



Deemston Borough Comprehensive Land Use & Zoning Plan

DEEMSTON BOROUGH

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Deemston Borough Comprehensive Land Use & Zoning Plan

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Deemston Borough Comprehensive Land Use & Zoning Plan

The Goal of the Comprehensive Plan

Once adopted and implemented by the community, the comprehensive plan will encourage positive growth and a sound land use & zoning policy. The Deemston Borough Comprehensive Plan was developed with the goals to:

- Promote infrastructure expansion in an appropriate manner
- Ensure efficient use of resources and fiscal responsibility while allowing for the provision of desired municipal services
- Strengthen the economic structure of the borough
- Provide housing development consistent with the desired community development goals and which follow sound land use and zoning practices
- Support regional development and partnerships
- Provide a quality of life which is desired by residents and visitors
- Preserve rural resources and agricultural pursuits

Deemston Borough Comprehensive Land Use & Zoning Plan

Statement of Community Development Objectives

- Provide quality housing for all residents (present and future) while protecting against indiscriminate development that would harm the quality of life and rural character so prized by residents.
- Expand the public water system to those areas presently not served within Deemston Borough.
- Create development opportunities that take advantage of existing and planned infrastructure.
- Ensure the safety of the community by establishing a partnership to provide public safety services to meet local and regional needs.
- Improve the quality of life for residents and visitors by increasing recreational and cultural opportunities.
- Protect the scenic beauty and environmental sustainability of the borough by implementing sound land use and zoning.
- Promote future development, land use and zoning in Deemston Borough by implementing flexible zoning regulations and ordinances.
- Capitalize upon the Mon Fayette Expressway to enhance access to Deemston Borough.
- Initiate and support development that will encourage new residents and businesses to locate in Deemston Borough.
- Continue to foster a regional partnership with surrounding boroughs and municipalities to promote economic development, provide municipal services, expand infrastructure, and enhance cultural and recreational opportunities.
- Strengthen the coordination with the Bethlehem-Center School District to promote educational opportunities.
- Foster a partnership with Washington County to ensure consistency with the County's Comprehensive Plan that will ultimately support the desired future development of the borough

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Land Use & Zoning Policies

Goal: Balance and development and smart growth policies.

Actions:

- Identify and catalogue agricultural security areas and active farms.
- Update local ordinances to ensure that development in flood plains and flood hazard areas are consistent with the guidelines established by the Flood Plain Management Act, as amended.
- Continue to partner with the Washington County Conservation District to support regional and county conservation efforts.
- Establish a local farmland and agricultural education and awareness program.
- Encourage infill development and the reuse of properties.
- Establish land use and zoning regulations that encourage cluster development and reduce linear development and land use and zoning conflicts.
- Adopt land development zoning regulations that implement traffic management practices to ensure safe and efficient egress and ingress into commercial, residential and industrial developments.
- Adopt land development zoning regulations that incorporate access/service roads into future subdivisions.
- Incorporate buffer, screening and pedestrian amenities into land development zoning regulations.
- Enact land use zoning regulations that support agricultural pursuits.

Goal: Develop land use and zoning policies to encourage new development that generates tax revenues to support municipal services.

Actions:

- Extend water lines to allow new development opportunities in appropriate areas within the borough.
- Encourage new and existing manufacturing and commercial activity by implementing flexible land use zoning regulations.
- Ensure that future land use and zoning controls restrict opportunities for linear development and sprawl.

Goal: Provide recreational opportunities that will contribute to the quality of life for residents and create an inviting atmosphere for visitors.

Actions:

- Acquire available property to develop needed recreational amenities.
- Complete a Comprehensive Park, Recreation and Open Space Study for the borough.
- Promote regional recreation goals to enhance the preservation, access and use of waterways.
- Provide budget allowances to provide for recreational development.

Goal: Provide appropriate opportunities to support new residential development and enhance existing residential services utilizing zoning.

Actions:

- Provide technical assistance regarding home maintenance and ownership programs.
- Promote residential development by extending infrastructure and establishing flexible land use zoning regulations.
- Consistently enforce property maintenance regulations.
- Initiate a review of existing ordinances to determine applicability to their current situation.
- Ensure the consistent enforcement of property maintenance code to address the problem of dilapidated structures.

Goal: Provide a multi-modal transportation network that is efficient, safe and enhances access to, and within, the borough while complimenting the regional system.

Actions:

- Provide a list of transportation improvements annually to the Washington County Planning Commission.
- Develop a schedule for regular maintenance and upgrading of local roads.

Goal: Establish a water and network for the Borough.

Actions:

- Extend water lines to areas within the borough to provide optimum provision of public water service.
- Ensure that land use zoning regulations are in place to limit indiscriminate development and avoid the destruction of rural resources.

Goal: Enhance the quality of life for residents by improving municipal services.

Actions:

- Investigate the opportunities to establish a regional approach to municipal services to include fire protection, police, Emergency Management Services, and code enforcement and zoning services.
- Implement a housing maintenance program that is available to all residents.
- Improve municipal facilities (Borough Building and Maintenance Facilities) to support expanded services.
- Complete a codification of municipal codes and ordinances.
- Consider a regional approach to developing and enforcing land use and zoning regulations.
- Establish appropriate land use and zoning controls to support community development needs, including enacting a zoning ordinance and a subdivision and land development ordinance.
- Develop digitized parcel level data to facilitate the development of a municipal computerized Geographic Information System.
- Establish partnerships to support workforce development programs and encourage diversified employment opportunities.

Deemston Borough Comprehensive Land Use & Zoning Plan

Introduction

Located in the southeastern corner of Washington County, Deemston Borough is a large borough (9.6 square miles) with substantial tracts of agricultural land. Census numbers show that the borough is sparsely populated. In 2010, 722 people were living in Deemston Borough, which results in a very low population density of just fewer than 76 people per square mile. Deemston Borough, although located in a county that has a rich historical significance to the nation, has remained fairly isolated with limited development.

With its low population and limited tax base from which to supplement tax revenues, the borough has struggled in the past to provide even the most basic of municipal services. Act 13 Impact fee monies as well as the local share funding has enabled the borough to update equipment, renovate the borough building and pay off interest bearing loans. Acknowledging the challenge faced by elected officials to fund municipal services, this future land use and zoning plan provides recommendations to prioritize funding and guide projects to direct growth and encourage revenue-generating development.

The Process

To develop a future land use and zoning plan that truly reflects community development objectives, the borough appointed a planning committee to complete a Comprehensive Plan for Deemston Borough. The plan was initially begun in a multi-municipal effort with Beallsville Borough, Centerville Borough and West Pike Run Township. Although the municipalities were achieving a successful level of regional cooperation and establishing new partnerships, the planning process experienced significant delays. As these delays were negatively affecting future improvement plans and infrastructure initiatives, Deemston Borough Council determined it to be in the community's best interest to expedite the completion of the plan through a solo effort. Thus, in September of 2003, the steering committee revisited the work that had been completed with the initial task of identifying inconsistencies and incorrect information. Now in 2017 the borough council has undertaken revising the 2004 plan.

The 2017 revisions focus on reviewing the specific goals as they related to the following plan elements:

- Land Use & Zoning
- Housing
- Economy
- Transportation
- Community facilities and public services.

Deemston Borough Comprehensive Land Use & Zoning Plan

Future Land Use & Zoning Plan

Current Land Use and Planned Projects (Regional & Local)

Currently, the largest land use classifications within Deemston Borough are agricultural, open space/forested and single-family residential dwellings. When examining occupational classifications published in the 2010 U.S. Census, the land use breakdown is reflected by the percentage of persons employed in the Agriculture, Forestry, Fishing and Hunting, and Mining category. The municipality's occupational rate in this classification of 5.9% is almost triple that of Washington County's (2.0%).

Although the borough is located near three significant transportation arteries (See Figure 1-3) US Route 40, PA Route 43 and the Monongahela River, it is doubtful that they are within a proximity that would make the municipality attractive to large business ventures. The road network within the borough is well maintained but there is no direct access to the major transportation routes noted above. As such, it is expected that future development will be primarily residential in nature while being influenced by the existing agricultural base and natural resources. Due to the increase of natural gas drilling, strip mining and quarry blasting/excavation, the borough has seen an increase of the exploitation of Deemston Borough's natural resources, warranting for the revisions of the Deemston Borough Comprehensive Land Use plan, to include zoning.

The borough has over 91% of its housing stock identified in the 2010 U.S. Census as being owner occupied. This fact may account for the current condition of the existing housing stock which is, for the most part, very good. The average rate for the county is just over 75%, which is still above the traditionally accepted minimum standard of a 70/30 ratio of owner-occupied versus renter occupied. It is commonly agreed upon that owner-occupants provide better property maintenance than renters, as owners have more "at-stake" than a person who does not own their home.

While the municipality may benefit from such home ownership numbers, it is essential that elected officials acknowledge the need for multi-family housing and the demand for affordable housing. It is mandated by legislation and supported by court decisions that every municipality must provide for various housing opportunities when developing land use and zoning regulations. Should the borough decide to implement a zoning ordinance, they have to accommodate a "reasonable range of multi-family dwellings in various arrangement" (MPC, 2001, p45).

However, elected officials will be well-prepared to address future housing needs by preparing a land use and zoning plan that directs future growth and development to compliment "reasonable overall community growth" (MPC, 2001, p. 45), and "reflect the policy goals of the statement of community development objectives...give consideration to the character of the municipality, the

needs of the citizens and the suitability's and special nature of particular parts of the municipality" (MPC, 2001, p. 43). Deemston Borough should take action to enact land use and zoning regulations to guide where high density housing can be located and what amenities a developer would have to provide in such settings. Cluster development, shared green spaces, and pedestrian amenities are all elements that contribute to high quality multi-family housing. Indeed, this is a wonderful opportunity for the municipality to capitalize upon the demand for multi-family housing and encourage appropriate high-density housing that can contribute significantly to the tax base in a manner that compliments the existing community character.

The expectation that residential development will continue is supported by the number of new housing starts, which has surpassed the surrounding municipalities since 1990. This fact coupled by the high percentage of owner-occupied homes lends to the belief that the borough will continue to be a desirable residential market, especially for those persons interested in rural living. While the extensions of water service to many areas of the borough will serve to increase residential development opportunities, the ability of large-scale development will be lessened due to the lack of a public sewage disposal system. Future municipal plans should include approaching infrastructure planning on a regional basis. By establishing partnerships, the municipality will improve communication between the communities and the separate providers, which could potentially reduce cost and duplication of services.

The borough installed new water lines to provide public water service to additional areas within the borough. The borough is assuming the debt responsibility for this 1.5 million dollar project through a 70% grant / 30% loan from the USDA Rural Utilities Service. Construction of the water lines began in 2004 with a completion date in 2005. The municipality will own the water lines for a period of approximately 40 years after which the Southwestern Pennsylvania Water Authority will assume ownership. The municipality has been very progressive in their decision to provide public water service to approximately 90% of Deemston Borough.

As mandated by the Commonwealth of Pennsylvania, the borough has begun the process of developing their Act 537 plan to comply with the Pennsylvania Sewage Facilities Act. The Act 537 plan was proposed to be completed in 2004. Act 537 plan was not completed due to the fact that during the development of the plan the borough was informed that a sewage system would cost approximately 15 plus million dollars and that neither the rural development of the US Department of Agricultural nor PennVest would even consider financing the plan. Debt service fees alone per month would range from \$65 to 185 per month. Due to the topography of Deemston Borough, a centralized facility would not be feasible. Instead about 7 different system or facilities would be necessary. Therefore, council stopped further development, which does not imply that sewage is not needed, just that there I no source of funding to implement the plan.

The UCC will govern all building codes across the commonwealth and under Act 45 local municipalities will be mandated to adopt the UCC and determine how the code will be administered and enforced. Deemston Borough handles the requirements of the UCC plan through a 3rd party agency, K2 Engineering.

The borough contains 27 miles within its municipal boundaries. Approximately half of these roadways are state-owned and maintained leaving the borough with almost 13 miles of roadways to oversee. Field views confirmed that the road network is remarkably well-maintained thanks in large part to municipal diligence and an active Street Commissioner and public works staff. The municipality should ensure that the public works and/or street budget contains a long range plan for road improvements, personnel training, equipment maintenance and replacement and facility improvements. Although informal partnerships are common, it would be wise for Deemston Borough to investigate opportunities to establish a regional public works systems to share services across municipal boundaries.

Currently, there are no significant transportation projects planned by the municipality that is expected to encourage new development within Deemston Borough. Future road plans should include establishing “Gateways” at key entry points. Gateways are typically landscaping and signing elements that adhere to an aesthetically pleasing theme. Gateways serve as a visual notification to travelers that they are entering the municipality and impart a welcoming atmosphere. Gateways can be funded through transportation related sources and oftentimes conservancy agencies will provide grants and technical assistance to such projects. It is recommended that the municipality contact PENN- DOT and the Western Pennsylvania Conservancy for additional information.

However, the regional road network of Southwestern Pennsylvania experienced major changes with the completion of the Mon-Fayette Expressway (PA Route 43). This limited access toll road travels through Fayette, Washington and Allegheny Counties and provides access from West Virginia to the City of Pittsburgh. Currently the Mon-Fayette Expressway is completed from Rt.51 south of Pittsburgh to Morgantown West Virginia.

Although the borough itself is not situated on this major transportation artery, the proximity to the Mon-Fayette Expressway may allow the municipality to market itself as an attractive bedroom community.

U.S. Route 40, or the National Toll Road, which is located to the north of the project area was named an All American Road by the U.S. Department of Transportation. This designation places the National Toll Road on the list of America’s Byways along with other national transportation routes that have significant cultural, scenic, historic, archaeological or recreational features. US Route 40 was designated as a Pennsylvania Heritage Park in 1994 and this newest designation will play an important role in attracting federal and state attention and funding to the region.

While it may not be realistic for Deemston Borough to expect to actualize any direct funding benefits from the US Route 40 heritage designation it could perhaps position itself to share in the heritage tourism that will be generated by the Heritage Park Designation. Heritage tourism has become increasingly popular and Washington County has a wealth of historic properties and sites from which to attract tourists. Kinder’s Mill, located on Piper Road, is listed as a National Historic Landmark and field views verified that there are a few other privately owned locations that may have the potential to be listed on the national register of historic properties. However, historic preservation efforts would be the responsibility of private landowners. It is recommended that municipal officials contact the current property owners to determine if they

are interested in preserving these properties. Interested parties should be directed to the Washington County Planning Commission for additional information and guidance.

Should the borough choose to position itself as a residential community looking to attract families with school age children, elected officials will need to develop recreational amenities to provide a social outlet for residents. Currently there are no municipally provided recreation sites or programs, although the Bethlehem Center School District has school-based recreation facilities located on Crawford Drive. According to municipal interviews, the borough has been approached by CONSOL Energy officials who are considering donating property for recreational uses to the borough. Should this generous donation occur, the borough would be wise to accept this property after appropriate land ownership provisions are made to legally protect the borough.

A donation of land to the borough would offset municipal costs for recreation service development. However, entering into the provision of recreation services should not be undertaken lightly as long term costs can drain the municipal budget depending upon what services and facilities are provided. To identify what type of recreation services or facilities are feasible the municipality will need to determine what type of recreation activity can be financially supported and then determine what recreational use should be allocated to that particular land parcel. It is recommended that the municipality consider passive forms of recreation and low impact park or play lot facilities. Trails, tot-lots and playgrounds do require support in terms of maintenance and financing, however these services are less costly overall than a full-scale recreation center or more active recreation uses. While the provision of recreation services is recommended for future municipal improvements, and will need to include the acquisition of property, it is imperative that municipal officials understand the recreation needs of the borough. Thus, municipal officials should consider applying for funding to complete a Comprehensive Park and Recreation Study, preferably in cooperation with the surrounding municipalities and the school district.

Deemston Borough has an emerging commercial base associated with the growing oil and gas industry and mining of natural resources. The borough has several home based businesses and one large industrial type business was identified. To supplement the primarily residential tax base the municipality should consider identifying areas that could best support commercial or industrial development. These types of land uses are desirable to have in place as they generate higher amounts of tax revenues and typically require less overall in terms of municipal services. Because the borough is so isolated it is doubtful that opportunities for commercial or industrial development would be realized to any large-scale degree. However, with the installation of water lines along much of the public roadways, the potential for commercial expansion is much more likely.

It is recommended that the municipality enact land use and zoning regulations to properly direct where higher intensity such as commercial and industrial development can be located. It will be critical to preserving the quality of life for residents to ensure that future development does not offset the current character of the community. During the public involvement process, residents overwhelmingly expressed their vision for a future that included keeping the rural atmosphere and limiting large scale commercial or intrusive industrial development.

The Agricultural Area Security Law, Act 43 of 1981, enables landowners to propose the creation of agricultural security areas to local units of government. The legislation provides incentives to encourage farming and discourage development other than agricultural use. Agricultural Security Areas must consist of 250 or more acres of viable farmland. Deemston Borough has 2,358 Acres of land designated as Agricultural Security Areas (See Figure 1-4).

The Pennsylvania Farmland and Forest Land Assessment, Act 319 of 1974, is designed to provide incentives to landowners for preserving land devoted to agricultural uses, agricultural reserve and/or forest reserve woodlots. Lands that are under this program, also referred to as the “Clean and Green Program”, are taxed according to the use value rather than the market value. Agricultural uses are taxed at a lower rate than other uses such as residential or commercial uses. Deemston Borough has 5,099 acres of land that are listed under the Clean and Green program.

As the borough has a predominance of agricultural land, it is recommended that the planned extensions of water be completed with a mind toward protecting and supporting agricultural uses. As noted prior, many stakeholders supported the idea that the rural character of the borough should be preserved. As well, the Municipalities Planning Code, as amended, mandates that land development ordinances may not restrict or prohibit agricultural uses, unless the health and welfare of the general public is endangered. As such, it is recommended that, as the borough completes infrastructure projects and if land use and zoning regulations are enacted, elected officials take care that they do not negatively impact the viability of agriculture in the borough. The borough should contact the Washington County Planning Commission to request technical assistance in planning for agriculture uses.

Municipal Facilities and Services

Deemston Borough provides limited municipal services due to its restricted revenue base and budget. However, during the public interview process of 2003, few complaints were noted regarding overall municipal services. The primary input received from the public included a desire for recreation facilities, public water and sewer lines, and improved roads. Overall, residents were pleased with the quality and availability of services. However, it was noted by borough staff, stakeholders and elected officials that the existing municipal facilities were outdated. As of 2017 the borough has answered the residence desired requests and completed the waterline project, servicing 90% of the borough as well as updated the borough building. Completed renovations to date include paving the parking lot, installation of new electrical service, new plumbing to provide restroom facilities and water heater, new roof, refinishing the walls, floors and ceilings in the meeting room, installing insulation to increase energy efficiency, a generator, a security system, as well as general landscaping. A new equipment building was added at the Hastings Road locations.

The municipality employs a full-time secretary who provides general administration assistance and facilitates access to information as needed by interested parties. This service is invaluable to residents and persons interested in the community. It is recommended that the borough continue to staff the municipality in this fashion. In addition, this position could provide a higher level of service to residents by obtaining training and technical support through DCED. The borough also

maintains an up to date webpage and social media Facebook account to help people research and contact the proper authorities or agencies.

The municipality provides no police, fire or other emergency management services. Fire protection is provided by the surrounding municipalities and the state police provide public safety services. While no significant concerns were presented regarding emergency management and public safety, future development may present a need to provide these types of services in the future. Therefore, it is recommended that the municipality investigate the opportunities for regionalized services. For technical assistance regarding public safety services and establishing a regional system of providing such services, elected officials should contact the Washington County Planning Commission and/or the Department of Community and Economic Development (DCED), the Center for Local Government Services.

Property maintenance issues and the enforcement of local ordinances are currently handled by a third party. Future development may increase the need for elected officials to pay more attention to property maintenance and enforcement of codes. As the municipal budget does not allow for a full-time staff person to enforce local codes, it is highly recommended that the municipality enter into an intergovernmental agreement with one or more of the surrounding municipalities to provide this service on a regional basis. Deemston Borough will need to appoint a zoning board and a zoning officer to enforce new zoning ordinances.

Development Constraints

Topography and Steep Slopes

Typical for southwestern Pennsylvania communities, the terrain of the borough contains steep to rolling hillsides, narrow valleys and meandering floodplains. Slopes that are greater than 25% are located throughout the borough, primarily along the stream valleys. Most of the development within the region has avoided these areas. There are some small-scattered residential areas located on steep slopes and individuals in these areas should be watchful for signs of landslides and subsidence.

Slopes are extremely significant when determining the extent and type of development to be planned. Land along the streams with very little slope is usually also determined to be floodplain, lacking good drainage and poor soils. Land with slopes in excess of 15% begins to cause serious problems for development. Valley sides are usually moderately steep except on the upper reaches of streams where the side slopes are fairly gentle. It is recommended that slopes over 25% should not be built upon and slopes ranging from 15% to 25% should be developed with extreme caution. See Figure 1-2

Soils and Geology

In terms of planning efforts, soils are important in determining the suitability of a site for on-lot sewage disposal systems, development opportunities, and areas of high agricultural productivity. Soils usually vary throughout a given profile and are rarely uniform throughout a site. It should be noted that soil testing to determine the soil permeability, bearing capacity, and drainage should be conducted on every development site.

The makeup of the soils and geology of a region have a large impact on the suitability of a site or area for development. Soils determine the ability of a site to absorb and filter the effluent from septic systems, the suitability for the construction of foundations or other types of structures, the cost of building roads, and the appropriate type of landscaping. It is recommended that the municipality take measures to ensure that soils surveys are checked for suitability with every development project, whether residential, commercial or industrial in nature. See Figure 1-2

Streams

Water quality monitoring will help to identify the quantity and degree of pollutants and begin to focus on cleanup efforts where needed most. Development along streams can result in major impacts to the water resources of the region. Riparian buffers should be maintained and replanted where feasible and reasonable. The removal of riparian buffers results in adverse effects on water quality, wildlife and aquatic habitat, stream bank stabilization and aesthetics of the waterway. See Figure 1-1

It is recommended that the municipality contact the Washington County Conservation District regarding methods to implement to protect water availability and quality. The Conservation District staff can provide technical assistance and guidance to elected officials that will facilitate a water monitoring program for the borough.

Floodplains

Whenever development occurs in close proximity of a stream, the developer must be aware of the designated floodplain. Buildings and other structures proposed within the floodplain should be either elevated or flood-proofed to or above the elevation of the floodplain. FEMA floodplain mapping should always be consulted prior to approving any development within the region. Future land use and zoning regulations should include provisions to control what types of development may be allowed within these areas.

Wetlands

Wetlands perform several functions including the retention and gradual release of floodwaters and bank stabilization. Wetlands slow flooding by limiting the movement of water through the wetland, increasing retention time, and allowing water to infiltrate into the soil. When floodwaters recede, these wetlands function to gradually release stored water back into the river. Along with forested and riparian corridors, the root systems

associated with herbaceous and scrub/shrub wetland vegetation anchors the otherwise unstable alluvial soils of the riverbank.

Water retention, sediment trapping, flood flow alteration, and wildlife and aquatic habitat are typical functions of these wetland systems. Due to increased development in the region, wetlands are being impacted and loss of habitat and functions is resulting. Municipal officials would be well-advised to make strong efforts to preserve and maintain these systems for future benefits.

Ecological Habitats

Numerous areas, including both public and private lands, could be forged into dedicated areas through a variety of landowner agreements, easements, special programs (like the PGC Public access and safety zone programs) or a combination of methods. Ultimately, areas set aside now will be the exemplary natural areas of the future, and if planned well and of sufficient size, will become premier areas for biodiversity protection within the region.

Forest lands, stream valleys and other natural areas will continue to be lost to development if no steps are taken to preserve them. Preserving and enhancing the ecological integrity of the region lies within the ability and commitment of the local governments, public and private agencies, citizens groups, and landowners to agree on specific conservation goals and work together to see them accomplished.

Riparian buffers, areas of vegetation surrounding bodies of water, are essential to good water quality and aquatic habitats. Riparian buffers maintain the integrity of stream channels and shorelines and reduce the impacts of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals. Riparian buffers provide food, cover, and thermal protection to fish and other wildlife. There are also aesthetic reasons to protect riparian buffers as they provide a pleasing scenic atmosphere. Municipal officials should encourage land owners to preserve or replant Riparian buffers where feasible.

Air Quality

One local producer of air pollution, particularly fine particulates that can be easily controlled is residential open burning. Fine particulates are extremely small dust particulates that float in the air. These particles can cause health problems from coughing and eye irritation to damaging lungs, kidneys and the liver.

It is not uncommon across the Commonwealth to find burn barrels in back yards. This technique has been used for decades to reduce the waste in landfills and is legal under the air quality regulations. Open burning is allowed on the property of private residences where not more than two families are living. However, the waste cannot include demolition waste, home insulation, shingles, treated wood, paint, painted or stained objects, tires, mattresses, box springs, metal, insulated rubber coated copper wire,

television sets or appliances, automobiles or parts, and batteries. These items must be disposed of according to the solid-waste regulations.

Other issues related to open burning are left up to the municipal officials. The municipality, under state law, has the right to enact an ordinance with requirements that are equal to or more stringent than state regulations. In today's society, burning should be minimal as most solid waste products can be recycled or properly disposed of by a commercial hauler.

Deemston Borough has taken further action to insure the quality of life of the residence by passing the Air Quality ordinance after numerous companies associated with the local businesses who distribute fine particulate matter into the environment, affecting the resident's quality of life and standard of living.

Methods of Land Use Control

A community has powerful tools to control how land can be used. The Commonwealth of Pennsylvania gives such authority to local governments so that officials can "protect the public health, safety and welfare" (DCED, 1999, p. 1). Municipal officials apply these tools to achieve the community development goals of their community and fulfill the goals of the comprehensive plan. Such regulation is essential to maintain the orderly and timely growth of a municipality. Land use controls include zoning ordinances as well as subdivision and land development ordinances (SALDO).

A zoning ordinance establishes regulations regarding the use of land and the intensity of development that may occur on a particular parcel or parcels. A SALDO contains requirements for the creation of new lots or changes in property lines and ensures that the new roads, water and sewer lines and drainage systems are constructed to municipal standards.

It is recommended that municipal officials give serious consideration to enacting land use controls that will help to guide future development in an orderly manner. A zoning ordinance should reflect the recommendations of the adopted Comprehensive Plan and would establish local control over the location of unwanted businesses, such as those that pollute the air or water, while promoting economic development and protecting the integrity of agricultural, residential, commercial and industrial uses.

Other methods to control land use and protect the municipality include ordinances to protect environmentally sensitive areas. Floodplain overlay districts restrict development within areas that are designated as flood prone areas. A floodplain is defined as any land adjoining a river or stream that has or may be expected to be inundated by floodwaters in a 100-year frequency flood. Regional approaches are encouraged when addressing watershed flood plain planning as watershed boundaries cross municipal boundaries. Sections 604, 605 and 609 of the MPC address floodplain management and zoning. Flood plains should be classified as an overlay district. This classification regulates, restricts or prohibits certain uses within the flood plain.

Steep slope regulations restrict buildings and structures from being built on areas identified as having a slope above 15% to 25%. The intent of such regulations is to prevent injury or financial loss and to maintain adequate foliage cover on hillsides and preserve open space. Steep slope regulations prevent construction on areas deemed landslide prone by the borough engineer. Slopes of 25% or greater should be considered for development only if other environmental factors allow development. Slopes exceeding 40% should not be considered for development.

One other method that the municipality could implement is an Official Map. An official confused with the future land use map located in a comprehensive plan. The official map must be prepared in accordance with procedures set forth by Article IV of the Municipalities Planning Code (MPC).

The MPC allows a municipality to reserve private land for specific future public uses but it should be noted that several steps must be taken. As the steps involve legal aspects of notification of landowners, surveying property and then acquisition of land the municipality is strongly encouraged to contact their solicitor and request technical assistance from the Pennsylvania Department of Community and Economic Development for additional details.

Deemston Borough Comprehensive Land Use & Zoning Plan

Land Use and Zoning Classifications:

Deemston Borough incorporates 9.6 square miles of land, or 6,272 acres, within its municipal boundaries. Of this land, almost 80% is considered agricultural, open space or forested and is listed under the Clean and Green Program. Although these types of land uses may not contribute significantly to the municipal tax base, elected officials need to realize that these uses require very little in the way of municipal services. Thus, land kept as agricultural, open space or forested is cost effective in terms of service requirements.

Despite the predominance of agricultural uses in the municipality, there is no guarantee that new development will be discouraged. In fact, nationwide trends indicate that single-family residential development is likely to occur in rural areas as people are increasingly attracted to rural settings and the scenic view sheds provided by open space and forested lands.

Existing Land Use Classifications:

Existing land uses within the borough include:

Agricultural: land that is used predominantly for agricultural purposes, including the commercial production and preparation for market of crops, livestock and livestock products, and the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquaculture crops and commodities

Single Family Residential: land that is generally low density and spacious and contains dwellings and accessory structures used for residential purposes by a single family or person.

Heavy Industrial: land that contains uses such as factories, mills or which supports such activities as manufacturing, processing, assembling, excavating, storage, fabricating, or distribution.

Community Facilities: land that contains any building or structure owned or operated by a governmental or nonprofit agency that is open for public use with or without a fee and provides a service to the public. Included in this category for the borough are municipal buildings, churches, cemeteries, and schools.

Transportation: land that is primarily used for the movement of people, goods, and services within a community. For Deemston Borough, this category includes roadways, alleys, and parking areas.

Open Space: land that is unimproved or developed land that is not built upon or substantially altered which can be publicly or privately owned.

Future Land Use & Zoning Classifications:

Future growth and development in Deemston Borough is expected and recommended to include the following uses:

A-1 Agricultural District

- The purpose of the A-1 Agricultural District is to provide for agriculture uses and low density single family residential development in rural areas of the Borough where public sewers are not available and to provide for accessory uses and compatible public and semi-public uses as conditional uses.

R-1 Single Family Residential District

- The purpose of the R-1 Single Family Residential District is to preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public use by conditional use.

R-2 Multi-Family Residential District (Reserved)

- The purpose of the R-2 Multi-Family Residential District (Reserved) is to accommodate more dense development and the existing village and preserve the historic feature and resources while encouraging a small mix of business and residential development.

B-1 Business District

- The purpose of the Business District is to provide opportunities for the growth of small businesses in the Borough and to provide for the shopping and service needs to Borough residents in central locations along the regional highway network which can be adequately buffered from adjoining residential areas.

I-1 Industrial District

- The purpose of the Industrial District is to provide opportunities for Industrial uses in the Borough.

See map (Figure 1-5) and its corresponding ordinance serve as a public notification of areas that are identified for future public uses. The official map serves as a land use zoning ordinance guideline.

Deemston Borough Comprehensive Land Use & Zoning Plan

Interrelationship Statement

It is the purpose of the comprehensive plan to ensure that the development of a community is orderly and consistent. In order to function properly, the plan must serve as a guide for the development process. It is the role of the comprehensive plan to ensure that the positive effects outweigh the negative.

The future land use and zoning recommendations were developed to strengthen the community as a whole and prepared in a coordinated manner so that the overall goals of the comprehensive plan can be met. The recommendations will provide for new development opportunities while protecting natural resources, preserving historic and cultural areas, and promoting and enhancing existing facilities and municipal services. The recommendations identified for the movement of people and goods (transportation) have considered regional plans and will address transportation needs identified for Deemston Borough. The recommendations addressing recreational needs in the borough were made with the understanding that future decisions will coincide with the existing and planned local and regional projects.

Previous planning documents and studies were thoroughly reviewed and considered when investigating existing needs and when developing recommendations for future action. Such planning documents included the draft Act 537 Plan prepared by Deemston Borough to address sewage facilities, the General Development Plan for the Southeast Washington Region (1966), and The 2001 Southeastern Washington County Regional Comprehensive Plan (not -adopted).

The Deemston Borough Comprehensive Plan was developed in concert with county and regional plans to ensure compatible development, prevent the unnecessary conversion of valuable and limited agricultural land and to encourage cooperation and coordinated planning among adjoining municipalities.

Deemston Borough Comprehensive Land Use & Zoning Plan

Contiguous Municipalities Statement

As per Article III, Section 301 (5) of the Pa Municipalities Planning Code, a statement has been prepared indicating the relationship of the existing and proposed development of Deemston Borough to existing and proposed plans of adjacent municipalities and to the goals and objectives of the region.

The plan was developed with respect to the surrounding land use and zoning of the adjoining communities. It is the belief of the Deemston Borough Council and Deemston Borough Comprehensive Plan Steering Committee that the goals and objectives of this plan are in concert with those of adjacent municipalities and county (Centerville Borough, West Bethlehem Township, East Bethlehem Township, North Bethlehem Township, West Pike Run Township, and Washington County). The plan recommendations were submitted to each of the adjacent municipalities, Bethlehem Center School District and the Washington County Planning Commission. No objections to the recommendations provided in this plan were stated and the plan is to be adopted by resolution with no request for changes for the above-mentioned institutions or governments.

The Deemston Borough Comprehensive Plan promotes the concepts of regional planning and intergovernmental cooperation. To this end, the planning documents of surrounding municipalities were consulted to establish general consistency and land use and zoning compatibility. Such documents included the Mid Mon Valley Regional Comprehensive Plan, the 2001 South-western Washington County Regional Comprehensive Plan, and the Washington County Comprehensive Plan and Washington County Comprehensive Park, Recreation and Open Space Plan. It is the belief of the Deemston Borough Council and Deemston Borough Comprehensive Plan Steering Committee that the goals and recommendations of the Deemston Borough Comprehensive Plan will not have an adverse effect on other municipalities, the region, or the county.

Deemston Borough Comprehensive Land Use & Zoning Plan

Capital Improvements Program

The Capital Improvements Program (CIP) provides a schedule for the future provision of public capital improvements for various projects identified in this plan. Capital improvements have been defined as major, one-time expenditures by the governing body to provide for such things as public buildings, transportation improvements, sewer and water facilities, and the purchase of land or streetscape improvements. The projects identified for the CIP are typically financed by a debt service that is repaid over many years primarily from tax revenues.

The CIP should accomplish the following objectives.

Project	Lowest Projected Cost	Time Frame
Zoning Ordinance	\$20,000	3-7 Years
Comprehensive Park Recreation and Open Space Plan	\$30,000	1-3 Years
Recreation Programming and Site Development project	\$2,000 or more depending upon	1-3 Years
Gateway Development	\$1,500 per gateway	3-7 Years
Historic Structures Survey	\$8,000	3-7 Years
Historic Preservation Plan	\$15,000-\$20,000	3-7 Years

The CIP is, in itself, a planning process that should be reviewed annually. Members of the municipality’s planning department, financial department, solicitor and the elected officials should assume an active role in this procedure. The financial officer of the municipality should have a defined financial policy that identifies the current level of debt, taxation issues, potential user and service fees, and grants and other funding sources for each project. The CIP identified in this plan should be used as a guide for incorporating projects into the municipality’s Capital Improvement Program (a five-year program) that is updated annually. The projects should follow the “General Conditions and Assumptions” and “Capital Improvement Project Justification” of the municipality’s Capital Improvement Program as they are considered for municipal expenditures.

To initiate a comprehensive CIP, elected officials should begin the following process:

- Inventory existing public facilities and equipment, including buildings, parks and recreation areas, public works vehicles and equipment, streets and alleys, signing, parking facilities and equipment, and water and sewer management systems and facilities. The CIP inventory should describe each element in relation to its history, present condition, usage placed upon each element and the estimated year for replacement or expansion.

- Conduct a Financial Analysis of the municipality’s ability to fulfill the CIP by collecting financial data for the previous 10-year period. Complete a calculation of capital outlays required to complete needed projects and how this outlay will affect the municipality’s tax rate. Utilize local share Act 13 funds to pay for CIP due to limited tax base.
- Select and prioritize projects by evaluating the project design, cost, and need. Once the projects have been listed according to priority, the municipality should begin to establish a funding plan. Once the CIP is developed, the elected officials should thoroughly review the CIP and hold a public hearing to receive resident comments. Once the public has had the opportunity to review the CIP and provide input, the CIP should be adopted by resolution. Annual monitoring of the CIP should be undertaken to assure successful implementation.

Based upon the recommendations in the Deemston Borough Comprehensive Plan, the following projects should be included in the CIP:

Deemston Borough Comprehensive Land Use & Zoning Plan

Funding Sources & Technical Assistance Support

Insert Funding Sources & Technical Assistance Support Pages

Deemston Borough Comprehensive Land Use & Zoning Plan

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UPDATE AS CHANGES ARE MADE

Deemston Borough Comprehensive Land Use & Zoning Plan

Resolution

Insert Resolution Page Here