

January 17, 1989

**MEMO**

**TO:** Project Review Committee *CH*  
**FROM:** Chuck Hoffman, Hoffman, Williams, Lafen & Fletcher (703-237-0966)

**SUBJECT:** Additional questions to be considered during project review procedures

The Committee's recent review of the Callicoon sewage treatment plant exposed some potential flaws in the review procedure for large-scale and irregular projects, particularly those major projects that are permitted by state and federal agencies.

My firm's concern is that major projects may not receive the breadth of scrutiny necessary to assure that all of a project's significant impacts have been identified and considered. While the Committee has license to ferret out this information on its own, it may be most appropriate to have a standard set of questions through which to formalize the review and assure its consistency with other similar reviews.

Accordingly, my firm has drafted a set of questions designed to consider a major project's broad impacts. The questions trace back to the resource management chapters of the river management plan and to the legislation itself. These questions likely do not apply to local government permits, because these issues are addressed in the town's laws, plans and ordinances already and by the planning board/commission.

These questions will be subject to initial review and editing at the Committee meeting on January 17th. Please call me if you have questions.

## Questions To Be Asked Regarding Major Projects

### UDC Project Review Committee

#### Purpose

The purpose of this work sheet is to ascertain that major development projects requiring review by the Upper Delaware Council meet the intent of the River Management Plan for the Upper Delaware Scenic and Recreational River and the National Wild and Scenic Rivers Act. These additional questions are necessary since major projects requiring state or federal permits may fall beyond the bounds of the normal procedure employed by the Council for reviewing local and minor state and federal projects. This review does not constitute any additional burden on the Council or on the project being reviewed. It simply codifies a procedure for examining major projects in a way that identifies significant impacts and allows the Council to consider their consistency with the river management plan.

#### Procedure

These review questions should be asked under one of the following circumstances:

- ◆ The project is one requiring a state, federal or DRBC permit, action or agreement and is not subject to the normal permitting procedures of towns participating in the UDC
- ◆ The project is one requiring a local permit, but it is for a major project for which the Land and Water Use Guidelines provide no sufficient guidance

The point of this procedure is to look at projects from a broader point of view and in a rational and structured manner. The Council is empowered with the responsibility to assure implementation of the river management plan, and these questions help to fulfill that responsibility by insuring that the Council has all the proper information in hand when making its recommendation on permit applications.

## **Project Review Questions**

These questions are drawn directly from the resource management objectives of the Upper Delaware River Management Plan. They are drawn from the sections on cultural resources, water resources management, fish and wildlife, threatened and endangered species, and unique land resources. Based on the Water Use Guidelines, additional questions are asked about recreation resources.

### **Consideration of Cumulative Impact**

In assessing impacts of projects on important river corridor resources, the Council will assess the impact of a project over time. This cumulative impact, which may be the result of regulated or non-regulated actions, will assess the impact of similar projects that may be proposed based upon the permitting and approval of the project currently under consideration. The Council may, in response to this question, propose conditions that limit the secondary impacts of the project, or recommend limits on subsequent projects in the corridor, notwithstanding the approval or conditional approval of the project currently under consideration.

## Water Resources

### Objectives

1. Advocate flow release schedules from tributary reservoirs adequate to protect or improve water quality and aquatic ecosystems, in order to conserve and enhance the values that qualified the Upper Delaware as a Scenic and Recreational River
2. Maintain or improve the existing quality of the water in the Upper Delaware River
3. Upgrade Upper Delaware water quality monitoring so that conditions throughout the river corridor will be assessed at regular intervals
4. Prohibit water resources development on the main stem of the Upper Delaware Scenic and Recreational River. Prohibited developments shall include ice booms and the use of groundwater withdrawals to augment river flows
5. Ensure that water resources development on tributaries of the Upper Delaware River do not invade the area or unreasonably diminish the resource values for which the river was designated

### Questions

1. Does the project restrict the free-flowing nature of the river or any of its tributaries within the river corridor?
2. Does the project call for the placement of any construction, bank stabilization device, or other object below the ordinary high water mark?
3. Does the project reduce or change the volume or pattern of flow in the river or its tributaries?
4. Does the project produce discharges that may increase the river or tributary's pollution or sediment load?
5. Does the project call for the placement of an ice boom or similar construction?
6. Does the project include the removal of large volumes of groundwater for flow augmentation purposes?
7. Will the project produce changes in flow volume, velocity or temperature that may affect fish and wildlife or aquatic flora populations within the river corridor?

8. If any of the above conditions exist, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
9. What will be the cumulative impact of this project on water resources in the river corridor?

## **Cultural Resources**

### **Objectives**

1. Foster a widespread preservation ethic in the Upper Delaware Valley
2. Upgrade the management efforts of state and local governments, and the private sector by drawing upon the resources and technical expertise of the National Park Service and the Upper Delaware Council
3. Assure compliance by state and federal agencies with relevant federal and state historic preservation laws, regulations, and policies that may affect the river corridor
4. Identify and secure appropriate management for several specific resources in the valley

### **Questions**

1. Will the project negatively affect the structure or grounds surrounding any of the key sites identified in the RMP?
2. Will the project negatively affect the structure or grounds surrounding any site on the National or State Register of Historic Places or identified as eligible for either of these Registers?
3. If any of the above conditions exist, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
4. Is there a management action which can be taken to upgrade the protection, rehabilitation or interpretation of this site that is within the scope of this proposal?
5. What will be the cumulative impact of this project on cultural resources in the river corridor?

## **Fish and Wildlife Resources**

### **Objectives**

1. Ensure the continued public use and enjoyment of the traditional and historical use(s) of the public lands and waters of the river corridor for hunting, fishing, trapping and commercial taking of eels and bait, as well as for non-consumptive uses such as camping, hiking, and photography
2. Encourage the continued ownership of, and management by, landowners and private groups of lands for wildlife production, hunting, fishing, and trapping; such management is consistent with this management plan and the Upper Delaware legislation
3. Continue the use of sound forest management practices such as the harvesting of timber, since it is vital to the perpetuation of healthy wildlife populations as well as for the maintenance of successional forest cover types which enhance the essential scenic quality of the river corridor
4. Continue and strive to improve the vital conservation releases program as well as other sound management practices to conserve the fishery's quality and integrity

### **Questions**

1. Will the proposed project have any effect on critical fish or wildlife habitat?
2. Will the project restrict uses of the public lands and waters in the corridor for fish or wildlife harvesting?
3. Will the project restrict uses of available land for camping, hiking or photography?
4. Will the project change the use of lands now being use for fish or wildlife habitat?
5. Will the project affect the conservation release program in any way?
6. If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
7. What will be the cumulative impact of this project on fish and wildlife resources in the river corridor?

## **Threatened and Endangered Species**

### **Objectives**

The objective of the threatened and endangered species section is to identify and protect rare, threatened, and endangered species within the river corridor.

### **Questions**

1. Will the proposed project be developed on land that has been identified as habitat for any state or federal threatened or endangered species or for any rare species in the corridor?
2. Will the proposed project affect the habitat of any state or federal threatened or endangered species or species rare in the river corridor?
3. If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
4. What will be the cumulative impact of this project on threatened and endangered species or rare species in the river corridor?

## **Unique Land Resources**

### **Objectives**

1. Undertake a study of the river corridor to identify the landforms in the river corridor that have national, regional, state, and local significance
2. Develop and implement a plan to provide interpretation for the public of the most significant landscape features identified
3. Undertake these management objectives only with the approval of private property owners where private lands are involved

### **Questions**

1. Will the proposed project be developed on land that has been identified as a unique landform by the Upper Delaware Land Resources Assessment?
2. Will the proposed project disturb the land in such a way that its unique characteristics will be diminished?

3. If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
4. What will be the cumulative impact of this project on unique land resources in the river corridor?

## **Recreation Resources**

### **Relevant Objectives**

1. Maintain and, where necessary, improve present water quality. (Addressed under Water Resources Management)
2. Prevent riverbank erosion. (Addressed in the Land Use Guidelines)
3. Provide an adequate number and type of basic support facilities for all river users, including public access points, river rest stops, camping areas, and fishing access points along the Upper Delaware.
4. Manage the Upper Delaware primarily for the traditional recreational activities which have occurred on the river in the past.
5. Conserve the Upper Delaware fishery which is unique and represents a natural resource that cannot be replaced. (Addressed under Fish and Wildlife)
6. Design and locate recreation areas and facilities to avoid conflicting activity situations.
7. Encourage local towns, townships and counties to provide close-to-home recreational facilities as needed.

### **Questions**

1. If the proposed development is a public recreation development, is it consistent with the approved list of facilities contained in the Facilities section of the plan?
2. Will the proposed development create additional recreational conflicts in the river corridor?
3. Will the proposed development expand river use or provide additional services to existing recreational users?

4. Are appropriate actions being taken under the proposed development to minimize or repair riverbank erosion problems or will the project create additional riverbank erosion problems?
5. If any of the above conditions exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?
6. What will be the cumulative impact of this project on recreational resources in the river corridor?

**Project Review Workbook**  
**Upper Delaware Scenic and Recreational River**

Prepared for the

**Upper Delaware Council**

by the

**Conference of Upper Delaware Townships**

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## Foreword

One of the primary actions required under the Final River Management Plan for the Upper Delaware Scenic and Recreational River is the review of development activities within the river corridor. These activities must be reviewed to ensure that no actions will be taken that are contrary to the protection of the river or its surrounding landscape.

The Land Management section of the plan describes the types of local actions to be reviewed (as well as those of state, regional and federal agencies), and the Land and Water Use Guidelines are the set of flexible criteria by which these local actions are to be assessed.

The Land Management section requires the following actions to be reviewed:

- Relevant local laws, plans and ordinances in order to determine their substantial conformance with the Land and Water Use Guidelines and the town-related sections of the River Management Plan
- Ordinance amendments
- Challenges and variances
- Significant projects (development actions that may take a town out of substantial conformance or that may create a "clear and direct threat" (see definition in Appendix II)

In addition, the plan also requires that federal land acquisition activity in connection with the development of facilities called for in the River Management Plan must also be reviewed.

Although the general procedures for carrying out these reviews are defined in the plan, the specific protocol was not included. Therefore, this handbook was prepared in order to show local governments, in advance, exactly how these reviews would be done.

There are a number of benefits in developing this handbook. One is that by adhering to these procedures, reviews will always be done in a lawful and timely fashion. The second is that a tone of cooperation, one befitting the partnership envisioned in the River Management Plan, will be established early. The third is that all affected parties will know exactly what the basis is for a recommendation by the Upper Delaware Council or a determination by the National Park Service.

This handbook also contains the checklist and transmittal forms that will be used by the Council in its project review activities. These have been developed to place as small a burden of paperwork on local governments as possible. In most cases, local governments will need to submit only one-page checklists that can be completed in a moment or two.

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## How To Use This Workbook

This workbook is intended to assist those people who are involved on a day-to-day basis with the land use management aspects of the Upper Delaware River Management Plan. Primarily, these groups include the following:

- Representatives to the Upper Delaware Council
- Staff and consultants to the Council
- Planning boards/commissions of UDC member towns
- Zoning boards of appeal/hearing boards of UDC member towns
- Building inspectors/code enforcement officers of UDC member towns
- Town boards/boards of supervisors of UDC member towns

The workbook will be used primarily by Council representatives and personnel as they undertake their daily responsibilities of project review. The workbooks will be used only on a secondary basis by local officials as a reference work on the Council's operation.

## Typographical Conventions Used in this Workbook

Help information and directions are used throughout the workbook to make it easier to use and understand. Four special symbols are used in the workbook to make it easy to find and use the help available.

**Steps** are used to identify procedures that the Council will follow, in order, to complete some aspect of its review. For instance,

**Step 1.** Assemble relevant laws, plans and ordinances

*Boxed text is used to call attention to helpful background information or for limitations concerning some review criteria.*

Box bullets are used in project review help sections to define specific directions for the Council to follow, in order, when conducting a review of a proposed development.

■ Do this

■ Then do this

- Bullets are used to call attention to important items

Finally, each section of the workbook has its own help section to aid users in conducting the reviews.

## Information Contained in the Margins of this Workbook

Each page has helpful information in the upper and lower corners of the margin to assist in navigating through the workbook. The upper left corner shows the current section of each chapter, and the upper right corner shows the current subsection of each chapter. The lower left corner shows the title

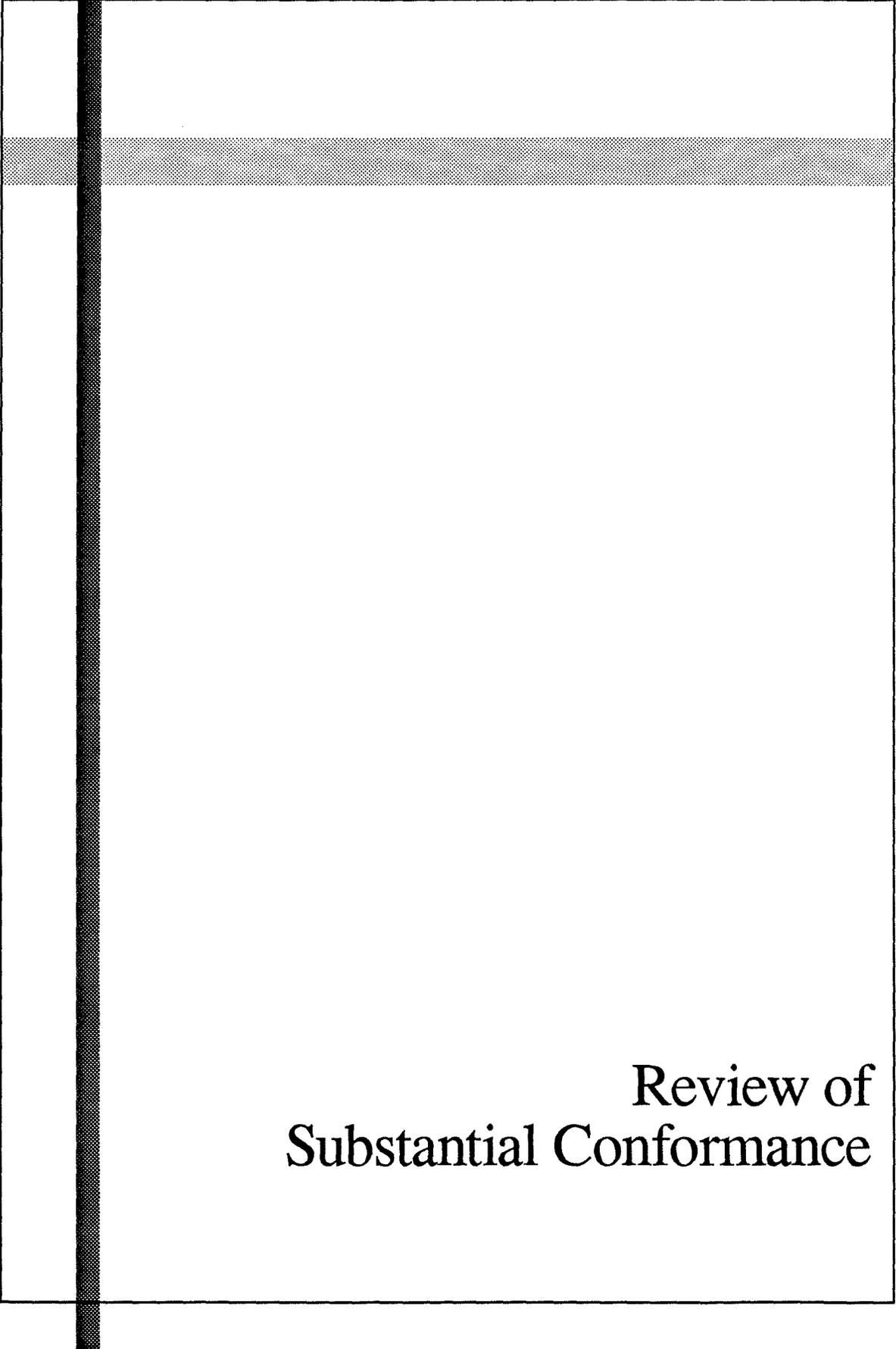
of the current chapter (for instance "Review of Substantial Conformance"), and the lower right corner shows the current page number.

Page numbers have special prefixes to identify pages within chapters. They are coded as follows:

- "SC" denotes the Review of Substantial Conformance Section
- "OA" denotes the Review of Ordinance Amendment Section
- "CV" denotes the Review of Challenges and Variances Section
- "SP" denotes the Review of Significant Projects Section
- "A" denotes pages in the Appendices at the end of the workbook

**For further information, contact the:**

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Review of  
Substantial Conformance

## How To Use This Chapter

This section on the review of substantial conformance describes the process to be followed by the Upper Delaware Council and the National Park Service in determining whether a town/ship's relevant laws, plans and ordinances are in substantial conformance with the Upper Delaware Final River Management Plan and the Land and Water Use Guidelines.

The Upper Delaware Council will follow the procedure for its review and recommendation concerning substantial conformance according to the steps described on pages SC-2 to SC-4 of this section. The substantial conformance checklist on pages SC-5 to SC-12 of this section has been provided to assist in this determination. The checklist is derived from the Land and Water Use Guidelines, and will be completed based on the review of all local plans, laws, and ordinances. A partial list of ordinances that will be considered in a review may be found on page SC-2.

In general, the Council will use the substantial conformance checklist under the following circumstances:

- During initial or subsequent substantial conformance review
- During review of ordinance amendments that could change substantial conformance status
- During the review of challenges and variances in those cases when the significant project review checklist is not used
- During review of significant projects inside the river corridor that could change substantial conformance status; specifically, Class I and Class II projects in towns not in substantial conformance, and Class II projects in towns in substantial conformance

The substantial conformance checklist consists of six principles labeled Principle A, Principle B, and so on. Under each of these principles is a list of numbered objectives, and under each objective a list of provisions that are labeled by letters and have room for a check mark next to them. If any one of the provisions may be checked, the objective to which it pertains is met. In order for the Council to make a positive recommendation regarding substantial conformance, these listed principles and objectives substantially must be met.

For further information on substantial conformance review, refer to the Land and Water Use Guidelines in Appendix A of this manual, and pages 26 and 42 of the Upper Delaware Final River Management Plan.

## Substantial Conformance

### Introduction

The following checklist is designed to assist the Upper Delaware Council and the National Park Service in making a determination of the consistency of a town or township's relevant laws, plans, and ordinances with the principals and objectives of the Land and Water Use Guidelines contained in the Final River Management Plan for the Upper Delaware Scenic and Recreational River. This determination of substantial conformance is required by Section 704(e)(1) of Public Law 95-625, the law that designates the Upper Delaware as a component of the National Wild and Scenic Rivers System.

Page 42 of the Final River Management Plan discusses the determination of substantial conformance. It defines substantial conformance as "...conformance, with respect to the list of compatible, conditional, and incompatible new land uses contained in the Land and Water Use Guidelines, and with the substance of both the River Management Plan and each of the principles and objectives set out in the guidelines."

Therefore, in order for a town to be determined to be in substantial conformance, it must not approve the development of new incompatible uses, permit conditional or special uses only in accordance with the principles and objectives of the Land and Water Use Guidelines, and meet each of the principles and objectives contained in the Guidelines. A town is not held responsible for permitting actions beyond its legal purview, as in federal and state permit approvals.

### Procedures for the Determination of Substantial Conformance

A clearly defined, consistently applied set of procedures must be followed in order to assure the success of the Upper Delaware plan. Accordingly, the following series of steps will be followed in making determination of a town or township's substantial conformance with the plan and Land and Water Use Guidelines.

These steps apply both to participating and non-participating towns. For participating towns, the review will be conducted by the Upper Delaware Council with final approval by the National Park Service. For non-participating towns, the review will be conducted by the National Park Service.

#### Step 1. Assemble relevant laws, plans and ordinances

This review does not pertain to activities that take place outside the river corridor or to town actions that do not have an affect on the conservation of natural and cultural resources within the river corridor.

Laws, plans, and ordinances that will be reviewed (if they exist) include the following:

- |                                    |                                |
|------------------------------------|--------------------------------|
| 1. Zoning Ordinance                | 7. Subdivision Ordinance       |
| 2. Sign Ordinance                  | 8. Dumping Ordinance           |
| 3. RV Park Ordinance               | 9. Sewage & Septic Ordinance   |
| 4. Floodplain Ordinance            | 10. Mobile Home Park Ordinance |
| 5. Junkyard Ordinance              | 11. Other                      |
| 6. Master Plan, Comprehensive Plan |                                |

#### Step 2. Study and review the material to become knowledgeable about it

Prior to initiating any formal review, the staff and the Project Review Committee will study the material in order to understand the full scope and implications of the laws, plans, and ordinances.

#### Step 3. Write to the town board/board of supervisors to request a meeting to discuss the review

Representatives of the Council will include pertinent staff members and members of the Project Review Committee. The purpose of the meeting is to do the review in a way so that the affected town is fully aware of how the review is conducted and what factors weigh on any given conclusion. The meeting will occur at a time and place suitable to the town/ship.

**Step 4. Hold the meeting and conduct the review**

The review will be conducted through the use of the attached substantial conformance checklist. A town will have met each management principle if it meets each objective for that principle. An objective will have been met if the town employs any of the management techniques listed as alternatives for meeting that objective, or if it uses as a standard any qualitative or quantitative guideline listed in the alternatives for each objective. If the town/ship can show that it meets the objective in a different way than by the listed alternatives, it will also be deemed to meet the objective.

The plan offers further guidance in assessing substantial conformance:

*“The Council shall make its recommendations regarding substantial conformance...based on the full range of laws, ordinances, plans, programs, and regulations of entities such as counties, states, and the Delaware River Basin Commission in place within the locality, offered by the town as evidence.”*

*“The Council may consider many factors in conducting this review, including the practical importance of any particular guideline objective to a town or township’s efforts to come into substantial conformance.”*

**Step 5. Negotiation and Follow-up**

The Council staff and Project Review Committee will review the results of the meeting with the town and come to a preliminary conclusion. If there are points of uncertainty or disagreement, the Committee will make follow-up efforts to try to come to a satisfactory agreement with the affected town/ship, prior to the Committee making a recommendation to the Upper Delaware Council.

**Step 6. Recommendation to the Upper Delaware Council**

Following the effort to resolve differences, the Project Review Committee, speaking for the staff, will make a recommendation to the Upper Delaware Council as to whether the town/ship in question is or is not in substantial conformance. This will be done at a regularly scheduled Council meeting.

**Step 7. Council sends Committee Recommendation to the Affected Town/ship**

The Council will forward this recommendation to the affected town/ship, and it will indicate its willingness to try to resolve differences of opinion, if any exist, prior to a final recommendation being made to the National Park Service.

**Step 8. Take follow-up action, if necessary**

If further efforts are required to resolve differences, they will be made at this time. The Council will take all action possible to resolve problems before making its final recommendation.

**Step 9. The Council will make its recommendation to the National Park Service and notify the affected town/ship of its recommendation and its reasons for doing so**

The Council will vote on its final recommendation at a regularly scheduled Council meeting. The recommendation must be made within 320 days of the effective date of the final river management plan. The Council will inform the National Park Service and the affected town/ship of its recommendation. In both cases the Council will provide an explanation of its recommendation, attaching whatever documentation is necessary.

**Step 10.** The National Park Service makes its final determination of substantial conformance

The National Park Service will make its final determination of substantial conformance within 45 days of the Council's final recommendation. The final determination must be made within one year of the effective date of the final river management plan. If the National Park Service finds the affected town/ship to be in substantial conformance, the town will then be subject only to Class II reviews as described in the plan. If the town is found not to be in substantial conformance, the following actions will occur:

1. The town/ship will be subject to Class I and Class II reviews
2. The process for determining substantial conformance will begin again, with a final determination by the National Park Service being required within two years of the effective date of the final river management plan
3. The Council may provide technical and planning assistance to the town to assist it in coming into substantial conformance

**Principle A**  
**Maintain the high water quality found in the Upper Delaware River**

1. **Soil erosion and sedimentation from construction on steep slopes is limited by:**
  - A. Conditional use/special use review for projects over 15% in grade; or
  - B. Requiring a professional engineer's plan for projects over 15% in grade; or
  - C. Requiring larger lot sizes for projects over 15% in grade; or
  - D. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
  - E. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
  - F. Other (Explain) \_\_\_\_\_
  
2. **Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**
  - A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
  - B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
  - C. Requiring conditional use/special use review of projects involving greater than 10% lot coverage or impervious surface coverage; or
  - D. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
  - E. Other (Explain) \_\_\_\_\_
  
3. **Protect special erosion hazard areas along river banks through one or more of the following measures:**
  - A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
  - B. Making construction within 100 feet of the river subject to conditional/special use permits with requirements for plants to prevent erosion; or
  - C. Prohibiting principal structures in erosion hazard areas as mapped or defined by the towns/townships and recognized by the Upper Delaware Council.
  - D. Other (Explain) \_\_\_\_\_
  
4. **Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

A. Requiring conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline; or

B. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or

C. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.

D. Other (Explain) \_\_\_\_\_

**5. Limit pollution problems from septic systems located on poor soils, by one of the following measures:**

A. Requiring a town or district wide minimum lot size for new river corridor lots of not less than two acres (outside of hamlets); or

B. Requiring a minimum lot size of two acres with reductions for lots with hardship conditions based on soil performance standards or use of innovative technology; or

C. Ensuring a minimum lot size of no less than two acres on soils with serve limitation for subsurface sewage disposal systems under state law.

D. Other (Explain) \_\_\_\_\_

**6. Solid waste disposal sites must be located outside of the river corridor.**

### **Principle B**

#### **Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection of natural resources.**

1. **Provide for light, air and an uncluttered landscape through adequate separation of principal structures by:**
  - A. Requiring a 150 foot river frontage for new lots (with exceptions for clustering)
  - B. Requiring a 150 foot minimum width average lot width, road frontage or width at the building line (with exceptions for clustering); or
  - C. Requiring a 50 feet minimum side yard standard; or
  - D. Requiring a 100 feet minimum separation of all principal structures located along the river. Clustering may be permitted as a conditional/special use provided it meets density guidelines for the district.
  - E. Other (Explain) \_\_\_\_\_
  
2. **Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures by:**
  - A. Limiting building height to 35 feet with exceptions for farm structures, water and grain towers, small windmills, bridges, etc.; or
  - B. Making structures over 35 feet conditional/special uses.
  - C. Other (Explain) \_\_\_\_\_
  
3. **Provide for light and air and maintain an uncluttered landscape by requiring adequate setbacks of principal structures from highways by:**
  - A. Requiring a minimum front yard of 35 feet; or
  - B. Requiring a minimum building setback of 35 feet.
  - C. Other (Explain) \_\_\_\_\_
  
4. **Prevent unnecessary sign proliferation by limiting off-premises signs by:**
  - A. Prohibiting off-premises advertising signs, except those informational signs recommended by the Council, that are used for directing visitors to public access areas; or
  - B. Making advertising signs conditional/special uses with design standards requiring signs to harmonize with the surrounding landscape, and providing that no flashing, oscillating or illuminated signs are permitted; or
  - C. Limiting the size of signs to 32 square feet and the placement of signs to 1 per 1000 linear feet of frontage or 2 per advertiser, whichever is less. River frontage should be limited to 1 per riverfront facility and related to providing directions.
  - D. Other (Explain) \_\_\_\_\_

*Objective 4.A above will not apply during the substantial conformance review since the Upper Delaware Council will not be recommending the placement of informational signs prior to the determination of substantial conformance.*

**5. Business identification (on premises) signs larger than 10 square feet in size should be limited by:**

- A. Limiting the total number to one sign per property line along a street or the river; or
- B. Limiting the area of signs to two square feet of total sign area for each 1 lineal foot of building frontage or one square foot of sign area for each 2 lineal feet of lot frontage; or
- C. Making business identification signs conditional/special uses providing illuminated signs are permitted outside of developed areas and no flashing or oscillating signs are permitted; or
- D. Using performance based approaches to sign regulation such as those in the Lumberland Zoning Ordinance.
- E. Public signs, safety signs, announcement signs, temporary signs, professional signs, home occupation signs, farm product signs, political signs, construction signs and for rent/for sale signs do not require a permit but should be limited to less than 10 square feet in size and two signs per property.
- F. Other (Explain) \_\_\_\_\_

*This does not apply to institutional or trespassing signs.*

**Principle C**

**Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource.**

**1. Encourage recreational providers to locate intensive use recreational facilities outside of undeveloped or scenic segments of the river corridor by:**

- A. Zoning such areas for low intensity activities (i.e. tent campgrounds vs. recreational vehicle facilities); or
- B. Limiting the size of recreational facilities consistent with the definition of intensive use recreational facilities; or
- C. Limiting intensive use recreational facilities to locations with direct access to a two-lane highway.
- D. Other (Explain) \_\_\_\_\_

**2a. Provide for the orderly development, operation and maintenance of campgrounds and recreational parks by:**

- A. Limiting gross density to not more than 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent camping; and
- B. Requiring a minimum of 10 acres of land for a recreational vehicle park and a minimum of 5 acres for tent campgrounds (unless subjected to site plan review); and
- C. Prohibiting permanent or long-term occupancy of any campsite and prohibiting any permanent structures on any individual campsite (other than tent platforms and concrete pads); and
- D. Prohibiting independent onsite sewage disposal or water supply systems for individual recreational vehicle campsites.
- E. Other (Explain) \_\_\_\_\_

**2b. Provide for the orderly development, operation and maintenance of boat liveries and other recreational uses by:**

- A. Requiring a minimum of two acres for any new river-related recreational facility used for the parking of vehicles or the erection of any structures.
- B. Other (Explain) \_\_\_\_\_

**2c. Provide for orderly development, operation, and maintenance of all recreational uses by:**

- A. Requiring public facilities to meet the same standards as private ones; and
- B. Requiring all river-related recreational facilities to comply with state health regulations; and
- C. Requiring all proposed river-related recreational facilities be subject to site plan or conditional use review. Site disturbances should be limited and vegetative screening required where necessary. For erosion control purposes, access to the river bank should be limited.
- D. Other (Explain) \_\_\_\_\_

**Principle D**  
**Provide for the continuation of agricultural and forestry uses**

**1. Encourage and support agricultural uses in the corridor by:**

- A. Ensuring that agricultural zoning districts include all Agricultural Districts or Agricultural Security Areas; or
- B. Making agricultural activities principal permitted uses within existing zoning districts; or
- C. Ensuring that existing agricultural activities are not made nonconforming by virtue of regulations adopted to meet the land use guidelines.
- D. Other (Explain) \_\_\_\_\_

**2. Encourage the appropriate location and mitigate the effects of certain intensive livestock operations which are likely to create problems of waste disposal or odors by:**

- A. Prohibiting intensive livestock operations within the river corridor; or
- B. Making intensive livestock operations conditional/special uses; or
- C. Implementing standards based on a ratio of livestock to acreage or similar concepts.
- D. Other (Explain) \_\_\_\_\_

**3. Provide for sound timber practices within the corridor by:**

- A. Implementing a town or county conservation district monitoring program based on industry standards and utilizing the services of County, District or State Foresters or Soil Conservation Service personnel for technical assistance; or
- B. Prohibiting clearcuts of over two acres in size; or
- C. Making clearcuts over two acres in size subject to conditional or special use review, subject to a professional forester's review with exceptions for agricultural purposes and wildlife management programs; or
- D. Developing a local law requiring soil stabilization and by setting other performance standards; or
- E. Providing for removal of only individual selected trees within 50 feet of either side of the river or other perennial streams so 50% or more of the overhead canopy will remain.
- F. Other (Explain) \_\_\_\_\_

**Principle E**  
**Conserve river area resources.**

**1. Ensure traditional resource extraction operations (not including subsurface and major surface mining) are permitted but consistent with the protection of the public health, safety and welfare by:**

\_\_\_ A. Implementing local standards regarding slope, rehabilitation, noise, vibrations, performance bonding etc.;or

\_\_\_ B. Requiring that all natural resource uses comply with state and federal mining laws.

\_\_\_ C. Other (Explain) \_\_\_\_\_

**2. Ensure town, county, state, and federal activities will promote the conservation of the river corridor resources by:**

\_\_\_ A. Prohibiting the location of sewage treatment plants and municipal sewer interceptor lines on lands with frontage on the river or on any agricultural lands except with respect to existing hamlets or in circumstances where a community is under state or federal orders to do so; and

\_\_\_ B. Prohibiting new impoundments of the Upper Delaware River, or any tributary which is within the boundaries of the river area. Exceptions for small agricultural ponds not on tributaries, eel weirs and other stream improvement structures for fishery management purposes can be made; and

\_\_\_ C. Prohibiting major oil and gas transmission lines and refining/production facilities for other than local service. Individual wells and lines constructed to provide service to or collect from individual customers or wells will be permitted; and

\_\_\_ D. Prohibiting the mining of uranium and disposal of low or high level radioactive or toxic wastes in the river corridor; and

\_\_\_ E. Prohibiting power plants, stream channelization and other projects listed as incompatible uses in the Schedule of Uses.

\_\_\_ F. Other (Explain) \_\_\_\_\_

**Principle F**  
**Maintain existing patterns of land use and ownership.**

**1. Limit housing density and intensity of uses with consideration to the existing character of the River corridor by:**

A. Establishing a special zoning district for the river corridor within which the minimum lot size is two or more acres; or

B. Using two or more zoning district classifications to achieve an average density not exceeding one unit per 2 acres in the river corridor; or

C. Using "overlay districts" or "sub-zones" to set density for those portions of a zoning district within the river corridor and those which are of special concern.

D. Other (Explain) \_\_\_\_\_

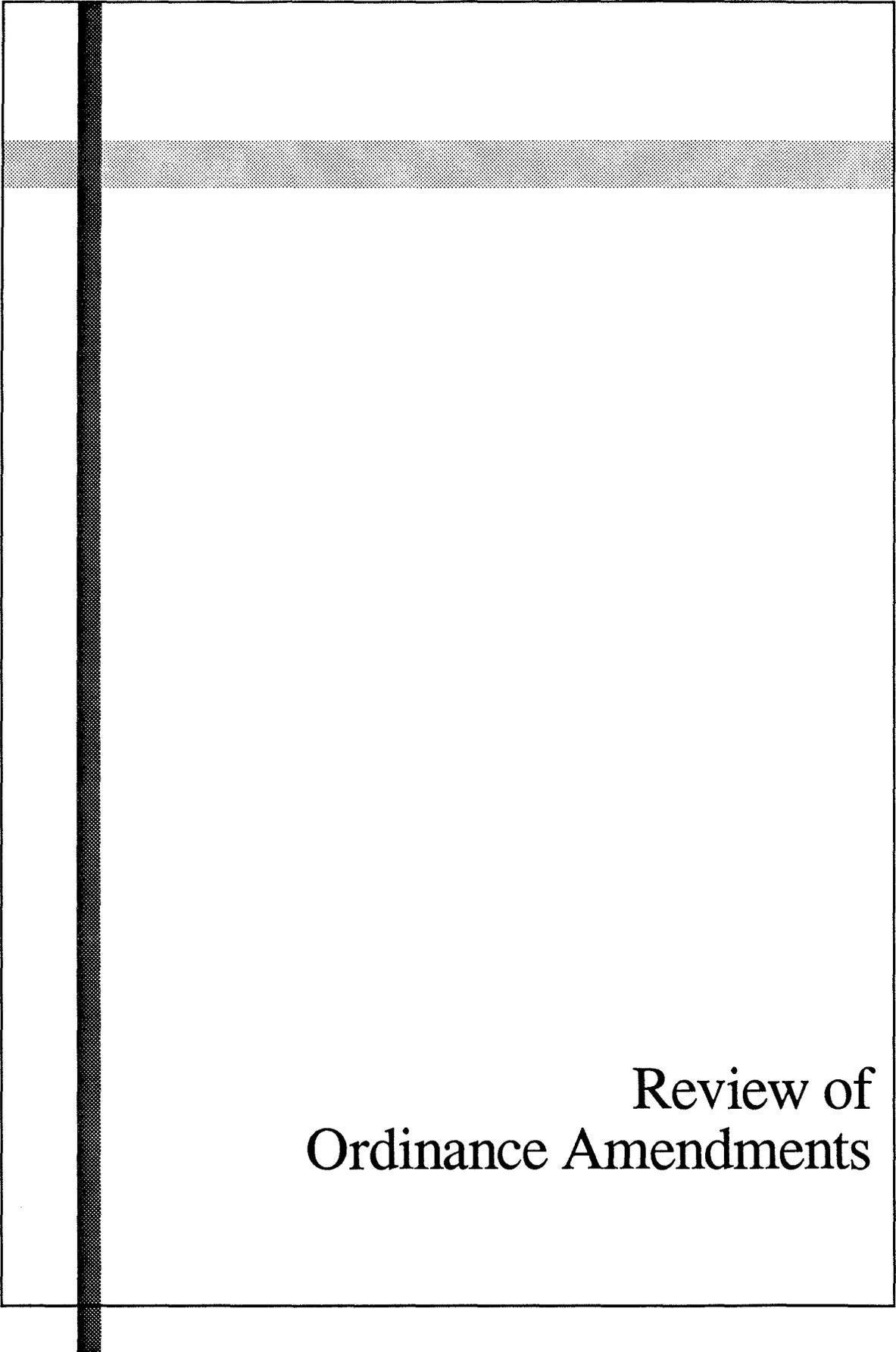
**2. To control density the following considerations must be remembered:**

A. Clustering is an appropriate approach, but the overall density for the zoning district must remain the same;

B. Densities for nonresidential uses should be based on an equivalent dwelling unit concept (tied to estimated sewage effluent) and

C. Appropriate lot sizes may often be set due to natural limitations.

D. Other (Explain) \_\_\_\_\_



Review of  
Ordinance Amendments

## How To Use This Section

This section on the review of ordinance amendments will be used by the Upper Delaware Council to make its recommending regarding whether an ordinance amendment could change the substantial conformance status of a town/ship.

To use this section, the Council will follow those steps outlined on pages OA-2 to OA-4. To assist in the review therein described, the Council will use the substantial conformance checklist found on pages SC-5 to SC-12 of this manual, and discussed in detail on page SC-1.

For further information on ordinance amendment review refer to page 43 of the Final River Management Plan.

## Ordinance Amendments

### Procedures for Reviewing Ordinance Amendments

A clearly defined, consistently applied set of procedures must be followed in order to assure the success of the Upper Delaware plan. Accordingly, the following series of steps will be followed in making determination of the substantial conformance with the plan and Land and Water Use Guidelines of a town/ship's ordinance amendment. These are essentially the same as the steps for determining substantial conformance. Step 1 is amended to include the proposed amendment under the data gathering task. Steps 9 and 10 are modified to take the town's decision-making deadline into account.

These steps apply both to participating and non-participating towns. For participating towns, the review will be conducted by the Upper Delaware Council with final approval by the National Park Service. For non-participating towns, the review will be conducted by the National Park Service.

#### **Step 1. Assemble relevant laws, plans, ordinances, and proposed ordinance amendments**

This review does not pertain to activities that take place outside the river corridor or to town actions that do not have an affect on the conservation of natural and cultural resources within the river corridor.

Laws, plans, ordinances and ordinance amendments that will be reviewed (if they exist) include the following:

- |                               |                                |
|-------------------------------|--------------------------------|
| 1. Zoning Ordinance           | 7. Subdivision Ordinance       |
| 2. Sign Ordinance             | 8. Dumping Ordinance           |
| 3. RV Park Ordinance          | 9. Sewage & Septic Ordinance   |
| 4. Floodplain Ordinance       | 10. Mobile Home Park Ordinance |
| 5. Junkyard Ordinance         | 11. Other                      |
| 6. Master/ Comprehensive Plan |                                |

#### **Step 2. Study and review the material to become knowledgeable about it**

Prior to initiating any formal review, the staff and the Project Review Committee will study the material in order to understand the full scope and implications of the laws, plans, ordinances and ordinance amendments.

#### **Step 3. Write to the town board/board of supervisors to request a meeting to discuss the review**

Representatives of the Council will include pertinent staff members and members of the Project Review Committee. The purpose of the meeting is to do the review in a way so that the affected town is fully aware of how the review is conducted and what factors weigh on any given conclusion. The meeting will occur at a time and place suitable to the town/ship.

#### **Step 4. Hold the meeting and conduct the review**

The review will be conducted through the use of the attached substantial conformance checklist. A town will have met each management principle if it meets each objective for that principle. An objective will have been met if the town employs any of the management techniques listed as alternatives for meeting that objective, or if it uses as a standard any qualitative or quantitative guideline listed in the alternatives for each objective. If the town/ship can show that it meets the objective in a different way than by the listed alternatives, it will also be deemed to meet the objective.

The plan offers further guidance in assessing substantial conformance:

*"The Council shall make its recommendations regarding substantial conformance...based on the full range of laws, ordinances, plans, programs, and regulations of entities such as counties, states, and the Delaware River Basin Commission in place within the locality, offered by the town as evidence."*

The Council may consider many factors in conducting this review, including the practical importance of any particular guideline objective to a town or township's efforts to come into substantial conformance."

**Step 5. Negotiation and Follow-up**

The Council staff and Project Review Committee will review the results of the meeting with the town and come to a preliminary conclusion. If there are points of uncertainty or disagreement, the Committee will make follow-up efforts to try to come to a satisfactory agreement with the affected town/ship, prior to the Committee making a recommendation to the Upper Delaware Council.

**Step 6. Recommendation to the Upper Delaware Council**

Following the effort to resolve differences, the Project Review Committee, speaking for the staff, will make a recommendation to the Upper Delaware Council as to whether the town/ship in question is or is not in substantial conformance. This will be done at a regularly scheduled Council meeting.

**Step 7. Council sends Committee Recommendation to the Affected Town/ship**

The Council will forward this recommendation to the affected town/ship, and it will indicate its willingness to try to resolve differences of opinion, if any exist, prior to a final recommendation being made to the National Park Service.

**Step 8. Take follow-up action, if necessary**

If further efforts are required to resolve differences, they will be made at this time. The Council will take all action possible to resolve problems before making its final recommendation.

**Step 9.** The Council will make its recommendation to the National Park Service and notify the affected town/ship of its recommendation and its reasons for doing so

The Council will vote on its final recommendation at a regularly scheduled Council meeting. The recommendation must be made within 45 days of the effective date of the final river management plan. The Council will inform the National Park Service and the affected town/ship of its recommendation. In both cases the Council will provide an explanation of its recommendation, attaching whatever documentation is necessary.

**Step 10.** The National Park Service makes its final determination of substantial conformance

The National Park Service will make its final determination of substantial conformance within 45 days of the public notice of the ordinance amendment. If the National Park Service finds the affected town/ship to be in substantial conformance, the town will then be subject only to Class II reviews as described in the plan. If the town is found not to be in substantial conformance, the following actions will occur:

1. The town/ship will be subject to Class I and Class II reviews

2. The process for determining substantial conformance will begin again, with a final determination by the National Park Service being required within two years of the effective date of the final river management plan
3. The Council may provide technical and planning assistance to the town to assist it in coming into substantial conformance

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# Review of Challenges and Variances

## How To Use This Section

This section will be used by the Council when it reviews ordinance challenges and variances.

To use this section, the Council will follow the steps listed on page CV-3 of this manual. To assist the Council in this process, the affected local unit of government will normally fill out a brief challenges and variances review report form and return it to the Council. An example of a variance report form may be found in Appendix D of this manual.

For further information on challenges and variances refer to pages 26 and 45 of the Final River Management Plan.

## Challenges and Variances

The Upper Delaware legislation requires that variances and ordinances challenges be reviewed in order to determine their impact on the river corridor. The final river management plan recognizes that both variances and challenges are provided for in state laws and therefore should be provided for in the management plan itself. Nothing in the plan or Land and Water Use Guidelines is intended to prevent a town from providing for variances.

### Ordinance Challenges

No successful challenge shall be cause for any town to be found not to be in substantial conformance with the plan and guidelines. Even though a proposed development may be upheld under challenge by a court of competent jurisdiction, it may still pose a clear and direct threat to the river corridor. Therefore, all challenges will be reviewed by the Upper Delaware Council. Such proposals will be checked against the Schedule of Compatible, Conditional and Incompatible New Land Uses and against the principles and objectives for their consistency with the plan and guidelines.

### Variances

The Upper Delaware Council will monitor all requests for variances and legal challenges to determine whether a Council appearance before the Zoning Board of Appeals in New York or the Zoning Hearing Board in Pennsylvania is appropriate. Under the legislation, the Secretary of the Interior must prevent an incompatible use from occurring in the river corridor. It is possible for a use variance in New York to allow such an incompatible use. An area variance generally would not constitute an incompatible use since it would be granted for a compatible land use based upon the unique characteristics or circumstances of a property.

Accordingly, the following types of variances will be reviewed by the Council:

1. Use variances
2. Area variances which would:
  - A. Involve properties bordering on the river
  - B. Directly vary the standards for more than one lot, dwelling unit or equivalent unit
  - C. Reduce a development standard by more than 30% to accommodate a project
  - D. Be proposed in connection with a Class II project

### Procedures for Reviewing Variances

A clearly defined, consistently applied set of procedures must be followed in order to assure the success of the Upper Delaware plan. Accordingly, the following series of steps will be followed in determining whether a variance substantially conforms with the plan and Land and Water Use Guidelines.

These steps apply both to participating and non-participating towns. For participating towns, the review will be conducted by the Upper Delaware Council with final approval by the National Park Service. The National Park Service will conduct all reviews in non-participating towns.

The Council will respond to a variance application within 45 days of receipt of notification. The Council staff and Project Review Committee will take steps to assure that it receives timely notification of all such applications.

**Step 1.** The Zoning Board of Appeals/Zoning Hearing Board determines whether the action is one that appears on the variances review checklist. If it is on the list, it checks off the matching action and sends the checklist and a copy of the application to the Council. If it is not on the list, no additional action need be taken.

**Step 2.** The Upper Delaware Council is notified of the proposed action by the town/ship

Council staff will review the application and verify whether it is on the variance review checklist. If not, the application is recorded and reported to the Council.

If it is on the list, the Council staff will contact the Zoning Board of Appeals/Zoning Hearing Board to seek any additional available information about the application. The National Park Service is notified concurrently with the Council.

**Step 3.** Council staff completes the appropriate review checklist

The appropriate significant project checklist for the proposed development will then be completed. If the staff finds that the development meets the applicable criteria, it is recorded and a report of that review is made to the Council. If the variance does not come under a significant project review, the substantial conformance checklist should then be used.

If the staff finds that the development does not meet the applicable criteria, it notifies the Project Review Committee and proceeds to the next step.

**Step 4.** The Council staff and the Project Review Committee negotiate with the Zoning Board of Appeals/Zoning Hearing Board to resolve the differences

The staff and Project Review Committee will meet with the Zoning Board of Appeals/Zoning Hearing Board to resolve the problem. All contacts on the application will be with the local agency; meetings with the applicant will be held only with the approval of the local agency. If the staff and Committee are able to resolve the conflict, record of the resolution is recorded and a report is made to the Council.

If no resolution is reached, the Project Review Committee notifies the Council that a potential clear and direct threat is proposed and proceeds to the next step.

**Step 5.** The Council makes a final effort to resolve remaining differences

If a satisfactory resolution is still not reached, the Council makes one final effort to resolve the matter. If successful, the resolution is recorded and the Council is then notified. If negotiations are not successful, then the Council notifies the National Park Service.

### Variance Review Report Form

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Action: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Town in which affected property is located:

A. Hancock

F. Highland

K. Damascus

B. Fremont

G. Lumberland

L. Berlin

C. Delaware

H. Deerpark

M. Lackawaxen

D. Cochection

I. Buckingham

N. Shohola

E. Tusten

J. Manchester

O. Westfall

Property Identification # \_\_\_\_\_

Property Owner \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

Night Telephone \_\_\_\_\_

Date proposal was submitted to the town for review

\_\_\_\_\_

**Note:**

(Be sure to circle the appropriate items on the variance checklist on the next page)

Completed By: \_\_\_\_\_

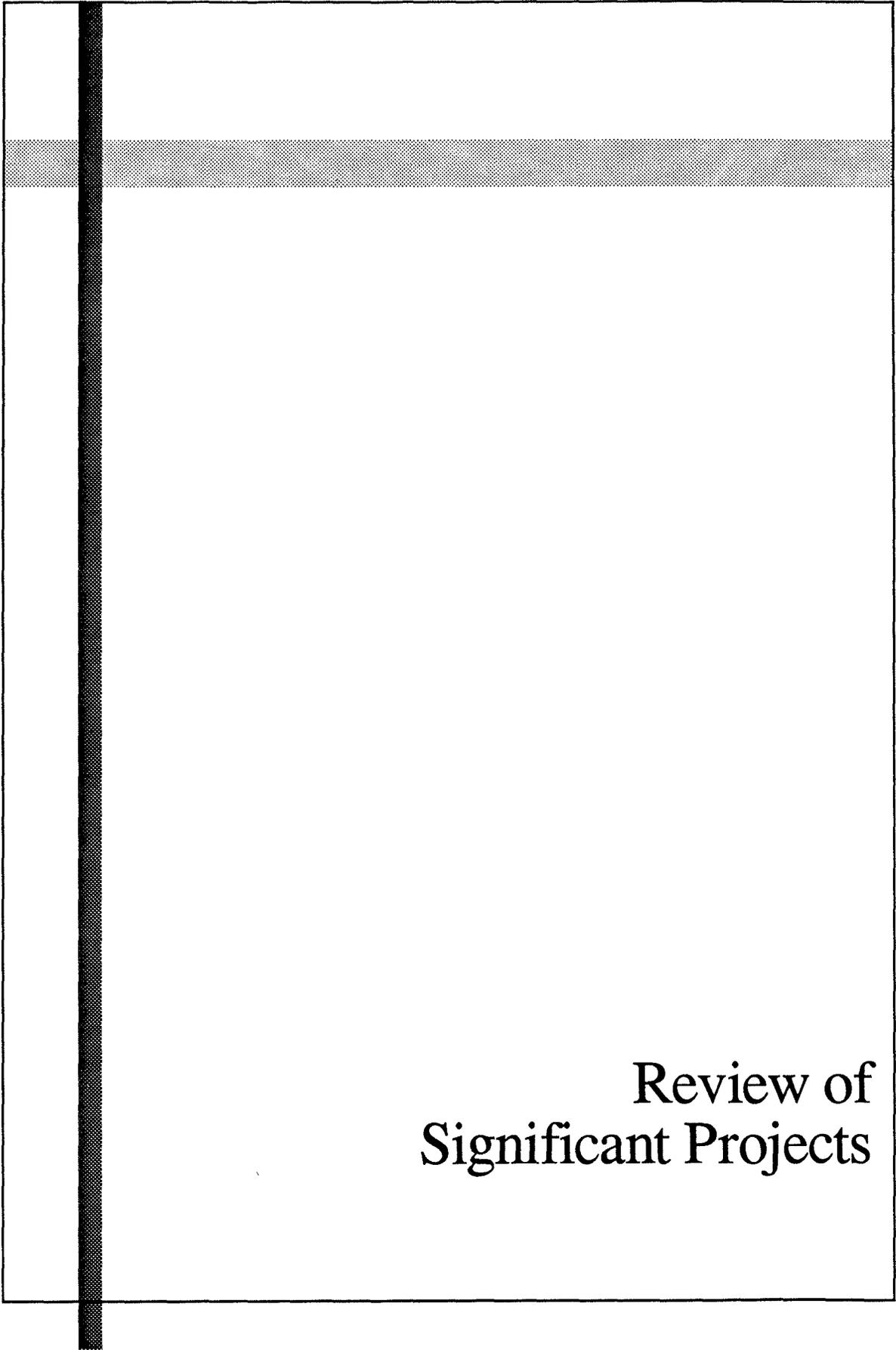
Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Type of Variance**

(Please circle those that apply):

1. Use variance
2. Area variance which would:
  - A. Involve property bordering on the river
  - B. Directly vary the standards for more than one lot, dwelling unit or equivalent unit
  - C. Reduce a development standard by more than 30% to accommodate a project
  - D. Be proposed in connection with a Class II project
    1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance
      - A. Conditional Use Permit
      - B. Special Use Permit
      - C. Site Plan Review
    2. Subdivision of 25 or more lots
    3. River-related recreational use purposes
    4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services
    5. Projects to be constructed or operated by government agencies



Review of  
Significant Projects

## How To Use This Section

This section will be used by the Council when it reviews significant projects proposed within the river corridor.

To use this section, the Council will follow one of three alternative procedures outlined on pages SP-3 to SP-8 of this section. One procedure is used when reviewing projects regulated by the town/ship, while another is used for reviewing projects regulated by other units of government. The last procedure is used when permits are required from both local and other units of government. Flow charts for these procedures may be found on pages SP-4 and SP-6.

To assist the town/ship in providing information on a proposed development project, significant project report forms have been developed. These forms are filled out by the Code Enforcement Officer, a member of the Planning Board/Commission, or other person specified by the town/ship. There are two versions of the form: one for participating towns that are in substantial conformance, and one for participating towns that are not. Each form consists of a list of numbered criteria with space next to them for checking "Yes" or "No". These forms are provided to the town/ships in an easy to mail format. Examples of these forms are included in Appendices B and C of this manual.

When filling out the significant projects report form it is recommended that a copy of the permit application and this manual be near at hand, as well as relevant plans and zoning ordinances. Then simply check "Yes" or "No" next to those criteria which apply to the proposed project. In order to determine whether the proposed project meets a given criterion, it is necessary to refer to the page of this manual referenced in that criterion. Remember that if the proposed action is not subject to review, no form is necessary.

At the top of the indicated page a review criterion number will be found, for example, 'Review Criterion #1'. Under each criterion is a list of objectives with such labels as A.1, A.2, and so on, and under each objective a list of provisions that are labeled by letters and have room for a check mark next to them. If any one of the provisions may be checked, the objective to which it pertains is met. If all the objectives in a criterion are met, then a "No" should be checked on the significant project review criterion. Otherwise, a "Yes" should be checked.

Upon completion, the significant project report form should be mailed to the Council, along with a copy of the permit application.

For further information on the review of significant projects, refer to pages 26 and 43 of the Final River Management Plan.

## Significant Project Review

### Class of Review

The review of significant projects is required under the Upper Delaware legislation. Significant projects, according to the river management plan, are developments which could constitute clear and direct threats to the river corridor. The final river management plan divides the projects to be reviewed into Class I projects and Class II projects. In general, Class I projects have less impacts on the environment than do Class II projects. Both Class I and Class II projects will be reviewed in towns that are not determined to be in substantial conformance. Only Class II projects will be reviewed in substantially conforming towns.

The purpose of reviews in non-conforming towns is to identify potential threats early enough to allow remedial actions to be taken. The purpose of Class II reviews within substantially conforming towns is to act in a site plan review or review role to help towns to improve development proposals and to protect the river.

When considering the development of subdivisions and single and multi-family dwelling units, the following considerations should be remembered:

1. Clustering is an appropriate approach, but the overall density for the zoning district must remain the same;
2. Densities for non-residential uses should be based on an equivalent dwelling unit concept (tied to estimated sewage effluent) and
3. Appropriate lot sizes may often be set due to natural limitations.

The significant projects checklist identifies each development proposal that applies in Class I and Class II. If a proposed development appears on the checklist, it must be reviewed. Each proposal has its own review checklist, which is a one or two-page subset of the substantial conformance checklist. The page number for each checklist appears in parenthesis following each item.

A development proposal will be found to pass the review if it meets any of the management alternatives proposed for each objective. All proposed developments must meet each of the objectives under which it is reviewed.

### Procedures for Reviewing Significant Projects

A clearly defined, consistently applied set of procedures must be followed in order to assure the success of the Upper Delaware plan. Accordingly, the following series of steps will be followed in determining whether a project substantially conforms with the plan and Land and Water Use Guidelines.

These steps apply both to participating and non-participating towns. For participating towns, the review will be conducted by the Upper Delaware Council with final approval by the National Park Service. For non-participating towns, the review will be conducted by the National Park Service.

The Council will respond to a development application within 45 days of receipt of notification. The Council staff and Project Review Committee will take steps to assure that it receives timely notification of all such applications.

There are three types of projects that must be reviewed by the Council: projects requiring local permits and projects requiring state, regional, or federal permits, and projects requiring a combination of local and non-local permits. The second type of project may be one which is beyond the regulatory purview of the affected town. The Council would review only those permits that have a direct affect on the con-

servation and protection of land and water resources in the river corridor. This would not include hunting, fishing, trapping, or permits to construct and operate eel weirs, nor other permits having no effect on the river corridor (see the Class II Review Checklist for a specific list of permits to be reviewed).

Each type of project would undergo a slightly different review procedure. Under the first alternative, the application would be received by the Code Enforcement Officer or Planning Board/Commission. Under the second it would be received by a state, regional or federal permitting agency.

#### **Alternative A**

If the application is received by the Code Enforcement Officer or the Planning Board/Planning Commission, that office determines whether the action is one that appears on the list of Class II projects. If it is on the list, it checks off the matching action and sends the checklist and a copy of the application to the Council. If it is not on the list, no additional action need be taken.

#### **Step 1. The Upper Delaware Council is notified of the proposed action by the town/ship**

Council staff will review the application and verify whether it is on the list of significant projects. If not, the application is recorded and reported to the Council.

If it is on the list, the Council staff will contact the code enforcement officer or the planning board/commission to seek any additional available information about the application. Then, the National Park Service is notified concurrently with the Council.

#### **Step 2. Council staff completes the appropriate review checklist**

The appropriate checklist for the proposed development will then be completed. If the staff finds that the development meets the applicable criteria, it is recorded and a report of that review is made to the Council.

If the staff finds that the development does not meet the applicable criteria, it notifies the Project Review Committee and proceeds to the next step.

#### **Step 3. Council staff and Project Review Committee negotiate with the code enforcement officer or planning board/commission to resolve the differences**

The staff and Project Review Committee will meet with the code enforcement officer or planning board/commission to resolve the problem. All contacts on the application will be with the local agency; meetings with the applicant will be held only with the approval of the local agency. If the staff and Committee are able to resolve the conflict, record of the resolution is recorded and a report of that action is made to the Council.

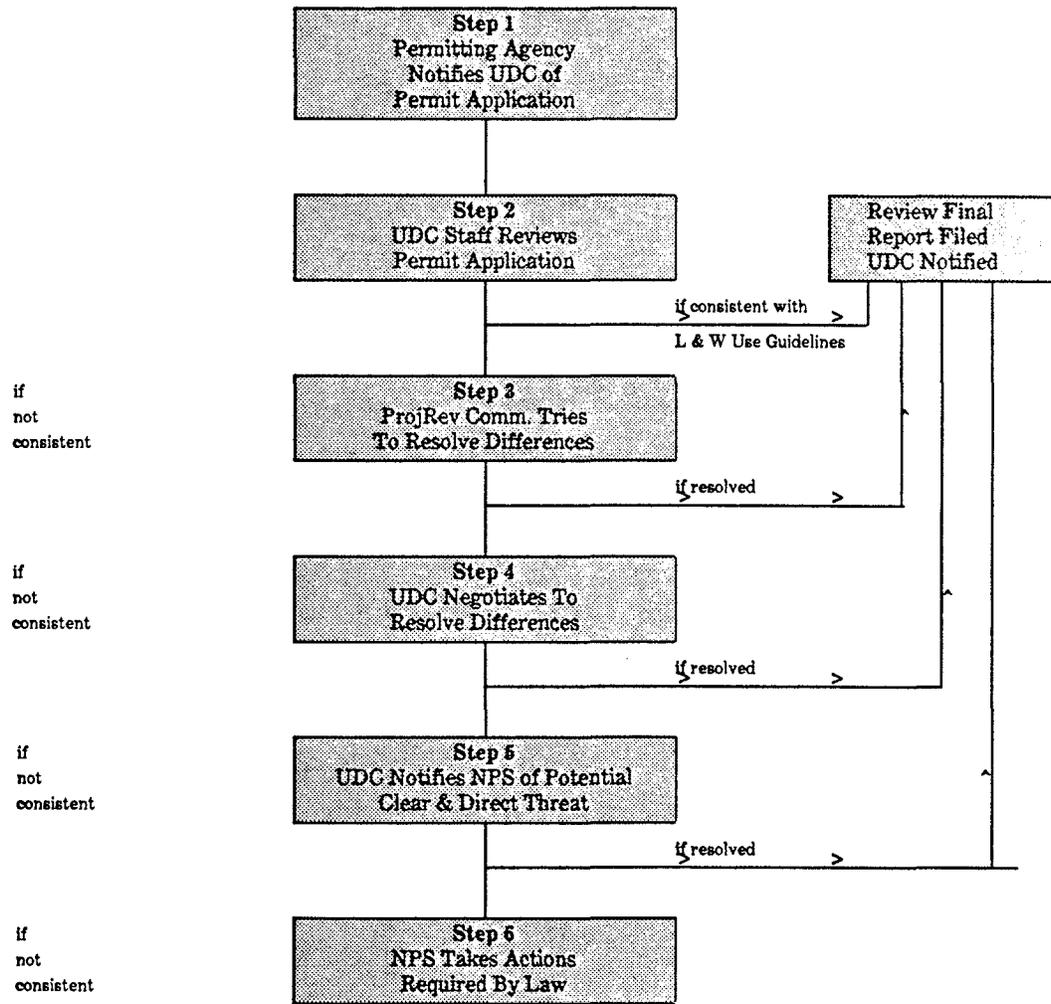
If no resolution is reached, the Project Review Committee notifies the Council that a potential clear and direct threat is proposed and proceeds to the next step.

#### **Step 4. The Council makes a final effort to resolve the conflict**

If a satisfactory resolution is still not reached, the Council makes one final effort to resolve the matter. If successful, the resolution is recorded and the Council is notified. If not, the Council proceeds to the next step.

#### **Step 5. The Council makes its recommendation to the National Park Service that a clear and direct threat may be proposed**

**Flow Chart**  
**Alternative A Project Review Procedures**  
**Review of Local Permit Application By The Upper Delaware Council**



By majority vote at a Council meeting, the Council agrees that a clear and direct threat may be occurring that would take the town/ship out of substantial conformance, and it notifies the National Park Service of its recommendation.

**Step 6.** The National Park Service institutes the procedures for the use of the power of eminent domain described in the final river management plan pages 55-57

#### **Alternative B**

If the application is received by a county, state, regional or federal agency, the Council is notified by mail of the permit application. Council staff would then determine whether the application is on the list of significant projects or the list of conditional and incompatible uses.

**Step 1.** The Upper Delaware Council is notified of the proposed action by the permitting agency

Council staff will review the application and verify whether it is on the list of significant projects. If not, the application is recorded and reported to the Council.

If it is on the list, the Council staff will contact the permitting agency to seek any additional available information about the application. The National Park Service is notified concurrently with the Council.

**Step 2.** Council staff completes the appropriate review checklist

The appropriate checklist for the proposed development will then be completed. If the staff finds that the development meets the applicable criteria, it is recorded and a report of that review is made to the Council.

If the staff finds that the development does not meet the applicable criteria, it notifies the Project Review Committee and proceeds to the next step.

**Step 3.** Council staff and Project Review Committee negotiate with the permitting agency to resolve the differences

The staff and Project Review Committee will meet with the permitting agency to resolve the problem. All contacts on the application will be with the agency; meetings with the applicant will be held only with the approval of the agency. If the staff and Committee are able to resolve the conflict, record of the resolution is recorded and a report of that action is made to the Council.

If no resolution is reached, the Project Review Committee notifies the Council that a potential clear and direct threat is proposed and proceeds to the next step.

**Step 4.** The Council makes a final effort to resolve the conflict

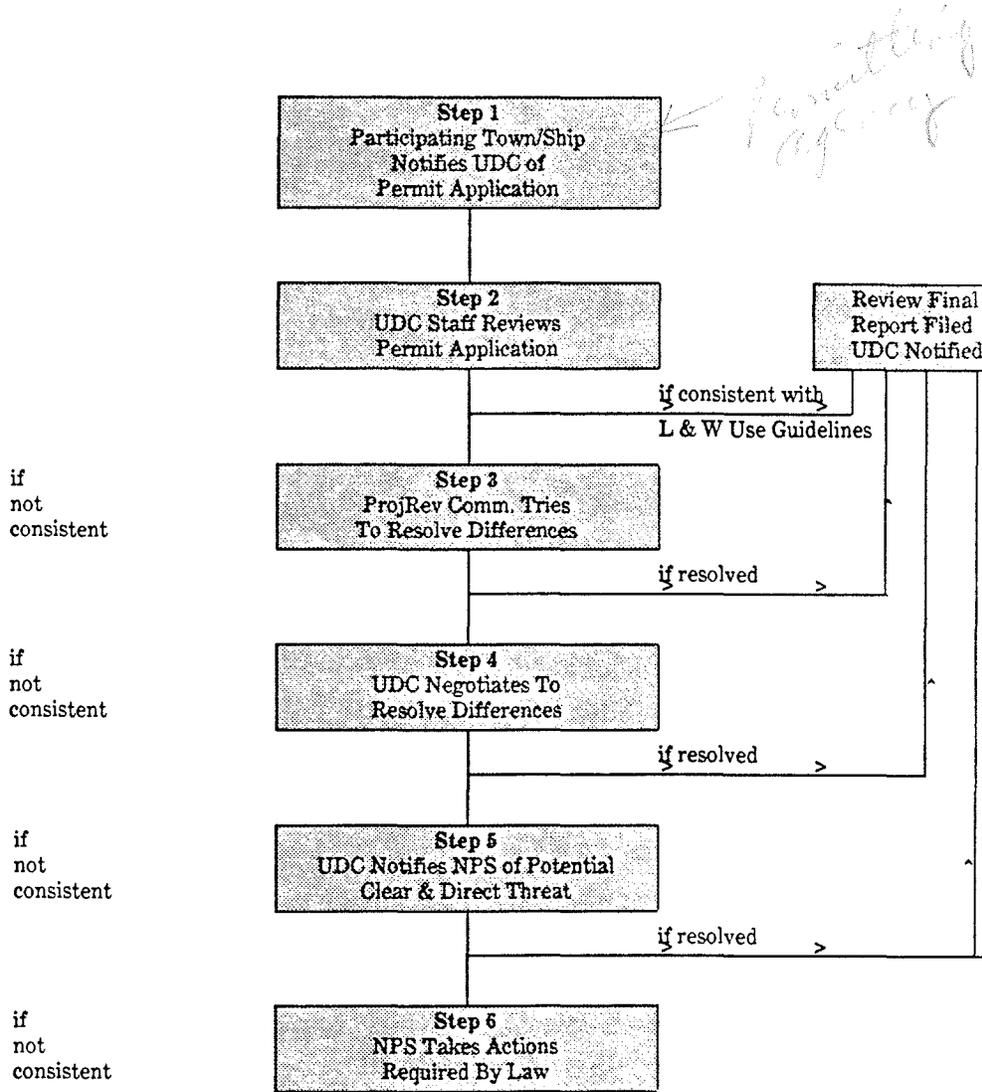
If a satisfactory resolution is still not reached, the Council makes one final effort to resolve the matter. If successful, the resolution is recorded and the Council is notified. If not, the Council proceeds to the next step.

**Step 5.** The Council makes its recommendation to the National Park Service that a clear and direct threat may be proposed

By majority vote at a Council meeting, the Council agrees that a clear and direct threat may be occurring, and it notifies the National Park Service of its recommendation.

**Step 6.** The National Park Service institutes the procedures for the use of the power of eminent domain described in the final river management plan pages 55-57

**Flow Chart**  
**Alternative B and C Project Review Procedures**  
**Review of Non-Local Permit Applications By The Upper Delaware Council**



### Alternative C

This alternative is a combination of Alternatives A and B. When the application is reviewed by the Code Enforcement Officer or the Planning Board/Planning Commission, that office determines whether the action is one that appears on the list of Class II projects. If it is on the list, it checks off the matching action and sends the checklist and a copy of the application to the Council. If it is not on the list, no further action need be taken. Because the application also involves permit(s) from county, state, regional or federal agencies, the Council will also be notified by mail by such agency or agencies of the permit application.

**Step 1.** The Upper Delaware Council is notified of the proposed action by the town/ship and by the permitting agency

Council staff will review the application and verify whether it is on the list of significant projects. If not, the application is recorded and reported to the Council.

If it is on the list, the Council staff will contact the code enforcement officer or planning board/commission to seek any additional available information about the application. The National Park Service is notified concurrently with the Council.

**Step 2.** Council staff completes the appropriate review checklist

The appropriate checklist for the proposed development will then be completed. If the staff finds that the development meets the applicable criteria, it is recorded and a report of that review is made to the Council.

If the staff finds that the development does not meet the applicable criteria, it notifies the Project Review Committee and proceeds to the next step.

**Step 3.** Council staff and Project Review Committee negotiate with the code enforcement officer, planning board/commission or permitting agency, as necessary, to resolve the differences

The staff and Project Review Committee will meet with the code enforcement officer, planning board/planning commission or permitting agency, as necessary to resolve the problem. All contacts will be with the local, state, regional or federal agency or agencies; meetings with the applicant will be held only with the approval of the agency. If the staff and Committee are able to resolve the conflict, record of the resolution is recorded and a report of that action is made to the Council.

If no resolution is reached, the Project Review Committee notifies the Council that a potential clear and direct threat is proposed and proceeds to the next step.

**Step 4.** The Council makes a final effort to resolve the conflict

If a satisfactory resolution is still not reached, the Council makes one final effort to resolve the matter. If successful, the resolution is recorded and the Council is notified. If not, the Council proceeds to the next step.

**Step 5.** The Council makes its recommendation to the National Park Service that a clear and direct threat may be proposed

By majority vote at a Council meeting, the Council agrees that a clear and direct threat may be occurring that would take the town/ship out of substantial conformance, and it notifies the National Park Service of its recommendation.

**Step 6.** The National Park Service institutes the procedures for the use of the power of eminent domain described in the final river management plan pages 55-57

### Significant Projects Report Form

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Action: \_\_\_\_\_

Town in which affected property is located:

\_\_\_ A. Hancock

\_\_\_ F. Highland

\_\_\_ K. Damascus

\_\_\_ B. Fremont

\_\_\_ G. Lumberland

\_\_\_ L. Berlin

\_\_\_ C. Delaware

\_\_\_ H. Deerpark

\_\_\_ M. Lackawaxen

\_\_\_ D. Cocheton

\_\_\_ I. Buckingham

\_\_\_ N. Shohola

\_\_\_ E. Tusten

\_\_\_ J. Manchester

\_\_\_ O. Westfall

The river corridor has three land management classifications: scenic, recreational, and hamlet. Check the management area(s) in which the affected property is located:

\_\_\_ Scenic

\_\_\_ Recreational

\_\_\_ Hamlet

Section, Block, and Lot Identification \_\_\_\_\_

Property Owner \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Day Telephone \_\_\_\_\_

Night Telephone \_\_\_\_\_

Date proposal was submitted to the town for review

\_\_\_\_\_

Completed By: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

## Class I and II Significant Project Review Checklist

*This checklist should be used by a town/ship that is participating on the Upper Delaware Council but has not been determined to be in substantial conformance. Town/ships in substantial conformance should use the Class II Significant Project Review Checklist on the following page.*

*Use the checklist below to determine whether the application is for a development that is subject to review. A permit application is not subject to review, if it is not for a property located within the river corridor. Check the 'yes' blank for all that apply. Check the 'no' blank for all that do not apply. If the permit application is for a property that is not located within the river corridor, this form need not be completed, and the Upper Delaware Council need not be notified.*

### Location

**Yes No**

Is this permit application for a property located within the river corridor?

### Class I Review

**Yes No**

- 1. 5 or more lots or equivalent dwelling units (page SP - 13)
- 2. Multi-family residential (page SP - 15)
- 3. Subdivisions with new roads or other improvements (page SP - 17)
- 4. New use outside of hamlets, both non-agricultural & non-residential (page SP - 18)
- 5. Project involving 20 acres or more, not single family residential subdivisions (page SP - 19)
- 6. Project involving lot clearing greater than 10%, not single family residential subdivisions (page SP - 20)
- 7. Project involving construction on slopes greater than 15% in grade, not single family residential subdivisions (page SP - 21)
- 8. Subdivisions involving lots less than 2 acres in size (page SP - 22)
- 9. Off premises advertising signs, excluding posting notices (page SP - 24)
- 10. Projects involving construction within 100 feet of the high water mark of the river, excluding agricultural and related structures (page SP - 25)
- 11. Project involving construction or improvements exceeding 35 feet in height, excluding agricultural and related structures (page SP - 26)

**Class II Review****Yes No**

1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance (page SP - 28)
- A. Conditional Use Permit
- B. Special Use Permit
- C. Site Plan Review
2. Subdivision of 25 or more lots (page SP - 30)
3. River-related recreational use purposes (page SP - 31)
4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services (page SP - 32)
5. Projects to be constructed, permitted, or operated by government agencies (page SP - 33)

## Class II Significant Project Review Checklist

*This checklist should be used by a town/ship that is participating on the Upper Delaware Council and is in substantial conformance.*

*Use the checklist below to determine whether the application is for a development that is subject to review. Check the 'yes' blank for all that apply. Check the 'no' blank for all that do not apply. If the permit application is for a property that is not located within the river corridor, it is not subject to review, this form need not be completed, and the Upper Delaware Council need not be notified.*

### Location

Yes No

Is this permit application for a property located within the river corridor?

### Class II Review

Yes No

1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance (page SP - 28)
- A. Conditional Use Permit
- B. Special Use Permit
- C. Site Plan Review
2. Subdivision of 25 or more lots (page SP - 30)
3. River-related recreational use purposes (page SP - 31)
4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services (page SP - 32)
5. Projects to be constructed or operated by government agencies (page SP - 33)

## Class I Projects

### How To Use This Section

*The following section is designed for use by the Upper Delaware Council as a guide in determining whether a proposed development meets the principles and objectives of the Upper Delaware Land and Water Use Guidelines. Planning boards/commissions may wish to make use of these checklists when considering permit applications.*

If an item on that list is checked 'yes':

- Use the corresponding checklist in the following pages to determine whether the development proposal meets the appropriate elements of the Land and Water Use Guidelines for that type of development. A project meets the objective if one or more alternatives methods is checked 'yes'.
- When the checklist is completed, combine it with the appropriate report form and permit application received from the affected unit of government.
- Go to the Project Review Tracking Program (the computerized database) and fill in any additional information that is appropriate. Print out the Staff Recommendation Report Form, if appropriate.
- Refer to the project review steps (pages SP -3 thru SP -7) for the next step to follow.

## Class I Projects

### Review Criterion #1

#### Subdivisions and single-family residential buildings or developments of five or more lots or equivalent dwelling units

*NOTE: When reviewing subdivision plats, these standards need only be considered when construction is proposed in the submitted plan.*

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Requiring a professional engineer's plan for projects over 15% in grade; or
- B. Requiring larger lot sizes for projects over 15% in grade; or
- C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- E. Other (Explain) \_\_\_\_\_

**A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- D. Other (Explain) \_\_\_\_\_

**A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.
- C. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

- A. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- B. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- C. Other (Explain) \_\_\_\_\_

## Review Criterion #2

### Multi-family residential units

*NOTE: When reviewing subdivision plats, these standards need only be considered when construction is proposed in the submitted plan.*

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Requiring a professional engineer's plan for projects over 15% in grade; or
- B. Requiring larger lot sizes for projects over 15% in grade; or
- C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- E. Other (Explain) \_\_\_\_\_

**A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- D. Other (Explain) \_\_\_\_\_

**A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.
- C. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

- A. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- B. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- C. Other (Explain) \_\_\_\_\_

### Review Criterion #3

#### Subdivisions involving construction of new roads and other improvements

**E.2 Promote the conservation of river corridor resources by ensuring that town, county, state and federal agencies adhere to the following guideline:**

- \_\_\_ A. New paved four lane roads and bridges should not be constructed in the river corridor. Major highway widening projects on already passable roads meeting state specifications within those sections of the river classified as Scenic should be discouraged. Towns should also, in reviewing subdivision and road plans consider waiving pavement width requirements to preserve scenery and vegetation. Safety improvement projects such as the addition of passing lanes shall be excluded.

*NOTE: These standards need only be considered for new road construction and similar improvements when building construction is proposed in the submitted plan. Also remember that pertinent state regulations may apply in some circumstances.*

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- \_\_\_ A. Requiring a professional engineer's plan for projects over 15% in grade; or
- \_\_\_ B. Requiring larger lot sizes for projects over 15% in grade; or
- \_\_\_ C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- \_\_\_ D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- \_\_\_ E. Other (Explain) \_\_\_\_\_

**A.2. Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- \_\_\_ A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- \_\_\_ B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- \_\_\_ C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- \_\_\_ D. Other (Explain) \_\_\_\_\_

**Review Criterion #4**

**Non-agricultural or non-residential projects, including new uses and the expansion or change of existing uses, outside of hamlets**

*Any development proposals that fall within this category should first be checked against the Schedule of Compatible, Conditional, and Incompatible Uses and then against the principles and objectives contained in the Land and Water Use Guidelines.*

## Review Criterion #5

### Projects or developments in the river corridor, other than single-family residential subdivisions, involving the use of more than 20 acres

*Development proposals for land areas greater than 20 acres that fall under this category should first be checked against the Schedule of Compatible, Conditional, and Incompatible Uses and then against the principles and objectives contained in the Land and Water Use Guidelines.*

*Development proposals that fall under this category for construction on slopes greater than 15% in grade should be checked against the list that follows.*

#### A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:

- A. Conditional use/special use review for projects over 15% in grade; or
- B. Requiring a professional engineer's plan for projects over 15% in grade; or
- C. Requiring larger lot sizes for projects over 15% in grade; or
- D. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- E. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- F. Other (Explain) \_\_\_\_\_

#### A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Requiring conditional use/special use review of projects involving greater than 10% lot coverage or impervious surface coverage; or
- D. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- E. Other (Explain) \_\_\_\_\_

**Review Criterion #6**

**Projects involving the clearing for building purposes of more than 10% of a lot, other than single-family residential subdivisions**

**A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Requiring conditional use/special use review of projects involving greater than 10% lot coverage or impervious surface coverage; or
- D. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- E. Other (Explain) \_\_\_\_\_

**Review Criterion #7**

**Project involving construction on slopes greater than 15% in grade, other than single-family residential subdivisions**

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Conditional use/special use review for projects over 15% in grade; or
- B. Requiring a professional engineer's plan for projects over 15% in grade; or
- C. Requiring larger lot sizes for projects over 15% in grade; or
- D. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- E. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- F. Other (Explain) \_\_\_\_\_

## Review Criterion #8

### Subdivisions (other than land transfers for lot improvement purposes) involving lots of less than 2 acres in size

*NOTE: When reviewing subdivision plats, these standards need only be considered when construction is proposed in the submitted plan.*

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Requiring a professional engineer's plan for projects over 15% in grade; or
- B. Requiring larger lot sizes for projects over 15% in grade; or
- C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- E. Other (Explain) \_\_\_\_\_

**A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- D. Other (Explain) \_\_\_\_\_

**A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.
- C. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

- A. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- B. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- C. Other (Explain) \_\_\_\_\_

### Review Criterion #9

#### Off-premises advertising signs, excluding land posting notices

#### B.4 Prevent unnecessary sign proliferation by limiting off-premises signs by:

- A. Prohibiting off-premises advertising signs, except those informational signs recommended by the Council used for directing visitors to public access areas; or
- B. Making advertising signs conditional/special uses with design standards requiring signs harmonize with the surrounding landscape, and providing no flashing, oscillating or illuminated signs are permitted; or
- C. Limiting the size of signs to 32 square feet and the placement of signs to 1 per 1000 linear feet of frontage or 2 per advertiser, whichever is less. River frontage should be limited to 1 per riverfront facility and related to providing directions.
- D. Other (Explain) \_\_\_\_\_

*Public signs, safety signs, announcement signs, temporary signs, professional signs, home occupation signs, farm product signs, political signs, construction signs and for rent/for sale signs do not require a permit but:*

- A. Should be limited to less than 10 square feet in size and two signs per property.
- B. Other (Explain) \_\_\_\_\_

*NOTE: This does not apply to institutional or trespassing signs.*

**Review Criterion #10**

**Projects involving construction or improvements within 100 feet of the high water mark of the river, excluding agricultural and related structures.**

**A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Making construction within 100 feet of the river subject to conditional/special use permits with requirements for plants to prevent erosion; or
- C. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.
- D. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

- A. Requiring conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline; or
- B. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- C. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- D. Other (Explain) \_\_\_\_\_

**Review Criterion #11**

**Projects involving construction or improvements exceeding 35 feet in height, excluding agricultural and related structures**

**B.2 Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures by:**

A. Limiting building height to 35 feet with exceptions for farm structures, water and grain towers, small windmills, bridges, etc.; or

B. Making structures over 35 feet conditional/special uses.

C. Other (Explain) \_\_\_\_\_

## Class II Projects

### How To Use This Section

*The following section is designed for use by the Upper Delaware Council as a guide in determining whether a proposed development meets the principles and objectives of the Upper Delaware Land and Water Use Guidelines. Planning boards/commissions may wish to make use of these checklists when considering permit applications.*

If an item on that list is checked 'yes':

- Use the corresponding checklist in the following pages to determine whether the development proposal meets the appropriate elements of the Land and Water Use Guidelines for that type of development. A project meets the objective if one or more alternative methods is checked 'yes'.
- When the checklist is completed, combine it with the appropriate report form and permit application received from the affected unit of government.
- Go to the Project Review Tracking Program (the computerized database) and fill in any additional information that is appropriate. Print out the Staff Recommendation Report Form, if appropriate.
- Refer to the project review steps (pages SP -3 thru SP -7) for the next step to follow.

## Class II Projects

### Review Criterion #1

**Projects subject to conditional use, special use permits, and site plan review procedures under local ordinances or which, if approved, would take a town out of substantial conformance with the guidelines**

*NOTE: These standards need only be considered for new road construction and similar improvements when building construction is proposed in the submitted plan. Also remember that pertinent state regulations may apply in some circumstances.*

*Development proposals for projects that fall under this category should first be checked against the Schedule of Compatible, Conditional, and Incompatible Uses and then against the following principles and objectives contained in the Land and Water Use Guidelines.*

#### **A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Requiring a professional engineer's plan for projects over 15% in grade; or
- B. Requiring larger lot sizes for projects over 15% in grade; or
- C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- E. Other (Explain) \_\_\_\_\_

#### **A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increase; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- D. Other (Explain) \_\_\_\_\_

#### **A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks or septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Requiring plantings for those projects within 100 feet of the river so as prevent erosion; or

C. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.

D. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridge lines through one or more of the following measures:**

A. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or

B. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.

C. Other (Explain) \_\_\_\_\_

**C.2 Provide for the orderly development, operation, and maintenance of all recreational uses by:**

A. Requiring public facilities to meet the same standards as private ones; and

B. Requiring all river-related recreational facilities to comply with state health regulations; and

C. Site disturbance should be limited and vegetative screening required where necessary. For erosion control purposes, access to the river bank should be limited.

D. Other (Explain) \_\_\_\_\_

**D.2 Encourage the appropriate location and mitigate the effects of certain intensive livestock operations which are likely to create problems of waste disposal or odors by:**

A. Prohibiting intensive livestock operations within the river corridor; or

B. Implementing standards based on a ratio of livestock to acreage or similar concepts.

C. Other (Explain) \_\_\_\_\_

**Review Criterion #2**

**Subdivisions of 25 or more lots within the river corridor**

**A.1 Soil erosion and sedimentation from construction on steep slopes is limited by:**

- A. Requiring a professional engineer's plan for projects over 15% in grade; or
- B. Requiring larger lot sizes for projects over 15% in grade; or
- C. Requiring slopes of less than 16% in grade for the location of all principal structures (with the exception of agricultural and forestry uses, gardens etc.); or
- D. Restricting development on lots over 15% in grade so that no more than 10% of the lot is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural and forestry uses.
- E. Other (Explain) \_\_\_\_\_

**A.2 Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:**

- A. Limiting lot coverage or impervious surface coverage to 10% on small lots. Employment of a sliding scale decreasing allowable percentage of impervious lot coverage as lot size increases; or
- B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or
- C. Limiting impervious surface coverage to 12,000 square feet per dwelling unit or equivalent unit.
- D. Other (Explain) \_\_\_\_\_

**A.3 Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet; or
- B. Prohibiting principal structures in erosion hazard areas as mapped or defined by towns/townships and recognized by the Upper Delaware Council.
- C. Other (Explain) \_\_\_\_\_

**A.4 Protect special erosion hazard areas along the ridgelines through one or more of the following measures:**

- A. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- B. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- C. Other (Explain) \_\_\_\_\_

**Review Criterion #3**

**River-related recreational use projects**

**C.2a Provide for the orderly development, operation and maintenance of campgrounds and recreational parks by:**

- A. Limiting gross density to not more than 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent camping; and
- B. Requiring a minimum of 10 acres of land for a recreational vehicle park and a minimum of 5 acres for tent campgrounds (unless subjected to site plan review); and
- C. Prohibiting permanent or long-term occupancy of any campsite and prohibiting any permanent structures on any individual campsite (other than tent platforms and concrete pads); and
- D. Prohibiting independent onsite sewage disposal or water supply systems for individual recreational vehicle campsites.
- E. Other (Explain) \_\_\_\_\_

**C.2b Provide for the orderly development, operation and maintenance of boat liveries and other recreational uses by:**

- A. Requiring a minimum of two acres for any new river-related recreational facility used for the parking of vehicles or the erection of any structures.
- B. Other (Explain) \_\_\_\_\_

**C.2c Provide for the orderly development, operation, and maintenance of all recreational uses by:**

- A. Requiring public facilities to meet the same standards as private ones; and
- B. Requiring all river-related recreational facilities to comply with state health regulations; and
- C. Requiring all proposed river-related recreational facilities be subject to site plan or conditional use review. Site disturbances should be limited and vegetative screening required where necessary. For erosion control purposes, access to the river bank should be limited.
- D. Other (Explain) \_\_\_\_\_

### Review Criterion #4

**Projects involving stream discharge of sewage effluent or the use of central sewage or water services**

**E.2 Ensure town, county, state and federal activities will promote the conservation of river corridor resources by following the guidelines offered below:**

\_\_\_ A. Prohibiting the location of sewage treatment plants and municipal sewer interceptor lines on lands with frontage on the river or on any agricultural lands except with respect to existing hamlets or in circumstances where a community is under state or federal orders to do so

\_\_\_ B. Other (Explain) \_\_\_\_\_

**Review Criterion #5****Projects involving facilities in the river corridor to be constructed or operated by governmental agencies**

*Development proposals for projects that fall under this category should first be checked against the Schedule of Compatible, Conditional, and Incompatible Uses, then against the list that follows, and then against the principles and objectives contained in the Land and Water Use Guidelines.*

- \_\_\_ A. Prohibiting the location of sewage treatment plants and municipal sewer interceptor lines on lands with frontage on the river or on any agricultural lands except with respect to existing hamlets or in circumstances where a community is under state or federal orders to do so; and
- \_\_\_ B. Prohibiting new impoundments of the Upper Delaware River, or any tributary which is within the boundaries of the river area. Exceptions for small agricultural ponds not on tributaries, eel weirs and other stream improvement structures for fishery management purposes can be made; and
- \_\_\_ C. Prohibiting new paved four lane roads and bridges. Major highway widening projects on already passable roads meeting state specifications within those sections of the river classified as Scenic should be discouraged. Towns should also, in reviewing subdivision and road plans consider waiving pavement width requirements to preserve scenery and vegetation. Safety improvement projects such as the addition of passing lanes shall be excluded; and
- \_\_\_ D. Prohibiting major oil and gas transmission lines and refining/production facilities for other than local service. Individual wells and lines constructed to provide service to or collect from individual customers or wells will be permitted; and
- \_\_\_ E. Prohibiting the mining of uranium and disposal of low or high level radioactive or toxic wastes in the river corridor; and
- \_\_\_ F. Prohibiting large scale groundwater withdrawal projects for low-flow stream augmentation or other water diversion projects; and
- \_\_\_ G. Prohibiting power plants, stream channelization and other projects listed as incompatible uses in the Schedule of Uses.
- \_\_\_ H. Other (Explain) \_\_\_\_\_

## **Review of Special Uses, Conditional Uses, and Incompatible Land Uses**

The Schedule of Compatible, Conditional, and Incompatible Land Uses on page 134 in the Final River Management Plan is reviewable through the Significant Projects Review procedures defined elsewhere in this guidebook. Specifically, they are governed by the first Class II project review criterion. This is a project subject to conditional use permit, special use permit, or site plan review which, if approved, could pose a clear and direct threat to the river corridor and take a town out of substantial conformance with the Final River Management Plan. Projects falling under this review would be reviewed in all town/ships, both in substantial conformance and not in substantial conformance. The conditions governing the review are stated in the definitions listed for each item in Section 5 of the Land and Water Use Guidelines (pages 126-132).

The schedule (page 134 of the Final River Management Plan) defines nine variables. Across the page, they are compatible uses, appropriate conditional/special uses, and incompatible uses. Down the page, they are scenic river segments, recreational river segments, and hamlet areas. Since only conditional use permits, special use permits and permits for incompatible uses may trigger acquisition activities by the National Park Service, they are the focus of this review procedure.

The schedule shows that special uses/conditional uses that are appropriate in scenic and recreational segments are also appropriate in hamlet areas. Similarly, special uses/conditional uses that are appropriate in scenic river areas are appropriate also in recreational river areas. Only projects that are listed as appropriate special uses/conditional uses in scenic river segments are appropriate for those segments. The less restrictive guidelines will not apply.

Projects identified as incompatible in hamlet areas are incompatible throughout the river corridor. Incompatible projects in recreational river segments are also incompatible in scenic segments. Finally, projects identified as incompatible in scenic river segments are incompatible only in those scenic river segments, and therefore may be appropriate conditional/special uses in recreational segments or principal uses in hamlet areas.

In the checklists that follow, a project is an appropriate conditional use/special use only if it meets each of the conditions identified for it in this section, and it meets the criteria defined in the Class II significant project review procedures for conditional use permits, special use permits, and site plan reviews.

## Scenic River Segments

### Appropriate Special Uses/Conditional Uses

- 1. Sawmills
  - a. An establishment for processing logs into finished or semi-finished lumber
  - b. It is not an establishment of a major wood products industry or lumberyard nature
- 2. Other Commercial Development
  - a. A new recreational use designed for relatively short use periods
  - b. It provides only rudimentary visitor services
  - c. It does not include infrastructure development except as required to meet state health codes
  - d. It typically includes such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ball fields
- 3. Cluster Development
  - a. It is a development that concentrates buildings on specific areas of a site
  - b. The remaining land is used for recreation, open space, and preservation of environmentally sensitive features
  - c. Its density does not exceed one primary structure per two acres of land
- 4. Small Craft Shops Set Back from River
  - a. It is an establishment for the sale of items which require the maker to have manual dexterity or artistic skill
  - b. It typically includes but is not limited to such crafts as pottery, carpentry, and sewing shops
  - c. It is set back substantially from the river
- 5. Boarding Homes
  - a. It is a lodging house at which meals are provided
  - b. It is not a bed and breakfast establishment
  - c. It is not a small motel or small hotel
- 6. Small Motels
  - a. It is a small building or set of buildings which contains living or sleeping accommodations used primarily for transient occupancy
  - b. It has individual entrances from outside the building to serve such living and sleeping

\_\_\_ c. It meets the following conditions

\_\_\_ 1. It does not exceed 12 rental units in size

\_\_\_ 2. It is located immediately adjacent to an arterial road

\_\_\_ 3. It is compatible with the natural and scenic characteristics for which the river was designated

\_\_\_ 7. Small Hotels

\_\_\_ a. It is a building in which lodging or boarding are provided and offered for compensation

\_\_\_ b. Ingress and egress to and from all rooms are made through an inside lobby

\_\_\_ c. It includes but is not limited to facilities such as country inns and youth hostels

\_\_\_ d. It meets the following conditions

\_\_\_ 1. It does not exceed 12 rental units in size

\_\_\_ 2. It is located immediately adjacent to an arterial road

\_\_\_ 3. It is compatible with the natural and scenic characteristics for which the river was designated

\_\_\_ 8. Bait and Tackle Shops

\_\_\_ a. It is a retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public

\_\_\_ 9. Gas/Oil Fields and Lines

\_\_\_ a. It is any oil or natural gas exploration activity such as drilling or seismic testing, or any new operation which extracts petroleum related products such as crude oil or natural gas from the earth

\_\_\_ b. It does not include a major oil or gas transmission line

\_\_\_ 10. Minor Surface Mining Operations

\_\_\_ a. It is a new extraction of minerals by, but not limited to, strip mining, dredging, or quarrying

\_\_\_ b. It does not exceed two acres of active face at one time

\_\_\_ c. It does not include a land area for accessory use that exceeds the size of the active face and is not larger than two acres

\_\_\_ d. It is not a major surface mining operation

\_\_\_ 11. Garden Apartments

\_\_\_ a. It is a building not more than two-and-one-half stories high

\_\_\_ b. It does not contain more than two dwelling units

\_\_\_ 12. Townhouses

\_\_\_ a. It is a group of single-family dwellings not more than two-and-one-half stories high constructed as part of series of dwellings

\_\_\_ b. The dwellings are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs

### Scenic River Segment Incompatible Uses

- \_\_\_ 1. Intensive Use Recreational Facilities
  - \_\_\_ a. It is a recreational use likely to require significant amounts of parking, restroom facilities and other accessory services
  - \_\_\_ b. It includes, but is not limited to,
    - \_\_\_ 1. boat rentals
    - \_\_\_ 2. canoe or other watercraft liveries
    - \_\_\_ 3. recreational vehicle campgrounds
    - \_\_\_ 4. golf courses
    - \_\_\_ 5. public recreational facilities
    - \_\_\_ 6. clubhouses
  - \_\_\_ c. It does not include lands used as access points only, whether publicly or privately operated
  - \_\_\_ d. It does not include major commercial recreational development
  - \_\_\_ e. It does not include town open space parks, playgrounds or ball fields
- \_\_\_ 2. Other Commercial Development
  - \_\_\_ a. This includes all commercial development that is:
    - \_\_\_ 1. listed as incompatible in designated recreational river segments
    - \_\_\_ 2. not listed as an appropriate special/conditional use in designated scenic segments
    - \_\_\_ 3. not listed as a compatible use in designated scenic river segments
- \_\_\_ 3. Institutional Uses
  - \_\_\_ a. Any land use, generally serving no less than 25 persons at one time, for the following public or private purposes:
    - \_\_\_ 1. Educational Facilities
      - \_\_\_ - universities, colleges
      - \_\_\_ - elementary, secondary and vocational schools
      - \_\_\_ - kindergartens and nurseries

<p>___ 2. Cultural Facilities</p> <p>___ - libraries, galleries, museums</p> <p>___ - concert halls, theaters, and the like</p> <p>___ 3. Hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital</p> <p>___ 4. Medical and Health Service Facilities</p> <p>___ - nursing homes</p> <p>___ - supervised residential institutions</p> <p>___ - rehabilitation therapy centers</p> <p>___ - public health facilities</p> <p>___ 5. Military Facilities</p> <p>___ 6. Law Enforcement Facilities</p> <p>___ 7. Similar Facilities, including but not limited to:</p> <p>___ - Small day care centers</p> <p>___ - Montessori schools</p> <p>___ - institutional re-uses of existing properties</p> <p>___ 4. Major Commercial Development</p> <p>___ a. It is a commercial use with 2,000 feet or more of floor space or five or more employees or workers</p> <p>___ b. It does not include minor commercial development</p> <p>___ 5. Industrial Uses</p> <p>___ a. It is an establishment, other than a home occupation, used for the assembly, manufacturing or processing of goods</p> <p>___ b. It does not include farming</p> <p>___ 6. Other Motels</p> <p>___ a. It is a building or set of buildings which contains living accommodations used primarily for transient occupancy</p> <p>___ b. It has individual entrances from outside the building to serve such living and sleeping</p> <p>___ c. It does not include small motels</p>
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- 7. Other Hotels
  - a. It is a building in which lodging or boarding are provided and offered for compensation
  - b. Ingress and egress to and from all rooms are made through an inside lobby
  - c. It does not include small hotels
  - d. It does not include boarding houses
- 8. Heavy Industrial Use
  - a. It is a use involving the manufacturing, production or refining of raw materials or the large scale assembly of component parts for non-local distribution or consumption
  - b. The use typically involves the generation of waste by-products, extensive buildings and ancillary transportation modes
  - c. It does not include home occupation
  - d. It does not involve traditional activities such as lumber yards or dairy processing plants
  - e. It does not include light industrial uses
  - f. It does not include farming
- 9. Junkyard
  - a. It is a new commercial use of land, with or without buildings, principally for the outside storage, dismantling, processing, salvage and sale of uses and discarded materials
  - b. It includes, but is not limited to, the handling of wastepaper, rags, metal, building materials, house furnishings, machines, and vehicles or parts of vehicles
  - c. It does not include yard sales or flea markets
- 10. Subsurface Mining Operation
- 11. Major Surface Mining Operation
  - a. It is a new land use involving the extraction of minerals from the earth from active operations exceeding two acres in size
  - b. It includes, but is not limited to, strip mining, dredging, quarrying, coal mining and uranium mining
  - c. It does not include minor surface mining operations

\_\_\_ 12. Impoundment

- \_\_\_ a. It is any body of water formed on a tributary, brook, stream, kill, or river by any new manmade structure within the boundary of the designated river
- \_\_\_ b. It does not include structures for fishery management such as eel weirs
- \_\_\_ c. It does not include small agricultural ponds not on tributaries

\_\_\_ 13. Channel Modification

- \_\_\_ a. It is an action that will widen, deepen, realign or line a stream channel within the designated river area
- \_\_\_ b. It does not include modifications to support existing highways, bridges or railroads

\_\_\_ 14. Landfills

- \_\_\_ a. It is any new site where trash or refuse is buried as part of a public or private business operation
- \_\_\_ b. It includes sites for the disposal of toxic or radioactive wastes

\_\_\_ 15. Major Airports

- \_\_\_ a. It is a tract of land that is maintained with a paved runway for the landing and taking off of aircraft and for the receiving and discharging of passengers and cargo

\_\_\_ 16. Paved 4-Lane Roads and Bridges

- \_\_\_ a. It is any construction of new arterial highways and bridges or widening of highways from two to four lanes.
- \_\_\_ b. It does not include the repaving of existing highways or bridges repair projects
- \_\_\_ c. It does not include the construction or repair of two lane roads and bridges

\_\_\_ 17. Marinas

- \_\_\_ a. It is any new commercial boat basin providing secure mooring for motorboats.
- \_\_\_ b. It does not include livery operations and individual residential boat docks

\_\_\_ 18. Power Generating Stations

- \_\_\_ a. It is any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil, or natural gas, nuclear power, or hydropower

\_\_\_ 19. Major Electric Lines

\_\_\_ a. It is any new electric power line, cable, or conduit used for the transmission of power between two points that satisfies either of the two following conditions:

\_\_\_ 1. It has the following design characteristics:

\_\_\_ - a design capacity of 125 kilovolts or greater

\_\_\_ - it extends one or more miles in length; or

\_\_\_ 2. It has the following design characteristics:

\_\_\_ - a design capacity of 100 to 125 kilovolts

\_\_\_ - it extends ten or more miles in length

\_\_\_ b. It does not include telephone or electric distribution lines

\_\_\_ 20. Ice Breaking Structures

\_\_\_ a. It is a facility or structure placed within the river or on its banks for the purpose of breaking up ice

\_\_\_ b. It does not include structures or measures employed to protect individual existing structures

\_\_\_ 21. Major Commercial Recreational Development

\_\_\_ a. It is any new recreational use which would have significant impacts on land and water resource values

b. \_\_\_ It includes, but is not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds, and sports arenas

\_\_\_ c. It does not include retail sales, boat rentals and similar uses

\_\_\_ 22. Major Oil and Gas Transmission Lines

\_\_\_ a. It is any pipe or conduit used for the transmission of natural gas, oil or other fuel which is 1,000 feet or longer

\_\_\_ b. It is under pressure of 125 pounds per square inch or greater

\_\_\_ c. It does not include natural gas, oil, or other fuel distribution lines for residential, industrial or commercial use

## Recreational Segments

### Appropriate Special Uses/Conditional Uses

- \_\_\_ 1. Sawmills
  - \_\_\_ a. An establishment for processing logs into finished or semi-finished lumber
  - \_\_\_ b. It is not an establishment of a major wood products industry or lumberyard nature
- \_\_\_ 2. Other Recreational Uses
  - \_\_\_ a. A new recreational use designed for relatively short use periods
  - \_\_\_ b. It provides only rudimentary visitor services
  - \_\_\_ c. It does not include infrastructure development except as required to meet state health codes
  - \_\_\_ d. It typically includes such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ball fields
- \_\_\_ 3. Cluster Development
  - \_\_\_ a. It is a development that concentrates buildings on specific areas of a site
  - \_\_\_ b. The remaining land is used for recreation, open space, and preservation of environmentally sensitive features
  - \_\_\_ c. Its density does not exceed one primary structure per two acres of land
- \_\_\_ 4. Small Craft Shops
  - \_\_\_ a. It is an establishment for the sale of items which require the maker to have manual dexterity or artistic skill
  - \_\_\_ b. It typically includes but is not limited to such crafts as pottery, carpentry, and sewing shops
  - \_\_\_ c. It is set back substantially from the river
- \_\_\_ 5. Boarding Homes
  - \_\_\_ a. It is a lodging house at which meals are provided
  - \_\_\_ b. It is not a bed and breakfast establishment
  - \_\_\_ c. It is not a small motel or small hotel
- \_\_\_ 6. Small Motels
  - \_\_\_ a. It is a small building or set of buildings which contains living or sleeping accommodations used primarily for transient occupancy
  - \_\_\_ b. It has individual entrances from outside the building to serve such living and sleeping

- \_\_\_ c. It meets the following conditions
  - \_\_\_ 1. It does not exceed 12 rental units in size
  - \_\_\_ 2. It is located immediately adjacent to an arterial road
  - \_\_\_ 3. It is compatible with the natural and scenic characteristics for which the river was designated
  
- \_\_\_ 7. Small Hotel
  - \_\_\_ a. It is a building in which lodging or boarding are provided and offered for compensation
  - \_\_\_ b. Ingress and egress to and from all rooms are made through an inside lobby
  - \_\_\_ c. It includes but is not limited to facilities such as country inns and youth hostels
  - \_\_\_ d. It meets the following conditions
    - \_\_\_ 1. It does not exceed 12 rental units in size
    - \_\_\_ 2. It is located immediately adjacent to an arterial road
    - \_\_\_ 3. It is compatible with the natural and scenic characteristics for which the river was designated
  
- \_\_\_ 8. Bait and Tackle Shops
  - \_\_\_ a. It is a retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public
  
- \_\_\_ 9. Gas/Oil Fields and Lines
  - \_\_\_ a. It is any oil or natural gas exploration activity such as drilling or seismic testing, or any new operation which extracts petroleum related products such as crude oil or natural gas from the earth
  - \_\_\_ b. It does not include a major oil or gas transmission line
  
- \_\_\_ 10. Minor Surface Mining Operations
  - \_\_\_ a. It is a new extraction of minerals by, but not limited to, strip mining, dredging, or quarrying
  - \_\_\_ b. It does not exceed two acres of active face at one time
  - \_\_\_ c. It does not include a land area for accessory use that exceeds the size of the active face and is not larger than two acres
  - \_\_\_ d. It is not a major surface mining operation

- \_\_\_ 11. Garden Apartments
- \_\_\_ a. It is a building not more than two-and-one-half stories high
  - \_\_\_ b. It does not contain more than two dwelling units
- \_\_\_ 12. Townhouses
- \_\_\_ a. It is a group of single-family dwellings not more than two-and-one-half stories high constructed as part of series of dwellings
  - \_\_\_ b. The dwellings are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs
- \_\_\_ 13. Other Minor Commercial Development
- \_\_\_ a. It is a commercial use limited to professional offices associated with residences, small neighborhood convenience stores, farm stands or similar retail facilities
  - \_\_\_ b. It has less than 2,000 square feet of floor space or less than five employees or workers
  - \_\_\_ c. It is compatible with the natural and scenic qualities of a designated recreational river
  - \_\_\_ d. It is not a major commercial development
- \_\_\_ 14. Institutional Uses
- \_\_\_ a. Any land use, generally serving no less than 25 persons at one time, for the following public or private purposes
    - \_\_\_ 1. Educational Facilities
      - \_\_\_ - universities, colleges
      - \_\_\_ - elementary, secondary and vocational schools
      - \_\_\_ - kindergartens and nurseries
    - \_\_\_ 2. Cultural Facilities
      - \_\_\_ - libraries, galleries, museums
      - \_\_\_ - concert halls, theaters, and the like
    - \_\_\_ 3. Hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital
    - \_\_\_ 4. Medical and Health Service Facilities
      - \_\_\_ - nursing homes
      - \_\_\_ - supervised residential institutions
      - \_\_\_ - rehabilitation therapy centers

- public health facilities

5. Military Facilities

6. Law Enforcement Facilities

7. Similar Facilities, including but not limited to:

- Small day care centers

- Montessori schools

- institutional re-uses of existing properties

15. Intensive Use Recreational Facility

a. It is a recreational use likely to require significant amounts of parking, restroom facilities and other accessory services

b. It includes, but is not limited to,

1. boat rentals

2. canoe or other watercraft liveries

3. recreational vehicle campgrounds

4. golf courses

5. public recreational facilities

6. clubhouses

c. It does not include lands used as access points only, whether publicly or privately operated

d. It does not include major commercial recreational development

e. It does not include town open space parks, playgrounds or ball fields

16. Business and Professional Offices

a. It is an office in which an occupation or vocation requiring training or advanced study in a specialized field is practiced

b. It includes, but is not limited to, medical, legal and real estate offices

17. Eating and Drinking Establishments

a. It is a facility that is open to the public and serves as its primary purpose of business prepared food and beverages

### Recreational River Segment Incompatible Uses

- 1. Major Commercial Development
  - a. It is a commercial use with 2,000 feet or more of floor space or five or more employees or workers
  - b. It does not include minor commercial development
- 2. Industrial Uses
  - a. It is an establishment, other than a home occupation, used for the assembly, manufacturing or processing of goods
  - b. It does not include farming
- 3. Other Motels
  - a. It is a building or set of buildings which contains living accommodations used primarily for transient occupancy
  - b. It has individual entrances from outside the building to serve such living and sleeping
  - c. It does not include small motels
- 4. Other Hotels
  - a. It is a building in which lodging or boarding are provided and offered for compensation
  - b. Ingress and egress to and from all rooms are made through an inside lobby
  - c. It does not include small hotels
  - d. It does not include boarding houses
- 5. Heavy Industrial Use
  - a. It is a use involving the manufacturing, production or refining of raw materials or the large scale assembly of component parts for non-local distribution or consumption
  - b. The use typically involves the generation of waste by-products, extensive buildings and ancillary transportation modes
  - c. It does not include home occupation
  - d. It does not involve traditional activities such as lumber yards or dairy processing plants
  - e. It does not include light industrial uses
  - f. It does not include farming

- \_\_\_ 6. Junkyard
  - \_\_\_ a. It is a new commercial use of land, with or without buildings, principally for the outside storage, dismantling, processing, salvage and sale of uses and discarded materials
  - \_\_\_ b. It includes, but is not limited to, the handling of wastepaper, rags, metal, building materials, house furnishings, machines, and vehicles or parts of vehicles
  - \_\_\_ c. It does not include yard sales or flea markets
- \_\_\_ 7. Subsurface Mining Operation
- \_\_\_ 8. Major Surface Mining Operation
  - \_\_\_ a. It is a new land use involving the extraction of minerals from the earth from active operations exceeding two acres in size
  - \_\_\_ b. It includes, but is not limited to, strip mining, dredging, quarrying, coal mining and uranium mining
  - \_\_\_ c. It does not include minor surface mining operations
- \_\_\_ 9. Impoundment
  - \_\_\_ a. It is any body of water formed on a tributary, brook, stream, kill, or river by any new manmade structure within the boundary of the designated river
  - \_\_\_ b. It does not include structures for fishery management such as eel weirs
  - \_\_\_ c. It does not include small agricultural ponds not on tributaries
- \_\_\_ 10. Channel Modification
  - \_\_\_ a. It is an action that will widen, deepen, realign or line a stream channel within the designated river area
  - \_\_\_ b. It does not include modifications to support existing highways, bridges or railroads
- \_\_\_ 11. Landfills
  - \_\_\_ a. It is any new site where trash or refuse is buried as part of a public or private business operation
  - \_\_\_ b. It includes sites for the disposal of toxic or radioactive wastes
- \_\_\_ 12. Major Airports
  - \_\_\_ a. It is a tract of land that is maintained with a paved runway for the landing and taking off of aircraft and for the receiving and discharging of passengers and cargo

\_\_\_ 13. Paved 4-Lane Roads and Bridges

- \_\_\_ a. It is any construction of new arterial highways and bridges or widening of highways from two to four lanes.
- \_\_\_ b. It does not include the repaving of existing highways or bridges repair projects
- \_\_\_ c. It does not include the construction or repair of two lane roads and bridges

\_\_\_ 14. Marinas

- \_\_\_ a. It is any new commercial boat basin providing secure mooring for motorboats.
- \_\_\_ b. It does not include livery operations and individual residential boat docks

\_\_\_ 15. Power Generating Stations

- \_\_\_ a. It is any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil, or natural gas, nuclear power, or hydropower

\_\_\_ 16. Major Electric Lines

- \_\_\_ a. It is any new electric power line, cable, or conduit used for the transmission of power between two points that satisfies either of the two following conditions:
  - \_\_\_ 1. It has the following design characteristics:
    - \_\_\_ - a design capacity of 125 kilovolts or greater
    - \_\_\_ - it extends one or more miles in length; or
  - \_\_\_ 2. It has the following design characteristics:
    - \_\_\_ - a design capacity of 100 to 125 kilovolts
    - \_\_\_ - it extends ten or more miles in length
- \_\_\_ b. It does not include telephone or electric distribution lines

\_\_\_ 17. Ice Breaking Structures

- \_\_\_ a. It is a facility or structure placed within the river or on its banks for the purpose of breaking up ice
- \_\_\_ b. It does not include structures or measures employed to protect individual existing structures

\_\_\_ 18. Major Commercial Recreational Development

- \_\_\_ a. It is any new recreational use which would have significant impacts on land and water resource values
- \_\_\_ b. It includes, but is not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds, and sports arenas

<p>___ c. It does not include retail sales, boat rentals and similar uses</p> <p>___ 19. Major Oil and Gas Transmission Lines</p> <p>___ a. It is any pipe or conduit used for the transmission of natural gas, oil or other fuel which is 1,000 feet or longer</p> <p>___ b. It is under pressure of 125 pounds per square inch or greater</p> <p>___ c. It does not include natural gas, oil, or other fuel distribution lines for residential, industrial or commercial use</p>
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## Hamlet Areas

### Appropriate Special Uses/Conditional Uses

\_\_\_ 1. Light Industrial Uses

\_\_\_ a. It is the assembly, manufacturing, or processing of goods generally involving unobtrusive processes

\_\_\_ b. It includes research, engineering or testing laboratories, assembly from components, fabrication of models, textiles, clothing manufacturing, warehousing distribution centers, wood products industries, etc.

\_\_\_ c. It does not include farming

\_\_\_ d. It does not include home occupations

\_\_\_ 2. Garden Apartments

\_\_\_ a. It is a building not more than two-and-one-half stories high

\_\_\_ b. It does not contain more than two dwelling units

\_\_\_ 3. Townhouses

\_\_\_ a. It is a group of single-family dwellings not more than two-and-one-half stories high constructed as part of series of dwellings

\_\_\_ b. The dwellings are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs

\_\_\_ 4. Sawmills

\_\_\_ a. An establishment for processing logs into finished or semi-finished lumber

\_\_\_ b. It is not an establishment of a major wood products industry or lumberyard nature

\_\_\_ 5. Other Recreational Uses

\_\_\_ a. A new recreational use designed for relatively short use periods

\_\_\_ b. It provides only rudimentary visitor services

\_\_\_ c. It does not include infrastructure development except as required to meet state health codes

\_\_\_ d. It typically includes such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ball fields

- \_\_\_ 6. Cluster Development
  - \_\_\_ a. It is a development that concentrates buildings on specific areas of a site
  - \_\_\_ b. The remaining land is used for recreation, open space, and preservation of environmentally sensitive features
  - \_\_\_ c. Its density does not exceed one primary structure per two acres of land
- \_\_\_ 7. Small Craft Shops
  - \_\_\_ a. It is an establishment for the sale of items which require the maker to have manual dexterity or artistic skill
  - \_\_\_ b. It typically includes but is not limited to such crafts as pottery, carpentry, and sewing shops
  - \_\_\_ c. It is set back substantially from the river
- \_\_\_ 8. Boarding Homes
  - \_\_\_ a. It is a lodging house at which meals are provided
  - \_\_\_ b. It is not a bed and breakfast establishment
  - \_\_\_ c. It is not a small motel or small hotel
- \_\_\_ 9. Small Motels
  - \_\_\_ a. It is a small building or set of buildings which contains living or sleeping accommodations used primarily for transient occupancy
  - \_\_\_ b. It has individual entrances from outside the building to serve such living and sleeping
  - \_\_\_ c. It meets the following conditions
    - \_\_\_ 1. It does not exceed 12 rental units in size
    - \_\_\_ 2. It is located immediately adjacent to an arterial road
    - \_\_\_ 3. It is compatible with the natural and scenic characteristics for which the river was designated
- \_\_\_ 10. Small Hotels
  - \_\_\_ a. It is a building in which lodging or boarding are provided and offered for compensation
  - \_\_\_ b. Ingress and egress to and from all rooms are made through an inside lobby
  - \_\_\_ c. It includes but is not limited to facilities such as country inns and youth hostels

- d. It meets the following conditions
  - 1. It does not exceed 12 rental units in size
  - 2. It is located immediately adjacent to an arterial road
  - 3. It is compatible with the natural and scenic characteristics for which the river was designated
  
- 11. Bait and Tackle Shops
  - a. It is a retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public
  
- 12. Gas/Oil Fields and Lines
  - a. It is any oil or natural gas exploration activity such as drilling or seismic testing, or any new operation which extracts petroleum related products such as crude oil or natural gas from the earth
  - b. It does not include a major oil or gas transmission line
  
- 13. Minor Surface Mining Operations
  - a. It is a new extraction of minerals by, but not limited to, strip mining, dredging, or quarrying
  - b. It does not exceed two acres of active face at one time
  - c. It does not include a land area for accessory use that exceeds the size of the active face and is not larger than two acres
  - d. It is not a major surface mining operation
  
- 14. Garden Apartments
  - a. It is a building not more than two-and-one-half stories high
  - b. It does not contain more than two dwelling units
  
- 15. Townhouses
  - a. It is a group of single-family dwellings not more than two-and-one-half stories high constructed as part of series of dwellings
  - b. The dwellings are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs
  
- 16. Other Minor Commercial Development
  - a. It is a commercial use limited to professional offices associated with residences, small neighborhood convenience stores, farm stands or similar retail facilities
  - b. It has less than 2,000 square feet of floor space or less than five employees or workers

\_\_\_ c. It is compatible with the natural and scenic qualities of a designated recreational river

\_\_\_ 17. Institutional Uses

\_\_\_ a. Any land use, generally serving no less than 25 persons at one time, for the following public or private purposes

\_\_\_ 1. Educational Facilities

- \_\_\_ - universities, colleges
- \_\_\_ - elementary, secondary and vocational schools
- \_\_\_ - kindergartens and nurseries

\_\_\_ 2. Cultural Facilities

- \_\_\_ - libraries, galleries, museums
- \_\_\_ - concert halls, theaters, and the like

\_\_\_ 3. Hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital

\_\_\_ 4. Medical and Health Service Facilities

- \_\_\_ - nursing homes
- \_\_\_ - supervised residential institutions
- \_\_\_ - rehabilitation therapy centers
- \_\_\_ - public health facilities

\_\_\_ 5. Military Facilities

\_\_\_ 6. Law Enforcement Facilities

\_\_\_ 7. Similar Facilities, including but not limited to:

- \_\_\_ - Small day care centers
- \_\_\_ - Montessori schools
- \_\_\_ - institutional re-uses of existing properties

\_\_\_ 18. Intensive Use Recreational Facilities

\_\_\_ a. It is a recreational use likely to require significant amounts of parking, restroom facilities and other accessory services

\_\_\_ b. It includes, but is not limited to,

- \_\_\_ 1. boat rentals

	___	2.	canoe or other watercraft liveries
	___	3.	recreational vehicle campgrounds
	___	4.	golf courses
	___	5.	public recreational facilities
	___	6.	clubhouses
___	19.	Business and Professional Offices	
	___	a.	It is an office in which an occupation or vocation requiring training or advanced study in a specialized field is practiced
	___	b.	It includes, but is not limited to, medical, legal and real estate offices
___	20.	Eating and Drinking Establishments	
	___	a.	It is a facility that is open to the public and serves as its primary purpose of business prepared food and beverages

### Hamlet Area Incompatible Uses

- \_\_\_ 1. Heavy Industrial Uses
  - \_\_\_ a. It is a use involving the manufacturing, production or refining of raw materials or the large scale assembly of component parts for non-local distribution or consumption
  - \_\_\_ b. The use typically involves the generation of waste by-products, extensive buildings and ancillary transportation modes
  - \_\_\_ c. It does not include home occupation
  - \_\_\_ d. It does not involve traditional activities such as lumber yards or dairy processing plants
  - \_\_\_ e. It does not include light industrial uses
  - \_\_\_ f. It does not include farming
- \_\_\_ 2. Junkyards
  - \_\_\_ a. It is a new commercial use of land, with or without buildings, principally for the outside storage, dismantling, processing, salvage and sale of uses and discarded materials
  - \_\_\_ b. It includes, but is not limited to, the handling of wastepaper, rags, metal, building materials, house furnishings, machines, and vehicles or parts of vehicles
  - \_\_\_ c. It does not include yard sales or flea markets
- \_\_\_ 3. Subsurface Mining Operations
- \_\_\_ 4. Major Surface Mining Operations
  - \_\_\_ a. It is a new land use involving the extraction of minerals from the earth from active operations exceeding two acres in size
  - \_\_\_ b. It includes, but is not limited to, strip mining, dredging, quarrying, coal mining and uranium mining
  - \_\_\_ c. It does not include minor surface mining operations
- \_\_\_ 5. Impoundments
  - \_\_\_ a. It is any body of water formed on a tributary, brook, stream, kill, or river by any new manmade structure within the boundary of the designated river
  - \_\_\_ b. It does not include structures for fishery management such as eel weirs
  - \_\_\_ c. It does not include small agricultural ponds not on tributaries

- \_\_\_ 6. Channel Modifications
  - \_\_\_ a. It is an action that will widen, deepen, realign or line a stream channel within the designated river area
  - \_\_\_ b. It does not include modifications to support existing highways, bridges or railroads
- \_\_\_ 7. Landfills
  - \_\_\_ a. It is any new site where trash or refuse is buried as part of a public or private business operation
  - \_\_\_ b. It includes sites for the disposal of toxic or radioactive wastes
- \_\_\_ 8. Major Airports
  - \_\_\_ a. It is a tract of land that is maintained with a paved runway for the landing and taking off of aircraft and for the receiving and discharging of passengers and cargo
- \_\_\_ 9. Paved 4-Lane Roads and Bridges
  - \_\_\_ a. It is any construction of new arterial highways and bridges or widening of highways from two to four lanes.
  - \_\_\_ b. It does not include the repaving of existing highways or bridges repair projects
  - \_\_\_ c. It does not include the construction or repair of two lane roads and bridges
- \_\_\_ 10. Marinas
  - \_\_\_ a. It is any new commercial boat basin providing secure mooring for motorboats.
  - \_\_\_ b. It does not include livery operations and individual residential boat docks
- \_\_\_ 11. Power Generating Stations
  - \_\_\_ a. It is any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil, or natural gas, nuclear power, or hydropower
- \_\_\_ 12. Major Electric Lines
  - \_\_\_ a. It is any new electric power line, cable, or conduit used for the transmission of power between two points that satisfies either of the two following conditions:
    - \_\_\_ 1. It has the following design characteristics:
      - \_\_\_ - a design capacity of 125 kilovolts or greater
      - \_\_\_ - it extends one or more miles in length; or

\_\_\_ 2. It has the following design characteristics:

- \_\_\_ - a design capacity of 100 to 125 kilovolts
- \_\_\_ - it extends ten or more miles in length

\_\_\_ b. It does not include telephone or electric distribution lines

\_\_\_ 13. Ice Breaking Structures

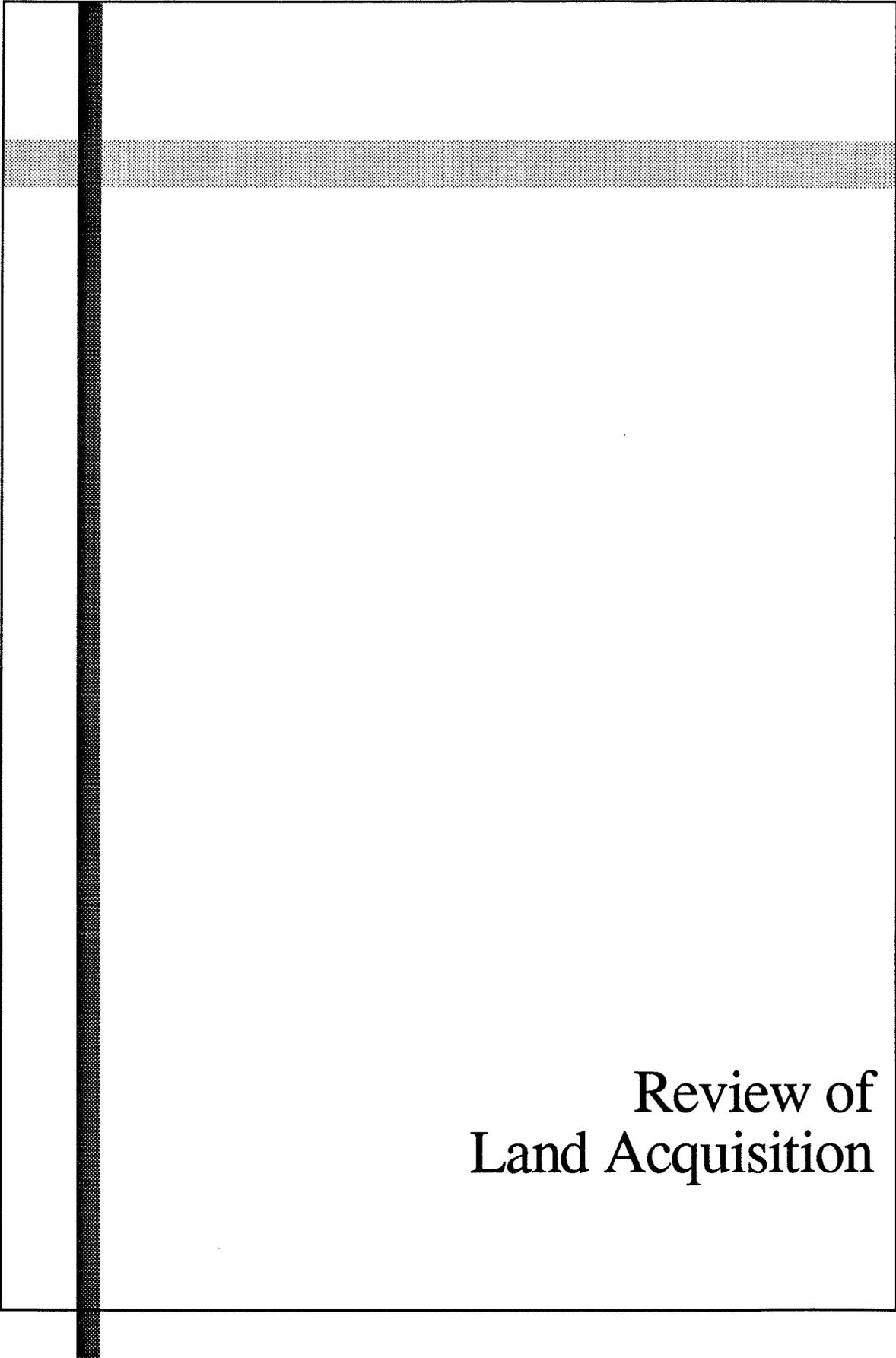
- \_\_\_ a. It is a new facility or structure placed within the river or on its banks for the purpose of breaking up ice
- \_\_\_ b. It does not include structures or measures employed to protect individual existing structures

\_\_\_ 14. Major Commercial Recreational Development

- \_\_\_ a. It is any new recreational use which would have significant impacts on land and water resource values
- \_\_\_ b. It includes, but is not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds, and sports arenas
- \_\_\_ c. It does not include retail sales, boat rentals and similar uses

\_\_\_ 15. Major Oil and Gas Transmission Lines

- \_\_\_ a. It is any pipe or conduit used for the transmission of natural gas, oil or other fuel which is 1,000 feet or longer
- \_\_\_ b. It is under pressure of 125 pounds per square inch or greater
- \_\_\_ c. It does not include natural gas, oil, or other fuel distribution lines for residential, industrial or commercial use

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# Review of Land Acquisition

## **Review of Land Acquisition for Facility Development**

### **How To Use This Section**

The Upper Delaware Council has the responsibility of reviewing all proposed acquisition for the development of facilities by the National Park Service. Facilities include developments such as visitor centers, river access points, ranger stations, information kiosks, and NPS headquarters and related lands and structures. Up to 124 acres may be acquired by the National Park Service for these purposes, according to the River Management Plan. The acreage may be acquired on a willing seller - willing buyer basis only.

The River Management Plan places five controlling limitations on the extent to which the National Park Service may acquire lands to develop facilities. The checklist on the following two pages asks a series of questions that determine the extent to which the National Park Service follows these procedures. Most of the information will be readily available to the Council, but it may be useful to contact the affected property owner(s) to ascertain that the negotiation is proceeding on a voluntary basis.

Copies of the checklist and the results of the Council's review should be maintained as part of the Council's information base, and the results should be announced at a regularly scheduled UDC meeting.

### Federal Land Acquisition Review Checklist

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Acquisition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Identification #: \_\_\_\_\_

In which segment of the river corridor is the river located ? (Check all that apply)

Scenic                       Recreational                       Hamlet

Property Owner: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Day Phone #: \_\_\_\_\_

Night Phone #: \_\_\_\_\_

In which town or township(s) is the proposed acquisition to occur?

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> A. Hancock    | <input type="checkbox"/> F. Highland   | <input type="checkbox"/> K. Damascus   |
| <input type="checkbox"/> B. Fremont    | <input type="checkbox"/> G. Lumberland | <input type="checkbox"/> L. Berlin     |
| <input type="checkbox"/> C. Delaware   | <input type="checkbox"/> H. Deerpark   | <input type="checkbox"/> M. Lackawaxen |
| <input type="checkbox"/> D. Cochection | <input type="checkbox"/> I. Buckingham | <input type="checkbox"/> N. Shohola    |
| <input type="checkbox"/> E. Tusten     | <input type="checkbox"/> J. Manchester | <input type="checkbox"/> O. Westfall   |

Is the town or township in which the property proposed for acquisition is located participating in the Upper Delaware Council?

\_\_\_ A. Yes                      \_\_\_ B. No

If the acquisition is for facility development, does it meet the following criteria?

**Yes/No**

- \_\_\_ A. Management Plan for development by the National Park Service, the Commonwealth of Pennsylvania, or the State of New York
- \_\_\_ B. The proposed facility cannot be properly developed through rental, lease, or other means not involving acquisition of the property
- \_\_\_ C. The proposed acquisition is taking place on a willing seller - willing buyer basis
- \_\_\_ D. The proposed facility has met the requirements of local land use ordinances and has been approved by the affected town(ship)
- \_\_\_ E. The acreage to be acquired is within the limits set for this type of facility and, when added to other facility acquisitions, does not exceed the 124 acre limit specified in the River Management Plan

Other Comments: \_\_\_\_\_

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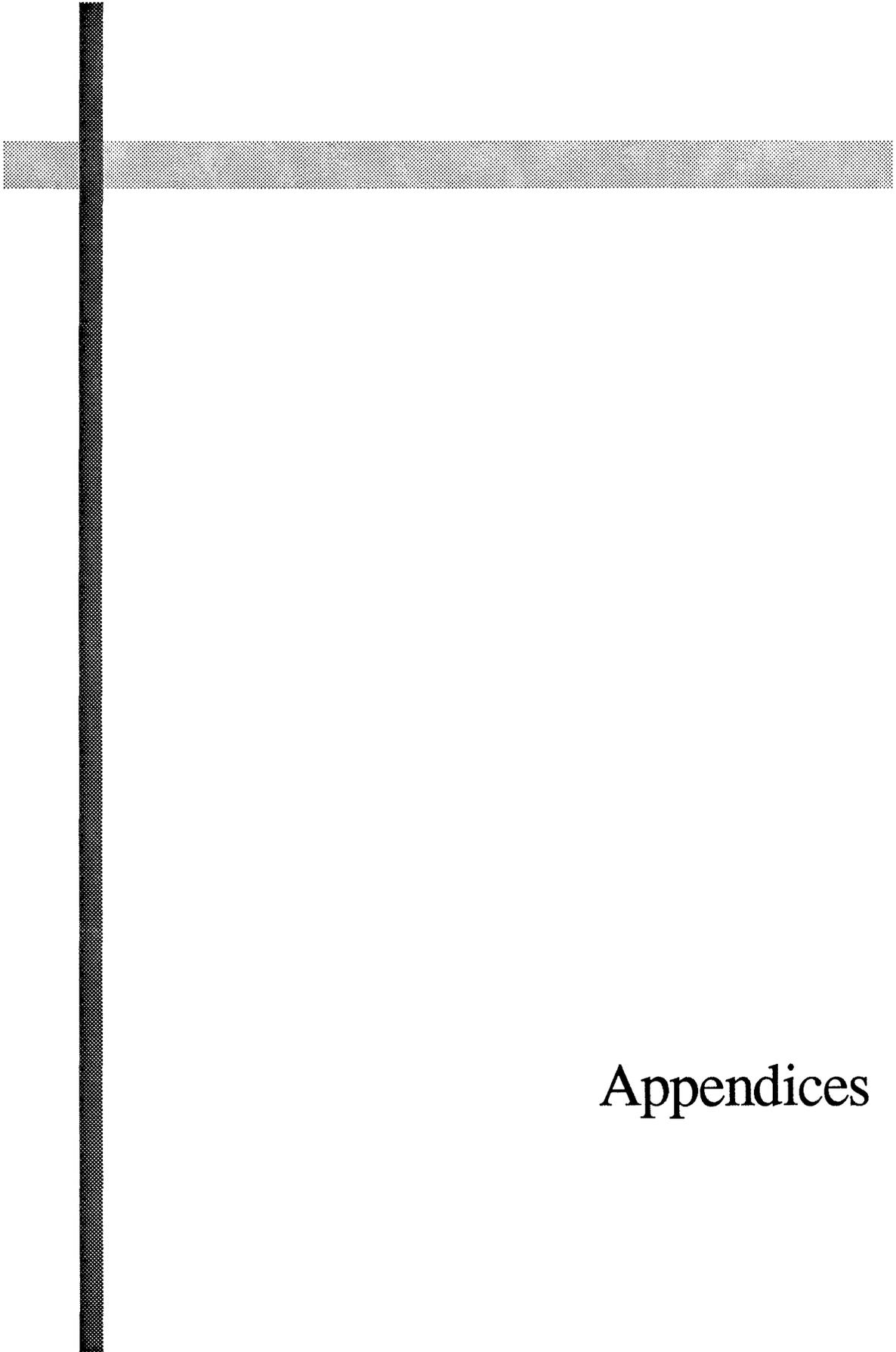


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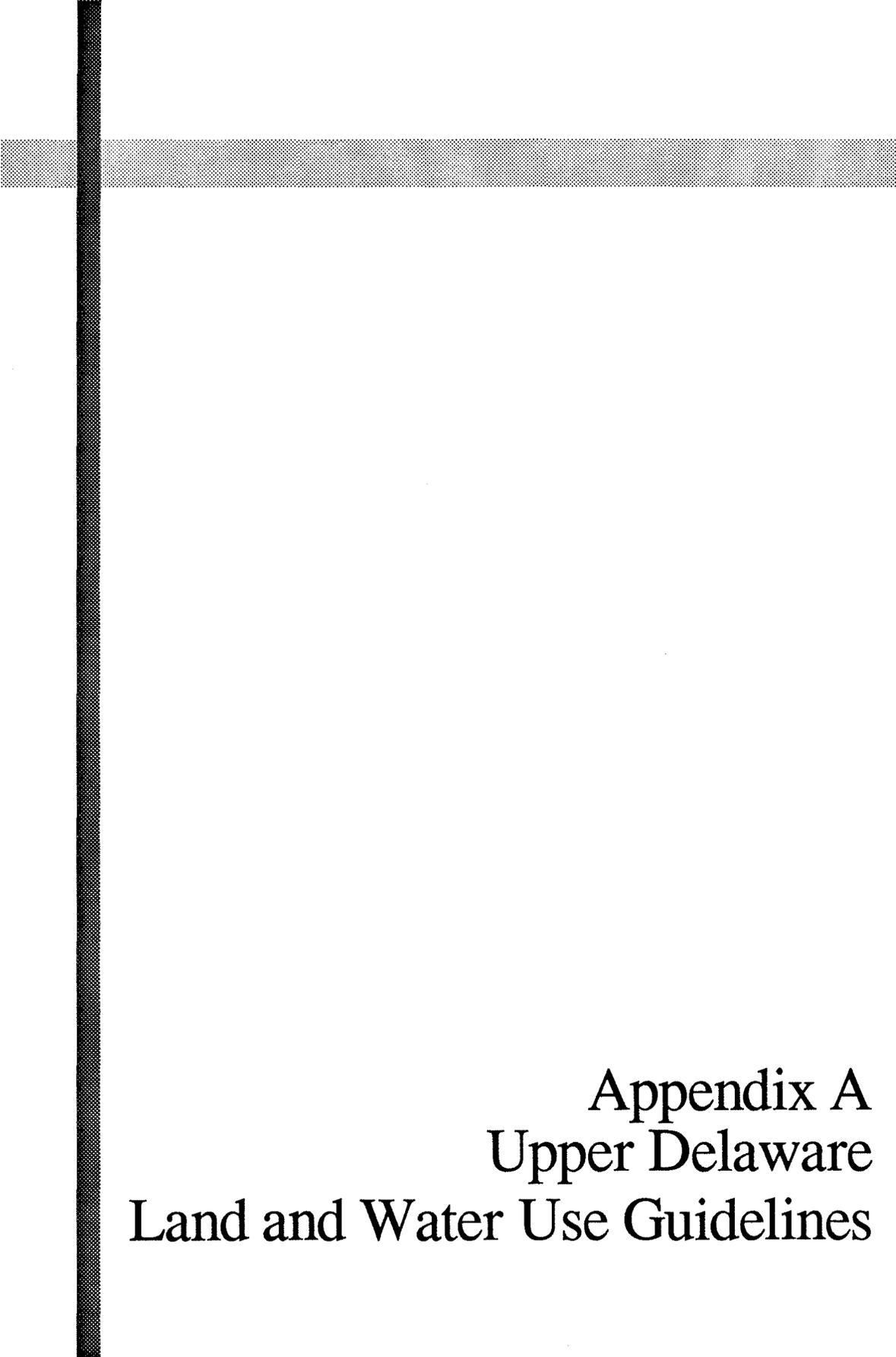
Completed by: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone \_\_\_\_\_



# Appendices



Appendix A  
Upper Delaware  
Land and Water Use Guidelines

# LAND AND WATER USE GUIDELINES

## Upper Delaware Scenic and Recreational River

### Preamble

**AGENCY:** National Park Service, Mid-Atlantic Regional Office

**ACTION:** Publication of amended general guidelines for land and water use controls in the Upper Delaware Scenic and Recreational River Corridor.

**SUMMARY:** These are revised general guidelines to provide local, State and Federal governments with guidance in the preparation of and enforcement of land and water use regulations designed to implement the legislation designating the Upper Delaware as a Scenic and Recreational River. They replace, in their entirety, those guidelines adopted on September 4, 1981 and are intended to provide additional flexibility to State and local governments in meeting the objectives of the legislation.

The guidelines are based on management principles and objectives set forth in the U.S. Wild and Scenic Rivers Act. Alternatives are generally provided for meeting those objectives so each community and level of government can respond in a way particularly suited to its needs while preserving and enhancing the characteristics which caused the Upper Delaware to be included in the national rivers system.

**DATE:** The effective date of these guidelines will be \_\_\_\_\_, 1986.

**ADDRESSES:** These guidelines are based on recommendations by the Conference of Upper Delaware Townships, P.O. Box 41, Fosterdale, New York, (914) 932-8707

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Wayne Senville  
Mid-Atlantic Regional Office  
National Park Service  
143 South Third Street  
Philadelphia, PA 19106

**SUPPLEMENTARY INFORMATION:** The Secretary of the Interior first published guidelines for land and water use on the Upper Delaware on September 4, 1981 and those guidelines have not been amended since. Meanwhile, preparation of a draft River Management Plan has been underway, and in the course of that work several objections have arisen to the format and content of the 1981 guidelines as they apply to the activities of local governments as well as individual landowners. Several clarifications of matters with respect to agriculture, forestry and hunting are necessary, based on public comment, and more flexibility is needed for each of the several affected governments to respond to the Upper Delaware legislation in ways consistent with their State land use planning enabling legislation and the needs of their particular Towns. There are also certain items, particularly recreational use, which were not adequately addressed in the 1981 guidelines and which, based again on public comment, require attention.

### Contents

#### *Section 1:* Introduction

Legislative Authority  
Background and Purposes  
Limitations

#### *Section 2:* Application

Relation to Existing Laws and Plans  
Conformance Review by the Council

#### *Section 3:* General Guidelines for Land Use Control Measures

Protect Water Quality  
Preserve Natural Features  
Provide for Recreational Uses  
Provide for Agriculture  
Conserve River Resources  
Maintain Land Use Patterns

#### *Section 4:* General Guidelines for Water Use Control Measures

Protect River Resources  
Encourage Coordination Among All  
Levels of Government  
Provide for an Enjoyable Recreation  
Experience  
Provide for a Variety of Compatible  
Recreational Activities  
Provide for Public Safety  
Protect Riparian Landowner Rights  
Maintain Private Sector Role as  
Provider of Recreation Facilities  
Enforce Existing Laws  
Educate River Users

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*Section 6: Appendices*

Suggested Optional Requirements for  
Recreational Use  
Schedule of Compatible, Conditional, and  
Incompatible Land Uses

## **Section 1 Introduction**

### **Legislative Authority**

These general guidelines are published to assist local and State and Federal governments in developing and administering land and water use control measures to implement the legislation creating the Upper Delaware Scenic and Recreational River. (See Public Law 90-542 as amended by Section 704 of Public Law 95-625, 16 U.S.C. 1274).

### **Background and Purposes**

Congress, in 1978, designated a 73.4-mile stretch of the Upper Delaware River as a unit of the National Wild and Scenic Rivers System. It recognized in doing so that the river valley possesses certain outstanding natural, cultural and recreational characteristics, including its existing communities, which should be protected for present and future generations. The valley has retained those characteristics through the actions of its citizens and landowners. Because of this and a desire for a limited Federal role, the Congress required the Department of the Interior to develop a cooperative approach to management. This approach relies principally on the actions of

local governments and citizens to protect the valley's resources.

Local and State governments have broad responsibilities and many authorities which can be used to protect River valley resources. Several Towns have already implemented zoning and subdivision ordinances and similar measures, which in addition to meeting local needs, often do exactly what Congress intended with the Upper Delaware legislation. Other Towns are considering such tools.

Leaving land use decisions in the hands of local governments is the most important step in building a partnership between all levels of government. The programs of State governments and the Federal government will also conform to these guidelines and, in the process, be consistent with local actions and programs. The most basic purpose of these guidelines is to encourage a cooperative approach to land use decisions by all the various agencies, at all levels of jurisdiction, within the Upper Delaware River Valley. The Federal role is to manage the recreational use of the River, to represent the Federal interest in the protection of the area and to assist local and State governments in meeting the objectives of the River Management Plan and these guidelines. Its purpose is not to supersede the role of local governments or to impose regulations on them, rather, it is to work with local governments.

The guidelines provide direction for all cooperating governments—local, State and Federal—to determine those land and water uses which are clearly appropriate in the Upper Delaware River Valley, those uses which might, with conditions, be deemed appropriate and those which might pose a threat to the resources of the valley and, hence, are inappropriate. Local governments which adopt land use regulations based on these guidelines will be deemed to be in "substantial conformance" with them and will often benefit in this determination by programs already being implemented by State and Federal agencies.

Implementation of these guidelines is to be accomplished through the use of existing

## *Land and Water Use Guidelines*

legal authorities; therefore, the guidelines are developed within the framework of those authorities now granted to local and State governments. These guidelines are not intended to require any local government to take actions which might be inconsistent or contrary to New York or Pennsylvania land use law or to require local governments to assume any of the existing responsibilities of State or Federal agencies.

Summarizing, the purposes of these guidelines are to:

1. Protect the health, safety and welfare of River corridor residents
2. Protect and enhance the unique characteristics of the Upper Delaware River Valley
3. Protect, encourage and promote the continuation of existing traditional land and water uses
4. Identify those future land uses which should substantially conform to these guidelines; those uses which, with conditions, would be deemed to conform; and those which would not conform
5. Identify standards and types of programs, and regulations which might be applied by local governments to substantially conform to these guidelines
6. Provide maximum flexibility for local governments in meeting these guidelines
7. Assure the actions of all levels of government—local, State and Federal—contribute to a true partnership management of the Upper Delaware and are consistent with the River Management Plan and the U.S. Wild and Scenic Rivers Act

### **Limitations**

These general guidelines shall apply only to activities within the landward boundaries of the Upper Delaware Scenic and Recreational River area as mapped in the finally adopted River Management Plan. Moreover, nothing contained herein shall be construed to:

- limit rights of owners to maintain lawfully established uses

- limit rights to fish, hunt and trap on any lands or water; or require a change in the regulation of hunting, fishing, trapping, the taking of bait, harvesting of eels or the regulation of similar practices by State agencies

- limit the use of lawfully existing agricultural, forestry or mining practices, or to impose any restrictions whatsoever on lawfully operated farming operations

- limit return of property damaged as a result of disaster to conditions and uses existing prior to such disaster

### *Non-conforming Uses*

Uses which do not meet current standards are usually identified as "non-conforming uses" and it is appropriate to not only exempt or "grandfather" them from meeting current standards, but also permit reasonable expansion and replacement of such uses and, in some cases, allow the conversion of one nonconforming use to another which is less non-conforming. Towns may allow expansion to a proportion of the existing structure/use (to be determined by the town), or process such proposals as conditional (Pennsylvania) or special uses (New York) to review impacts on the river. Replacement of non-conforming uses in the event of storm damage, fire damage or other disaster should be permitted regardless of existing non-conformities.

It is also appropriate in certain cases to permit use of existing lots, too small or irregularly shaped to meet current regulations. Towns should develop mechanisms by which owners of such lots can develop them without strictly conforming to current regulations.

### *Hamlet Areas*

Substandard lots will tend to be most prevalent in areas with moderate to intensive development. These consist of the several hamlets along the river including, but not necessarily limited to, such places as Hancock, Lordville, Long Eddy, Hankins, Callicoon, Cohecton, Narrowsburg, Minisink Ford, Barryville, Hillside, Pond Eddy, Mongaup, Sparrowbush, Equinunk, Damascus, Milanville, Masthope, Lackawaxen, Shohola, and Mill Rift. In some cases such as

Equinunk/Lordville, Callicoon, Lackawaxen/Minisink Ford and Pond Eddy the communities extend to both sides of the river. Characteristics of these hamlets vary considerably, with some being small residential communities and others the primary economic activity areas within their towns or for several towns. Each town must define the extent of such areas (including appropriate land areas for growth), the mixture of uses which are appropriate within them and development standards which are reasonable based on existing patterns of settlement.

Each town, having one or more of the hamlets identified in these guidelines within its borders, shall be given the opportunity to determine the hamlet's precise boundary. This determination shall be guided by the criterion that areas within the hamlet should have an existing density of at least one dwelling unit (or equivalent dwelling unit) per two acres, unless the area is surrounded or bordered on several sides by land developed at such densities and would constitute a logical infill area taking into account the existing pattern of development. New development proposed should be encouraged in areas capable of accommodating uses without adversely impacting or degrading the values for which the Upper Delaware has been designated as a component of the National Wild and Scenic Rivers System. The boundaries proposed for each hamlet shall be adopted as amendments to the Land and Water Use Guidelines, pursuant to Section 704(b)(2) of the Upper Delaware Special Provisions.

- A wide variety of uses exist and are appropriate within such hamlets subject to town discretion. Towns may, for local reasons, want to limit new growth in such areas because of natural characteristics or a general desire to encourage growth elsewhere within the town. Generally, the existing range of uses should be a guide in determining what are appropriate new uses. For example, if a hamlet is primarily a community of single family dwellings with a few convenience type stores, restaurants, and motel units, extensive recreational condominium or resort hotel development would probably not be appropriate.

- Development standards regarding lot sizes, yards, heights and the like should be

consistent with existing development patterns within hamlets. For example, if the prevailing building height is 40 feet, new structures within that area should be similarly limited with exceptions as appropriate for feed mill grain towers, and other similar structures).

- In designing zoning districts for hamlet areas, towns should implement the recommended sign limitations for properties bordering directly on the River and develop a minimum setback of structures from the high water mark, consistent with State requirements.

#### *Variations and Challenges*

Nothing in these guidelines is intended to prevent a town from providing for variances from the requirements contained in its land use ordinances. In Pennsylvania, variances are generally granted because of unique physical conditions or circumstances relating to lot size or shape, or unusual topography peculiar to a particular lot, which would deprive the owner of the reasonable use of his or her property if they had to conform to the requirements of the local ordinance. In New York, there are two distinct types of variances as delineated by numerous court decisions, area variances and use variances. Also, Pennsylvania law provides for a similar procedure called a "special exception", under which the Zoning Hearing Board (as opposed to the local governing body) authorizes the permit.

Area variances are granted on a showing of "practical difficulty", basically for the same reasons as those cited above for variances in Pennsylvania. Use variances require the higher standard of "unnecessary hardship".

In considering variance requests, towns balance the hardship of the property owner against any impacts which granting the variance would have on the public health, safety and welfare. This balancing should consider the impacts on the river and consistency with the objectives of these guidelines. No successful challenge shall be cause for any community to be found not in substantial conformance with these guidelines.

Pursuant to Section 704, the Secretary reserves the authority to prevent incompatible land uses, including any provided by a use variance. With respect to area variances, the Secretary--while he may not decline in advance to exercise his authorities--will not acquire land under the power of eminent domain in situations in which the area variance has been properly granted under existing state law and has been approved by a Zoning Board of Appeals in New York, or a Zoning Hearing Board in Pennsylvania, or upheld in a court of competent jurisdiction, and where the area variance does not constitute an action incompatible with the purposes of the plan and guidelines.

In general, area variances do not have the potential to constitute clear and direct threats to the river corridor because they would be granted for compatible land uses based upon the unique characteristics or circumstances of a property (as opposed to use variances for incompatible uses).

## **Section 2 Application**

### **Relation to Existing Laws and Plans**

These general guidelines do not establish minimum standards enforceable by federal agencies or representatives against private property within the river area; rather these standards provide the basis for determining whether local plans, laws and ordinances, and the enforcement of these, adequately address the goals of Congress in designating the Upper Delaware as a Scenic and Recreational River.

Governmental agencies should conform to local requirements prior to establishing or expanding any use within the river area.

These general guidelines do not relieve anyone from obligations to comply with existing federal, state or local laws. No authority to enact plans, laws, ordinances or regulations shall be superseded by these general guidelines; excepting that these guidelines are intended to be definitive with respect to the federal interest in private or other non-federal land within the river area. No provisions of other federal guidelines or regulations applying to the National Wild

and Scenic River System or the National Park System shall supersede these guidelines unless the same shall have been accomplished through amendment of these guidelines by the process provided in Public Law 95-625, as amended.

### **Conformance Review by Upper Delaware Council**

The Secretary of the Interior will contract with the Upper Delaware Council for the review of relevant local plans, laws and ordinances and for recommendations as to whether they "substantially conform" to the River Management Plan and these guidelines. These responsibilities are discussed in detail in the Plan. Only these ordinances, laws and plans and sections of which are specifically relevant to the Upper Delaware River shall be reviewed. These guidelines provide towns with a great deal of discretion as to the manner in which they may conform. "Substantial conformance" shall be conformance, with respect to the list of compatible, conditional, and incompatible new land uses set out in these guidelines and with the substance of both the River Management Plan and each of the principles and objectives set out in these guidelines and in the River Management Plan. The Secretary of the Interior will consider the Council's recommendations in making the determination of substantial conformance.

The guidelines do not generally include criteria for issuance by the towns of conditional use or special use permits. To do so would unnecessarily interfere with a town's flexibility to develop standards best suited to its own circumstances. Moreover, it would be impossible in advance to outline the multitude of possible standards and criteria which could be employed to satisfy a particular objective. The Council should, therefore, in making conformance reviews of town laws, plans and ordinances specifically address conditional use and special use permit criteria to ensure they include consideration of the potential impact of the use on the river and consistency with the objectives of these guidelines.

**Section 3  
Land Use Guidelines**

The U.S. Wild and Scenic Rivers Act and the Department of the Interior's "Guidelines for Eligibility, Classification and Management of River Areas" provide several management principles and objectives for river areas in the national system. The guidelines which follow are based on those management principles. Each major management principle is listed below followed by recommended specific objectives and, in most cases, alternative measures which local governments can take to meet those objectives. A performance standard for communities which desire to use still other approaches is also offered in those instances where alternatives are detailed. Many of these measures are already addressed by towns under their review of subdivisions.

**Principle A**

*Maintain the high water quality found in the Upper Delaware River*

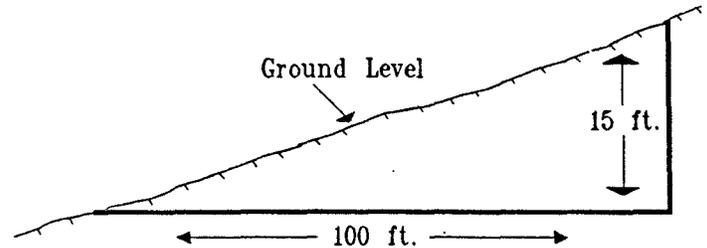
**Objective 1: Limit soil erosion and sedimentation from construction on steep slopes, using one or more of the following measures:**

- A requirement for conditional use/special use review or a Professional Engineers plan for projects involving slopes over 15% in grade, or including a requirement for larger lot sizes on steep slopes)
- Requiring slopes of less than 16% in grade for the location of all principal structures with exception for agricultural and forestry uses, gardens and the like

Other regulations designed to achieve this objective should ensure no more than 10% of any lot characterized by slopes in excess of 15% in grade is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation with exceptions as noted above

**Objective 2: Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control. Acceptable approaches include:**

- A 10% (or comparable square feet) maximum lot coverage, or impervious surface limitation on small lots. Employment of a sliding scale decreasing the allowable percentage of impervious lot coverage as the lot size increases.



Note: 15% slope is calculated as 15 vertical feet per 100 horizontal feet

**Depiction of 15% Slope**

- Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade. "Limited clearing" is not the same as limiting impervious surface coverage.
- Requiring conditional use review of projects involving greater than 10% lot coverage or with impervious surface

Other regulations designed to achieve this objective should ensure no more than 12,000 square feet of impervious surface is permitted per dwelling unit or equivalent dwelling unit. It is the intent of this objective to encourage sound landscape management practices on private property.

**Objective 3: Protect special erosion hazard areas along river banks through one or more of the following measures:**

- A building setback from the River consistent with State required setbacks of septic systems from streams

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- Making construction within 100' of the River subject to conditional use permits with requirements for plants to prevent erosion

Regulations, other than those suggested above to meet this objective, should prohibit principal structures in erosion hazard areas along river banks if mapped or defined by towns and recognized by the Upper Delaware Council.

**Objective 4:** Protect special erosion hazard areas along the ridge lines through one or more of the following measures:

- A requirement for conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline
- A requirement that no structure be erected within ridgeline erosion hazard areas as mapped by the town

Regulations, other than those suggested above to meet this objective, should ensure buildings are not located so close to the ridgeline as to cause erosion, sedimentation, or landslide conditions.

**Objective 5:** Limit pollution problems from septic systems located on poor soils, by one of the following measures:

- A town or district wide minimum lot size for new river corridor lots of not less than two acres outside hamlets
- A general minimum lot size of two acres with reductions for individual lots under hardship conditions based on soil performance standards or use of innovative technology

Other regulations designed to achieve this objective should ensure a minimum lot size of no less than two acres on soils with severe limitations for conditional subsurface sewage disposal systems under state law.

**Objective 6:** Reduce pollution threats from solid and toxic wastes disposal by requiring new solid wastes disposal sites to be located outside the River corridor.

**Principle B**

*Provide for the protection of the health, safety, and welfare of residents and visitors while also providing*

*for the protection and preservation of natural resources.*

**Objective 1:** Provide for light and air and maintain an uncluttered landscape through adequate separation of principal structures using one or more of the following measures:

- A 150 feet minimum river frontage requirement for new lots with exception for clustering
- A 150 feet minimum lot width, average lot width, road frontage, or width at the building line requirement with exception for clustering
- A 50 feet minimum side yard requirement

Other regulations designed to achieve this objective should provide for a 100 feet minimum separation of all principal structures located along the River. However, clustering may be permitted as a conditional use as long as such developments meet single unit density guidelines in order to ensure shoreline protection.

**Objective 2:** Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures using one or more of the following measures:

- A maximum building height of 35 feet with appropriate exceptions for farm structures, water and grain towers, small windmills, bridges, and the like
- Making structures over 35 feet in height conditional uses

**Objective 3:** Provide for light and air and maintain an uncluttered landscape by requiring adequate setbacks of principal structures from highways using one or more of the following measures:

- A minimum front yard of 35 feet
- A minimum building setback of 35 feet

**Objective 4:** Prevent unnecessary sign proliferation, particularly on the riverfront, by limiting advertising (off-premises) signs through one of the following measures:

- Prohibiting off-premises advertising signs, excepting those informational signs which may be recommended by the Council for purposes of directing visitors to public access areas

- Making advertising signs conditional uses/special uses with design standards requiring such signs harmonize with the surrounding landscape, and providing no flashing, oscillating or illuminated signs are permitted

- A 32 square feet maximum size and limit of such signs to 1 per 1000 linear feet of frontage or 2 per advertiser, whichever is less. River frontage signs should be restricted to 1 per riverfront facility and related to providing direction, for reason of health and safety, to such a facility, providing no flashing, oscillating or illuminated signs are permitted

Business identification (on-premises advertising) signs larger than 10 square feet in size should be limited by one or more of the following measures:

- Limiting the total number of such signs to one (1) per property line along a street or the River

- Limiting the total area of such signs to two (2) square feet of total sign area for each 1 lineal foot of building frontage or one (1) square foot of sign area for each 2 lineal feet of lot frontage

- Making business identification signs conditional uses; providing illuminated signs are permitted outside of developed areas and no flashing or oscillating signs are permitted

Public signs, safety signs, announcement signs, temporary signs, professional signs, home occupation signs, farm product signs, political signs, construction signs and for rent/for sale signs generally do not require permits but should be limited to less than 10 square feet in size and two signs per property. This guideline does not apply to temporary, institutional or trespassing signs.

There are also many performance based approaches to sign regulations which may prove to do a better job of reducing the amount of signage within the river corridor or in making signs more environmentally

acceptable, and such approaches are encouraged. The above guidelines are appropriate for Scenic or Recreational segments. Within existing hamlets other approaches are acceptable provided they do not permit a proliferation of signs of substantially different size and character along the river itself.

### Principle C

*Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource*

**Objective 1:** Encourage both private and public agencies that are recreational providers to locate intensive use recreational facilities outside of undeveloped or "Scenic" segments of the river corridor. Alternative measures include:

- Zoning districts which limit new recreational uses to low intensity activities (i.e. tent campgrounds vs. recreational vehicle parks)

- Maximum size limits consistent with the definition of intensive use recreational facilities

- Intensive use recreational facilities are restricted to locations with direct access to a two-lane public highway.

**Objective 2:** Local, State and Federal agencies should adopt standards regarding development, operation and maintenance of recreational facilities to limit adverse impacts on adjacent landowners and the surrounding environment. Local governments are not expected to develop regulations already implemented by State or Federal agencies. Appropriate general guidelines follow along with suggestions for additional optional measures (see Appendix 1) which complement the recommended standards:

#### (a) Campgrounds and Recreational Vehicle Parks

- Gross density should not exceed 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent type camping.

- A minimum of 10 acres of land should be required to establish any recreational vehicle campground. A minimum of 5 acres should

be required for tent campgrounds unless subjected to site plan review.

- Permanent or long-term occupancy of any campsite and permanent structures or appurtenances on any individual campsite other than tent platforms and concrete pads are strictly prohibited.

- Independent onsite sewage disposal or water supply systems should not be permitted for individual recreational vehicle campsites.

**(b) Boat Liveries and Other Recreational Uses**

- A minimum of 2 acres should be required for any new river-related recreational facility (Pennsylvania Fish Commission and New York State DEC fishing only access sites excepted) used for the parking of vehicles or the erection of any structures.

**(c) All Recreational Uses**

- Except as provided above, public facilities should meet all the same standards as private ones.

- All river-related recreational facilities should supply evidence of compliance with state health regulations.

- All proposed river-related recreational facilities should be subjected to site plan review or conditional use review procedures as part of the local permitting process. Site disturbance should be limited and vegetative screening required where necessary to minimize visual impacts and, for erosion control purposes, limit access to the river bank. Adequacy of streets should also be examined.

**Principle D**

*Provide for the continuation of agricultural and forestry uses*

**Objective 1:** Encourage and support agricultural uses within the Upper Delaware River corridor. The following approaches are appropriate:

- Where official "Agricultural Districts" or "Agricultural Security Areas" have been created pursuant to New York or

Pennsylvania law, towns should ensure their agricultural zoning districts include all land within such Districts or Security areas and address purposes of these designations.

- Making agricultural activities principal permitted uses within existing zoning districts.

Other regulations designed to meet this objective should, at a minimum, ensure that existing agricultural activities are not made non-conforming by virtue of regulations adopted to meet these Guidelines and that new practices are permitted which do not conflict with the goals of the Upper Delaware legislation, including irrigation, truck farming and the like. Federal actions should also be consistent with the stated purposes of these Districts and Areas.

**Objective 2:** Encourage the appropriate location and mitigate the effects of certain intensive livestock operations (not including, because of their traditional nature, dairy operations, the growing of crops or personal use livestock operations) which are likely to create problems of waste disposal or odors. Alternative approaches include:

- Prohibiting intensive livestock operations within the river corridor

- Making intensive livestock operations conditional/special uses

- Performance standards based on a ratio of livestock to acreage or similar concepts or which require a management plan ensuring adequate control of livestock and disposal of wastes

Other regulations designed to meet this objective should ensure beef and hog feedlots and cage-type poultry operations are located within the River corridor only after conditional use review shows that they address the potential impacts of runoff and waste.

**Objective 3:** Provide for the use of sound timber practices within the corridor. Alternative programs include:

- A Town or County Conservation District monitoring program based on industry standards such as those of the Pennsylvania Forestry Association and utilizing the

services of County, District or State Forester or Soil Conservation Service personnel, to do such monitoring through field response to technical assistance requests and complaints as well as reviewing soil erosion control permit applications.

- Prohibiting clearcuts over two acres in size or making them conditional uses within the river corridor, subject to a professional forester's review, with exceptions for agricultural purposes and wildlife management programs of the type conducted by the States.

- Development of local law provisions requiring soil stabilization and setting other performance standards.

Other state or local programs or regulations designed to meet this objective should, at a minimum, subject clearcuts to conditional use review and provide for removal of only individual selected trees within 50 feet of either side of the river or other perennial streams so, ideally, 50% or more of the overhead canopy will remain.

#### Principle E

##### *Conserve river area resources*

**Objective 1:** Ensure traditional resources extraction operations (not including subsurface mining and major surface mining) are permitted, but consistent with the protection of the public health, safety and welfare. Alternative measures include:

- State and County Conservation District programs for regulation of mining activities supplemented, where towns determine necessary, with local standards regarding slope, rehabilitation, noise, vibrations, performance bonding and the like

Other regulations designed to meet this objective should, at a minimum, require all natural resource uses comply with the respective state and federal mining laws.

**Objective 2:** Ensure town, county, state and federal activities will promote the conservation of river corridor resources by following the guidelines offered below:

- Sewage treatment plants, municipal sewer interceptor lines and the like should not be

located through or on lands with frontage on the river or any agricultural lands except with respect to existing hamlets or in circumstances where a community is under state or federal orders to do so.

- No new impoundments (see definition) of the Upper Delaware River or, any tributary (see definition) which is within the boundaries of the river area as established by the River Management Plan, will be permitted. Exceptions, however, should be made for small agricultural ponds not on tributaries, eel weirs and other stream improvement structures for fishery management purposes, subject to State fishing and federal navigation regulations.

-New paved four lane roads and bridges should not be constructed in the river corridor. Major highway widening projects on already passable roads meeting state specifications within those sections of the river classified as Scenic should be discouraged. Towns should also, in reviewing subdivision and road plans consider waiving pavement width requirements to preserve scenery and vegetation. Safety improvement projects such as the addition of passing lanes shall be excluded.

New major oil and gas transmission lines and refining/production facilities for other than local service will not be located within the river corridor excepting for individual wells, (subject to conditional use review), lines constructed to provide service to or collect from individual customers or wells. This does not prohibit maintenance of existing facilities or the location of new lines within existing rights-of-way.

- Mining of uranium and disposal of low or high level radioactive or toxic wastes are totally inappropriate uses for the river.

- Large scale groundwater withdrawal projects for low-flow stream augmentation or other water diversion projects will not be permitted within the river corridor.

Power plants, stream channelization and other projects listed as incompatible uses in the Schedule of Uses will not be permitted within the river corridor.

**Principle F**

*Maintain existing patterns of land use and ownership*

**Objective 1:** Limit housing density and intensity of uses with consideration to the existing character of the River corridor.

Alternative approaches include:

- A special zoning district for the river corridor portion of the town (or incorporation of this area in a Zoning District which includes all of the river corridor) within which the minimum lot size is two or more acres. Municipalities with substantial areas of steep slopes, floodplain or other poor soils should reflect these characteristics in their establishment of permissible densities.
- Use of two or more zoning districts classifications to achieve an average density not exceeding one unit per 2 acres within the river corridor. Specific areas would be mapped by the town and reviewed by the Council during the conformance review process to ensure the existing rural, uncluttered character of the corridor landscape is maintained.
- Use of "overlay districts," or "sub-zones," to set density for those portions of a zoning district within the river corridor and those uses which are of particular concern. A town with a prevailing one acre minimum lot size, for example, might well create an overlay zone which requires a minimum of two acres if that portion of the district happens to be within the river corridor. A sub-zone achieves the same effect or a performance approach could also be used in presently unzoned communities to establish minimum requirements for residences and other uses wherever they occur, without the necessity of creating zoning districts as such.

Whichever alternative approach is utilized to achieve density control, there are certain considerations which should be given to development of those measures, including the following:

- It is appropriate, even desirable, to permit use of clustering techniques which reduce lot sizes while preserving open space. Such techniques should, however, achieve the same overall density which would result from

application of the prevailing minimum lot size.

- Densities for non-residential uses should be based on an equivalent dwelling unit concept (tied to estimated sewage effluent).

- In isolated instances there may be natural limitations which will, apart from any regulatory action, control lot sizes. The impacts of these natural limitations (i.e. the Hawk's Nest Cliffs) should be considered in arriving at an appropriate minimum lot size for those remaining areas which are suitable for development.

**Objective 2:** Reinforce existing patterns of land use and private ownership by providing for similar allowed uses. Alternative techniques for accomplishing this are the same as those identified above.

Regardless of which approach(es) is used, there are certain uses which are appropriate as principal permitted uses, others which should be treated as conditional or special uses and still others which are inappropriate for the river corridor. The Schedule of Compatible, Conditional, and Incompatible Land Uses describes these uses and draws distinctions for those areas which are classified as "Scenic," those classified as "Recreational" and hamlets.

**Section 4  
General Guidelines for  
Water Use Control Measures**

**Principle A**

*Protect the outstanding and highly valued attributes of the river for the enjoyment of area residents and visitors*

**Objective 1:** Maintain awareness of the need to protect the scenic, recreational, cultural, and natural qualities of the Upper Delaware.

**Objective 2:** Maintain and, where necessary, improve present water quality.

**Objective 3:** Prevent riverbank erosion.

**Objective 4:** Place in operation a system to monitor the river's resources.

**Principle B**

*Encourage cooperation and coordination among all levels of government*

**Principle C**

*Provide an enjoyable recreation experience*

**Objective 1:** Provide an adequate number and type of basic support facilities for all river users, including public access points, river rest stops, camping areas, and fishing access points along the Upper Delaware.

**Objective 2:** Use objective guidelines to select appropriate locations for future recreational support facilities.

**Principle D**

*Provide a variety of compatible recreational activities and situations*

**Objective 1:** Manage the Upper Delaware primarily for the traditional recreational activities which have occurred on the river in the past.

**Objective 2:** Conserve the Upper Delaware fishery which is unique and represents a natural resource that cannot be replaced.

**Objective 3:** Recognize the Upper Delaware's regional setting.

**Objective 4:** Make river users more aware of the need to respect others.

**Objective 5:** Design and locate recreation areas and facilities to avoid conflicting activity situations.

**Principle E**

*Prevent river recreational accidents and minimize hazards.*

**Objective 1:** Continue to use river patrols to assist in providing a safe recreation experience.

**Objective 2:** Provide better emergency communications and better river information.

**Objective 3:** Provide canoe safety training sessions.

**Objective 4:** Continue to use an Upper Delaware River Safety Committee to address river safety issues.

**Objective 5:** Continue to inform all users about river safety precautions and how to use the equipment safely.

**Principle F**

*Respect and protect riparian landowner rights*

**Objective 1:** Educate and inform river users about landowner rights and river use rules and regulations.

**Objective 2:** Provide a well designed program to direct river users to authorized facilities.

**Objective 3:** Provide recreational support facilities in proper locations to reduce trespassing on private lands.

**Principle G**

*Maintain the private sector as the major provider of needed recreational facilities*

**Objective 1:** Encourage and assist the private sector as the major provider of recreation facilities and services.

**Objective 2:** Use outdoor recreation to strengthen the local economy.

**Objective 3:** Encourage local towns, townships and counties to provide close-to-home recreational facilities as needed.

**Principle H**

*Strictly enforce existing laws*

**Objective 1:** Stress enforcement of state and local laws that are already existing.

**Objective 2:** Use of river patrols to strictly enforce applicable river rules and regulations.

**Objective 3:** Greatly increase cooperation between federal, state and local law enforcement efforts.

**Objective 4:** Develop a strict enforcement policy.

### **Principle 1**

*Educate and inform river users about protecting the river, reducing river conflicts, and respecting rights of others*

**Objective 1:** Prepare various types of information to make river users aware of the need for protecting the the river resource, reducing user conflicts, and respecting the rights of others.

**Objective 2:** Provide maps and a limited number of signs to inform and direct river users.

**Objective 3:** Increase awareness among local residents and organizations of ways to conserve the river's resources.

**Objective 4:** Seek ways of reducing litter.

### **Section 5 Definitions**

**Access Area** - A property used as an area of entry to a stream or other body of water for the purpose of launching or landing of watercraft. The access area may also include ancillary services or facilities other than base operations for watercraft rentals and may be operated as a private business.

**Agricultural Use** - A use involving the production, keeping, or maintenance for sale, lease or personal use of plants and animals useful to man, including but not limited to forages, grain and seed crops, dairy animals, poultry, beef, sheep, horses, pigs, bees fur animals, trees, food of all kinds, vegetables, nurseries, and lands devoted to soil conservation or forestry management programs.

**Average Lot Width** - The average of: (1) width of a lot at the building setback line and (2) the width of a lot at the rear of the property.

**Bait and Tackle Shop** - A retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public.

**Bed and Breakfast** - An existing residence which is used, in the manner of a home occupation, to provide overnight lodging with breakfast as part of the consideration

and involving shared bath and dining facilities, also including youth hostels.

**Boarding House** - A lodging house at which meals are provided.

**Building Height** - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs; to the declivity of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Business and Professional Office** - An office in which an occupation or vocation requiring training or advanced study in a specialized field is practiced, including, but not limited to, medical, legal, and real estate offices.

**Campground** - A tract of land providing two or more sites (for rent or sale) for the parking of travel trailers or the erection of tents or other portable sleeping accommodations.

**Canoe (Watercraft) Livery** - A business or facility for the leasing or renting of waterborne vessels (primarily canoes) for outdoor water based recreation.

**Channel Modification** - Any channel widening, deepening, realignment or lining other than for the support of existing highway, bridge and rail facilities.

**Clearcutting** - The removal from more than two acres of a forested tract of substantially all trees, for other than agricultural or approved wildlife management purposes.

**Clear and Direct Threat** - An instance where a new land use is proposed which is either: (1) identified on the list of new land uses which are incompatible within the Upper Delaware river corridor; or (2) identified as a land use which would, if developed in such a way, be counter to one or more of the principles and objectives set out in the River Management Plan and the Land and Water Use Guidelines.

**Cluster Development** - A development design technique concentrating buildings on specific areas of a site to allow the remaining land to be used for recreation, open space, and preservation of environmentally sensitive features.

**Commercial development** - Any use, except home occupations, involving the offer for sale, rental, or distribution of goods, services or commodities or the provision of recreational facilities or activities for a fee, but not including the manufacture of goods or commodities.

**Commercial Facility** - A place of retail or wholesale trade or the location from which services are provided that are privately operated for pecuniary gain.

**Conditional Use** - In Pennsylvania, a use generally appropriate for a zoning district but permitted only after review by local officials with attachment of conditions pursuant to criteria set forth in the zoning ordinance for this class of uses. Although not synonymous, a similar type of procedure in New York is the special use procedure.

**Customary Accessory Use** - A structure or use which (a) is subordinate to and serves a principal building or principal use, including but not limited to the production, harvesting, and storage as well as washing, grading and packaging of unprocessed produce grown on-site; (b) is subordinate in area, extent and purpose to the principal structure or principal building or a principal use; (c) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (d) is located on the same lot as the principal structure or principal use served, except as otherwise authorized by this River Management Plan.

**Density** - The number of families, individual dwelling units or principal structures per unit of land.

**Dwelling Unit** - One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided for the exclusive use of a single-family maintaining a household.

**Eating and Drinking Establishment** - A facility, open to the public, which serves prepared food and beverages.

**Equivalent Dwelling Unit** - The amount of non-residential development necessary to generate a sewage flow equal to that of a typical dwelling unit.

**Erosion Hazard Area** - Areas especially subject to the detachment and movement of soils or rock fragments or the wearing away of the land surface by water, wind, ice and gravity, particularly those areas located along the escarpments lining either side of the Upper Delaware River valley.

**Fish and Wildlife Management** - The management of the characteristics and interactions of fish and wildlife populations and their habitats in order to promote, protect or enhance the ecological integrity of those populations.

**Floodplain** - The channel and relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by flood water, including at a minimum, those areas designated by the Federal Insurance Administration and/or the Federal Emergency Management Agency as "flood hazard areas".

**Forest Management** - The business of operating timber tracts, tree farms and forest nurseries; the gathering of forest products; and other forest services, not including saw mills or other wood industry manufacturers.

**Garden Apartments** - A building not more than two-and-one-half stories in height containing more than two dwelling units.

**Gas and Oil Fields** - Any oil or natural gas exploration activities such as drilling or seismic testing, or any new operation which extracts petroleum related products such as crude oil or natural gas from the earth.

**Hamlet** - The following spatially discrete, developed areas of concentrated residential, commercial, and or industrial development, in or adjacent to existing developed areas: in the State of New York—Hancock, Lordville, Long Eddy, Hankins, Callicoon, Cocheton, Narrowsburg, Minisink Ford, Barryville, Hillside, Pond Eddy, Mongaup, and Sparrowbush; in the Commonwealth of Pennsylvania—Equinunk, Damascus, Milanville, Masthope, Lackawaxen, Shohola, and Mill Rift

**Heavy Industrial Use** - The manufacturing, production or refining of raw materials or the large scale assembly of component parts for non-local distribution or consumption,

typically involving the generation of waste by-products, extensive buildings and ancillary transportation modes, but not including home occupation or traditional activities such as lumber yards or dairy processing plants.

**High Water Setback** - The required distance between the mean high water line of the Upper Delaware River and the building line of any lot.

**Home Occupation** - An activity carried out for gain by a resident in the resident's dwelling unit or an accessory building, subject to reasonable restrictions on the number of non-resident employees (if any), controls on signs (if allowed) and the maximum area to be used for the home occupation as well as parking requirements, provided the exterior appearance of the principal structure and premises is maintained as a residential dwelling.

**Hotel** - A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby.

**Hunting/Fishing Camp** - A small structure used to provide shelter during hunting and fishing outings.

**Ice Breaking Structure** - A facility or structure placed within the river or on its banks for the purposes of breaking up ice, not including measures employed to protect individual existing structures.

**Impervious Surface** - Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

**Impoundment** - Any body of water located on a tributary, brook, stream, kill, or river formed by any new manmade structure within the boundary of the designated river; this does not apply to structures for fishery management such as eel weirs, or small agricultural ponds not on tributaries.

**Incompatible Use** - A new land use which, if permitted, would pose a "clear and direct threat" to the objectives of the Upper Delaware legislation and the River Management Plan.

**Industrial Use** - An establishment, other than a home occupation, used for the assembly, manufacturing, or processing of goods, not including farming.

**Institutional Use** - Any land use, generally serving no less than 25 persons at at one time, for the following public or private purposes: educational facilities, including universities, colleges, elementary, secondary and vocational schools, kindergartens and nurseries, cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; military facilities; law enforcement facilities; and other similar facilities, not including small day care centers, Montessori schools, institutional re-use of existing properties, and similar uses

**Intensive Livestock Operation** - The fattening or raising in relative confinement (using feedlots) of beef cattle or hogs or the keeping in cages of 100,000 or more fowl.

**Intensive Use Recreational Facilities** - Boat rentals, canoe or other watercraft liveries, tourist recreational facilities, recreational vehicle campgrounds, golf courses, public recreational facilities, clubhouses, and other recreational uses likely to require significant amounts of parking, restaurant facilities, rest room facilities and other accessory services; not including lands used as access points only, whether publicly or privately operated; and not including major commercial recreational development, nor town open space parks, playgrounds, or ballfields.

**Junkyard** - Any new commercial use of land, with or without buildings, principally for the outside storage, dismantling, processing, salvage and sale of uses and discarded materials including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machines, vehicles or parts of vehicles. This definition does not apply to yard sales or "flea markets."

**Landfills** - Any new site where trash or refuse is buried as part of a public or private

business operation, including toxic or radioactive wastes disposal.

**Light Industrial Use** - A use involving generally unobtrusive processes. This would include research, engineering or testing laboratories, assembly from components, fabrication of models, textiles, clothing manufacturing, warehousing distribution centers, wood products industries, etc.

**Lot Coverage** - That portion or percentage of the lot area which is covered by buildings, pavement, or other impervious surfaces (also known as building coverage).

**Major Airports** - A tract of land that is maintained with a paved runway for the landing and taking off of aircrafts and for receiving and discharging passengers and cargo.

**Major Commercial Development** - Commercial uses with 2,000 square feet or more of floor space, or five or more employees, not including Minor Commercial Development.

**Major Commercial Recreational Development** - Any new recreational uses which have significant impacts on land and water resource values, including, but not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds and sports arenas, but not including retail sales, boat rentals and similar uses.

**Major Electric Lines** - Any new electric power lines, cables, or conduits used for transmission of power between two points which has a design capacity of 125 kilovolts or greater and extending a distance of one mile or more in length, or of between 100 kilovolts and 125 kilovolts, extending a distance of ten miles or more in length. This definition does not include telephone and electric distribution lines.

**Major Oil and Gas Lines** - Any pipe or conduit used for the transmission of natural gas, oil or other fuel which is one thousand (1000) feet or longer and is under pressure of 125 pounds per square inch (p.s.i.) or greater. This does not apply to natural gas, oil, or other fuel distribution lines for residential, industrial and commercial use.

**Major Surface Mining Operations** - Any new land use operation which extracts minerals

from the earth from active operations exceeding two (2) acres in size, including, but not limited to, strip mining, dredging, quarrying, coal or uranium mining.

**Major Tributary** - Any tributary, stream to the Upper Delaware River which is depicted on the U.S. Geologic Survey Maps for the Upper Delaware River area, not including any portion of the stream outside the river corridor.

**Marinas** - Any new commercial boat basin providing secure mooring for motorboats. This does not include livery operations and individual residential boat docks.

**Mineral and Soil Resource Products** - Clay, gravel, stone, top soil and other products extracted from the ground.

**Minor Commercial Development** - In recreational areas, commercial uses limited to professional offices associated with residences, small neighborhood retail convenience stores, farm stands or similar retail facilities with less than 2,000 square feet of floor space, or less than five people, and compatible with the natural and scenic qualities of a designated recreational river.

**Minor Surface Mining Operation** - Any new extraction of minerals by, but not limited to, strip mining, dredging, or quarrying, not exceeding two acres of active face at one time plus an area equal in size to the active face necessary for accessory use.

**Mobile Home** - A transportable single-family dwelling intended for permanent occupancy or place of assembly contained in one unit, or two units designed to be jointed into one integral unit capable of being separated and repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**Mobile Home Park** - A parcel of land under single ownership which has been planned and approved for the commercial renting of mobile homes and/or mobile home spaces for nontransient use.

**Motel** - A building or group of buildings which: (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances

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from outside the building to serve each accommodation.

**Natural Cover** - Natural vegetation including grasses or other plants which help to keep soil from being washed or blown away.

**Non-Conforming (Substandard) Lot** - A lot, the area and dimensions or location of which, was lawful prior to adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of a Zoning District.

**Non-Conforming Use** - A use or activity which was lawful prior to the adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of a Zoning District.

**Nursery** - A business in which plants, such as trees and shrubs, are grown for transplanting, for use as stocks for budding and grafting or for sale.

**Other Recreational Uses** - New recreational uses that are designed for relatively short use periods and that do not provide other than rudimentary visitor services and that do not include infrastructure development except as required to meet state health codes, typically including such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ballfields.

**Overlay District** - A zoning district which overlays other zoning districts applicable to any lot and imposes additional requirements without changing any of the requirements normally applicable within the designated district.

**Paved Four Lanes Roads and Bridges** - Any construction of new arterial highways and bridges or widening of highways from two to four lanes. This does not apply to repaving of existing highways or bridges, repair projects or the construction and repair of two lane roads and bridges.

**Personal Use Livestock Operation** - The keeping of livestock including beef animals, dairy animals, poultry and other farm animals for personal use rather than commercial purposes.

**Places of Worship** - A structure and its accessory properties used for religious observances, such as churches and synagogues.

**Power Generating Stations** - Any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil or natural gas, nuclear power and hydropower.

**Principal Structure** - The dwelling unit or primary commercial building.

**Public Facility** - A facility operated by a unit of government.

**Public Recreational Facilities and Visitor Centers** - Facilities or sites operated by a government entity to provide amusement, entertainment, education, or a recreational service to the public.

**Recreational Vehicle Campgrounds** - A parcel of land, whether leased or sold, providing sites for travel trailers, truck campers, camper trailers or motor homes for transient use

**Recreational Vehicle Parks Intended for Non-transient Use** - A site or facility operated in the manner of a campground, where the individual lots, tracts, parcels or other divisions of land are permanently conveyed, leased on a long-term basis or the recreational vehicles are otherwise permitted to remain permanently or semi-permanently affixed to an individual site for extensive periods of time whether used or not.

**Retail Establishment** - Commercial developments that sell goods or services to the public.

**Ridgeline** - The point at which the plane which constitutes the side of the river valley intersects with the plane of the plateau adjacent to the river valley, often resulting in a broad precipice or cliff face overlooking the Delaware River. Ridgeline, as used here, is not intended to mean the boundary of the River Corridor.

**River** - The Upper Delaware Scenic and Recreational River.

**River Area or Corridor** - That area included within the landward boundaries of the Upper

**Delaware Scenic and Recreational River as designated by the River Management Plan.**

**River Frontage - The lineal distance in feet which a property fronts on the Upper Delaware National Recreational and Scenic River.**

**River Related Recreational Facilities - Recreational uses which are principally oriented toward river users including but not limited to boat accesses and bases, bait and tackle shops, campgrounds, swimming areas, comfort areas, snack stands if part of a larger recreational facility and other facilities which offer an array of recreational activities and services, but not including hotels, motels, restaurants, amusement parks, amenities installed for use by individual residents, and the like.**

**Sawmill - An establishment for processing logs into finished or semi-finished lumber, but which does not include major wood products industries or lumberyards.**

**Seasonal Residence - A secondary dwelling unit used on an irregular basis.**

**Site Plan Review - A procedure whereby, in New York State, Planning Boards are authorized to review and approve, approve with modifications or disapprove site plans as set forth in Zoning Ordinances or in regulations of the Planning Board and directed toward such elements of concern as screening, drainage, availability of services and traffic impacts. Also, in Pennsylvania, a similar review by the Township Planning Commission with final action pursuant to a conditional use permit from the Township Board of Supervisors.**

**Side Yard - A space extending from the front yard to the rear yard between the principle building and the side lot line and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance. (Front and rear yards are similarly defined in terms of front and rear lot lines).**

**Small Craft Shop - An establishment for the sale of items which require the maker to have manual dexterity or artistic skill, including but not limited to, pottery, carpentry, and sewing shops.**

**Small Hotel - A building, in which (a) lodging or boarding are provided and offered to the public for compensation, (b) ingress and egress to and from all rooms are made through an inside lobby, (c) includes, but is not limited to, country inns and youth hostels, and (d) meets the following conditions: (1) does not exceed twelve rental units in size, (2) is located immediately adjacent to an arterial road, and (3) is compatible with the natural and scenic characteristics for which the river was designated.**

**Small Motel - A building or group of buildings, which (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances from outside the building to serve such living and sleeping, and (c) meets the following conditions: (1) does not exceed twelve rental units in size, (2) is located immediately adjacent to an arterial road, and (3) is compatible with the natural and scenic characteristics for which the river was designated.**

**Special Use - In New York State, a use which, because of its unique characteristics, requires individual consideration through a site plan review process by the Planning Board as established by Section 274A of the Town Law or through the review process by the Zoning Board of Appeals as established by Section 267 of the Town Law. Such a use may require certain conditions and safeguards before being permitted. Although not synonymous, a similar type of procedure in Pennsylvania is the conditional use procedure.**

**Stream Discharge - The discharge of treated or untreated effluent to a stream.**

**Substantial Conformance - Conformance with respect to the list of Compatible, Conditional, and Incompatible Land Uses set out in these guidelines and with the substance of each of the principles and objectives set out in these guidelines so as to carry out the intent of the Upper Delaware legislation.**

**Townhouses - A group of single-family dwellings, not over two-and-one-half stories in height constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent**

thereto with no visible separation between walls or roofs.

**Towns - A New York State Town or Pennsylvania Township.**

**Tributary - See "Major Tributary".**

**Traditional Resource Extracting Operations - Any resource extraction operation not including major surface mining operations or subsurface mining operations.**

**Variance - Permission to depart from the literal requirements of an ordinance.**

**Wholesale Greenhouse - An establishment which sells to retail outlets plants cultivated under glass or similar enclosures.**

## **Section 6 Appendices**

### **Appendix 1 Suggested Optional Requirements for Recreational Uses**

#### ***Campgrounds and Recreational Vehicle Parks***

- A 50' planted or natural landscaped border should be required along the nonhighway borders of any campground where adjoined by residences.
- All recreational vehicle campgrounds, regardless of location, should be required to have access to a public street or highway of at least collector status and adequate sight distances frontage to provide safe design of entrances and exits with adequate sight distances in either direction. Access to individual campsites should be from interior streets.
- Separation requirements of no less than 20' from other recreational vehicles or tent platforms and 50' from highway rights of way. A setback of 50 feet from the water's edge should be required for all recreational vehicles, or the plan subjected to site plan review for purposes of preventing erosion, screening from the river and providing access to the river.
- Campground structures and campsites for recreational vehicles should not be permitted to locate on floodplains or lands with slopes

in excess of 15% in grade without special engineering.

- All recreational vehicle campgrounds should be required to include a minimum of one parking space at each campsite and such additional parking elsewhere that no parking, loading or maneuvering will have to occur on any public street.

- All campgrounds and other recreational facilities should be required to establish and/or abide by rules which will prevent nuisances, provide for safe disposal of refuse and control the use of fire.

- All recreational vehicle campsites should include a stabilized vehicular parking area for the camper unit and a safe location to camp.

#### ***Boat Liveries and Other Recreational Uses***

- All canoe livery operations should be required to have at least 1 access point on the river with adequate off-street parking and no parking on public streets. Parking standards will necessarily have to be varied based on expected levels and types of uses at different sites. Appropriate general guidelines, however, might be 1 parking space for each raft, 1 space for every 4 tubes and 1 space for every 2 canoes or kayaks. Additional accesses or evidence of prior written agreements from landowners for use of other put-in and take-out points should be required as necessary to support the operation.

- A minimum of one (1) sanitary receptacle for every 40 watercraft should be required as a general standard for evaluating a livery's facilities.

- All operators of recreational facilities should be required to provide an adequate number of trash receptacles at parking areas, access points and comfort stations to ensure each user of the facility is able to so dispose of their refuse.

- The boundaries of any recreational facility should be required to be screened or otherwise clearly delineated to limit trespass onto adjacent properties and buffer said properties from the impacts of the recreational activities at the site.

Appendix 2  
Schedule of Compatible, Conditional, and  
Incompatible Land Uses

*Introduction*

The Upper Delaware legislation proposes a management framework under which the federal agency agrees to provide financial assistance and specified local services and not to acquire interests in lands in return for the affected local governments' agreement to manage the land in the river corridor in a manner consistent with the intent of the National Wild and Scenic Rivers Act and with its own zoning and other ordinances enacted pursuant to its own needs and authorities.

The schedule of uses encourages development in certain areas. In other areas it is permitted if the proposed development will not degrade the river corridor. Finally, the legislation prohibits certain activities, such as water resources development projects. In addition, other uses are identified which would have irreversible adverse impacts on the river and which, under this agreement, are incompatible with the river corridor.

*Understanding the Schedule of Uses*

The Schedule is essentially a 3 x 3 matrix of uses showing compatible, conditional/special uses, and incompatible uses horizontally, and scenic, recreational, and hamlet classifications vertically. Scenic sections have the strongest restrictions and hamlets the least. In general, development is encouraged in hamlet areas. Refer to the boundary and classification section for definition of these three classifications.

The compatible uses column is read downward. Uses compatible in the scenic section are also compatible in recreational and hamlet areas. Uses in recreational areas are also compatible in hamlets. The conditional/special use column is read similarly.

The incompatible column should be examined carefully. None of the uses in this column may be undertaken in scenic sections. Recreational segments are somewhat less restricted, with incompatible uses in

recreational and hamlet areas being prohibited uses. Incompatible uses in hamlets are limited to those uses identified in that single cell.

Note that the chart also relates diagonally. Uses listed as incompatible in scenic are generally conditional in recreational areas and compatible uses in hamlets, for instance.

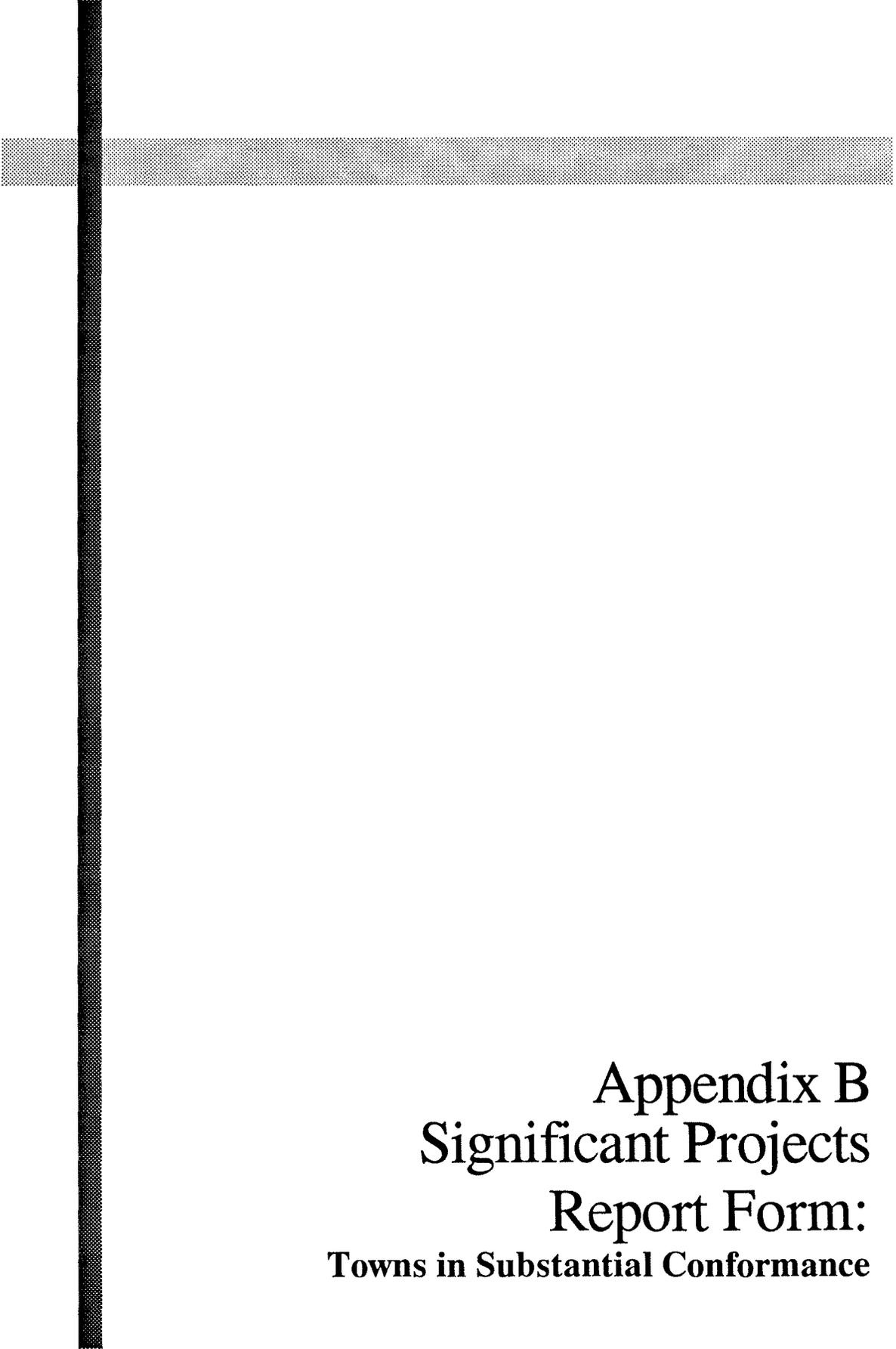
There may a number of unforeseen future uses that cannot be specifically provided for in the schedule. When those situations arise, the affected town, the Council and the National Park Service will compare those uses to similar uses that are defined in the Guidelines and make their judgments accordingly.

This plan also stipulates that the objectives and principles of the Land and Water Use Guidelines should be met before local governments grant conditional/special use permits. In every situation, each town will decide the most appropriate conditions to place upon such uses.

Any town may choose to have additional or other land use requirements within the river corridor and to have more restrictive ordinances and regulations, consistent with the health, safety, and welfare of its residents.

## SCHEDULE OF COMPATIBLE, CONDITIONAL, AND INCOMPATIBLE LAND USES

CLASSIFICATION	COMPATIBLE USES	APPROPRIATE SPECIAL USES/CONDITIONAL USES	INCOMPATIBLE USES
<b>Scenic Segments</b>	Agricultural Use Forest Management Fish & Wildlife Management Single-Family Dwelling Unit Hunting/Fishing Cabins & Seasonal Residences Nurseries & Wholesale Greenhouses Home Occupations Customary Accessory Uses Places of Worship Bed & Breakfast Places	Sawmills Other Recreational Uses Cluster Development Small Craft Shops Substantially Set Back From The River Boarding Homes Small Motels & Hotels Bait & Tackle Shops Gas/Oil Fields & Lines (See Section III-E-2) Minor Surface Mining Operations Garden Apartments & Townhouses (At Density of 1 Unit per 2 Acres)	Intensive Use Recreational Facilities Other Commercial Development Institutional Uses Other Uses Listed Below As Incompatible
<b>Recreational Segments</b>	All Principal Uses Appropriate in Scenic Segments Other Recreational Uses Two-Family Dwelling Units Bait & Tackle Shops Small Hotels & Motels	All Conditional/Special Uses Appropriate in Scenic Segments Other Minor Commercial Development Institutional Uses Intensive Use Recreational Facilities Business & Professional Offices Eating & Drinking Establishments	Major Commercial Development Industrial Uses Other Uses Listed Below As Incompatible Other Motels & Hotels
<b>Hamlets</b>	All Principal Uses Appropriate in Scenic & Recreational Segments Eating & Drinking Establishments Other Motels & Hotels Retail Establishments Business & Professional Offices Intensive Use Recreational Facilities Institutional Uses Commercial Development	All Conditional/Special Uses Appropriate in Scenic/Recreational Segments Light Industrial Uses Garden Apartments Townhouses	Heavy Industrial Uses Junkyards Subsurface Mining Operations Major Surface Mining Operations Impoundments Channel Modifications Landfills Major Airports Paved 4-Lane Roads & Bridges Marinas Power Generating Stations Major Electric Lines Ice Breaking Structures Major Commercial Recreational Development Major Oil & Gas Transmission Lines



**Appendix B**  
**Significant Projects**  
**Report Form:**  
**Towns in Substantial Conformance**

### Significant Projects Report Form

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Action: \_\_\_\_\_

Town in which affected property is located:

A. Hancock

F. Highland

K. Damascus

B. Fremont

G. Lumberland

L. Berlin

C. Delaware

H. Deerpark

M. Lackawaxen

D. Cochection

I. Buckingham

N. Shohola

E. Tusten

J. Manchester

O. Westfall

The river corridor has three land management classifications: scenic, recreational, and hamlet. Check the management area(s) in which the affected property is located:

Scenic

Recreational

Hamlet

Section, Block, and Lot Identification \_\_\_\_\_

Property Owner \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Day Telephone \_\_\_\_\_

Night Telephone \_\_\_\_\_

Date proposal was submitted to the town for review

\_\_\_\_\_

Completed By: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

## Class I and II Significant Project Review Checklist

*This checklist should be used by a town/ship that is participating on the Upper Delaware Council but has not been determined to be in substantial conformance. Townships in substantial conformance should use the Class II Significant Project Review Checklist on the following page.*

*Use the checklist below to determine whether the application is for a development that is subject to review. A permit application is not subject to review, if it is not for a property located within the river corridor. Check the 'yes' blank for all that apply. Check the 'no' blank for all that do not apply. If the permit application is for a property that is not located within the river corridor, this form need not be completed, and the Upper Delaware Council need not be notified.*

### Location

**Yes No**

Is this permit application for a property located within the river corridor?

### Class I Review

**Yes No**

- 1. 5 or more lots or equivalent dwelling units (page SP - 13)
- 2. Multi-family residential (page SP - 15)
- 3. Subdivisions with new roads or other improvements (page SP - 17)
- 4. New use outside of hamlets, both non-agricultural & non-residential (page SP - 18)
- 5. Project involving 20 acres or more, not single family residential subdivisions (page SP - 19)
- 6. Project involving lot clearing greater than 10%, not single family residential subdivisions (page SP - 20)
- 7. Project involving construction on slopes greater than 15% in grade, not single family residential subdivisions (page SP - 21)
- 8. Subdivisions involving lots less than 2 acres in size (page SP - 22)
- 9. Off premises advertising signs, excluding posting notices (page SP - 24)
- 10. Projects involving construction within 100 feet of the high water mark of the river, excluding agricultural and related structures (page SP - 25)
- 11. Project involving construction or improvements exceeding 35 feet in height, excluding agricultural and related structures (page SP - 26)

### Class II Review

Yes No

- 1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance (page SP - 28)
- A. Conditional Use Permit
- B. Special Use Permit
- C. Site Plan Review
- 2. Subdivision of 25 or more lots (page SP - 30)
- 3. River-related recreational use purposes (page SP - 31)
- 4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services (page SP - 32)
- 5. Projects to be constructed, permitted, or operated by government agencies (page SP - 33)

### Class II Significant Project Review Checklist

*This checklist should be used by a town/ship that is participating on the Upper Delaware Council and is in substantial conformance.*

*Use the checklist below to determine whether the application is for a development that is subject to review. Check the 'yes' blank for all that apply. Check the 'no' blank for all that do not apply. If the permit application is for a property that is not located within the river corridor, it is not subject to review, this form need not be completed, and the Upper Delaware Council need not be notified.*

#### Location

Yes No

Is this permit application for a property located within the river corridor?

#### Class II Review

Yes No

1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance (page SP - 28)

A. Conditional Use Permit

B. Special Use Permit

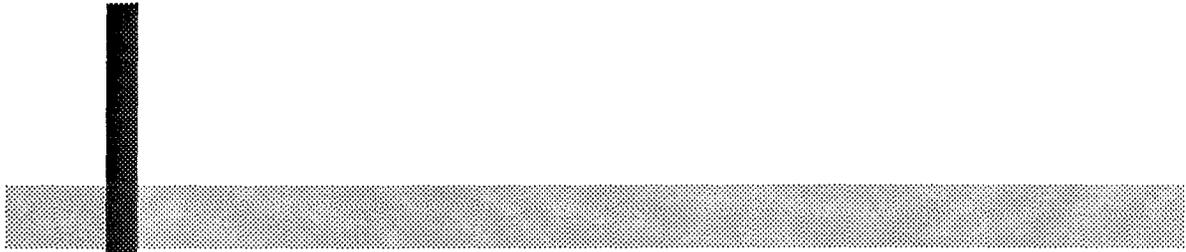
C. Site Plan Review

2. Subdivision of 25 or more lots (page SP - 30)

3. River-related recreational use purposes (page SP - 31)

4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services (page SP - 32)

5. Projects to be constructed or operated by government agencies (page SP - 33)



**Appendix C**  
**Significant Projects**  
**Report Form:**  
**Towns Not in Substantial Conformance**

### Significant Projects Report Form

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Action: \_\_\_\_\_

Town in which affected property is located:

- A. Hancock
- B. Fremont
- C. Delaware
- D. Cochection
- E. Tusten

- F. Highland
- G. Lumberland
- H. Deerpark
- I. Buckingham
- J. Manchester

- K. Damascus
- L. Berlin
- M. Lackawaxen
- N. Shohola
- O. Westfall

The river corridor has three land management classifications: scenic, recreational, and hamlet. Check the management area(s) in which the affected property is located:

Scenic

Recreational

Hamlet

Section, Block, and Lot Identification \_\_\_\_\_

Property Owner \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Day Telephone \_\_\_\_\_

Night Telephone \_\_\_\_\_

Date proposal was submitted to the town for review

\_\_\_\_\_

Completed By: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

## Class I and II Significant Project Review Checklist

*This checklist should be used by a town/ship that is participating on the Upper Delaware Council but has not been determined to be in substantial conformance. Town/ships in substantial conformance should use the Class II Significant Project Review Checklist on the following page.*

*Use the checklist below to determine whether the application is for a development that is subject to review. A permit application is not subject to review, if it is not for a property located within the river corridor. Check the 'yes' blank for all that apply. Check the 'no' blank for all that do not apply. If the permit application is for a property that is not located within the river corridor, this form need not be completed, and the Upper Delaware Council need not be notified.*

### Location

**Yes No**

Is this permit application for a property located within the river corridor?

### Class I Review

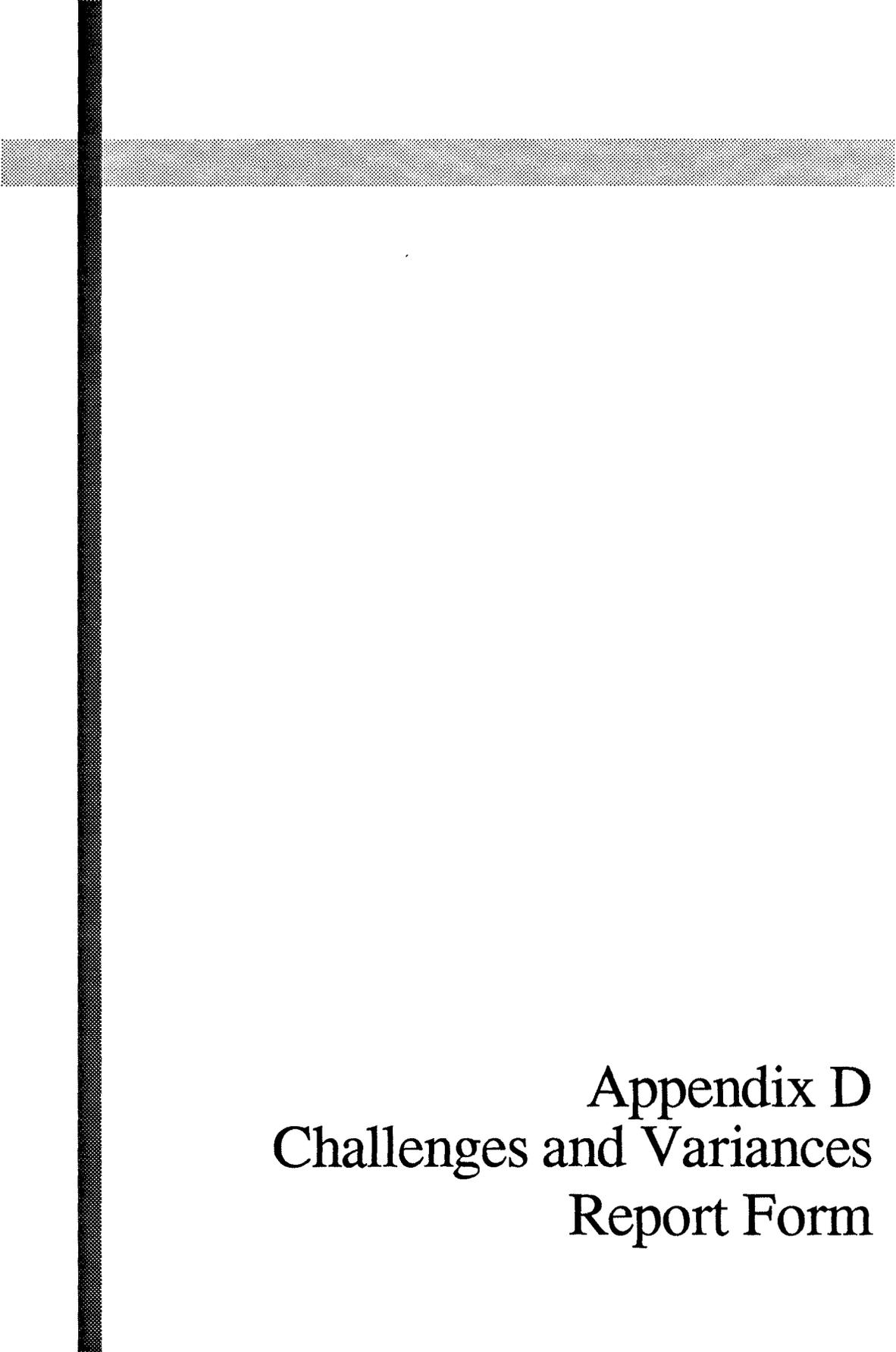
**Yes No**

1. 5 or more lots or equivalent dwelling units (page SP - 13)
2. Multi-family residential (page SP - 15)
3. Subdivisions with new roads or other improvements (page SP - 17)
4. New use outside of hamlets, both non-agricultural & non-residential (page SP - 18)
5. Project involving 20 acres or more, not single family residential subdivisions (page SP - 19)
6. Project involving lot clearing greater than 10%, not single family residential subdivisions (page SP - 20)
7. Project involving construction on slopes greater than 15% in grade, not single family residential subdivisions (page SP - 21)
8. Subdivisions involving lots less than 2 acres in size (page SP - 22)
9. Off premises advertising signs, excluding posting notices (page SP - 24)
10. Projects involving construction within 100 feet of the high water mark of the river, excluding agricultural and related structures (page SP - 25)
11. Project involving construction or improvements exceeding 35 feet in height, excluding agricultural and related structures (page SP - 26)

### Class II Review

Yes No

- 1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance (page SP - 28)
  - A. Conditional Use Permit
  - B. Special Use Permit
  - C. Site Plan Review
- 2. Subdivision of 25 or more lots (page SP - 30)
- 3. River-related recreational use purposes (page SP - 31)
- 4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services (page SP - 32)
- 5. Projects to be constructed, permitted, or operated by government agencies (page SP - 33)



Appendix D  
Challenges and Variances  
Report Form

### Variance Review Report Form

Date: \_\_\_\_\_

Office Use Only: \_\_\_\_\_

Proposed Action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town in which affected property is located:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> A. Hancock    | <input type="checkbox"/> F. Highland   | <input type="checkbox"/> K. Damascus   |
| <input type="checkbox"/> B. Fremont    | <input type="checkbox"/> G. Lumberland | <input type="checkbox"/> L. Berlin     |
| <input type="checkbox"/> C. Delaware   | <input type="checkbox"/> H. Deerpark   | <input type="checkbox"/> M. Lackawaxen |
| <input type="checkbox"/> D. Cochection | <input type="checkbox"/> I. Buckingham | <input type="checkbox"/> N. Shohola    |
| <input type="checkbox"/> E. Tusten     | <input type="checkbox"/> J. Manchester | <input type="checkbox"/> O. Westfall   |

Property Identification # \_\_\_\_\_

Property Owner \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

Night Telephone \_\_\_\_\_

Date proposal was submitted to the town for review

\_\_\_\_\_

**Note:**

(Be sure to circle the appropriate items on the variance checklist on the next page)

Completed By: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Type of Variance**

(Please circle those that apply):

1. Use variance
2. Area variance which would:
  - A. Involve property bordering on the river
  - B. Directly vary the standards for more than one lot, dwelling unit or equivalent unit
  - C. Reduce a development standard by more than 30% to accommodate a project
  - D. Be proposed in connection with a Class II project
    1. Conditional/special use permit or site plan review which, if approved, could take a town out of substantial conformance
      - A. Conditional Use Permit
      - B. Special Use Permit
      - C. Site Plan Review
    2. Subdivision of 25 or more lots
    3. River-related recreational use purposes
    4. Projects involving stream discharge or sewage effluent or the use of central sewage or water services
    5. Projects to be constructed or operated by government agencies