthly. Funding sources include membership fees and private donations.

Program and scope of services include site and/or structure acquisition, rehabilitation and maintenance. The Society has acquired the Blue Ball Tavern in Centre Township, a one room church in Toboynne Township, a one room school house in Tyrone Township, a mansion in Landisburg Borough, a church in Spring Township, and the first free school of Perry County in Bloomfield Borough. In addition to site acquisition, the Society has sponsored the reprinting of two texts pertaining to the history of Perry County. They are, "The History of Perry County" by H.H. Hain (1922) and "Churches between the Mountains" by Rev. D.H. Focht (1862).

Current projects include the acquisition of the Fairview Church in New Germantown and the Ludolph Church in "Little Germany" and the operation of the Blue Ball Tavern at the Little Buffalo State Park. The Tavern serves as a museum and meeting place for the Society.

### **The Perry Historians**

The Perry Historians is a volunteer organization concerned with the heritage of Perry County as revealed through the lives of individuals and families that was established in 1976. The Historians is comprised of approximately 800 members and administered by a nine (9) member Board of Directors. The Historians are actively preserving and organizing the source materials and representative artifacts relative to the genealogical history of Perry County and adjacent areas. The collection of the Historians is housed in the Harry W. Lenig Library.

The Harry W. Lenig Library houses a list of records, which include the following; church records, newspapers, tombstone inscriptions, mortuary records, court records, land survey drafts, printed works, family and subject files, photographs, Taufschein collection, connected warranty maps, census schedules, rare books, and artifacts.

### **HISTORIC AND CULTURAL RESOURCES RECOMMENDATIONS**

- 1. During the subdivision and land development review process, documentation should be made of any plans or actions that may impact National Historic Property and/or eligible properties.**
- 2. Municipalities should consider developing an inventory and assessment of historical resources and properties.**
- 3. Available tax incentives, federal and state funding, and other public or private funding should be fully utilized.**
- 4. Support the efforts of the Perry County Historians and other County historical and cultural organizations in seeking financial support and technical assistance.**

5. Consultation should be made with the Pennsylvania Historical Museum Commission before undertaking any historical preservation projects or seeking any funding.
6. The County should periodically update this element of the plan in order to identify new legislation and funding opportunities affecting the preservation of historic resources.
7. The County should maintain an inventory and assessment of all historical and cultural resources and properties.
8. The County and its municipalities should actively work together to protect and preserve the County's historic and cultural resources, while supporting efforts of groups focused on promoting our County's culture.
9. Municipalities should consider creating zoning ordinance and subdivision and land development ordinance amendments which aid in protecting the County's historic and cultural resources.
10. Properties identified as eligible under the Bureau of Historical and National Properties should make application to become listed properties.

### **HISTORIC AND CULTURAL RESOURCES ACTION PLAN**

#### **HCR GOAL 1. Sustain Perry County's historic resources.**

**HCR Objective 1.A.** Encourage historic designation of places within Perry County.

- **HCR Strategy 1.A.1.** Encourage the designation of historic districts in an effort to preserve community character.
- **HCR Strategy 1.A.2.** Create an inventory of historic places in Perry County.
- **HCR Strategy 1.A.3.** Encourage the inclusion of individual properties into the National Register of Historic Places.

**HCR Objective 1.B.** Increase citizen awareness as it relates to Perry County history.

- **HCR Strategy 1.B.1.** Support the efforts of the Perry County Historians for the benefit of current and future generations.
- **HCR Strategy 1.B.2.** Encourage Perry County history to be incorporated into classroom history lessons.
- **HCR Strategy 1.B.3.** Identify, support and coordinate County and municipal preservation efforts.

- **HCR Strategy 1.B.4.** Promote the donation of historic easements and the benefits of tax incentives.
- **HCR Strategy 1.B.5.** Discourage demolition or inappropriate reconstruction of historic resources.

**HCR GOAL 2. Sustain Perry County’s cultural resources.**

**HCR Objective 2.A.** Protect Perry County’s cultural resources.

- **HCR Strategy 2.A.1.** Identify and inventory cultural resources that reflect Perry County’s heritage.
- **HCR Strategy 2.A.2.** Promote cultural events within Perry County.
- **HCR Strategy 2.A.3.** Promote tourism to strengthen Perry County’s cultural heritage and identity.

**HCR Objective 2.B.** Increase citizen awareness as it relates to Perry County’s cultural resources.

- **HCR Strategy 2.B.1.** Support efforts of County organizations focused on promoting the County’s culture.
- **HCR Strategy 2.B.2.** Encourage Perry County culture to be introduced into classrooms, especially art, music and history classes.

**Implementation Timetable for Historic and Cultural Resource Strategies**

<b>Historic and Cultural Resource Strategies</b>	<b>Yr. 1</b>	<b>Yr. 2</b>	<b>Yr. 3</b>	<b>Yr. 4</b>	<b>Yr. 5</b>	<b>Yr. 6</b>	<b>Yr. 7</b>	<b>Yr. 8</b>	<b>Yr. 9</b>	<b>Yr. 10</b>
<b>HCR Strategy 1.A.1.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.A.2.</b>			I	C						
<b>HCR Strategy 1.A.3.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.B.1.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.B.2.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.B.3.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.B.4.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 1.B.5.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 2.A.1.</b>				I	C					
<b>HCR Strategy 2.A.2.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 2.A.3.</b>	X	X	X	X	X	X	X	X	X	X
<b>HCR Strategy 2.B.1.</b>	X	X	X	X	X	X	X	X	X	X

<b>Historic and Cultural Resource Strategies (Continued)</b>	<b>Yr. 1</b>	<b>Yr. 2</b>	<b>Yr. 3</b>	<b>Yr. 4</b>	<b>Yr. 5</b>	<b>Yr. 6</b>	<b>Yr. 7</b>	<b>Yr. 8</b>	<b>Yr. 9</b>	<b>Yr. 10</b>
<b>HCR Strategy 2.B.2.</b>	X	X	X	X	X	X	X	X	X	X

I = Initiate process  
 C = Complete process  
 X = Item to be covered

**NATURAL RESOURCES INTRODUCTION**

Perry County is blessed with abundant and invaluable natural resources that include wetlands, steep slopes, floodplains, woodlands, prime agricultural lands and unique natural areas. The wealth of these resources is integral to the County’s identity, health, economic vitality and overall beauty. These natural resources are identified in detail in Chapter III. The purpose of this plan element is to preserve and protect these resources and retain and enhance the natural beauty and rural character of the County.

Perry County recognizes the interrelations of its natural resources with the health, safety and general welfare of the County. The County also recognizes that the natural resources must be preserved and protected for future generations. In an effort to protect these natural resources, the County intends to recommend that development be directed in a manner that respects the ecological balance of natural resources.

**WETLANDS**

The U.S. Army Corp of Engineers defines wetlands as, “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adopted for life in saturated soil conditions.”

Wetlands play a vital role in the natural and man-made environments because of their many values. Benefits of wetlands include the following:

1. Wetlands improve water quality by filtering suspended and dissolved sediments and chemicals from the water that travels through them;
2. Wetlands aid in flood control by storing water during times of heavy rainfall, snow melts or high water discharge from adjacent streams. These areas slow flood water and temporarily store them, acting as natural storm water retention facilities;
3. Wetland plants anchor soils along rivers, streams and lakes reducing the potential for erosion;

4. Wetlands support a wide variety of plant and animal species, including threaten and endangered species; and;
5. Wetlands are valuable scenic, recreational, and educational resources.

Map 3-5 In Chapter III delineates the wetlands in Perry County as identified by the U.S. Department of Interior, Fish and Wildlife Service.

### **Regulatory Programs**

Federal and State programs regulate development that impacts wetlands. Federal protection includes Section 404 of the Clean Water Act, which prohibits unauthorized placement of fill material in wetlands. Additionally the Federal Farm Bill prohibits farmers who receive United States Department of Agriculture benefits from draining, dredging, filling or leveling a wetland. The U.S. Army Corps of Engineers and the Environmental Protection Agency administers these programs.

Pennsylvania regulates wetland activities through Chapter 105 of the Dam Safety and Encroachment Act. The Act requires permits for activities and structures in wetlands. The Pennsylvania Department of Environmental Protection administers this Act. In addition, the United States Fish and Wildlife Service, the Natural Resource Conservation Service, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, and other federal, state, and local agencies and organizations monitor activities in wetland areas.

Local governments, including counties, townships and boroughs may supplement federal and state regulations with local wetland protection techniques. This power is derived from the Pennsylvania Municipalities Planning Code, which authorizes such bodies to enact zoning ordinances that “permit, prohibit, regulate, or restrict, and determine uses of land, watercourses, and bodies of water, including wetlands. The MPC also authorizes local governments to consider wetlands protection needs when reviewing zoning ordinance amendments and specifies that the preservation of wetlands is a valid zoning purpose. Local governments may also incorporate wetland protection procedures into subdivision and land development ordinances, floodplain management ordinances, stormwater management ordinances, and sewage facility programs.

### **WETLAND RECOMMENDATIONS**

- 1. Municipalities should establish buffer zones around wetlands. These zones should place restrictions on use, density, and development.**
- 2. Utilize the Tri-County Regional Planning Commission’s Geographic Information System to aid in identifying wetlands in the County.**

- 3. Educate the public about the importance of wetlands and promote the utilization of the wetlands for environmental education.**
- 4. Municipal comprehensive plans, zoning and subdivision and land development ordinances should define wetlands and require their delineation on subdivision and/or land development plans.**
- 5. Promote the integration of wetlands management with local land use planning initiatives such as open space planning, floodplain management and stormwater management.**

### **STEEP SLOPES**

Topography has been a determining factor in the development of Perry County. Because of the relative ease of development of the flatter areas, the more desirable lands are located in the valleys. However, as development spreads, it is occurring in areas with steep slopes, without considering the consequences. The areas in Perry County with steep slopes are identified on Map 3-2 in Chapter 3.

The development of steep slopes of 15 percent and greater results in erosion, deforestation, landslides, flooding, decreased groundwater filtration and loss of natural beauty. Slopes in excess of 25 percent are generally unstable and serious erosion and sedimentation problems may occur if these areas are disturbed.

Slope stability depends upon a combination and balance of soil, degree of slope, vegetation and geology. Development of these areas can create an unbalance when the stable condition is altered, the results can be hazardous and costly.

### **STEEP SLOPE RECOMMENDATIONS**

- 1. Municipalities should adopt or incorporate into existing subdivision and land development ordinances provisions that address slope stability.**
- 2. Development on severe slopes of 25 percent and greater should be restricted and development on precautionary slopes of 15 to 24.9 percent should be regulated.**
- 3. Municipalities should designate areas of slope at low, precautionary and severe for development purposes.**
- 4. Educate landowners, developers, and agricultural producers about the environmental impact of development on steep slopes.**

**FLOODPLAINS**

The floodplain is the portion of a waterway channel, which is or has been periodically covered with water during flooding. These areas are identified on floodplains maps approved by the Federal Emergency Management Agency.

Floodplains are a vital part of the river ecosystem, particularly with respect to the moderation of floods, water quality maintenance, groundwater recharge, and improvement of the overall health of the habitat used by many types of species. A floodplain provides a wide area to allow storage of floodwaters thereby reducing water velocity and the depth of the waters, acting as natural flood control. Development of these areas disrupts natural habitat covering the floodplain with impervious surface and reducing the area for the flow of water.

The ill-advised use of lands in and around the floodplains increases the results of or threats of floods. The most common cause of flooding is from a high rate of run-off from heavy and prolonged rainfall. Other causes include snowmelt and blockages from the natural flow of water. Development in these areas has increased run-off rates and obstruction which raise flood levels. The effects of this development created a need to regulate construction and other activities in the floodplain.

**Regulatory Programs**

The outcome of this need for regulation was the National Flood Insurance Program established in 1968 by the Federal Emergency Management Agency. This program was established to reduce flood losses and disaster relief costs by guiding future development away from flood hazard areas; by requiring flood resistant design and construction practices; and by transforming the cost of flood losses to the residents of floodplains through flood insurance premiums.

In return for availability of federally backed flood insurance, communities applying to join the National Flood Insurance Program must agree to adopt and enforce minimum flood loss reduction standards to regulate proposed development in special flood hazard areas as defined by the Federal Emergency Management Agency's Flood Insurance Rate Maps.

The Pennsylvania Flood Plain Management Act 166 was signed into law in 1978. To participate a governing body must enact local floodplain management regulations that comply with federal requirements. In addition to compliance with federal regulations, municipalities must include provisions that comply with the minimum state floodplain management requirements. Besides the National Flood Insurance Program requirements municipalities must also take special precautions when regulating the design and construction of jails, hospitals, nursing homes and mobile home parks.

**FLOODPLAIN RECOMMENDATIONS**

- 1. Municipal officials should adopt or amend ordinances to preserve natural floodplains and restrict new development in the 100-year floodplain.**
- 2. Municipal officials should periodically review their floodplain ordinances for consistency with state and federal guidelines.**
- 3. Municipal officials should consider programs for the relocation or improvement of frequently flooded properties.**
- 4. Municipal officials should adopt stormwater management plans in compliance with watershed plans developed in accordance with the Act 167 Stormwater Management Act, as amended.**
- 5. The floodplain should be preserved for floodwater, wildlife, agriculture, and recreation through greenways and open space.**
- 6. Municipal officials, property owners, and developers should be educated about the values and importance of floodplains.**

**WOODLANDS**

Woodlands display integral benefits to humans and nature yet they have relatively been ignored. They act as buffers and moderators of flooding, erosion, and noise and air pollution. Most of the woodlands of the county are located on the slopes and ridges of the county. Woodlands provide many benefits including, but not limited to the following; they reduce air and noise pollution, they provide shade and cooling, they furnish habitat for wildlife, they stabilize soils and protect against erosion, and they enhance aesthetics and property values.

There are approximately 50,000 acres of state owned woodlands in the county, which are managed. However, the problem lies with woodland on private land which deserves greater concern. Some of these are large enough to support commercial timbering while others are small areas threatened by encroaching agricultural, commercial and/or residential development

The question should not be whether or not to develop woodlands but how development will occur. Steep slope provisions, erosion and sedimentation control regulations, and woodland management ordinances play an important role in the preservation and protection of woodlands. However, more provisions are needed to manage and maintain the health of the forest.

**WOODLANDS RECOMMENDATIONS**

1. **Encourage the preservation of woodlands in environmentally sensitive areas such as wetlands, steep slopes and floodplains.**
2. **Incorporate provisions in local subdivision and land development ordinances and zoning ordinances for the preservation of woodlands.**
3. **Encourage private landowners with woodland holdings to work with county and state agencies to replant harvested timber areas to strengthen stewardship.**
4. **Encourage private landowners with woodland holdings to consider existing land easement programs, land trusts, and land conservancies.**
5. **Municipalities should consider adopting woodland management ordinances.**

**PRIME AGRICULTURAL LANDS**

Historically, agriculture has been very important to the culture and economy of Perry County. However, because these desirable lands coincide with flat, level topographic features, they will continually face development pressures. It is important to realize that because agriculture is extremely dependent upon the quality of soils, once these prime agricultural soils are taken out of production by development they cannot be replaced. Therefore, development should be directed toward the marginally productive soils of the County in order to preserve prime farmland, which is an important and irreplaceable natural resource within Perry County.

According to the Soil Survey of Cumberland and Perry Counties, the Soil Conservation Service defines 42,000 acres in Perry County as Class I, II, and III soils (Map 3-5). These soils have few limitations for crop production and therefore, are considered prime agricultural farmland. This high quality farmland is a finite resource which is necessary to support the crop production that the populations in this county and state grow.

As previously mentioned in Chapter III, the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended) defines “Prime Agricultural Land” as:

*“land used for agricultural purposes that contains **soils of the first, second or third class** as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.”*

**Regulatory Programs**

There are many methods of preserving prime farmlands that municipalities can choose to implement. These methods include such techniques as zoning, tax incentive programs,

transferable development rights, agricultural security areas, agricultural easements and other programs.

Act 247, the Pennsylvania Municipalities Planning Code, enacted in 1969 authorizes government bodies to zone for agriculture. Section 603(5) authorizes zoning provisions for “the protection and promotion of natural resource and agricultural land and activities.” Section 604(3) is the preservation of “prime agriculture and farmland considering topography, soil type, classification and present use.”

Zoning is the most common method utilized for the protection of prime farmlands. Zoning is effective because it allows agricultural and agricultural related uses as primary uses and minimizes the amount and intensity of non-agricultural activities in the agricultural zone. Another powerful but rarely used zoning technique is transferable development rights. This is done by “the attaching of development rights to specific lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.”

Act 43 of 1981 allows any owner or owners of land used for agricultural production totaling at least 500 acres to submit a petition to the township Board of Supervisors for the creation of an Agricultural Security Area. If the township approves the petition, participating landowners agree to keep their lands in agriculture for return for certain benefits that the township will give. The benefits include: 1) Local governments are not to pass ordinances that unreasonably restrict farm structures or properties; 2) prevents local governments from defining or prohibiting as a “public nuisance” agricultural activities and operations within the security area; 3) protects farm operations by discouraging condemnation of agricultural land through eminent domain; and; 4) acreage in the security area can participate in the Agricultural Easement Program.

Agricultural Easements is another method of preserving prime farmland through the collection of easements, which is permitted under Act 43. The Perry County Agricultural Land Preservation Board administers this program. To be eligible a farm must be included in an Agricultural Security Area. The Board ranks each applicant through a ranking system based on the quality of farmland, stewardship, and the likelihood of the conversion of the farm to non-agricultural uses. The Board calculates the land value of the farm in agriculture and the value of the land if it were developed for non-agricultural uses. The County purchases the easement from the landowner based upon a per acre value established by the Pennsylvania Department of Agriculture, Bureau of Farmland Preservation.

Another method of farmland preservation is the Clean and Green Program. This program eases the tax burden placed upon farmland at the local level. The program requires taxation at the actual use of the land rather than the potential non-agricultural use. To qualify a farm must be a minimum of ten acres and be capable of generating at least \$2,000 in annual income.

**PRIME AGRICULTURAL LAND RECOMMENDATIONS**

- 1. Encourage the adoption of agricultural preservation zoning districts that allow appropriate and diverse agricultural uses, and significantly restrict residential development.**
- 2. Encourage the adoption of innovative land use ordinances (transferable development rights, open space subdivision design, etc).**
- 3. Support the programs administered by the Perry County Conservation District.**
- 4. Promote soil conservation practices to prevent erosion and sedimentation.**
- 5. Encourage enrollment into the County's Agricultural Preservation Program.**
- 6. Development of lands of Class I, II, and III soils should consist of very low densities and coordinated set of mutually supportive agricultural related uses and standards.**
- 7. The County should encourage the retention of large agricultural tracts and farm uses to retain the rural character of the County.**

**UNIQUE NATURAL AREAS**

Protecting the integrity of the natural environment provides benefits to the County, as well as, for the survival of rare and endangered species and unique natural areas. A balance between growth and conservation of natural areas can be achieved by guiding development away from the most environmentally sensitive areas. In order to achieve this balance, the County, municipalities, developers and public must know the locations of these sites. An inventory of these species and areas was identified in a Natural Areas Inventory (NAI), which was completed in 2000 for Cumberland, Dauphin, and Perry counties. The Nature Conservancy, under contract to the Tri-County Regional Planning Commission, completed the NAI. The areas identified in Perry County are described in Chapter III. In 2005, the NAI was revised to consider new additions.

**UNIQUE NATURAL AREA RECOMMENDATIONS**

- 1. The County and municipalities should utilize the Perry County Natural Areas Inventory throughout the planning and development process.**
- 2. Minimize encroachment on parks and conservation lands throughout the County.**

3. **The County and municipalities should amend their subdivision and land development ordinances to protect natural areas.**
4. **The County and municipalities should work to protect the areas identified in the Tri-County Natural Areas Inventory.**
5. **Encourage inter-municipal cooperation for the protection of unique natural areas.**

### NATURAL RESOURCES ACTION PLAN

#### NR GOAL 1. Sustain Perry County's natural resources.

**NR Objective 1.A.** Promote the protection of Perry County's wetland areas.

- **NR Strategy 1.A.1.** The County and municipal officials should establish buffer zones around wetland areas for use in local subdivision and land development ordinances.
- **NR Strategy 1.A.2.** The County Planning Commission should continue to utilize geographic information system (GIS) technology in its review of subdivision and land development plans.
- **NR Strategy 1.A.3.** The County and municipal officials should continue to educate the public on the importance of protecting wetlands.
- **NR Strategy 1.A.4.** All County and Municipal plans and ordinances should be consistent in defining wetlands with the state and federal government.
- **NR Strategy 1.A.5.** The County and municipal officials should further the integration of wetlands management through a variety land use planning initiatives (open space planning, floodplain management, and stormwater management).

**NR Objective 1.B.** Promote the protection of Perry County's steep-sloped land areas.

- **NR Strategy 1.B.1.** The County and municipal officials should adopt or incorporate into existing subdivision and land development ordinances, provisions to address steep-sloped areas.
- **NR Strategy 1.B.2.** The County and municipal officials should utilize recognizable categories for slope identification. (Precautionary (15-25%), Severe (>25%), etc.)
- **NR Strategy 1.B.3.** For municipalities with zoning ordinances, Municipal officials should incorporate slope provisions as an overlay district and display the areas on the official zoning map.

- **NR Strategy 1.B.4.** The County and municipal officials should continue to educate the public on the importance of protecting steep-sloped land areas.

**NR Objective 1.C.** Promote the protection of Perry County’s floodplains.

- **NR Strategy 1.C.1.** Municipal officials should adopt or amend local floodplain management ordinances to preserve and protect floodplains.
- **NR Strategy 1.C.2.** Municipal officials should periodically review the local floodplain ordinances for consistency with state and federal laws
- **NR Strategy 1.C.3.** County and municipal officials should consider the potential relocation of frequently flooded residences and businesses.
- **NR Strategy 1.C.4.** The County should undertake action to develop a stormwater management plan and municipal officials should adopt local stormwater management ordinances to maintain the mapped elevation levels for storm events (100-yr and 500-yr storms).
- **NR Strategy 1.C.5.** Municipal officials should further the integration of floodplain management; through a variety of land use planning initiatives (open space and greenways planning).
- **NR Strategy 1.C.6.** The County and municipal officials should continue to educate the public on the importance of protecting floodplains.

**NR Objective 1.D.** Promote the sustainability of woodland areas in Perry County through stewardship of the resource.

- **NR Strategy 1.D.1.** County and municipal officials should encourage landowners to preserve woodlands within environmentally sensitive areas.
- **NR Strategy 1.D.2.** Municipal officials should consider amending local zoning ordinances that are not consistent with Section 603 (d) of the Pennsylvania Municipalities Planning Code (MPC) (Act 247 of 1968, PL 805, as reenacted and amended).
- **NR Strategy 1.D.3.** Municipal officials should encourage landowner stewardship by working with the County and state officials to naturally re-grow, or replant desirable forested species on harvested woodlots.
- **NR Strategy 1.D.4.** County and municipal officials should encourage landowners to participate in Woodland/Forest Easement Programs.

**NR Objective 1.E.** Promote the protection of Perry County’s prime

agricultural soils.

- **NR Strategy 1.E.1.** Municipalities should establish agricultural zoning districts that are inclusive of lands placed in the Agricultural Preservation Program, lands listed as Agricultural Security Areas, and land presently farmed containing prime agricultural soils.
- **NR Strategy 1.E.2.** Municipal officials are encouraged to use of innovative land use tools (Transfer of Development Rights (TDRs), Traditional Neighborhood Developments (TNDs), open space subdivision design).
- **NR Strategy 1.E.3.** The County should continue its support of the programs administered by the Soil Conservation District.
- **NR Strategy 1.E.4.** County and municipal officials should continue to promote soil conservation practices to prevent erosion and sedimentation.
- **NR Strategy 1.E.5.** County and municipal official should continue to encourage participation in the Agricultural Preservation Program.
- **NR Strategy 1.E.6.** Municipal officials should enact or amend zoning ordinances to protect prime agricultural soils.

**NR Objective 1.F.** Promote the protection of Perry County’s natural areas.

- **NR Strategy 1.F.1.** County and municipal officials should continue utilization the Natural Areas Inventory (NAI) through the plan development process.
- **NR Strategy 1.F.2.** County and Municipal officials should minimize the impact encroaching development has on natural areas.
- **NR Strategy 1.F.3.** County officials should enact provisions within their subdivision and land development ordinance to protect natural areas.
- **NR Strategy 1.F.4.** Municipal officials should enact provisions in their municipal subdivision and land development and zoning ordinance to protect natural areas.

**Implementation Timetable for Natural Resource Strategies**

<b>Natural Resource Strategies</b>	<b>Yr. 1</b>	<b>Yr. 2</b>	<b>Yr. 3</b>	<b>Yr. 4</b>	<b>Yr. 5</b>	<b>Yr. 6</b>	<b>Yr. 7</b>	<b>Yr. 8</b>	<b>Yr. 9</b>	<b>Yr. 10</b>
<b>NR Strategy 1.A.1.</b>	X	X	X	X	X	X	X	X	X	X
<b>NR Strategy 1.A.2.</b>	X	X	X	X	X	X	X	X	X	X
<b>NR Strategy 1.A.3.</b>	X	X	X	X	X	X	X	X	X	X
<b>NR Strategy 1.A.4.</b>	X	X	X	X	X	X	X	X	X	X

Natural Resource Strategies (Continued)	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10
NR Strategy 1.A.5.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.B.1.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.B.2.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.B.3.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.B.4.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.1.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.2.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.3.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.4.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.5.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.C.6.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.D.1.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.D.2.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.D.3.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.D.4.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.1.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.2.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.3.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.4.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.5.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.E.6.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.F.1.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.F.2.	X	X	X	X	X	X	X	X	X	X
NR Strategy 1.F.3.	I	C								
NR Strategy 1.F.4.	X	X	X	X	X	X	X	X	X	X

I = Initiate process  
 C = Complete process  
 X = Item to be covered