

NYSP

PLANNING NEWS

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The Tug Hill Experience

Or Can Towns Plan and Direct Their Own Future for the Good of Both Residents and the Rest of the Citizens of the State?

In a section of northern New York with the unlikely name of "Tug Hill", there's a program going on that may prove significant to the future of rural land use policy in our state. The program is a result of the work of the Temporary State Commission on Tug Hill and the people living in the 39 towns and villages of this study area.

The Commission was established by the state legislature in 1972 after the Horizon Corporation had placed an option to buy 55,000 acres of the forest wilderness in the area's central core. Elaborate plans for conversion of wetlands to ponds with second home frontage, a golf course and other accouterments of a large recreational development would have changed the area drastically. Property owners and residents were concerned. They asked the legislature to set up the Temporary Commission to study the area and make recommendations on its future. Nine area residents were appointed (volunteers, without stipend) by April '73 and the beginnings of a staff was on board that October.

All this happened when the "regional study commission" approach was in vogue. By the end of '70, the Temporary Commission to Study the Future of the Adirondacks had made its recommendations. By the end of '72 there were active Commissions involved in the Catskills, Tug Hill, the Hudson Valley, and the St. Lawrence - Eastern Ontario shoreline.

After an approximate two year study, the Commission produced its findings and recommendations in a report entitled, **The Tug Hill Region - Preparing for the Future**, dated February, 1976.

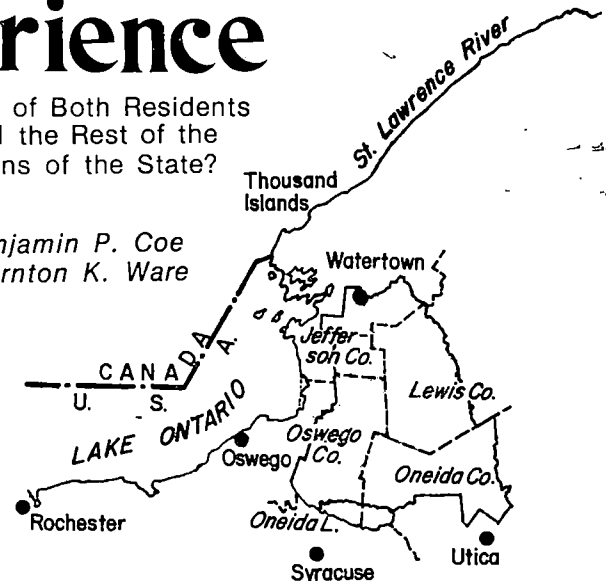
Distinguishing marks of the Commission have been several; two are listed here because of their bearing on this article:

Involvement of Citizenry and Local Government Officials - The Commission members set aside preconceived notions and went to the citizens first. They asked, "What should the future of the area be and how do we get there?" The ways this dialogue was planned and carried out is well documented for any that would like to know more about it.^{1,2,3}

Development of a "bottom up" rather than a "top down" approach to Planning and Regulation. Two very strong sentiments that came out of public forums and sessions with local officials were, "We want to preserve Tug Hill's natural and community assets," and "If planning and regulation are what we need, then we want to be the ones to do it." As we shall see, the dialogue also produced some excellent ideas on how this might be accomplished.

Benjamin P. Coe, Executive Director, Temporary State Commission on Tug Hill.
Thornton K. Ware, Director of Planning, Temporary State Commission on Tug Hill

by: Benjamin P. Coe
 Thornton K. Ware



WHERE IN SAM HILL IS TUG HILL?

As defined by the New York State Legislature, it includes 39 towns, 20 villages, in parts of 4 counties, with 1.3 million acres and a 1970 population of 81,500. It rises gradually from 250 feet at Lake Ontario to 2,100 feet 40 miles inland to the east.

The Central Core is a wilderness upland forest, important for commercial timber harvest, fish and wildlife habitat, low intensity recreation, and the source for 11 stream systems that lace the region, feeding 4 major drainage basins, and supplying urban water systems.

The North and East Perimeter in the Black River Valley contain the primary agricultural lands, much of which is protected by Agricultural Districts.

The Southern Perimeter contains the suburban expansion of Syracuse, Utica, and Rome pushing north into farm and forest and along the north shore of Oneida Lake.

The Salmon River Corridor is expected to get intense recreational pressure due to DEC salmon stocking program and the proposed hatchery.

"Tug Hill Country is not just a hill, or a jumble of hills, or a region. It is also forest solitudes, and wild beasts, and tumbling trout streams that were once sources of unlimited water power. It is lumber camps and backwoods farms and high, stony pastures. It is desolation in winter and breathtaking beauty at all other times of the year. It is wild flowers and bird song and the music of the winds in the evergreens..."

From *Tug Hill Country, Tales From the Big Woods* by Harold W. Sampson.

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THE IMPORTANCE OF RESEARCH AND FACT FINDING FOR THE PLANNING BOARD MEMBER

by Marc E. Meyer, Town of Wallkill Planning Board

As a member of a town planning board, I must emphasize the importance of research or fact finding, as a basis for decision making as a planner.

It would seem that too often basic research techniques are ignored, leading to costly approvals which seem to be more of a burden to communities than an asset.

Zoning ordinances and subdivision regulations serve as a legal basis and guide for planners to follow. However, each planner has a responsibility to the residents, board, developers and all those fine individuals who dedicate themselves to municipal, village and town planning, to seek and document as much information as possible with respect to any subdivision or industry that would desire to come before a planning board.

Planning is a continuing process and therefore, fact finding and research is important in order to better understand the past and enable us to act in a prudent manner in consideration of future growth and development.

There are a variety of resources available to planners. Some of these resources are as follows:

Local and county health departments, County planning departments, Department of Environmental Conservation (regional offices located throughout New York State), Agricultural Extension Service, regional offices of the New York State Environmental Protection Agency, local newspapers, libraries (many libraries microfilm newspaper articles which may be of some use to planners), articles in journals and magazines, newsletters from various planning federations, legal journals, Federation workshops, courses in planning sponsored by planning federations, and local commissions (including recreation, Chamber of Commerce, Environmental Council, citizen advisory committees and other organizations throughout the community).

These are just a few resources available to planning boards. It is suggested that the more resources used the more likely one is to raise relevant questions which would serve as a basis for intelligent decision making.

Good planning is a sharing and caring process. In the final analysis, research is important and lends support to the notion that local and municipal planners are truly working for the total wellbeing of all residents, when they are able to ask questions and seek answers through use of the excellent resources available. ■

MEMO: TO ALL MEMBERS

The article published on NYS Planning (page 6) is to bring to your attention the fact that central administration of planning in the state is brought about in part by the apathy of local government bodies in their lack of response to, or for, effective planning programs. The State Legislature will be listening for directions on state planning and examining state land and resource policies, as well as the need to improve opportunities for economic development. Federation members are urged to make their interests known to their representatives in the Legislature. We ask you, when so doing, to balance your loyalty to your locality with a recognition of your responsibility as a member of the state-wide community.

COURT OK'S SOME "WHITE" ZONE LAWS

Communities are not required to alter zoning laws to provide housing for low income families, the United States Supreme Court said today. (Jan. 11, 1977)

The court's ruling carries far-reaching consequences for many of the nation's suburban areas now closed to black and other minorities.

The court also said predominantly white communities do not have to make certain allowances for integration unless there is proof of purposeful racial discrimination.

state and other levels of government by communicating experiences learned in the Tug Hill Region.

With regard to the program's significance inside the study area, it is easiest to talk about and point to tangible **products** such as a plan document. The most important results may be, however, an informed more interested citizenry, and local governments sufficiently organized, experienced, and confident so that they can conduct policy dialogues with the citizenry and effectively make the kind of complex decisions that land use programs involve.

Along the way, Tug Hill has become an excellent pilot area for learning the potentials and problems in optional or required environmental legislation such as the Freshwater Wetlands Act, Flood Plain Law, and the State Environmental Quality Review Act. A successful Tug Hill program -- different people will have different yardsticks for success -- should provide many lessons of value to other parts of rural New York.

There should be important ideas as well, for county, regional, and state policy makers. Of course, each body would need to draw from the Tug Hill experience those lessons applicable to them. The Commission has been particularly careful to avoid giving the impression that what is working in Tug Hill would be applicable to special natural regions of the state such as the Adirondacks, the Catskills or even the Coastal Zone. The former two contain substantial forest preserve lands, and in both the pressures threatening loss of environmental assets are considerably greater. The narrow shoreline bands called Coastal Zones have their own set of special considerations. It seems very reasonable that in a diverse state such as New York some diversity in land use policy will be necessary. On the other hand, the Tug Hill study area is in many ways a microcosm of average rural New York and, with this state having the third largest rural population in the nation, there should be many areas where Tug Hill lessons are applicable. In recognition of that possibility, the Department of State's Division of State Planning selected the Tug Hill Commission to prepare a study of rural land use policy development as viewed from the Tug Hill experience. The purpose was to help strengthen the rural component of the State's "Land Use Element" submitted to the Department of Housing and Urban Development.⁴

What then are some of the possible implications of this work? As state level policy makers search for a direction for land use policy we, the authors, offer the following thoughts to the dialogue, out of our own experience:

1. Sufficient interchange with local officials, some local recognition of planning need and an availability of technical aid are resulting in a voluntary commitment to plan cooperatively with neighboring towns. We believe that mandated planning would not have provided a climate for participation, understanding, and acceptance of a land use program in Tug Hill.

2. We find that the time span needed for planning boards to plan and develop ordinances varies widely with the local situation. Cooperative planning increases the unpredictability of the time requirement because of the extra involvement in integration. A planning program always needs a schedule, but that schedule must regularly be revised, based on feedback from the process. We note that once there is a commitment to planning, most planning board members (volunteers all) want to get the job done well and quickly.

3. In the case of rural planning, if economic, social and political pressures on local officials are not severe, cooperative planning probably can result in effective consideration of county, regional and state concerns.

Involvement of as few as three adjacent towns with common boundaries and environmental and economic characteristics may be sufficient for a new "regional" perspective to emerge.

4. Technical support, financed largely from outside the rural community, is a vital ingredient. Technical help must be responsive with no strings attached. It should be available to help meet a variety of local needs - since a good planning program will identify a whole array of problems and questions concerning the community and local governance. Continued acceptance of planning means being able to respond to and solve these immediate problems.

5. Policy dialogue at the community level is likewise a necessary ingredient if plans are to really reflect the community and be understood, accepted, and implemented.

Robert W. Lamson has written a very useful paper entitled, **Policy Dialogues: A Key to Solving the Problems We Face While Increasing America's Capacity for Self-Government.**⁵ In it he states,

"Policy dialogues are important not only because we need to **solve the problems** which confront us, but also, because we need, at the same time, to employ a process for decision and implementation which **protects and promotes certain values** such as freedom and self-government.

To solve problems, we need to be able to improve our perceptions of problems, causes, options and impacts, to create sufficient consensus to permit concerted action, to decide upon and implement goals, to provide for continuity of effort, and

resolve conflicts of personality, perception, value, interest and power.

To protect and promote values such as freedom and self-government, we need to implement the principles for a free society such as those contained in the United States' Constitution. These principles include:

a. the limitation of the use and concentration of power, through, for example, periodic elections, the separation of powers and federalism, as well as through;

b. the rule of law, no one being above the law;

c. self-government, informed consent of the governed and the capacity of the governed to influence and be involved in decisions which affect them, directly as well as indirectly, via their elected representatives;

(1) Self-government is based on an informed citizenry, on a widespread, rather than a narrowly distributed, understanding of problems and options, and on the ability of citizens to implement the options and manage their own affairs.

(2) Consent of the governed is based not only on a belief in the competence and good intent of policymakers, but also on widespread understanding and consensus concerning problems, causes, options, impacts, criteria for evaluation, tradeoffs, priorities and preferred solutions, on the part of citizens, their elected representatives and other policymakers."

In his paper, Lamson's definition of "policy dialogue" includes everything that we include in the term "planning". The paper is well worth reading.

Another Comment: One can't really legislate citizen participation or involvement. Coordination, communication, education and participation can be part and parcel of a program -- or one can just go through the motions and satisfy the requirements of legislation. Citizen participation and involvement takes money and commitment.

6. As food for thought consider the application of the Tug Hill Commission's planning approach applied to the county. The Tug Hill study area is actually about the size of two rural counties. Our experience indicates that nine towns may be close to the practical limit for cooperative planning. Visualize then organizing portions of rural counties according to locally accepted natural and/or other interests, into several joint municipal planning boards. With financial and organizational help, a county could form a Local Government Assistance Bureau from which the whole variety of local government services, including planning, could be requested. A "circuit rider" would

NEW YORK STATE PLANNING : A Historical Perspective

by: John P. Keith

John P. Keith is President of the Regional Plan Association

*Presented at a conference on State Planning, Albany, N.Y.,
January, 1977.*

In the half century of its existence, planning in New York State has traveled once and a half around a circle. A Commission on Housing and Regional Planning, reporting in 1926 to Governor Alfred E. Smith, proposed that a permanent planning board should be established under the Governor. Such a Board was approved and functioned until 1941 when the Division of State Planning was removed to Commerce. Twenty years later, in 1961, Governor Nelson A. Rockefeller created an Office of Regional Development in the Executive Chamber. In 1975, the legatee of that body was transferred to the Secretary of State.

Before we settle for the present locus, or spin the wheel another half-turn sending planning back to Executive Chamber, or perhaps making it an arm of Budget, or an independent commission, we ought to take a quick look at what happened the last time it landed in the Governor's office.

The Office of Regional Development appears to have been the brainchild of Governor Rockefeller. He recognized that hospitals were being built without relation to transportation and that State agencies were eyeing the same turf without coordination. Its genesis seems to have been a "chart room" operated for him in Washington for planning Inter-American Affairs during World War II. A State Planning Coordination Board, consisting of the heads of eight State agencies then concerned with State and local development programs, was formed along with the Office of Regional Development to serve as secretariat to the Board.

Why didn't this ideal appearing setup work? It's akin to the proposal now being made in Connecticut that planning be placed in an Office of Policy and Management. And it is not unlike an abortive proposal by Governor William McCahill in New Jersey to form a State Planning Council composed of Cabinet officers and citizens to be serviced by the Planning Division of the Department of Community Affairs.

I asked a number of people who were in one way or another involved with ORD (subsequently called Office of Planning Coordination and then Office of Planning Services) why it failed. Even those who are reputed to have been antagonistic replied that the Office had done some very useful things -- that it was not really a failure. It is said to have planted the seeds of other agencies, like DOT, Environmental Conservation, UDC, Adirondacks Park Agency, and it provided useful input to the line departments.

Its failure, such as it was, seems to have resulted from putting process before policy. OPC got deeply involved in PPBS, the fad of the 1960's to make government more effective in the execution of policy. Apparently the departments were offended because they were asked to face the consequences of their programs, and Budget because its province was being invaded. Likewise, OPC was caught in the mesh of federal procedures and the need to push paper. All of this scattered its attention.

OPC also initiated an input/output study by the National Planning Association, seemingly without determining what it really needed to know. It was viewed by others as a high cost boondoggle, an error such a new and exposed agency couldn't afford. In other words, over-extended, and not always in response to need.

OPC really should have had a more limited, defined mission. Because it was spread too thin, its advice was not timely enough to help with important decisions. As one observer said, "It was like a general trying to catch up with his armies." DOT, UDC, SUNY and the other development agencies were building while OPC was gestating plans.

The political leadership wanted policy advice on development issues and on political decisions of the moment flavored with OPC's special ingredient, facts, alternative courses, and long-range perspective. Instead, OPC seemed to be creating political restiveness among local governments, a particular irritant to Governor Malcolm Wilson, who shrank it to Office of Planning Services.

The withdrawal from the commitment to planning of a decade earlier was possible because the predecessor Office of Planning Coordination had not built a constituency that valued its product. Nor did the Legislature have any feeling for the agency. There seems to have been almost no contact with legislators; when the State Development Plan was issued, it simply appeared in their mailboxes without any prior discussion or involvement.

U.S. Senator Thruston Morton once explained the sensitivity of legislators to agency constituents. Upon arrival in Washington, he explained, he made a speech critical of the Agriculture Department, and he promptly heard from the folks back home. He decided to talk about mining, and he quickly learned there was a Kentucky group responsive to Interior Department's Bureau of Mines. It wasn't long, though, 'til he learned that the State Department didn't have a constituency, at least one that can vote, so he felt free to describe at length the follies of Dean Acheson.

In any event, when the fiscal crunch came, planning seemed expendable. Its natural allies, the county and municipal planning boards, didn't object strenuously. In fact, some report that they were not much related to OPC. Regional Plan, as a citizen agency interested in promoting planning, spoke out, but too little, too late.

Of course, personalities enter in. The Chief Executive has to want planning. As former Governor Philip H. Hoff of Vermont says, "I worked hard to institute state and regional planning, and my successor worked just as hard to undo it."

Are there any lessons from the New York experience? Those who were involved seem in full agreement that State planning is much needed, that it ought to be a small, policy-oriented body

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in the Executive Chamber, that it ought to develop a constituency of fact and policy consumers, and it ought to gear its work to the political time-cycle. And they agree that good ideas and good leadership have a way of being heard, but it's easier to get the ear of the Governor if planning is right in the Executive Chamber.

There is strong disagreement whether it ought to be part of the Budget Office, which has become the *de facto* planner, according to some. Budget is required by law to produce 5-year capital budgets and, if planning were affiliated, it could influence the State's capital construction. Furthermore, the Public Authorities Control Board gives Budget the chance to review the State's semi-independent development arms, viz., the Housing Finance Agency, UDC, Power Authority, Dormitory Authority, Port Authority, et. al. Others heartily disagree, saying that Budget's role gives it too limited a perspective; that what planning needs is leadership with "clout" to stand up to Budget as an equal partner in the Executive Chamber for these areas.

It also seems agreed that New York State is a series of economic regions -- Buffalo/Niagara Frontier, Mohawk Valley, Adirondacks, Albany-Schenectady-Troy, Mid-Hudson and the New York Region. These are the natural planning areas because they coincide with economies. The role of State planning is to foster regional planning according to most of those who have been there.

In talking with representatives of county planning departments, it is clear that State planning now consists of overweighing and form-filling for 701 housing and land use

and Coastal Zoning programs. There is no feeling that policy direction of any kind is being provided by State planning. The major land use programs now seem to be in the Department of Environmental Conservation, like Wetlands and State Environmental Quality Review. As one county planner put it, "We are going with the people who have the tools, despite our misgivings about the breadth of their approach."

It is abundantly clear that New York needs planning more than ever during this time of fiscal crisis and readjustment. But what kind of planning? What should it do? Let's review the essential needs.

First; State Actions--construction investment, local aid programs, tax policies--ought to be pulling in harness toward a well-planned State. Today, no State development policy is evident.

Second; Where should the plans be formulated to which State actions conform? Perhaps, the Secretary of State's office should continue its role of overseer of grant funds, removing that distraction from a planning group located in the Executive Chamber. That course might have an additional benefit of providing a champion for local governments to joust with the State planning group on occasion.

Third; The State should encourage planning on a regional basis. It should share its planning powers with its regions because, as said earlier, they coincide with the economic realities. Then it should make sure that the regional planning agencies produce plans that fit into the State's overall conceptions and capacity to carry them out.

Fourth; Wherever located, State planning

should be encouraged to present independent thinking to the public, to advertise the disadvantage of continuing present policies and suggest alternatives, along with their benefits and costs. This is a bit of a delicate assignment because the needs of the political leader must be taken into account; nevertheless, planning must help open doors to progress.

For example, what picture do you have of New York City, Buffalo, Rochester, Yonkers, Newburgh if the mainstream of New York life continues to bypass them? That is not a spectre that the New York public is sufficiently confronted with. The tactics needed to change the headlong rush from the cities admittedly are difficult to contemplate, but so is the alternative. We very much need a bold, broad planning arm in this State that is forcing us to confront such fundamental questions.

Fifth; There must be program coordination out of the Governor's office, not by the planners, but by the Governor's program office in behalf of the plans adopted.

Now, I recognize that some of the earlier manifestations of State planning, particularly the Office of Planning Coordination, had these needs very much in mind. But, most social experiments require multiple tries before they achieve their goals. Furthermore, many informants about what went wrong in the past did not demonstrate any inherent faults in the machinery. So, I believe that New York State must complete the circle once again by establishing a planning group in the Executive Chamber, as Governor Hugh Carey proposed in 1975 and 1976. Looking forward at what we all have to do, I see no happy alternative. ■

LEAGUE OF CITIES POLICY URGES LOCAL LAND USE PLANNING, REGULATION

Land use planning programs should maintain "a major role in the development of land use policies, criteria and plans" for local governments, particularly in plan implementation, according to draft land use policies prepared by the League of Cities. The plan also calls for Federal Assistance to aid state and local planning efforts.

Existing Federal tax policies "which encourage neglect of urban areas and spur wasteful, unplanned development" should be reviewed, the draft policy states, adding that the Federal government should encourage the development by states of "general land use planning goals" which will lead to improved land use patterns "without dictating the land use decisions of individual communities."

Local planning efforts should be coordinated with other programs mandated under Federal environmental, transportation and economic development legislation, the policy said. ■

NEW HUD BUDGET INCLUDES \$400 MILLION TO AID SEVERELY DISTRESSED CITIES.

Major revisions in the Department of Housing and Urban Development fiscal 1978 budget and expansion of the current year's budget in order to meet pressing and immediate needs of urban areas were announced last week by HUD Secretary Patricia Harris. Describing parts of the Ford Administration housing budget as "simply unacceptable," Secretary Harris said there was not enough time to put together a new budget from scratch (LUPR, Jan. 24, 1977, p.23).

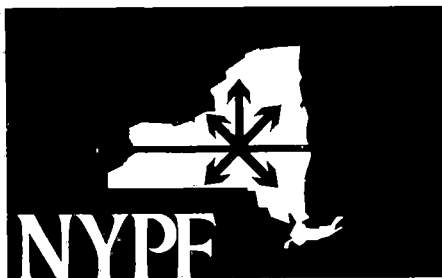
Revised budget, an increase of approximately \$30-million from the Ford budget, makes significant changes in a number of housing subsidy and community development programs. The Carter Administration restored the 701 comprehensive planning grant program to 1977 level of \$62.5-million and recommended a \$500-million increase in the community development block grant

program, including a new \$400-million initiative to aid the most severely distressed cities.

According to Secretary Harris, the \$400-million "will allow HUD to assist in a frontal attack on a myriad of social, economic and developmental programs in a given city." Monies to be distributed under the urban development action grant program would be "directed to the most distressed cities as a means to create discreet, but dramatic initiatives in improving their economic base and quality of life," Harris said. ■

LUP Report/February 1977

New York State population is over twenty million people, living in 62 counties. 126 state parks have been set aside to preserve the state's considerable natural beauty.



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regularly visit communities and help with problem definition and community organization. Professional planners on the staff of the "Bureau" would be able to provide assistance on local terms but with a county wide perspective as part of the planner's capability.

7. From such an array could come a network of integrated and implemented plans throughout the state. It would be many years before every community would have begun the process, but the results would be real and would be used. The time required would be a function of support dollars available for counties and for a state pool of technical and organizational aid to backstop county efforts.

Other applications and interpretations are possible. We leave that up to you. ■

FOOTNOTES

¹ Donald J. Exford, Maureen F. Poggi, and Ceil H. Recette, *Citizen Participation in Tug Hill Commission Studies* (Watertown, N.Y.: Temporary State Commission on Tug Hill, March 1975).

² Donald J. Exford, Friede K. Young, Maureen F. Poggi, *Public Comments to Tug Hill Commission's Preliminary Findings* (Watertown, N.Y.: Temporary State Commission on Tug Hill, October 15, 1975).

³ *The Communities of the Tug Hill Region*, a study for the Temporary State Commission on Tug Hill (Rensselaerville, N.Y.: Institute on Man and Science, 1974).

⁴ B.P. Coe, L.W. Garner, P.J. Smith, *Land Use Policy Development in the Tug Hill Area of New York State* (Watertown, N.Y.: Temporary State Commission on Tug Hill, September, 1976).

ZONING DECISIONS



Mobil Home - No Permit

Town of Pempey vs. Parker 385 N.Y.S. 2d 959

Parker was unable to construct a home on his land before the winter set in. He purchased a mobile home and applied for a one-year special permit.

The Zoning Board refused to issue the permit for Parker's land. He petitioned the court to have the ordinance declared unconstitutional.

DECISION: The exclusion of trailers from specific areas is constitutional. *Stevens v. Smolka* 11 A.D. 2d 896. The ordinance was reasonable and nondiscriminatory. There were designated mobile home areas within Pempey. *Dowsey v. Village of Kensington* 257 N.Y. 221.

Discriminatory Zoning

Jurgens v. Town of Huntington 384 N.Y.S. 2d 870

Jurgen's property was 445 feet deep—150 feet with frontage on a turnpike was zoned C-6. The remaining 295 feet was zoned R-7. The lots on both sides of this parcel were zoned C-6 for the full depth of the 445 feet. Jurgens petitioned to have the R-7 portion changed to C-6 (Commercial).

DECISION: The zoning ordinance was discriminatory. A change in zoning must be granted. (*Vigilant Investors Corp. v. Town of Hempstead* 34 A.D. 2d 990).

Zoning Appeals - Costs

Jewish Reconstructionist Synagogue of the North Shore, Inc. v. Incorporated Village of Roslyn Harbor, 352 N.E. 2d 115

Applicants received variances and special use permits after vigorous opposition and protracted litigation. Under village's "fire ordinance," however, applicants were charged \$3,671.50 (for costs incurred by board, including) for legal expenses, stenographer's fees, copying costs, and rental charges for the auditorium where hearings were held.

DECISION: Appeals to a zoning board are a matter of right. Fee ordinances must be scrutinized; they may not inhibit pursuit of this right. Since the costs were open-ended, and controlled solely by the zoning appeals board, applicants do not have to pay them.

Tug Hill

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The Commission was concerned that local rural land planning and regulation had not been very successful in this and other states.

- Among the weaknesses often cited were,
- Town and village governments have neither the money nor the technical background and experience to do the planning job.
 - The need for environmentally oriented planning for rural areas is only newly recognized, and processes for effective rural planning are still being developed.
 - Effects on neighboring towns and on region-wide resources are usually too complex for a town to consider on its own.
 - Town and village governments are too prone to indiscriminate granting of permits and variances due to local, social and political pressures.

During a session with local officials to plan the first set of Tug Hill public forums the Redfield Town Board members made a proposal that had promise for overcoming many of the above weaknesses. They proposed that towns which had the central forest and watershed in common cooperate to produce plans and a set of regulations. By the fall of 1974, the Cooperative Tug Hill Planning Board had been formed by resolution of the town boards of the following:

Board, the Commission decided to make Cooperative Planning a cornerstone of its approach to developing land use policy for the region. The prognosis for groups of towns with common interests producing plans and regulations that could satisfy both local needs and concerns and regional/state concerns looks promising because,

- the concern for the future of natural resources on the part of local citizens and agencies representing state interests converged (e.g., a survey of all families in the 9 towns of the central core showed that over 80% were in favor of providing special protection for areas such as streams, forests, gorges and waterfalls, and good farm lands),
- there are no large money interests trying to influence future direction (Horizon Corporation dropped its option and Georgia-Pacific, the owner, expressed their intention to keep their land for wood production),
- recreational development pressures are, as yet, only moderate; there is no emergency which requires drastic action.

Progress of Cooperative Planning

Today, towns involved in cooperative planning ventures in the Tug Hill area can boast of considerable progress.

The nine town Cooperative Tug Hill Planning Board has become a functioning, operating unit, with its own regional identity, its own program, its own staff, and, as of October '76, its own draft Resource Management Plan.

planning board and to send two representatives each to a cooperative planning board. At the same time, each town pledged \$400 toward the cooperative effort - a small but important commitment for towns with small annual budgets, one as low as \$25,000. They came together without knowing or really trusting each other or the Commission staff members assigned to help in the process. As they went through the survey and analysis stage of identifying their natural and human and economic resources, there gradually evolved a clearer understanding that they shared common goals, a common outlook or lifestyle and a common desire to retain a heritage of individual liberty. Adding to the growth in confidence of planning board members, the citizen survey confirmed a strong similarity of citizen views between each of the nine towns. This process of sharing views among citizens and local officials and thereby building community and policy consensus continues today and will need to continue in the future.

In building the draft plan from the various reports, maps, overlays and surveys, the planning boards were aided in conducting a land use capability analysis. At each step, every word and representation was read and re-read, agreed to and double checked to make sure it was what they believed and had asked for. The Plan is in fact **their plan**, representing what they want to accomplish in the way they feel is best. The plan contains an overview of the possible tools being considered for plan implementation and a listing of what kinds of matters the board felt should be decided at the individual town level and what matters should be decided by a joint board. The Cooperative Board members have spent countless hours of the period putting this plan together and now when an outsider criticizes it, they can and do defend it.

Since the Draft Plan was completed by the Cooperative Board in October, the 18 representatives have carried it back to their individual town planning boards, then to the town boards, and finally to public meetings. This process is still going on right now. They are finding that there is general acceptance of the ideas and suggestions contained in the plan which is most often expressed as "you are heading in the right direction."

Whereas, the original approach was to adopt the plan and then work on implementing regulations, it has been the consensus of the towns that they should develop the implementation tools first to see what the plan really means. Thus, the Cooperative Board is now developing a package of implementing ordinances, tailored to suit the special needs of the area. For example, subdivision regulations encourage

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Those who question the environmental awareness of people living in small rural towns, note that these towns selected the boundaries of their planning area based on natural characteristics of the land, rather than on political boundaries, i.e., county line!

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With the formation and successful early progress of this Cooperative Planning

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continued on page 4

limited frontage development along roads leading out from rural hamlets. Considered poor practice in suburban areas, this makes sense here by protecting the forested backlands and guiding the limited growth along roads that are already being maintained by severely strained town budgets and, thus, not requiring new roads and higher expenditures from a limited tax base. One town, Montague, felt sufficiently pressured by land market activity to adopt interim land use and subdivision controls. Their ordinance is unusual in that it uses 43 acre minimum lot size to protect their remote forest lands.

Their ordinance package, as it has developed to date, contains some novel features such as a Natural Resources Protection section. Stream protection standards are incorporated to regulate various activities adjacent to streams, lakes and ponds, with more stringent requirements in unique areas. Timber harvesting guidelines have also been included with good forest management practices included to guide proper utilization of their resources. This section includes, by reference, the proposed wetlands regulation, the flood plain regulations and the SEQR requirements that have been mandated by federal and/or state legislation. It is anticipated that these nine towns may well have adopted these ordinances and have them operational and protecting what are considered to be resources of statewide significance, even before the state is ready to do so itself. The major difference needs highlighting -- **These are regulations which have been developed by local people for adoption and use by local government, because they recognize a need to do so.**

There is one other aspect of this joint venture in cooperative planning that should prove interesting and perhaps even unique, in New York State. The implementing ordinances though being prepared for individual adoption are calling largely for joint administration and enforcement. Thus, the community feeling and capability that has developed should be able to carry over into enforcement of regulations. Department of State counsel has expressed the opinion that most any cooperative enforcement can be possible under the existing Article 5G of General Municipal Law. It is anticipated that cooperative enforcement will reinforce the resolve to withstand pressure to bend the rules. Joint administration certainly should be less expensive and will allow uniform application over the total area.

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common concern for the effects expected from construction of a salmonid hatchery and the accompanying tourist trade. The Salmon Rivers group is exhibiting the same strengths and recognizing common concerns in a manner similar to the Cooperative Tug Hill Board. As they go through the process of reviewing reports on existing conditions, they are beginning to pull together and act as a unit instead of a collection of people each with separate interests. This newer group is learning from the experience of the earlier one and is avoiding making the same mistakes. They can also use part of the general material as a starting point for discussion and adaptation, since physically they are not too dissimilar.

A Revised Approach to a Tug Hill "Plan"

Draft legislation requiring the production of a land use plan for the 39 town Tug Hill area was assembled during the fall of 1975 and exposed to selective review. The bill would have required towns to organize into groups with similar interests to produce "sub-region" plans so that a region plan could be assembled in a three year span. A reconstituted commission, representing each of the sub-regions, would do the assembling, making modifications where there were discrepancies between sub-regions. Cost and doubtful support from the people shelved the bill.

With another year under its belt, the Commission has modified its earlier approach. The goal is still to develop regional plans to cover the 39 town area, but it is now patently clear that mandated planning with a deadline would have been a serious mistake, which would have lost the Commission the support of local officials. Today the Commission describes its approach as "incremental" and "evolutionary".

It is "incremental" in that new cooperative planning boards form when they are ready and when the needed assistance from various sources can be arranged. At this time, there is one, and maybe two, more groups interested in organizing cooperative planning programs. The towns have demonstrated an interest in directing their future and do want the aid available. It is important to note, however, that an expression of interest by the towns and a request for assistance does not happen all by itself.

The process is "evolutionary" in that succeeding cooperative boards can learn from the experience of those who've already tried the process. Example: The Salmon Rivers Cooperative Planning Board is progressing at a faster pace than did the Cooperative Tug Hill Planning Board because of the experience available and confidence gained. Plan implementation does not wait till the whole region is covered by plans. It starts as soon as the

implementing program can be developed and adopted. In this way also, lessons can be learned by one group and passed on to those who follow. It's the same "learning curve", well-known in industry, where cost per product item drops as more items are produced on the same equipment - simply because people learn how to do things faster and better.

Although results of the pilot programs are so far encouraging, success is by no means guaranteed. Difficult steps remain. The Cooperative Tug Hill Planning Board needs to complete the development of its "land use code". It must obtain the feedback from a well-informed public, modify the "code" and then pass the necessary local laws to put it into effect. It must then administer the code both objectively and with sensitivity.

This is a new and big step for an organization formed by isolated rural towns. Responsive assistance must be available to local officials not only for technical and legal matters, but also to provide ways to present plan information to the people and to conduct effective dialogue with them.

It has also been helpful when there has been spinoff from the planning process that had immediate payoff - such as solving critical problems faced by officials or showing how cooperative schemes could reduce road maintenance or other expense. To this end the New York Department of State has provided funding through the Intergovernmental Personnel Act to provide a "circuit-rider" to go from town to town to identify and solve problems and meet needs involving not only land use regulation, but other needs of governance as well. The "circuit-rider" will connect with a pilot local government technical assistance program being operated by the Commission so that the appropriate technical help can be located and made available.

Possible Significance of the Tug Hill Effort

The Commission has adopted the following long range goals: (1.) Provide comprehensive plans to cover the Tug Hill Region; (2.) Develop and test a working organization structure(s) for implementation; (3.) Do the above in a manner that will both provide for the protection of natural values of state and regional interest and allow for maximum local government responsibility and authority; (4.) To that end, help strengthen local government's capability for handling more complex decisions and programs than in the past; (5.) Conduct research and pilot projects so as to evaluate issues affecting the future of the region and make recommendations from time to time to the State Legislature, other state agencies, and to county and local governments; and (6.) Participate in the development of policy by

The Tug Hill Experience

Where in Sam Hill is Tug Hill?

As defined by the New York State Legislature, it includes 39 towns, 20 villages, in parts of 4 counties, with 1.3 million acres and a 1970 population of 81,500. It rises gradually from 250 feet at Lake Ontario to 2,100 feet 40 miles inland to the east.

The Central Core is a wilderness upland forest, important for commercial timber harvest, fish and wildlife habitat, low intensity recreation, and the source for 11 stream systems that lace the region, feeding 4 major drainage basins, and supplying urban water systems.

The North and East Perimeter in the Black River Valley contain the prime agricultural lands, much of which is protected by Agricultural Districts.

The Southern Perimeter contains the suburban expansion of Syracuse, Utica, and Rome pushing north into farm and forest and along the north shore of Oneida Lake.

The Salmon River Corridor is expected to get intense recreational pressure due to DEC salmon stocking program and the proposed hatchery.



"Tug Hill Country is not just a hill, or a jumble of hills, or a region. It is also forest solitudes, and wild beasts, and tumbling trout streams that were once sources of unlimited water power. It is lumber camps and backwoods farms and high, stony pastures. It is desolation in winter and breathtaking beauty at all other times of the year. It is wild flowers and bird song and the music of winds in the evergreens."

From Tug Hill Country, Tales From the Big Woods by Harold E. Sampson.

This article has been prepared for publication in the March-April 1977 issue of the New York Planning Federation Planning News.

It also presents the essence of material presented at New York Association of Towns Workshop of Planning and Zoning Officers, held 9 a.m., February 22, 1977, entitled "The Tug Hill Planning Experience, Cooperative Implementation of a Regional Plan."

or

Can Towns Plan and Direct Their Own Future for the Good of Both
Residents and the Rest of the Citizens of the State?

by: Benjamin P. Coe, Executive Director
Temporary State Commission on Tug Hill

Thornton K. Ware, Director of Planning
Temporary State Commission on Tug Hill

In a section of Northern New York with the unlikely name of "Tug Hill", there's a program going on that may prove significant to the future of rural land use policy in our state. The program is a result of the work of the Temporary State Commission on Tug Hill and the people living in the 39 towns and villages of this study area.

The Commission was established by the state legislature in 1972 after the Horizon Corporation had placed an option to buy on 55,000 acres of the forest wilderness in the area's central core. Elaborate plans for conversion of wetlands to ponds with second home frontage, a golf course and other accouterments of a large recreational development would have changed the area drastically. Property owners and residents were concerned. They asked the legislature to set up the Temporary Commission to study the area and make recommendations on its future. Nine area residents were appointed (volunteers, without stipend) by April '73 and the beginnings of a staff was on board that October.

All this happened when the "regional study commission" approach was in vogue. By the end of '70, the Temporary Commission to Study the Future of the Adirondacks had made its recommendations. By the end of '72 there were active Commissions involved in the Catskills, Tug Hill, the Hudson Valley, and the St. Lawrence - Eastern Ontario shoreline.

After an approximate two year study, the Commission produced its findings and recommendations in a report entitled, The Tug Hill Region - Preparing for the Future, dated February, 1976.

Distinguishing marks of the Commission have been several; two are listed here because of their bearing on this article:

Involvement of Citizenry and Local Government Officials - The Commission members set aside preconceived notions and went to the citizens first. They asked, "What should the future of the area be and how do we get there?" The ways this dialogue was planned and carried out is well documented for any that would like to know more about it.^{1,2,3}

¹ Donald J. Exford, Maureen F. Poggi, and Ceil H. Racette, *Citizen Participation in Tug Hill Commission Studies* (Watertown, N.Y.: Temporary State Commission on Tug Hill, March 1975).

² Donald J. Exford, Friede K. Young, Maureen F. Poggi, *Public Comments to Tug Hill Commission's Preliminary Findings* (Watertown, N.Y.: Temporary State Commission on Tug Hill, October 15, 197

³ *The Communities of the Tug Hill Region, A Study for the Temporary State Commission on Tug Hill* (Rensselaerville, N.Y.: Institute on Man and Science, 1974).

Development of a "bottom up, rather than top down" approach to Planning and Regulation - Two very strong sentiments that came out of public forums and sessions with local officials were, "We want to preserve Tug Hill's natural, and community assets," and "If planning and regulation are what we need, than we want to be the ones to do it." As we shall see, the dialogue also produced some excellent ideas on how this might be accomplished.

The Commission was concerned that local rural land planning and regulation had not been very successful in this and other states. Among the weaknesses often cited were,

- Town and village governments have neither the money nor the technical background and experience to do the planning job.
- The need for environmentally oriented planning for rural areas is only newly recognized, and processes for effective rural planning are still being developed.
- Effects on neighboring towns and on region-wide resources are usually too complex for a town to consider on its own.
- Town and village governments are too prone to indiscriminate granting of permits and variances due to local, social and political pressures.

During a session with local officials to plan the first set of Tug Hill public forums the Redfield Town Board members made a proposal that had promise for overcoming many of the above weaknesses. They proposed that towns which had the central forest and watershed in common cooperate to produce plans and a set of regulations. By the fall of 1974, the Cooperative Tug Hill Planning Board had been formed by resolution of the town boards of the following:

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Those who question the environmental awareness of people living in small rural towns, note that these towns selected the boundaries of their planning area based on natural characteristics of the land, rather than on political boundaries, i.e., county line!

The Commission pledged to provide technical assistance, and to do it entirely on the terms of the newly formed board.

With the formation and successful early progress of this Cooperative Planning Board, the Commission decided to make Cooperative Planning a cornerstone of its approach to developing land use policy for the region. The prognosis for groups of towns with common interests producing plans and regulations that could satisfy both local needs and concerns and regional/state concerns looked promising because,

- the concern for the future of natural resources on the part of local citizens and agencies representing state interests converged (e.g., a survey of all families in the 9 towns of the central core showed that over 80% were in favor of providing special protection for areas such as streams, forests, gorges and waterfalls, and good farm lands),
- there are no large money interests trying to influence future direction (Horizon Corporation dropped its option and Georgia-Pacific, the owner, expressed their intention to keep their land for wood production),
- recreational development pressures are, as yet, only moderate; there is no emergency which requires drastic action.

Progress of Cooperative Planning

Today, towns involved in cooperative planning ventures in the Tug Hill area can boast of considerable progress.

The nine town Cooperative Tug Hill Planning Board has become a functioning, operating unit, with its own regional identity, its own program, its own staff, and, as of October '76, its own draft Resource Management Plan.

Two and a half years ago when the Supervisor of Redfield, Pete Yerdon, invited nine towns to discuss cooperation in planning, these towns had neither any planning nor any land use regulation experience. Furthermore, few of the nine had ever recognized and discussed their common problems and aspirations. Nevertheless, the organization formed, partly out of concern for their environment and partly out of fear of "having someone else plan for us." Each town board resolved to form a town planning board and to send two representatives each to a cooperative planning board. At the same time, each town pledged \$400 toward the cooperative effort - a small but important commitment for towns with small annual budgets, one as low as \$25,000. They came together without knowing or really trusting each other or the Commission staff members assigned to help in the process. As they went through the survey and analysis stage of identifying their natural and human and economic resources, there gradually evolved a clearer understanding that they shared common goals, a common outlook or lifestyle and a common desire to retain a heritage of individual liberty. Adding to the growth in confidence of planning board members, the citizen survey confirmed a strong similarity of citizen views between each of the nine towns. This process of sharing views among citizens and local officials and thereby building community and policy consensus continues today and will need to continue in the future.

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local laws/ordinances to put it into effect. It must then administer the code both objectively and with sensitivity.

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Possible Significance of the Tug Hill Effort

The Commission has adopted the following long range goals:

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2. Develop and test a working organization structure(s) for implementation.
3. Do the above in a manner that will both provide for the protection of natural values of state and regional interest and allow for maximum local government responsibility and authority.
4. To that end, help strengthen local government's capability for handling more complex decisions and programs than in the past.
5. Conduct research and pilot projects so as to evaluate issues affecting the future of the region and make recommendations from time to time to the State Legislature, other state agencies, and to county and local governments.
6. Participate in the development of policy by state and other levels of government by communicating experiences learned in the Tug Hill Region.

With regard to the program's significance inside the study area, it is easiest to talk about and point to tangible products such as a plan document. The most important result may be, however,

- an informed more interested citizenry

- local governments sufficiently organized, experienced, and confident so that they can conduct policy dialogues with the citizenry and effectively make the kind of complex decisions that land use programs involve.

Along the way, Tug Hill has become an excellent pilot area for learning the potentials and problems in optional or required environmental legislation such as the Freshwater Wetlands Act, Flood Plain Law, and the State Environmental Quality Review Act. A successful Tug Hill program -- different people will have different yardsticks for success -- should provide many lessons of value to other parts of rural New York.

There should be important ideas as well, for county, regional, and state policy makers. Of course, each body would need to draw from the Tug Hill experience those lessons applicable to them. The Commission has been particularly careful to avoid giving the impression that what is working in Tug Hill would be applicable to special natural regions of the state such as the Adirondacks, the Catskills, or even the Coastal Zone. The former two contain substantial forest preserve lands, and in both the pressures threatening loss of environmental assets are considerably greater. The narrow shoreline bands called Coastal Zones have their own set of special considerations. It seems very reasonable that in a diverse state such as New York some diversity in land use policy will be necessary. On the other hand, the Tug Hill study area is in many ways a microcosm of average rural New York and, with this state having the third largest rural population in the nation, there should be many areas where Tug Hill lessons are applicable. In recognition of that possibility, the Department of State's Division of State Planning selected the Tug Hill Commission to prepare a study of rural land use policy development as viewed from the Tug Hill experience. The purpose was to help strengthen the rural component of the State's "Land Use Element" submitted to the Department of Housing and Urban Development.⁴

What then are some of the possible implications of this work. As state level policy makers search for a direction for land use policy, we the authors, offer the following thoughts to the dialogue, out of our own experience:

1. Sufficient interchange with local officials, some local recognition of planning need and an availability of technical aid are resulting in a voluntary commitment to plan cooperatively with neighboring towns. We believe that mandated planning would not have provided a climate for participation, understanding, and acceptance of a land use program in Tug Hill.
2. We find that the time span needed for planning boards to plan and develop ordinances varies widely with the local situation. Cooperative planning increases the unpredictability of the time requirement because of the extra involvement in integration. A planning program always needs a schedule, but that schedule must regularly be revised, based on feedback from the process. We note that once there is a commitment to planning, most planning board members (volunteers all) want to get the job done well and quickly.

⁴B.P. Coe, L.W. Garner, P.J. Smyth, *Land Use Policy Development in the Tug Hill Area of New York State* (Watertown, N.Y.: Temporary State Commission on Tug Hill September 1976).

3. In the case of rural planning, if economic, social and political pressures on local officials are not severe, cooperative planning probably can result in effective consideration of county, regional and state concerns.

Involvement of as few as three adjacent towns with common boundaries and environmental and economic characteristics may be sufficient for a new "regional" perspective to emerge.

4. Technical support, financed largely from outside the rural community, is a vital ingredient. Technical help must be responsive with no strings attached. It should be available to help meet a variety of local needs - since a good planning program will identify a whole array of problems and questions concerning the community and local governance. Continued acceptance of planning means being able to respond to and solve these immediate problems.
5. Policy dialogue at the community level is likewise a necessary ingredient if plans are to really reflect the community and be understood, accepted, and implemented.

Robert W. Lamson has written a very useful paper entitled, Policy Dialogues: A Key to Solving the Problems We Face While Increasing America's Capacity for Self-Government.⁵ In it he states,

"Policy dialogues are important not only because we need to solve the problems which confront us, but also, because we need, at the same time, to employ a process for decision and implementation which protects and promotes certain values such as freedom and self-government.

To solve problems, we need to be able to improve our perceptions of problems, causes, options and impacts, to create sufficient consensus to permit concerted action, to decide upon and implement goals, to provide for continuity of effort, and resolve conflicts or personality, perception, value, interest and power.

To protect and promote values such as freedom and self-government, we need to implement the principles for a free society such as those contained in the United States' Constitution. These principles include:

- a. the limitation of the use and concentration of power, through, for example, periodic elections, the separation of powers and federalism, as well as through;
- b. the rule of law, no one being above the law;

⁵Robert W. Lamson, *Policy Dialogues: A Key to Solving the Problems We Face While Increasing America's Capacity for Self-Government*, (Washington, D.C.: National Science Foundation, 1976).

- c. self-government, informed consent of the governed and the capacity of the governed to influence and be involved in decisions which affect them, directly as well as indirectly, via their elected representatives;

- (1) Self-government is based on an informed citizenry, on a widespread, rather than a narrowly distributed, understanding of problems and options, and on the ability of citizens to implement the options and manage their own affairs.
- (2) Consent of the governed is based not only on a belief in the competence and good intent of policymakers, but also on widespread understanding and consensus concerning problems, causes, options, impacts, criteria for evaluation, tradeoffs, priorities and preferred solutions, on the part of citizens, their elected representatives and other policymakers."

In his paper, Lamson's definition of "policy dialogue" includes everything that we include in the term "planning". The paper is well worth reading.

Another Comment: One can't really legislate citizen participation or involvement. Coordination, communication, education and participation can be part and parcel of a program -- or one can just go through the motions and satisfy the requirements of legislation. Citizen participation and involvement takes money and commitment.

6. As food for thought consider the application of the Tug Hill Commission's planning approach applied to the county. The Tug Hill study area is actually about the size of two rural counties. Our experience indicates that nine towns may be close to the practical limit for cooperative planning. Visualize, then, organizing portions of rural counties according to locally accepted natural and/or other interests, into several joint municipal planning boards. With financial and organizational help, a county could form a Local Government Assistance Bureau from which the whole variety of local government services, including planning, could be requested. A "circuit rider" would regularly visit communities and help with problem definition and community organization. Professional planners on the staff of the "bureau" would be able to provide assistance on local terms but with a county wide perspective as part of the planner's capability.
7. From such an array could come a network of integrated and implemented plans throughout the state. It would be many years before every community would have begun the process, but the results would be real and would be used. The time required would be a function of support dollars available for counties and for a state pool of technical and organization aid to backstop county efforts.

Other applications and interpretations are possible. We leave that up to you.

The Tug Hill Experience

Where in Sam Hill is Tug Hill?

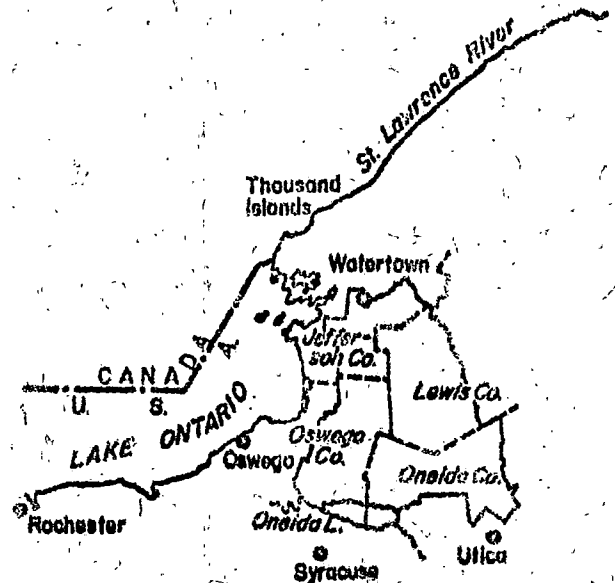
As defined by the New York State Legislature, it includes 39 towns, 20 villages, in parts of 4 counties, with 1.3 million acres and a 1970 population of 81,500. It rises gradually from 250 feet at Lake Ontario to 2,100 feet 40 miles inland to the east.

The Central Core is a wilderness upland forest, important for commercial timber harvest, fish and wildlife habitat, low intensity recreation, and the source for 11 stream systems that lace the region, feeding 4 major drainage basins, and supplying urban water systems.

The North and East Perimeter in the Black River Valley contain the prime agricultural lands, much of which is protected by Agricultural Districts.

The Southern Perimeter contains the suburban expansion of Syracuse, Utica, and Rome pushing north into farm and forest and along the north shore of Oneida Lake.

The Salmon River Corridor is expected to get intense recreational pressure due to DEC salmon stocking program and the proposed hatchery.



"Tug Hill Country is not just a hill, or a jumble of hills, or a region. It is also forest solitudes, and wild beasts, and tumbling trout streams that were once source of unlimited water power. It is lumber camp and backwoods farms and high, stony pastures. It is desolation in winter and breathtaking beauty at all other times of the year. It is wild flowers and bird song and the music of winds in the evergreens."

From Tug Hill Country, Tales From the Big Woods by Harold E. Sampson.

This article has been prepared for publication in the March-April 1977 issue of the New York Planning Federation Planning News.

It also presents the essence of material presented at New York Association of Towns Workshop of Planning and Zoning Officers, held 9 a.m., February 22, 1977, entitled "The Tug Hill Planning Experience, Cooperative Implementation of a Regional Plan."

The Tug Hill Experience

or

Can Towns Plan and Direct Their Own Future for the Good of Both Residents and the Rest of the Citizens of the State?

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In a section of Northern New York with the unlikely name of "Tug Hill", there's a program going on that may prove significant to the future of rural land use policy in our state. The program is a result of the work of the Temporary State Commission on Tug Hill and the people living in the 39 towns and villages of this study area.

The Commission was established by the state legislature in 1972 after the Horizon Corporation had placed an option to buy on 55,000 acres of the forest wilderness in the area's central core. Elaborate plans for conversion of wetlands to ponds with second home frontage, a golf course and other accouterments of a large recreational development would have changed the area drastically. Property owners and residents were concerned. They asked the legislature to set up the Temporary Commission to study the area and make recommendations on its future. Nine area residents were appointed (volunteers, without stipend) by April '73 and the beginnings of a staff was on board that October.

All this happened when the "regional study commission" approach was in vogue. By the end of '70, the Temporary Commission to Study the Future of the Adirondacks had made its recommendations. By the end of '72 there were active Commissions involved in the Catskills, Tug Hill, the Hudson Valley, and the St. Lawrence - Eastern Ontario shoreline.

After an approximate two year study, the Commission produced its findings and recommendations in a report entitled, The Tug Hill Region - Preparing for the Future, dated February, 1976.

Distinguishing marks of the Commission have been several; two are listed here because of their bearing on this article:

Involvement of Citizenry and Local Government Officials - The Commission members set aside preconceived notions and went to the citizens first. They asked, "What should the future of the area be and how do we get there?" The ways this dialogue was planned and carried out is well documented for any that would like to know more about it.^{1,2,3}

¹ Donald J. Exford, Maureen F. Poggi, and Ceil H. Racette, *Citizen Participation in Tug Hill Commission Studies* (Watertown, N.Y.: Temporary State Commission on Tug Hill, March 1975).

² Donald J. Exford, Friede K. Young, Maureen F. Poggi, *Public Comments to Tug Hill Commission's Preliminary Findings* (Watertown, N.Y.: Temporary State Commission on Tug Hill, October 15, 197

³ *The Communities of the Tug Hill Region, A Study for the Temporary State Commission on Tug Hill* (Rensselaerville, N.Y.: Institute on Man and Science, 1974).

Development of a "bottom up rather than top down" approach to Planning and Regulation - Two very strong sentiments that came out of public forums and sessions with local officials were, "We want to preserve Tug Hill's natural, and community assets," and "If planning and regulation are what we need, than we want to be the ones to do it." As we shall see, the dialogue also produced some excellent ideas on how this might be accomplished.

The Commission was concerned that local rural land planning and regulation had not been very successful in this and other states. Among the weaknesses often cited were,

- Town and village governments have neither the money nor the technical background and experience to do the planning job.
- The need for environmentally oriented planning for rural areas is only newly recognized, and processes for effective rural planning are still being developed.
- Effects on neighboring towns and on region-wide resources are usually too complex for a town to consider on its own.
- Town and village governments are too prone to indiscriminate granting of permits and variances due to local, social and political pressures.

During a session with local officials to plan the first set of Tug Hill public forums the Redfield Town Board members made a proposal that had promise for overcoming many of the above weaknesses. They proposed that towns which had the central forest and watershed in common cooperate to produce plans and a set of regulations. By the fall of 1974, the Cooperative Tug Hill Planning Board had been formed by resolution of the town boards of the following:

		<u>Acres</u>	<u>Population (1970)</u>
In Jefferson County:	Worth	27,808	185
In Lewis County:	Martinsburg	48,134	1,516
	Montague	41,811	58
	Osceola	55,706	167
	Pinckney	26,810	319
	West Turin	66,983	1,713
In Oneida County:	Florence	26,048	610
In Oswego County:	Boylston	24,986	276
	Redfield	59,558	386

Those who question the environmental awareness of people living in small rural towns, note that these towns selected the boundaries of their planning area based on natural characteristics of the land, rather than on political boundaries, i.e., county line!

The Commission pledged to provide technical assistance, and to do it entirely on the terms of the newly formed board.

With the formation and successful early progress of this Cooperative Planning Board, the Commission decided to make Cooperative Planning a cornerstone of its approach to developing land use policy for the region. The prognosis for groups of towns with common interests producing plans and regulations that could satisfy both local needs and concerns and regional/state concerns looked promising because,

- the concern for the future of natural resources on the part of local citizens and agencies representing state interests converged (e.g., a survey of all families in the 9 towns of the central core showed that over 80% were in favor of providing special protection for areas such as streams, forests, gorges and waterfalls, and good farm lands),
- there are no large money interests trying to influence future direction (Horizon Corporation dropped its option and Georgia-Pacific, the owner, expressed their intention to keep their land for wood production),
- recreational development pressures are, as yet, only moderate; there is no emergency which requires drastic action.

Progress of Cooperative Planning

Today, towns involved in cooperative planning ventures in the Tug Hill area can boast of considerable progress.

The nine town Cooperative Tug Hill Planning Board has become a functioning, operating unit, with its own regional identity, its own program, its own staff, and, as of October '76, its own draft Resource Management Plan.

Two and a half years ago when the Supervisor of Redfield, Pete Yerdon, invited nine towns to discuss cooperation in planning, these towns had neither any planning nor any land use regulation experience. Furthermore, few of the nine had ever recognized and discussed their common problems and aspirations. Nevertheless, the organization formed, partly out of concern for their environment and partly out of fear of "having someone else plan for us." Each town board resolved to form a town planning board and to send two representatives each to a cooperative planning board. At the same time, each town pledged \$400 toward the cooperative effort - a small but important commitment for towns with small annual budgets, one as low as \$25,000. They came together without knowing or really trusting each other or the Commission staff members assigned to help in the process. As they went through the survey and analysis stage of identifying their natural and human and economic resources, there gradually evolved a clearer understanding that they shared common goals, a common outlook or lifestyle and a common desire to retain a heritage of individual liberty. Adding to the growth in confidence of planning board members, the citizen survey confirmed a strong similarity of citizen views between each of the nine towns. This process of sharing views among citizens and local officials and thereby building community and policy consensus continues today and will need to continue in the future.

In building the draft plan from the various reports, maps, overlays and surveys, the planning boards were aided in conducting a land use capability analysis. At each step, every word and representation was read and re-read, agreed to and double

checked to make sure it was what they believed and had asked for. The Plan is in fact their plan, representing what they want to accomplish in the way they feel is best. The plan contains an overview of the possible tools being considered for plan implementation and a listing of what kinds of matters the board felt should be decided at the individual town level and what matters should be decided by a joint board. The Cooperative Board members have spent countless hours over the period putting this plan together and now when an outsider criticizes it, they can and do defend it.

Since the Draft Plan was completed by the Cooperative Board in October, the 18 representatives have carried it back to their individual town planning boards, then to the town boards, and finally to public meetings. This process is still going on right now. They are finding that there is general acceptance of the ideas and suggestions contained in the plan which is most often expressed as "you are heading in the right direction."

Whereas, the original approach was to adopt the plan and then work on implementing regulations; it has been the consensus of the towns that they should develop the implementation tools first to see what the plan really means. Thus, the Cooperative Board is now developing a package of implementing ordinances, tailored to suit the special needs of the area. For example, subdivision regulations encourage limited frontage development along roads leading out from rural hamlets. Considered poor practice in suburban areas, this makes sense here by protecting the forested backlands and guiding the limited growth along roads that already are being maintained by severely strained town budgets and, thus, not requiring new roads and higher expenditures from a limited tax base. One town, Montague, felt sufficiently pressured by land market activity to adopt interim land use and subdivision controls. Their ordinance is unusual in that it uses 43 acre minimum lot size to protect their remote forest lands.

The Cooperative Board ordinance package, as it has developed to date, contains some novel features such as a Natural Resources Protection section. Stream protection standards are incorporated to regulate various activities adjacent to streams, lakes and ponds, with more stringent requirements in unique areas. Timber harvesting guidelines have also been included with good forest management practices included to guide proper utilization of their resources. This section includes, by reference, the proposed wetlands regulation, the flood plain regulations and the SEQR requirements that have been mandated by federal and/or state legislation. It is anticipated that these nine towns may well have adopted these ordinances and have them operational and protecting what are considered to be resources of statewide significance, even before the state is ready to do so itself. The major difference needs highlighting -- These are regulation which have been developed by local people for adoption and use by local government, because they recognize a need to so do.

There is one other aspect of this joint venture in cooperative planning that should prove interesting and perhaps even unique, in New York State. The implementing ordinances though being prepared for individual adoption, are calling largely for joint administration and enforcement. Thus, the community feeling and capability that has developed should be able to carry over into enforcement of regulations. Department of State counsel has expressed the opinion that most any cooperative enforcement can be possible under the existing Article 5G of General Municipal Law. It is anticipated that cooperative enforcement will reinforce the resolve to withstand pressure to bend the rules. Joint administration certainly should be less expensive and will allow uniform application over the total area.

In the spring of 1976, a second group of towns, including two villages, similarly organized the Salmon Rivers Cooperative Planning Board. These Communities share a common concern for the effects expected from construction of a proposed salmonid Hatchery and the accompanying tourist trade. The Salmon Rivers group is exhibiting the same strengths and recognizing common concerns in a manner similar to the Cooperative Tug Hill Board. As they go through the process of reviewing reports on existing conditions, they are beginning to pull together and act as a unit instead of a collection of people each with separate interests. This newer group is learning from the experience of the earlier one and is avoiding making the same mistakes. They can also use part of the general material as a starting point for discussion and adaptation, since physically they are not too dissimilar.

A Revised Approach to a Tug Hill "Plan"

Draft legislation requiring the production of a land use plan for the 39 town Tug Hill area was assembled during the fall of 1975 and exposed to selective review. The bill would have required towns to organize into groups with similar interest to produce "sub-region" plans so that a region plan could be assembled in a three year span. A reconstituted commission, representing each of the sub-regions, would do the assembling making modifications where there were discrepancies between sub-regions. Cost and doubtful support from the people shelved that bill.

With another year under its belt, the Commission has modified its earlier approach. The goal is still to develop regional plans to cover the 39 town area, but it is now potentially clear that mandated planning with a deadline would have been a serious mistake which would have lost the Commission the support of local officials.

Today the Commission describes its approach as "incremental" and "evolutionary".

It is "incremental" in that new cooperative planning boards form when they are ready and when the needed assistance from various sources can be arranged. At this time, there is one, and maybe two, more groups interested in organizing cooperative planning programs. The towns have demonstrated an interest in directing their future and do want the aid available. It is important to note, however, that an expression of interest by the towns and a request for assistance does not happen all by itself.

The process is "evolutionary" in that succeeding cooperative boards can learn from the experience of those who've already tried the process. Example: The Salmon Rivers Cooperative Planning Board is progressing at a faster pace than did the Cooperative Tug Hill Planning Board because of the experience available and confidence gained. Plan implementation does not wait till the whole region is covered by plans, it starts as soon as the implementing program can be developed and adopted. In this way also, lessons can be learned by one group and passed on to those who follow. It's the same "learning curve", well-known in industry, where cost per product item drops as more items are produced on the same equipment - simply because people learn how to do things faster and better.

Although results of the pilot programs are so far encouraging, success is by no means guaranteed. Difficult steps remain. The Cooperative Tug Hill Planning Board needs to complete the development of its "land use code". It must obtain the feedback from a well-informed public, modify the "code" and then pass the necessary

local laws/ordinances to put it into effect. It must then administer the code both objectively and with sensitivity.

This is a new and big step for an organization formed by isolated rural towns. Responsive assistance must be available to local officials not only for technical and legal matters, but also to provide ways to present plan information to the people and to conduct effective dialogue with them.

It has also been helpful when there has been spinoff from the planning process that had immediate payoff - such as solving critical problems faced by officials or showing how cooperative schemes could reduce road maintenance or other expense. To this end the New York Department of State has provided funding through the Intergovernmental Personnel Act to provide a "circuit-rider" to go from town to town to identify and solve problems and meet needs involving not only land use regulation, but other needs of governance as well. The "circuit-rider" will connect with a pilot local government technical assistance program being operated by the Commission so that the appropriate technical help can be located and made available.

Possible Significance of the Tug Hill Effort

The Commission has adopted the following long range goals:

1. Provide comprehensive plans to cover the Tug Hill Region.
2. Develop and test a working organization structure(s) for implementation.
3. Do the above in a manner that will both provide for the protection of natural values of state and regional interest and allow for maximum local government responsibility and authority.
4. To that end, help strengthen local government's capability for handling more complex decisions and programs than in the past.
5. Conduct research and pilot projects so as to evaluate issues affecting the future of the region and make recommendations from time to time to the State Legislature, other state agencies, and to county and local governments.
6. Participate in the development of policy by state and other levels of government by communicating experiences learned in the Tug Hill Region.

With regard to the program's significance inside the study area, it is easiest to talk about and point to tangible products such as a plan document. The most important result may be, however,

- an informed more interested citizenry

- local governments sufficiently organized, experienced, and confident so that they can conduct policy dialogues with the citizenry and effectively make the kind of complex decisions that land use programs involve.

Along the way, Tug Hill has become an excellent pilot area for learning the potentials and problems in optional or required environmental legislation such as the Freshwater Wetlands Act, Flood Plain Law, and the State Environmental Quality Review Act. A successful Tug Hill program -- different people will have different yardsticks for success -- should provide many lessons of value to other parts of rural New York.

There should be important ideas as well, for county, regional, and state policy makers. Of course, each body would need to draw from the Tug Hill experience those lessons applicable to them. The Commission has been particularly careful to avoid giving the impression that what is working in Tug Hill would be applicable to special natural regions of the state such as the Adirondacks, the Catskills, or even the Coastal Zone. The former two contain substantial forest preserve lands, and in both the pressures threatening loss of environmental assets are considerably greater. The narrow shoreline bands called Coastal Zones have their own set of special considerations. It seems very reasonable that in a diverse state such as New York some diversity in land use policy will be necessary. On the other hand, the Tug Hill study area is in many ways a microcosm of average rural New York and, with this state having the third largest rural population in the nation, there should be many areas where Tug Hill lessons are applicable. In recognition of that possibility, the Department of State's Division of State Planning selected the Tug Hill Commission to prepare a study of rural land use policy development as viewed from the Tug Hill experience. The purpose was to help strengthen the rural component of the State's "Land Use Element" submitted to the Department of Housing and Urban Development.⁴

What then are some of the possible implications of this work. As state level policy makers search for a direction for land use policy, we the authors, offer the following thoughts to the dialogue, out of our own experience:

1. Sufficient interchange with local officials, some local recognition of planning need and an availability of technical aid are resulting in a voluntary commitment to plan cooperatively with neighboring towns. We believe that mandated planning would not have provided a climate for participation, understanding, and acceptance of a land use program in Tug Hill.
2. We find that the time span needed for planning boards to plan and develop ordinances varies widely with the local situation. Cooperative planning increases the unpredictability of the time requirement because of the extra involvement in integration. A planning program always needs a schedule, but that schedule must regularly be revised, based on feedback from the process. We note that once there is a commitment to planning, most planning board members (volunteers all) want to get the job done well and quickly.

⁴B.P. Coe, L.W. Garner, P.J. Smyth, *Land Use Policy Development in the Tug Hill Area of New York State* (Watertown, N.Y.: Temporary State Commission on Tug Hill September 1976).

3. In the case of rural planning, if economic, social and political pressures on local officials are not severe, cooperative planning probably can result in effective consideration of county, regional and state concerns.

Involvement of as few as three adjacent towns with common boundaries and environmental and economic characteristics may be sufficient for a new "regional" perspective to emerge.

4. Technical support, financed largely from outside the rural community, is a vital ingredient. Technical help must be responsive with no strings attached. It should be available to help meet a variety of local needs - since a good planning program will identify a whole array of problems and questions concerning the community and local governance. Continued acceptance of planning means being able to respond to and solve these immediate problems.
5. Policy dialogue at the community level is likewise a necessary ingredient if plans are to really reflect the community and be understood, accepted, and implemented.

Robert W. Lamson has written a very useful paper entitled, Policy Dialogues: A Key to Solving the Problems We Face While Increasing America's Capacity for Self-Government.⁵ In it he states,

"Policy dialogues are important not only because we need to solve the problems which confront us, but also, because we need, at the same time, to employ a process for decision and implementation which protects and promotes certain values such as freedom and self-government.

To solve problems, we need to be able to improve our perceptions of problems, causes, options and impacts, to create sufficient consensus to permit concerted action, to decide upon and implement goals, to provide for continuity of effort, and resolve conflicts or personality, perception, value, interest and power.

To protect and promote values such as freedom and self-government, we need to implement the principles for a free society such as those contained in the United States' Constitution. These principles include:

- a. the limitation of the use and concentration of power, through, for example, periodic elections, the separation of powers and federalism, as well as through;
- b. the rule of law, no one being above the law;

⁵Robert W. Lamson, Policy Dialogues: A Key to Solving the Problems We Face While Increasing America's Capacity for Self-Government (Washington, D.C.: National Science Foundation, 1976).

- c. self-government, informed consent of the governed and the capacity of the governed to influence and be involved in decisions which affect them, directly as well as indirectly, via their elected representatives;

- (1) Self-government is based on an informed citizenry, on a widespread, rather than a narrowly distributed, understanding of problems and options, and on the ability of citizens to implement the options and manage their own affairs.
- (2) Consent of the governed is based not only on a belief in the competence and good intent of policymakers, but also on widespread understanding and consensus concerning problems, causes, options, impacts, criteria for evaluation, tradeoffs, priorities and preferred solutions, on the part of citizens, their elected representatives and other policymakers."

In his paper, Lamson's definition of "policy dialogue" includes everything that we include in the term "planning". The paper is well worth reading.

Another Comment: One can't really legislate citizen participation or involvement. Coordination, communication, education and participation can be part and parcel of a program -- or one can just go through the motions and satisfy the requirements of legislation. Citizen participation and involvement takes money and commitment.

6. As food for thought consider the application of the Tug Hill Commission's planning approach applied to the county. The Tug Hill study area is actually about the size of two rural counties. Our experience indicates that nine towns may be close to the practical limit for cooperative planning. Visualize then organizing portions of rural counties according to locally accepted natural and/or other interests, into several joint municipal planning boards. With financial and organizational help, a county could form a Local Government Assistance Bureau from which the whole variety of local government services, including planning, could be requested. A "circuit rider" would regularly visit communities and help with problem definition and community organization. Professional planners on the staff of the "bureau" would be able to provide assistance on local terms but with a county wide perspective as part of the planner's capability.
7. From such an array could come a network of integrated and implemented plans throughout the state. It would be many years before every community would have begun the process, but the results would be real and would be used. The time required would be a function of support dollars available for counties and for a state pool of technical and organization aid to backstop county efforts.

Other applications and interpretations are possible. We leave that up to you.