

Final Report

**Opportunities for Hillside
Protection**

Prepared by:

The Hillside Steering Committee

Prepared for:

City of Pittsburgh – Department of City Planning

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I. PREFACE

1. Background

From 1958 until February of 1999 the City of Pittsburgh's hillsides, parks and cemeteries were all included in the "S" Special Zoning District. This "S" zoning district limited development and required minimum lots of 8000 square feet for single family dwelling development. In 1999 Pittsburgh's comprehensive zoning code revision became effective. The lands which had been included in the "S" District were divided among two new zoning districts, the "H" Hillside Zoning District and the "PO" Parks and Open Space Zoning District.

The "PO" District was always somewhat of a misnomer since it was intended to address parks and cemeteries. This is, in fact, the only zoning district to permit cemeteries. The "H" District was intended to:

- Promote environmental preservation and fiscal responsibility;
- Allow reasonable use and development of property zoned "H", Hillside; and
- Apply in areas that are not suitable for intensive development because of the presence of environmental or scenic resources and because of the difficulty of providing essential public facilities and services in an efficient and cost-effective manner.

Both the "PO" and the "H" Districts allowed single family detached dwellings with minimum lot sizes of 3,200 and 30,000 square feet, respectively.

At the time that the new zoning code became effective, all former "S" Districts were temporarily denoted as "PO" Districts with the intention of separating true "PO" Districts from "H" Districts during a process called *Map Pittsburgh*. This process was designed to review the zoning of every City neighborhood under the new zoning code and either affirm the zoning map or make the necessary amendments to district boundary lines. Parks and cemeteries were to be placed in the "PO" District under this process and hillside areas, including designated "greenways", were to be placed in the "H" District. Chapter 915 of the new code, *Environmental Performance Standards*, provided some minimum criteria for development and was applicable to both the "PO" and "H" Districts. Additionally, "overlay zones" addressed new submittal requirements in landslide-prone and undermined areas, as well as stormwater management requirements throughout the City.

Map Pittsburgh soon identified some problems in designating lots to the "H" and "PO" Districts. A review of the existing lots in the "H" and "PO" zoning districts which were not part of parks or cemeteries indicated that more than 90% of those existing lots did not meet the desired minimum lot requirement. Additionally, the Zoning Administrator felt there were very few criteria to assure the quality and site responsiveness of development in the hillside areas. In order to assure legally defensible regulations related to lot size, density, and more responsible design, the Planning Department proposed revisions in the Hillside District text. Among other things, the proposed revisions reduced the required lot size to 3,200 square feet in the "H" District. This, along with zoning map changes under the *Map Pittsburgh* process which reclassified areas from "PO" to "H", resulted in concerns that the City was abandoning hillside conservation efforts, was diminishing protected open space, and was actively promoting hillside development at a cost to the aesthetic, habitat, and natural environment of the City's hillsides.

In November 2002, City Council approved the Planning Department's proposed revisions to the "H" District text. Due to the concerns raised during the adoption process, Council also passed an accompanying resolution, directing the Department of City Planning to "conduct a feasibility study to determine the appropriateness of an action by City Council to preserve land on the City's hillsides". The study was directed to include, at a minimum, the following issues:

- The appropriateness of a new Conservation Zoning District in the Pittsburgh Zoning Code.

- The appropriateness of amending specific zoning districts in the existing Zoning Code to address preservation of hillsides and open spaces.
- The appropriateness of an Overlay Zoning District to address issues pertaining to conservation on the City's hillsides.
- The impact of current permitting and development practices on preservation and conservation in the City of Pittsburgh.
- The appropriateness of adopting a City policy that requires the dedication of all publicly held hillside areas as open space.

2. Contributors

In response to this resolution, the Department of City Planning established a Hillside Steering Committee (HSC) consisting of parties interested in promoting conservation as well as those who had been involved in planning and development. The committee consisted of:

Jacqui Bonomo	Western Pennsylvania Conservancy
Tom Cummings	Urban Redevelopment, Director of Housing
Caren Glotfelty	Heinz Endowments
Joe Hackett	LaQuatra-Bonci Associates
Roy Kraynyk	Allegheny Land Trust
Bob McDunn	Sierra Club
Sarah Miller	Riverlife Task Force
Bill Peduto	Pittsburgh City Council, Councilman
Yoko Tai	TAI + LEE Architects, P.C., Principal

The Committee also included:

Susan Golomb	Department of City Planning, Director
Dan Sentz	Department of City Planning, Environmental Planner

3. Scope of Work

Over a two-year period, Committee members met periodically, inviting consultants to share their expertise. Among them were:

Karen Brean	Karen Brean Associates
Leslie Kaplan	
George Specter	City of Pittsburgh Law Department,

When the Committee realized it needed professional assistance and advice, the Heinz Endowments funded a study by Perkins Eastman Associates and Carnegie Mellon University, entitled *An Ecological and Physical Investigation of Pittsburgh Hillsides – REPORT to the City of Pittsburgh Hillsides Committee*, herein referred to as the PE/CMU Report. This report, managed by the Allegheny Land Trust and funded by the Heinz Endowments, included:

- “Economics of Hillside Slope Development”, by Stephen Farber, PhD;
- “Ecological Report” under the direction of Timothy Collins of CMU Studio for Creative Inquiry;
- “Physical Report”, by Perkins Eastman Associates; and
- “Land Use Controls for Hillside Preservation in the City of Pittsburgh”, by Cyril A. Fox.

As a result of such input and study, the Committee discussed current processes, new initiatives and innovative ideas such as:

- Various conservation and preservation efforts from around the country, both public and private;
- Public and private ownership of lands to be conserved or preserved, along with conservation easements;
- Regulations promoting conservation in the context of private property rights;
- Responsibility related to the taking of tax delinquent lands and 3TB property (Three Taxing Body property, where City, County and School District taxes are all delinquent)
- City of Pittsburgh's directed sale process (through the URA with the goal of getting property back into private hands) and Greenways Program;
- The provision and maintenance of public infrastructure and services;
- Public safety in the context of development on steep landslide prone slopes, along with issues related to stormwater management and erosion;
- The desire to promote infill housing and avoid greenfield development;
- The role of the hillsides in defining the City's character and image;
- The opportunity to provide natural habitat and ecological experiences in an urban context, as presented by undeveloped natural hillsides;
- The quality of vegetation on the hillsides; and
- The application of site specific analysis under the guidance of a philosophy of conservation.

The following report represents the Committee's research, findings and recommendations to the Department of City Planning. It should be noted that the terms "hillsides" and "slopes" are used interchangeably. This document is intended to guide the Department of City Planning in the revision of existing regulations affecting the City's hillsides and the adoption of new regulations to promote the wise use of our hillsides. It also proposes to inform the Planning Commission, City Council, and all entities of City government in decisions involving hillside stewardship, public investments, and enforcement. The following attempts to define the community's role and calls for community involvement through stewardship, vigilance and pride. It also suggests the opportunity for private involvement in the conservation effort through ownership and conservation easements.

4. Divergent Opinions

The members of the Committee offered a wide range of views yet all value the important resource that our wooded hillsides represent. There was often agreement and at times disagreement within the Committee as to the best course of action. The following report summarizes the important topics and offer generally agreed upon recommendations.

II. REPORT TO THE DEPARTMENT OF CITY PLANNING

1. Introduction

The desire to protect hillsides and sensitive natural resources is not unique to Pittsburgh. Many other cities have struggled with this issue and developed innovative techniques. Cities such as Boulder, Colorado and Albuquerque, New Mexico have taken a comprehensive approach to natural resource protection combining smart-growth principles and public funding to create a preservation/protection mechanism that fits the unique qualities of those cities. Other cities, such as Pacifica, California; Asheville, North Carolina and Saratoga, California use environmental overlay districts within their zoning ordinance to regulate and protect sensitive areas.

Development, in many forms, has always taken place on Pittsburgh's hillsides. There are many inherent qualities to hillside sites that make them attractive for such development including proximity to downtown, scenic views and the perceived privacy these sites offer. As a result, much of the hillside property in the City has been divided into parcels, individual properties and street rights-of-way.

Hillsides have potential private development value, however the Hillside Steering Committee recognizes their more important role as an environmentally sensitive public resource. The PE/CMU report outlines many of the benefits green hillsides provide (ecologic, economic, scenic...) to Pittsburgh. The "highest-and-best use" of a property is typically determined by its development potential. However, if left in their natural state, many hillsides have greater public value if not developed.

The purpose of this hillside study and the PE/CMU Report was not to prohibit private development, but rather to determine how the hillsides could best serve the public. In some instances where the environmental sensitivity of the hillside is so great (undermining, landslide prone soils, erosion, severe topography, unique vegetation...) or development would cause an undue financial burden on the City (lack of available utilities, long-term cost of maintaining public infrastructure), development should be prohibited or encouraged elsewhere. The PE/CMU reports identify a number of characteristics that can be used to predict whether a particular hillside site is environmentally sensitive or whether public infrastructure is available. Although there were limitations of time and resources for the PE/CMU report, it provides a foundation for the understanding of the complex nature of Pittsburgh's hillsides.

2. Hillside Issues

A. Aesthetics

Steeply sloped land (25% slope and greater) occupies approximately 11% of the area of the City. Pittsburgh's hillsides shape its public realm, contribute to the green and healthful character of the city and the identity of its neighborhoods, maintain air and water quality, the integrity of the natural ecology, and provide aesthetic, historical and cultural continuity. The often densely wooded hillsides of Pittsburgh are a remarkable natural resource, interlacing and complementing the densely constructed built fabric of Pittsburgh neighborhoods.

Several hillside development prototypes exist in Pittsburgh providing an identity that is quite unique among other hilly cities throughout the world. The arrangement of the topography carved by the rivers has created a series of portals, corridors and rooms, often with steep "walls". Pittsburgh's growth has responded to these features over a century to create a unique and distinctive urban pattern.

At one time, the steep slopes were impediments to access, as a result, the high terraces remained largely undeveloped until mid-20th Century. These slopes and terraces have dictated our transportation systems and provided most of the open space within the city. Neighborhoods are often physically defined by steep slopes or separated by long ribbons of wooded hillsides that provide dynamic backdrops when viewed from public vantage points. This urban landscape and built form is unique and should be protected, celebrated and promoted as distinctly Pittsburgh.

Today, at the beginning of a new millennium and in spite of an industrial past, Pittsburgh finds itself interlaced with a natural system of hillside greenways - not through some master plan or design, but as a result of the constraints they presented as Pittsburgh expanded organically over the past 250 years. Although hillsides provide aesthetic, environmental, recreational and other public benefits, they are often vulnerable to activities that can impact the contribution they make to the City. Community members and government officials need to rethink how to value and protect such unique urban natural assets before this critical mass of green space is lost.

B. Hillside Ecology

An investigation of the plant and animal species within the City limits found surprisingly wide diversity. The City's largest masses of forest are large enough to have an "interior forest patch", a forested area surrounded by at least 100 meters of buffering green space. Interior forests provide a special habitat for animal species that require solitude and large areas to roam. Trees in excess of 3 meters in circumference and evidence of black bears were found within the City limits. The majority of tree species found on several steep hillsides of Pittsburgh are native species.

The large masses of Pittsburgh's densely wooded hillsides not only provide habitat for many native species of the region, but also mitigate air and noise pollution, reduce stormwater runoff and flooding, and reduce the heat island effect that cities have on local climate.

C. Hillside Geology

Pittsburgh is sited on the Allegheny Plateau, once part of the bed of a huge inland lake. Its slopes and valleys were formed by an erosive process rather than by folding and uplifting. Erosive soils, and unstable geology have resulted in slopes in excess of 40%, making development extremely difficult, impractical, expensive and arguably prohibitive. Slide prone slopes become more unstable when their vegetative cover is disturbed, mass grading occurs or when the surface or subsurface hydrology is altered.

Steep slopes will attract development because they offer the opportunity for distant views and provide natural surroundings in an otherwise urban environment. However, they do not lend themselves to development easily. Steep slopes impose serious development constraints, and exact added costs both public and private. Engineering solutions can be found to mitigate these destabilizing influences. However, manmade solutions are rarely permanent, nor are they without the need for repair, replacement or added public cost at some future point.

D. Economic Issues

The hillsides offer broader economic, benefits beyond those that produce revenue for the city. First, Pittsburgh's distinctive topographic relief is a major landscape defining feature that provides a unique identity to the region. The image of Pittsburgh projected nationally and internationally with scenes of the Golden Triangle and associated riverine/hillside landscapes is inestimable as a distinctive feature. Keeping the image of Pittsburgh as a pleasant place to live and visit has an economic development value that would be difficult to quantify but is likely substantial. A second value is the role of topographic relief in defining neighborhoods and communities. The hills and valleys afford a sense of place and community identity that

is difficult to measure yet clearly apparent from the settlement patterns and strong identities with local communities. A third and more estimable economic value is that of the natural system services offered by undeveloped hillsides such as storm-water management, pollution control and soil stabilization.

Costs of public services for residential developments often compare unfavorably with the tax revenues from those developments. A summary of more than 90 cost-of-services studies in the US shows that, on average, residential developments cost roughly 15% more than the revenues that could be expected from those developments on a per dwelling unit basis (property taxes, local sales and income taxes, etc.) To the extent that the full value of the extraordinary costs of hillside development are not paid for, other taxpayers end up subsidizing these developments, and the less-than-full-costs simply encourage such developments.

In addition to extraordinary infrastructure and public service costs, hillside developments result in the loss of natural system services, as described below. Natural systems may have considerable economic value especially in landslide, flood-prone, and high topographic relief regions such as Pittsburgh. The public bears the costs of these lost services in the form of increased pollution of streams, increased water treatment costs, increased flood conveyance and control costs, etc.

Several studies conducted in other parts of the country indicate that natural areas provide a variety of public benefits. For example, a study in Columbus, Ohio showed that proximity to a park increased property values up to 23%.

Woodlands reduce storm water runoff and flooding. A study in California estimates that an acre of trees provides as much as \$41,000 worth of stormwater management cost savings. Dense vegetation also helps to stabilize the slide prone soils and geology of the Pittsburgh region and reduce costs associated with Public Works maintenance.

Urban woodlands are especially valuable in the role they play in maintaining air quality. They can act as a *carbon sink*, absorbing carbon dioxide and releasing oxygen. A Chicago study found that a single tree can remove 0.22 pounds of air pollutants and 12.4 pounds of carbon per year.

Through providing shade, wind breaks and evapo-transpiration, trees and other types of vegetation can also help reduce energy demands and abate the heat generating effect that cities have on the climate. A Chicago study found that annual heating and cooling costs can be reduced by 1.3% and 7% respectively per tree per year.

E. Legal Considerations for Regulating Hillside Development

Although it is a Pennsylvania Home Rule Municipality, the City of Pittsburgh obtains its authority to adopt land use regulations, including zoning, from legislation adopted in 1927, not from the Pennsylvania Municipalities Planning Code. Land use control ordinances, such as zoning and subdivision ordinances, are an exercise of the police power entrusted to the City under the enabling legislation and the City's Home Rule Charter. These ordinances are presumed valid and any challenger must carry a heavy burden to establish that they are not.

The City's enabling legislation sets forth several public "police power" purposes to be served by zoning regulations that readily encompass regulations to protect and preserve hillsides or steeply sloped land within the City. The same section of the enabling legislation specifically requires that zoning regulations "be made with reasonable consideration, among other things, to the topography and character of the district, with its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city." This language invites regulations that respect and preserve the City's distinct hillside development patterns where that "character" is appropriately defined or

described in the regulations. Pittsburgh's unique development patterns, as described in the PE/CMU Report, provide a sound basis for these regulations.

A zoning regulation that is intended to preserve the character of the City by protecting its steep hillsides from over-development or to preserve the City's character should be found to serve a legitimate "police power" purpose, particularly when reference is made to the purposes of zoning as set forth in the City's enabling legislation. As long as the owner of the zoned parcel is allowed some reasonable use of their property, the regulation should also satisfy the "regulatory takings" (i. e. regulations that are so strict and inflexible that they have removed all economic value for the owner and the regulator has effectively seized the property through the regulations) test.

There are few Pennsylvania Appellate Court decisions evaluating hillside protection regulations. One case upheld a zoning ordinance preserving steep slopes, forests and woodlands, and streams in a particular development district, while another upheld an ordinance prohibiting timbering on landslide prone land anywhere within the municipality. Both ordinances survived reasonableness and "regulatory takings" challenges.

Legal research suggests that steeply sloped hillsides can be protected through zoning. Because hillsides provide a variety of public benefits when left intact and because the risk to the public health, safety, and welfare can increase when they are disturbed, protecting hillsides from disturbance through legislation is possible. Municipalities in Pennsylvania are adopting and enforcing codes to limit disturbance of sensitive environmental areas, such as steep slopes, and the courts have upheld their authority to do so. The distinctive hillside development pattern unique to Pittsburgh can provide foundation for a zoning initiative to sustain the pattern.

F. Stewardship

Stewardship, or caring for land that has been acquired for the purpose of being permanently protected in a natural condition, is an important component of any public or private land conservation initiative - especially if the land is intended to be made available to the public.

Protected lands need to be monitored for boundary encroachments, vandalism, dumping, timber theft, vehicle trespass, physical hazards that may develop over time, and other activities that are deemed deleterious to sustaining the tract's resident natural amenities and beneficial qualities.

A management plan describes the actions necessary to maintain, enhance and restore the ecology of a tract or greenway, as well as the specific undesirable activities. Trained volunteers from the local neighborhoods can provide this critical stewardship service, act as the eyes and ears of the title holder, and be a liaison between the title holder and surrounding land owners.

G. Opportunities for Hillside Protection

At this point in Pittsburgh's history there is an opportunity to redefine our collective attitude toward hillsides and slopes. The green hillsides are often discussed and are considered as one of the defining characteristics of this city, not unlike the three rivers. Furthermore, there is currently a ground-swell of local support for environmental concerns (Western Pennsylvania Conservancy, Allegheny Land Trust, Sierra Club, Pennsylvania Environmental Council..) as well as a number of groups concerned with Pittsburgh's urban quality (Department of City Planning, Riverlife Task Force, Cultural Trust..).

III. Recommendations

Introduction

The Hillside Steering Committee feels strongly that adequate protection of the slopes cannot occur with a single strategy. The most effective way to deal with the variety of parcel sizes, soil types, ownership options and ecologic conditions found on the slopes is a combination of techniques. This will ensure there is a control mechanism available for any condition and for unforeseen circumstances. The initial charge of the Committee came from City Council, as Resolution #86. That Resolution asked the Department of City Planning to evaluate:

1. The appropriateness of a new Conservation Zoning District;
2. The appropriateness of amending specific zoning districts in the existing Zoning Code to address preservation of hillsides and open space;
3. The appropriateness of an Overlay Zoning District to address issues pertaining to conservation of the City's hillsides;
4. The impact of current permitting and development practices on preservation and conservation in the City of Pittsburgh;
5. The appropriateness of adopting a City policy that requires the dedication of all publicly held hillside areas as open space.

The Hillside Steering Committee offers the following recommendations to the Department of City Planning for consideration as they craft legislation for City Council regarding hillside protection strategies.

Recommendations

The following are the general recommendations of the Committee related to zoning:

- Expedite the Map Pittsburgh process;
- Clarify the intent of the "H" and "PO" zoning districts and make appropriate zoning map changes;
- Consider utilizing sub-districts within the "H" district to address the issue of appropriate lot size so that context is addressed (promoting infill rather than isolation or sprawl); or consider a flexible lot size approach that respects the slope of the land rather than the arbitrary size of a given parcel ;
- Have standards (rather than guidelines) associated with development in the "H" district;
- Provide regulations that will encourage cluster development where it will minimize site impact, preserve open space and prevent sprawl;
- Establish a Steep Slope Overlay District based upon a slope of 25% with specific standards to determine if development is appropriate and specific standards for how that development is to be implemented;
- Prohibit development on slopes greater than 40%;
- In determining if a site is appropriate for development, give priority to the natural and built context through specific standards that address proximity to infrastructure, proximity to other development, as well as geologic and soils limitations;
- Address the concept of buffer areas adjacent to the Steep Slope Overlay District including the brow (top of slope and immediately adjacent flat lands) and the toe (bottom of the slope and immediately adjacent flat lands) of such slopes;
- Establish special protection for highly visible steep slope areas;
- Assure that the vast majority of the hillsides will always provide the distinctive green backdrop so important to the City's image;
- Utilize site plan review requirements in the "H", "PO", steep slope, and buffer areas;

- Review and revise as appropriate pertinent associated overlay zones such as the Landslide Prone and Stormwater Management Overlay Zones.

In implementing any and all of the above zoning recommendations the Department of City Planning should utilize the information developed during the course of this two year effort, particularly the PE/CMU Report.

Action Items

- Establish a Steep Slope Overlay Zoning District (based upon all slopes that are 25% or greater) that encourages conservation through strict, legally-defensible controls.
- Update the Land Development Application to require that developments proposed for steep slope areas provide detailed information for such things as slope conditions, vegetation and soils.
- Revise and re-map the “H” and “PO” Zoning Districts to support the Steep Slope Overlay District.
- Revise the Landslide Prone and Stormwater Management Overlay Zoning Districts to be consistent with and provide additional support for the Steep Slope Overlay District.
- Assure appropriate use of publicly controlled lands through revisions to the City’s directed sale procedure and appropriate acquisition of tax delinquent hillside properties for conservation.
- Consider using conservation easements to provide open space protection for public property.
- Conduct a systematic evaluation of all publicly held or tax delinquent hillside properties.
- Evaluate, update and promote the City’s Greenways for Pittsburgh Program.
- Evaluate the addition of lands to City parks and greenways through various mechanisms.
- Promote a stewardship ethic through improved administration, enforcement of hillside regulations, a public education campaign, and public-private partnerships.
- Establish appropriate incentives and penalties related to hillside stewardship with regards to such items as dumping, illegal tree cutting, and encroachment on public property.
- Assure that the actions of all City departments and related public entities reflect a new hillside stewardship ethic, by encouraging departments (City Planning, URA, Council, Zoning, etc.) to utilize the PE/CMU Report as the foundation for the appropriate and wise use of our hillside resources.
- Require stewardship training of key City personnel who will be involved with or responsible for the care of steep slope areas.

Additional Recommendations

There is not a need to dedicate all publicly held hillside lands as open space; however, there is a need to evaluate publicly held hillside lands to assure appropriate action results in hillside protection. This must be a site-by-site specific evaluation (as every parcel of land is different) and would ideally be done City wide. Therefore, the Committee recommends the City undertake a land analysis. Factors identified during the course of the work of the Committee such as soils, geology, visibility, proximity to infrastructure, ability to provide and costs associated with public services, hydrology, vegetation, habitat, neighborhood need and continuity of open space must be considered in this land analysis. Such an effort would involve a significant commitment of staff time. In the interim, any transfer of public land for any purpose in a steep slope, “H” zoning district, “PO” zoning district, Landslide Prone Overlay Zoning district or any land within 50 feet of such areas should require public action by the City Planning Commission in the form of a recommendation to City Council. Subsequent action involving the disposition of such lands by City Council should follow the precedent of zoning regulations in that it would take a super majority of City Council (seven of nine Council Members) to take action contrary to the recommendation of the City Planning Commission.

As part of the Land Analysis, the Committee recommends that “paper streets” (street rights-of-way that were platted but never built) be vacated (the right to establish a public street is relinquished) when they exist on steep hillsides. This would discourage development of properties that exist adjacent to these right-of-ways and the owners of those parcels should be encouraged to participate in the new conservation easement program mentioned above, where they can donate or obtain a conservation easement. This will also require that the current City maps be corrected so rights-of-way that were never adopted or those recently vacated are not shown.

The best means to assure that hillsides are protected and achieve their highest and best use, remaining in an undeveloped or undisturbed state, is ownership.

Ownership as a control is not limited to City or public ownership but can also include private ownership. Private ownership can take the form of title ownership by a non-profit entity with the purpose of conserving or preserving land. Protection of private hillside lands can also be accomplished through conservation easements held by such a non-profit entity. The conservation easements can be held on lands held by private individuals or entities and they can be held on public lands.

The Committee recommends that the City immediately begins to craft a program with an appropriate private non profit entity (The Allegheny Land Trust and the Western Pennsylvania Conservancy are two such entities) to facilitate hillside conservation and preservation through title ownership or conservation easements. This program would include among other items the promotion of private land acquisitions (title or conservation easements) by that entity via sale and donation, the opportunity for the entity to acquire public lands, the transfer of conservation easements on dedicated public greenway lands and parks to that entity, and the identification of funding sources to address costs associated with this program.

The Committee further recommends that the City begins to acquire tax delinquent properties in the hillside areas to achieve the degree of control that ownership offers in the pursuit of the highest and best use of the hillside sites. The current process assumes that the most appropriate use of 3TB properties is to quickly get those parcels back on the market and in private hands to again generate tax revenue. However, the Committee believes that there is a greater public value if some 3TB properties (those with very steep slopes) were preserved in their natural state. To achieve this, will require a re-evaluation of the entire process by which tax delinquent properties (and the associated liens) are handled.

There is a significant need for better enforcement related to development actions that are not consistent with approved plans.

There is a need for better administration of the regulations that protect our hillsides. Building inspectors are very effective when addressing the traditional life safety issues of the Building Code. However, issues related to an approved Site Plan are not addressed with the same effectiveness. The issue of enforcement has implications on follow-up by the City’s Law Department as well as the Bureau of Building Inspection. In the end, regulations are only as effective as associated compliance. Toward that end, a new ethic of hillside stewardship must begin with those directly associated with the administration of regulations as well as management of public hillside resources. However the issue of hillside stewardship will ultimately involve the entire community

An intrinsic need associated with hillside conservation is stewardship. Currently there is not a city-wide ethic regarding the value of hillside sites and the need to protect these sensitive resources.

Any private entity holding hillside sites as open space or conservation easements associated with them will need to address this issue in terms of monitoring, debris removal, vegetation programs (invasive species

control, supplemental plantings, etc.). While there will be certain costs associated with acquisition for private entities holding hillside lands, stewardship costs will represent continuing operating costs.

Other private property owners holding hillside sites must also address the stewardship issues such as debris removal, appropriate actions related to vegetation (pruning and defoliation to provide views, control of invasive species, planting of conspicuous non natives, etc.), runoff control, and screening of certain use aspects such as parking, storage and mechanicals. These actions can be assured through appropriate zoning regulations discussed further below.

The City, in addition to adopting appropriate zoning regulations addressing hillside stewardship on private lands, must address the issues of regulation enforcement, public education, dumping and other stewardship issues on public lands that will require collaboration with neighborhood groups. The City will need cooperation from neighborhood or special adopting groups to help prevent and prosecute dumping as well as assist in the removal of debris from public hillsides. The City's Greenways Program may provide the starting point for some of these stewardship efforts. Other efforts related to increasing fines for dumping and vigorous prosecution may require ordinance amendments and new priorities for legal actions. In addition to educating the public on issues such as dumping and encroachment on public hillside lands there may be a need to educate the judicial community so that the cost to the public will be accurately considered in decisions regarding dumping, encroachment and zoning violations on hillside sites.

Hillside property controlled by private concerns interested in development must be addressed primarily through zoning regulations to assure there is cognizance of and adherence to a hillside stewardship effort. The committee believes the Department of City Planning can best address the specific language of such regulations.