

Lower Milford Township
Park, Recreation and Open Space Plan

April 15, 2009

Prepared by the Recreation and Open Space Board
of Lower Milford Township

Gary Campbell
Terry Haggerty
Donna Wright
Steve Rivers
Elaine Snovitch
Lori Sickenberger

DEFINITIONS	4
INTRODUCTION	7
PROFILE OF LOWER MILFORD TOWNSHIP	7
EXISTING OPEN SPACE AND RECREATION.....	8
Open Space	8
Agricultural Land.....	8
Township Owned Land.....	8
Outstanding Natural Areas.....	8
Recreation	9
Surrounding Area Municipal Facilities.....	9
Township Owned Land.....	9
Privately Owned land.....	9
Historic and Other Sites	9
GOALS	9
PARK AND RECREATION PLANNING	10
Overview.....	10
Parks.....	10
Recreational Activities.....	11
Potential Trail Linkages.....	12
Funding Parks and Recreation	12
Outright purchase.....	12
Mandatory Dedication	13
Easements	14
Gifts.....	14
OPEN SPACE PLANNING	14
Agricultural Land Preservation.....	14
Easements	14
Transfer of Development Rights.....	15
Public Land Preservation	15
Potential Open Space Linkages – Greenways	16
Wetlands Reservation Management	16
Acquiring Open Space	17
Conservation by Design.....	17
NATURAL AREAS PLANNING.....	18
Outstanding Natural Areas.....	18
Stream Corridors.....	18
Floodplains/Wetlands	19
Woodlands	19
Hedgerows	19
HISTORIC PRESERVATION.....	19
SCENIC VIEWS PRESERVATION	19
ACTION PLAN.....	19
Short Term Actions to be Taken by Lower Milford Township.....	19
Medium Term Actions to be Taken by Lower Milford Township	21
Long Term Actions to be Taken by Lower Milford Township	21

On-going Actions to be Taken by Lower Milford Township	21
APPENDIX A	22
Sample Mandatory Dedication/Fee-in-lieu Ordinance	22
APPENDIX B	26
Sample Determination of Mandatory Dedication/ Fee-In-Lieu Thereof Values	26

DEFINITIONS

Bargain Sale –

Selling land or an easement on land at or below market value in order to obtain an income tax deduction.

Option to Buy –

A statutory and legal process whereby a municipality is allowed a “right of first refusal” to buy certain land.

Agricultural Land –

Land used for the various purposes defined as Agriculture by the current Lower Milford Township Zoning Ordinance

Agricultural Security Area –

A legal designation for Agricultural Land, petitioned for by the landowner, and granted through a county program as allowed by the Pennsylvania State Agricultural Area Security Law (Act 43). The designation entitles landowners to special consideration regarding: impact of local laws on farming operation, modification of state agency guidelines and rules, condemnation of farmland by government units.

Board of Supervisors -

The elected governing body of Lower Milford Township

Conservation by Design –

See Open Space Design. Synonymous with Conservation Design. A collaborative program of the Pennsylvania DCNR and several other organizations under the authority of Pennsylvania’s “Growing Greener” laws to develop and promote Open Space preserving Subdivision techniques.

Developer –

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development

Development –

Any man-made change to improved or unimproved real estate

Easement –

A grant of the specified use of a parcel of land to a public or private entity. For purposes of this plan, Easement shall refer to purposes of Open Space or Agricultural land use.

Fee-In-Lieu (of Mandatory Dedication) –

An alternative for developers unable or not wishing to dedicate land (Mandatory Dedication) for parks and recreation when required by land use ordinances.

Forest Stewardship plan –

A professional authored plan to guide and direct the use and management of Woodlands in order to promote woodland health and productivity.

Greenways –

A linear band of open space that may vary greatly in scale from narrow strips to wider corridors that incorporate diverse natural, cultural, and scenic features. Connectivity is the defining characteristic that distinguishes greenways from isolated paths and pockets of open space.

Historic Sites –

The parcel upon which exists a Historic Structure(s) as defined by the current Lower Milford Township Zoning Ordinance

Homeowners Association –

A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property.

Important Natural Areas –

See Outstanding Natural Areas.

Lehigh County Agricultural Land Preservation program –

The county level program providing for agricultural Easements.

Mandatory Dedication –

When codified by a municipality, the requiring of Developers to provide a minimum amount of land for parkland and recreation (or pay Fees-in-lieu) under certain specific conditions. Note that this parkland is not necessarily the same as the “open space” required by a Conservation by Design type development.

Natural Areas –

Land whereupon exists either singly or in combination: woodlands; vegetation in the process of succeeding into woodlands such as shrublands, hedgerows, old fields, and naturally existing meadows; areas managed as meadows.

Official Map –

A map designated as such and adopted by the Board of Supervisors showing the locations of items including but not limited to: Outstanding Natural Areas, Scenic Views, Historic Sites, parcels recommended for future preserved Open Space or parks.

Open Space –

The portion of a parcel or parcels of land whereupon exists Natural Areas or Agricultural Land; or a parcel or parcels of land, or an area of water, or a combination of land and water, within a subdivision or land development, set aside, designed and managed for the protection of features including, but not limited to Agricultural Land, Scenic Views, Historic Sites, Natural Areas, and recreational areas.

Open Space Design –

A methodology for residential Subdivision codified by local land-use documents that rearranges the development on each parcel as it is being planned so that half (or more) of the buildable land is set aside as Open Space, yet still providing for theoretically the same number of homes as traditional Subdivision designs.

Outstanding Natural Areas –

An official designation used by the Lehigh Valley Planning Commission based on a program completed in conjunction with the Pennsylvania Natural Diversity Inventory partnership, The Nature Conservancy and Wildlands Conservancy. The designation indicates a site with importance to the region and to the state; that plays an important role in the greater ecosystem; that includes the presence of native species of special concern, especially those that are rare or endangered; and has the ability to support a variety of native species.

Pocket park –

A small, limited facility, park often located within the boundaries of a Subdivision.

Recreational Facility –

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual passive, active, indoor or outdoor recreational activities.

Scenic views –

The view or views provided by the context of a given parcel or combination of parcels, officially designated as such by inclusion on the Official Map. The intent is to include views deemed exceptionally aesthetically pleasing and/or representative of the historic rural character of the township.

Subdivision –

The division or re-division of a lot, tract or parcel of land by any means, into two or more lots, tracts, parcels or other division of land as further defined by Lower Milford Township's Zoning Ordinance

Transfer of Development Rights -

The ability to legally sever and transfer development rights from a sending area to a receiving areas as further defined by the current Lower Milford Township Zoning Ordinance

Wetlands –

See the detailed definition from the current Lower Milford Township Zoning Ordinance
Wetlands Reservation Management

The identification, designation and protection of land well-suited for future water conservation needs.

Woodlands -

See the detailed definition from the current Lower Milford Township Zoning Ordinance

INTRODUCTION

Lower Milford Township is defined by its rural character and its relatively abundant remaining open space. It is our legacy and far and away our most valuable resource; but it is a resource that is virtually impossible to re-claim once it is gone.

The high rate of growth in land development for housing in the areas surrounding our township, and the increasing growth within the township itself, have been clarion calls for our township to proactively plan for the future regarding preservation and promotion of open space. Increasing population growth in the Township has affected the make-up of our citizenship, creating a need to actively plan for recreation opportunities for our residents. Lower Milford does still have abundant natural resources and agricultural lands, in addition to private recreational areas, historical and archeological sites and public and private open spaces; however, growth pressure threatens all of these amenities.

In order to more effectively prepare for these growing needs, the Township's Board of Supervisors established a Recreation and Open Space Board in 2006. One of the primary goals for the R&O board is to prepare an open space and recreation plan. Also in 2006, the Township agreed to participate in a multi-municipality effort to make a Comprehensive Recreation and Open space plan for the Southwest region of Lehigh County. The real work on this project was started in the summer of 2007, and is on-going; however, a final plan is not expected to be completed until at least mid-year 2008.

In order for the township to enact ordinances to support the Township's goals for open space and recreational needs, the township must first adopt a formal Open Space and Recreation plan. This first version of a township specific plan has been drafted in order to fulfill the township's immediate need for such a plan. In addition, this plan begins the process of continuously evaluating and refining needs as Lower Milford Township's R&O plans evolve into our future.

With a regional *Comprehensive* R&O plan soon to follow after this plan, much of the supporting detail has been omitted from this *initial* plan. In addition, there are other adopted plans that address and overlap many of the issues related to the topics of this plan, with the Southwestern Lehigh County Comprehensive Plan of 2005 setting precedents. This plan (known as the SWLCCP) was carefully consulted in drafting this plan. In addition the 2005 Lehigh Valley Planning Commission Comprehensive Plan (LVPCCP) offers additional pertinent background and recommendations. Key features of this initial plan include recommendations for strengthening our Planning and Zoning ordinances for the continuing preservation of open space, and recommendations for the creation of additional resource protection ordinances. This plan also addresses planning for a future Township parks system that will include parcels for recreation, passive open space, non-accessible areas of sensitive habitat, preservation of unique historical features and a greenway trail systems to link to surrounding trail systems.

PROFILE OF LOWER MILFORD TOWNSHIP

The SWLCCP outlines the distribution of land uses over the six-municipality area covered under the plan. Lower Milford is currently targeted for extended agricultural and

rural-residential land use. As of the latest 2000 census the population was 3,617 residents; a 10.6% increase from the 1990 census. The current population is approximately 3,700. The Lehigh Valley Planning Commission projects similar population growth to 3,924 by the year 2010 and 4,160 by the year 2020. The majority of homes are single-family dwellings spread widely throughout the township, separated by rolling hills of agricultural fields, wooded areas and steep slopes. The Township is crisscrossed by a network of mostly narrow rural roads. There are several clusters of relatively denser development scattered throughout the township. The village of Limeport has the highest housing density.

The townships surrounding Lower Milford are similar in topographical character, but are much more densely populated, and have public open spaces and recreational facilities scattered throughout their jurisdictions. From survey information that will be published in the Comprehensive Recreation and Open space plan for the Southwest region of Lehigh County, our residents use these facilities based primarily on facility proximity and activities offered to those who use them.

According to the SWLCCP, the majority of our residents already desire more open space and recreational opportunities. Surveys also show that new residents are even more likely to demand open space and recreational facilities. With an anticipated increase in population, the logical conclusion is that the need for open space and recreational opportunities will continue to increase into the future.

EXISTING OPEN SPACE AND RECREATION

Much of Lower Milford Township remains rural, and as such there is an abundance of open space relative to the region as a whole. Much of this land is privately owned and agricultural in character. In addition there is a fair amount of privately owned land that remains as undeveloped woodlands and wetlands. Key features of the open space in Lower Milford are the stream and wetland areas along Saucon and Hosensack Creeks and the Big Beech Woods along Limeport Pike.

Open Space

Agricultural Land

Since 1989 Lower Milford planning and zoning has been actively leading the effort to secure about 185 privately owned parcels encompassing approximately 6,046 acres of land in Lower Milford Township into Agricultural Security. As of August 2007, there are 71 parcels secured, encompassing 2,727.5 acres in the Lehigh County Agricultural Land Preservation program.

Township Owned Land

The township has received approximately 28 acres of donated real estate over the years.

Outstanding Natural Areas

The SWLCCP has identified areas that meet the established criteria for this designation. In Lower Milford, the areas designated as such are: Hosensack Marsh, Lower Milford Marsh, Big Beech Woods, and Mill Hill.

Recreation

Lower Milford currently has no public recreational facilities within township boundaries. Our residents do, however, have a number of relatively nearby public and private recreational facilities in the surrounding areas. According to survey results, these facilities are used often by our residents.

Surrounding Area Municipal Facilities

Southern Lehigh Living Memorial Park in Coopersburg has ball fields, tennis courts, and other facilities.

Upper Saucon Township Park has soccer fields, a walking trail, pavilions and other facilities.

Township Owned Land

Township Municipal Building Site – The Township received a DCNR grant in early 2008 for the establishment of the Township’s first community park on approximately 4 acres of this site. A multipurpose field for use by youth sport groups and Township residents and a walking trail are planned.

Privately Owned land

Lower Milford Elementary School which is part of the Southern Lehigh School District has a baseball field and a modest amount of open space.

Limeport (Fegley) Stadium in Limeport is a public baseball field. However, it is open only to organized leagues. The occasional fund-raising concert is held at this facility as well.

Lower Milford Fire Company along Limeport Pike offers numerous activities related to fund-raising such as an annual carnival, a fireworks show, and community dinners.

Trinity Church Picnic Grove and Ball field

Hosensack Church ball field

Historic and Other Sites

Dillingersville Union School and Church – listed on the National Register of Historic Places

There is a historical archeological American Indian site located at the intersection of Churchview and North Chestnut Hill Church Road known as the King’s Quarry. Of this site, 1.5 acres is owned by the American Archeological Conservancy.

GOALS

The goals of this plan were formulated by the Township’s R&O board through examination of the SWLCCP, the LVPCCP, the various Open Space and Recreational plans of surrounding municipalities, the results of the residents’ survey conducted for and to be published in the comprehensive regional R&O plan, the National Recreation and Parks Association guidelines, and through input from interested community members.

1. Preserve open space as a balance to manmade development; for every acre of land developed, preserve at least 2 acres of land in open space.
2. Establish **at least** three community parks; at least one for passive purposes and at least two multi-use parks.

3. Establish facilities and develop programs for the township park system that are in keeping with the rural agricultural character of the township and relate to the customs and traditions of our community and history.
4. Generate awareness of public park and recreation offerings, as well as the array of private, commercial, quasi-public, and neighboring municipality choices available to satisfy recreation needs.
5. Preserve and protect areas of important environmental and historic consideration. Where appropriate, incorporate such areas into the park and recreation system. Where such areas may support future infrastructure development such as Wetlands Reservation Management lands, integrate these areas as a function of Open Space Design.
6. Promote cooperation with adjacent and nearby municipalities in creating regional recreation opportunities including multi-purpose “greenways” within the township that connect to a regional greenway network.

Note: See **Potential Open Space Linkages – Greenways** for a definition of “greenways”

PARK AND RECREATION PLANNING

Overview

Lower Milford plans to develop and operate a program of parks and recreation activities that continue the region’s traditionally strong athletics component for youth as well as incorporating other areas of interest to the overall population. In addition, Lower Milford plans to pursue a gradual expansion of a park system aimed towards passive recreation and the preservation of open space.

Parks

Lower Milford was recently awarded a state funded DCNR grant to facilitate the development of a small community park with multipurpose sports fields on the land directly adjacent to the township building. This will be the Township’s first community park and both physically and conceptually lays the groundwork for all future Township owned parks. As such, this plan urges that the creation of this park continue to receive high priority from the Township regarding its development.

It is anticipated that the majority of new homes will be in development clusters widely scattered throughout the township. Based on this, it makes sense that our Township would benefit most from a large geographically central park and/or several smaller parks carefully located throughout the entire township. The options for a large centrally located park are quite limited. As such, this plan urges that the Township diligently be alert to opportunities in this regard and pro-actively pursue any such opportunities.

In order to have sufficient time to put funding in place for such large purchases, it may be necessary to employ an “Option to Buy” technique. In general terms this is a

process whereby a municipality is allowed a right of first refusal to buy certain land. Typically, the buyer must make a bona fide purchase offer to the seller that will hold good for a stated time. The buyer then uses this “grace period” to generate the required funds. It may be necessary to legally set-up which land is subject to this allowance. For this and many other reasons it will be necessary to research and understand in advance this technique, and if necessary take the appropriate legal action to make it available for use.

Lower Milford is in the process of revising its Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO) to incorporate conservation minded planning initiatives such as Conservation by Design. A key aspect of these types of initiatives is that in designated districts, developers are required to set-aside land as “open space”. Some of these lands may be suitable for inclusion into a larger scale network of open spaces that could be partially used for passive recreation such as walking paths. In all cases consideration should be made during *initial* planning to keep these open space lands as contiguous as possible and wherever possible accessible by paths.

This Plan urges the adoption of a Mandatory Dedication/Fee-In-Lieu-Of ordinance as part of, or amending, the Township’s SALDO. This would require developers to provide a minimum amount of land for parkland and recreation (or pay fees in lieu). Note that this parkland is not the same as the “open space” required by a “Conservation by Design” type development. It is anticipated that most of this dedicated parkland will be suitable for small “pocket” parks and could contribute to the need for more widely distributed smaller parks.

When land is dedicated as open space in these types of developments it is typically owned by the development’s Home Owners Association. This plan recommends that this land is also held in easement by at least one entity such as a land trust or the township. Other possibilities for ownership include donation of the land to a Land Trust, or private ownership. Another possibility is for the Township to take ownership of the land; however, this would require taking on the maintenance and management of the land.

Recreational Activities

This Plan envisions a future where our Township’s parks provide the setting for recreational sports (soccer, football, baseball, lacrosse, tennis, skateboarding), passive activities (hiking, fitness loops, fishing), educational experiences and entertainment (concerts, shows).

Local sports clubs and leagues are all regional and not specific to one municipality. Lower Milford should remain alert to the possibilities to construct regional athletic fields in cooperation with adjacent municipalities. The regional Comprehensive R&O plan will explore this in greater depth. At a minimum, Lower Milford would need to be able to provide at least some funding in order to participate in such an endeavor. It is worth noting that sports clubs and leagues are typically required to provide funds to be directed toward maintenances of the athletic fields.

Potential Trail Linkages

Upper Hanover's Open Space and Environmental Resource Protection Plan Update of August 2006 recommends that by the year 2008 a trail be established linking Green Lane Reservoir through Mill Hill and into Lower Milford Township. They consider this to be a 'First Priority Linkage' trail. The SWLCCP also deems this linkage to be desirable. As a starting point, the SWLCCP suggests an on-road route linkage. This Plan also sees the value in these ideas and recommends implementing them as soon as practicable.

Funding Parks and Recreation

The future of having more than just the Township Municipal Building Site park and associated recreational offerings rests firmly on the ability of the Township to obtain land for this purpose. The ways in which this land can be acquired include:

Outright purchase

Township funds do not currently exist for this purpose. Given the looming development pressure, this Plan strongly recommends that the Township establish a dedicated fund for land purchase. There are various means by which monies for this fund can be obtained:

Fee-in-lieu of Mandatory Dedication

This is an alternative for developers unable or not wishing to dedicate land for parks and recreation. See also **Mandatory Dedication** in this section and the **Sample Mandatory Dedication/Fee-in-lieu Ordinance** in the appendices for further detail. This Plan urges the adoption of a Mandatory Dedication/Fee-In-Lieu ordinance as part of, or amending, the Township's SALDO. We urge the adoption of a fee level commensurate with the value of the land that otherwise would be required to be dedicated as open space. See the **Sample Determination of Mandatory Dedication/ Fee-In-Lieu Thereof Values** in the appendices for an example of how to derive such a fee level.

Tax support

In Pennsylvania, this is a common way of funding parks, recreation and open space. The typical approach is through an open space referendum to allow the municipality to tax residents, usually as a percentage of either the earned income tax or a separate additional property tax levy. This funding is then used in the purchase of properties in fee or through easements on private land. This plan recommends that the Board of Supervisors consider a ballot question proposing either an EIT (earned income tax) or a property tax levy.

Bonds

This would be a long-term financing option when a large park is being contemplated. As with taxation, this has to be accomplished via referendum.

Program Fees and Charges

A revenue stream that should be taken into consideration when budgeting for new parks, their maintenance and associated recreation programs.

Gifts and Donations

These may become far more likely to occur now that the Township has begun to actively pursue publicly popular activities such as promoting land preservation. Establishing a trust with all or a portion of a large donation should be considered in order to provide a revenue stream for such things as maintenance and recreation programs.

Business Sponsorship

A reasonably likely source of some funds, especially for the purpose of creating matches for grants. In certain cases, especially larger corporate contributors, these monies may only be available to a non-profit entity. This plan urges the Township to take the necessary steps to facilitate the establishment of a non-profit entity for this purpose of accepting funds.

Grant Programs

Both public and private grant opportunities exist, and are a source of funding help. Most public grants will require a significant amount of Township funds to provide requisite matches. Although federal and state funding programs are widely available, the grants all take considerable time to prepare and there is considerable competition for them.

Perhaps the most viable potential source of public funds for the Township is from Lehigh County through the Green Future Fund for the purchase of parkland and open space. A 1:1 dollar match is required, but the pool of contenders is smaller. This program will become available to the Township with the adoption of either this Plan or the regional Park and Open Space Plan. The total amount of funding available for Lower Milford Township is \$195,000. This amount is based on the 2000 census for Lehigh County and the Township's percentage of population to the overall county population. This grant money can be used for acquisition or perpetual easements of open space. If improvements are planned for *newly acquired land*, up to 30% of the total project cost (land plus improvements) can be applied for if an improvement plan is submitted with the acquisition grant application. The improvements do not have to happen immediately. There are further incentives that may apply to certain projects that could increase the amount the county provide beyond these limits.

Fund Raising

Fund raising from average citizens is not likely to generate substantial funds, but it is a good method of investing the community in the process. It is also a likely means of obtaining ancillary items for parks such as equipment, landscape material, benches, etc.

Mandatory Dedication

The Pennsylvania Municipalities Planning Code (MPC Section 503 (11)) provides local governments with this tool for providing parks and recreation facilities to serve the future residents of new housing developments. Prospective sub-dividers and land

developers can be required to provide an amount of land for recreation or pay fees in lieu of land dedication under certain specific conditions. See the **Sample Mandatory Dedication/Fee-in-lieu Ordinance** and the **Sample Determination of Mandatory Dedication/ Fee-In-Lieu Thereof Values** in the appendices for further detail. Formal adoption of this Plan is a requisite for enacting an ordinance for this purpose. Assuming adoption of a Mandatory Dedication/Fee-In-Lieu ordinance as recommended by this plan, this is a likely source of land for parks and recreation within the Township in the coming years.

Easements

These could be set-up to give the Township the right to use private land for a specific purpose such as a walking trail. Easements would no doubt be required as part of a set of solutions to creating a trail system along Greenways within the township.

Gifts

The direct donation of land which could be used for a park, while perhaps unlikely, is a possibility to remain hopeful for.

OPEN SPACE PLANNING

Based on the survey results from the SWLCCP our township residents overwhelmingly support open space preservation. A county-wide survey by the Lehigh Valley Planning Commission (LVPC) found that 85% of respondents felt more needed to be done to preserve farmland and about 70% believed more parks, recreation facilities and open space are needed. The SWLCCP recommends that the majority of Lower Milford be designated as Farmland Preservation (a term adopted from the 2005 LVPC Comprehensive Plan) These results and recommendations emphasize the need to take action in preserving open space and valuable natural resources.

Agricultural Land Preservation

As noted earlier, significant open space in the form of preserved agricultural land already exists in Lower Milford and further expansion is both anticipated and hoped for. This legacy and potential truly represents the Township's primary open space feature. The furtherance of land preservation via agricultural and conservation easements, and various types of land donations should continue to be of highest priority to the Township.

Easements

There are several public and private entities that preserve agricultural land and there are a variety of mechanisms to aid these groups. The State and Lehigh County currently provide most (if not all) of the backing for easements in Lower Milford. Lehigh County's Agricultural Land Preservation Board (ALPB) administers the Commonwealth of Pennsylvania's Agricultural Conservation Easement Purchase Program and the Lehigh County Agricultural Conservation Easement Purchase Program. Agricultural Security Areas are another component of the multi-faceted agricultural land preservation system.

Privately funded conservation easements and land purchases are another viable means of preserving land, and not just that used for agriculture. Land may also be donated or subjected to a Bargain Sale (selling an easement below market value in order to obtain an income tax deduction) with similar results. Organizations in our region that can provide

help with regards to these options are the Wildlands Conservancy, the Natural Lands trust, and the North American Land Trust. In addition, these organizations often provide valuable public education on the importance of and mechanisms for land preservation.

Sometimes more than one source is necessary to cover the cost of an easement or land purchase. Both public and private entities, using one or more of these aforementioned mechanisms, may need to be involved in an effort to preserve a piece of land depending on the type and scope of the preservation. In all cases, there is benefit in having easements held by more than one entity in terms of preventing the easements from potentially being broken. Multiple easement holders should be encouraged.

As land preservation of all types is pursued, it is important that the Township is fully aware of the various resources available so it may benefit fully from as many programs and resources as possible. Given the complexity of these various means and mechanisms for land preservation, it is important for Lower Milford to also help facilitate landowner education and provide assistance in connecting interested landowners with all potential funding sources, both private and public.

Transfer of Development Rights

TDRs offer incentives for private developers to pay to preserve land. If a developer of one tract of land pays an owner of another tract to permanently preserve land, then the developer could receive approval to build at a higher density on the developer's tract. This program, if adopted, helps to conserve open space where it is deemed the most critical to the Township. This method is particularly suited to preserving agriculturally zoned land. This Plan urges the adoption of a zoning ordinance and SALDO that incorporates TDRs in order to provide yet another vehicle for promoting preservation of the township's precious agricultural lands.

Public Land Preservation

As noted earlier, the amount of public land in Lower Milford is limited. For the 3 wooded parcels noted, this plan recommends that they remain as undeveloped woodland where they will continue to contribute to the overall open space nature of the Township. At some point in the future it may make sense to include them in a larger network of green spaces where their public usage could possibly be encouraged by hiking trails.

These wooded parcels also represent a resource that can be effectively managed for both the benefit of the woodland ecosystem and to generate income through careful harvesting of trees. A professionally formulated Forest Stewardship plan will be necessary in order to execute this strategy. This plan recommends that such a plan be undertaken. It is anticipated that some selected tree removal will be recommended as needed for woodland health and will generate income. This plan recommends that any such monies generated by the harvesting of timber from Township owned lands be used for the needs of parks and open space preservation.

Potential Open Space Linkages – Greenways

The Lehigh Valley Planning Commission 2007 plan for greenways entitled *Lehigh Valley Greenways Plan* defines greenways and their value as follows:

“A corridor of open space that may vary greatly in scale from narrow strips of green that run through urban, suburban, and rural areas to wider corridors that incorporate diverse natural, cultural, and scenic features. They serve many functions, protect the environment, supply recreational opportunities, and connect natural and cultural areas to one another providing a linear resource for a variety of users. Connectivity is the defining characteristic that distinguishes greenways from isolated paths and pockets of open space. While parks, preserved lands, undisturbed natural areas and waterways are valuable resources in and of themselves, their conservation and recreation values are compounded when they are linked together”

The regional R&O plan will delve into this topic in detail, providing maps and specific recommendations. In the meantime, the following areas in general are recognized as the most likely areas for creating greenways. Any attempts made to acquire and/or preserve land should consider these areas as high priority.

The linear bands of land along the major creeks: Hosensack Creek, Saucon Creek and Macoby Creek

The designated Outstanding Natural Areas: Hosensack Marsh, Lower Milford Marsh, Big Beech Woods, and Mill Hill.

Wetlands Reservation Management

Like the Greenways Plan, managing wetlands involves reserving corridors of land contiguous or in close proximity with the natural and logical surface and subsurface water flows in the township. It is critical to identify and prioritize potential wetlands now while these are still open lands and natural features still prevail undisturbed. As development increases, the amount of water exiting the township is more likely to exceed the volume of water entering the township unless a long term program of Wetlands Reservation Management is implemented. A usage assessment of these special lands would help the township leverage how any type of water discharge is permitted in the township with the greatest latitude. Defining where the township sees potential use of land as wetlands will improve its ability to seek the best and most cost effective solutions to preserve water resources and manage discharges in the future.

Some examples of logical Wetlands Reservation Management approaches could include:

- **Keep all surface runoff from directly entering our waterways** by anticipating reserve land needed to more naturally handle runoff from future development on to open land adjacent to existing wetlands that reduces the need for more costly water discharge management within the developed areas.
- **Capture and return as much water as possible into the ground** so waters stay within the township, and help defer the high cost of importing water in the future to ensure a legacy of responsible water management.

- **Allocate open space to manage water resources on land most likely to host future water management facilities** so we establish a value of forfeiting specific open space.

Adopting Wetlands Reservation Management will provide the township with more flexibility in applying the best and most cost effective water management technology deemed necessary. As regulatory bodies adopt and approve new and advanced ways of handling water discharges of all kinds, having strategically located tracts suited for water handling keeps options open. With more options available to manage water resources, the township can determine what space is best to control water at the least cost. Planning becomes less of a forced measure to deal with development, and more alternatives are possible. In defining some open space land as logical for Wetlands Reservation to control waters naturally, the value of the land is more accurately established. Land is valued more in terms of preserving the land, versus only considering the value of developing the land. An Open Space Design methodology that defines the best potential future use is recommended so that the land can be valued and compared to the alternative cost of building control structures or reserves to protect the water. If the established value for an existing Wetlands Reservation matches or exceeds a developer's estimated cost to build acceptable and equal water conservation capacity, then the Wetlands Reservation land should be held as the better water management design option. This approach is the least disruptive to natural features, achieves the same environmental goals, and will establish real leverage in working with developers to protect land that is naturally able to manage water as open space. These reservations will also minimize development impact more comprehensively, and allow the township to better align open space goals with regulatory requirements. The future development needs of a single tract become less contentious when comprehensive water management plans are identified before development plans are generated.

This Plan recommends that the Township implement Wetlands Reservation Management as a form of and in concert with open space planning. Proactive water management planning linked to lands ideal for such purposes will enable Lower Milford Township to set a precedent for keeping far more of its open space from being developed. Hidden costs of development to the township can be illuminated when the purpose of open space is clearly defined as to its full potential value. Reserved Wetlands will become a defined asset with a predetermined value, and then only developed if a competing plan proves to be of a greater value overall to the Lower Milford Township.

Acquiring Open Space

The funding of agricultural and conservation easements has previously been discussed. In general, the funding of publicly owned open space has been covered in the previous section on funding parks. However, the technique of mandatory dedication during the development process warrants further discussion.

Conservation by Design

THE SWLCCP estimates that nearly 400 acres of Lower Milford Township is "needed for new development" between now and 2010. Lower Milford's total land area is 12,620 acres. Given traditional development patterns this would all be lost land in terms of open space (or parks). On the other hand, given more "open space conserving"

development patterns such as Conservation by Design, this also represents the potential for significant opportunities for both land to be set aside for public/community accessible open space and developer sourced funding for Township-wide use for promotion of open space.

The SWLCCP recommends that 40-50% of a developed tract be permanently preserved in open space. The SWLCCP also recommends that at least half of the open space be in one contiguous area; that small isolated areas (less than ½ acre) and /or narrow areas (less than 75’ wide) not be counted as open space unless the narrow stretches contribute to a larger trail system; that detention basins not count as open space unless designed as a scenic asset or are clearly suitable for recreation; that roads and parking not count as open space. Further, open space should be interconnected with common open space areas on abutting parcels where possible.

This plan urges the adoption of a SALDO vigorously promoting Conservation by Design (or similar open space preserving development methodology). We urge that this ordinance sets specific requirements for any dedicated open space. The goal of this ordinance should be to have open space preserved that has true value as open space as opposed to areas that are simply leftover after a developer’s preferred pattern of roads and lots are laid out. That value may be in the form of a passive pocket park, a linear trail through a stream corridor, woodlands, meadows, or agriculturally utilized plots. Again, it is impossible to predict in advance how best to utilize any of these potential lands; therefore, this plan urges that for all future developments where such land will be available, that the R&O board be included in the planning process from the outset.

NATURAL AREAS PLANNING

In the context of planning for open space, it makes sense to include additional planning and protection for natural areas and the habitats that exist within those areas. Some of these natural areas are being protected by our current ordinances. For those areas not protected by ordinance, this plan urges the Township to adopt appropriate protection ordinances.

Outstanding Natural Areas

“Outstanding Natural Areas” have been officially designated by the Pennsylvania Natural Diversity Index partners, the Nature Conservancy and the Lehigh Valley Planning Commission. These officially designated areas (and feature) are not currently specifically protected as entities. We recommend that the Township consider special protection ordinances for these areas that include designating these areas as receiving the highest priority for preservation efforts. The following areas within Lower Milford Township have been so designated: Hosensack Marsh, Lower Milford Marsh, Mill Hill and Big Beech Woods. Maps and further information will be included in the Regional R&O plan.

Stream Corridors

Maintaining high water quality impacts the entire eco-system of not only Lower Milford, but the “downstream” watersheds. Since Lower Milford contains the headwaters for 2 major watersheds, this need is all the more critical. One critical means of improving

water quality of streams is by maintaining “natural” and “un-mown” vegetation along the banks of perennial streams. Another means is through maintaining dense vegetation in the swales that directly feed streams. These encouragements should be codified in our SALDO and also promoted to our residents via the typical means of communication of information of general interest.

Floodplains/Wetlands

Existing Floodplains/Wetlands are currently protected sufficiently by ordinances. Wetlands Reservation Management addresses the need to expand this designation to those areas of open space which are ideal for future water conservation needs.

Woodlands

The maintenance of substantial, contiguous and high quality woodlands is a critical aspect of attaining the goals for open space preservation. This plan recommends that Logging Plans be required by the Township. These should be reviewed by the Township, Lehigh Valley Conservation District and DCNR Forestry Department before any logging can take place.

Hedgerows

Currently protected sufficiently by ordinances

HISTORIC PRESERVATION

Although not directly related to open space preservation, there certainly is linkage with regards to recreation as historic sites afford several possibilities for the public to benefit. Additional, they add immensely to the rural character and link to the area’s history. This plan urges the Township to adopt appropriate protection ordinances.

SCENIC VIEWS PRESERVATION

Although not directly related to open space preservation, scenic views add immeasurably to the rural character of the Township and deserve consideration with regards to development and open space. The 2005 LVPCCP deems Limeport Pike to be a scenic road and the LVPC 2007 Greenways Plan lists the entire Township as scenic. There are countless other scenic views in our township. Every new development and even new single homes can detract from these views. As decided in the Court of Common Pleas Pa.R.C.P. 2327(4) and 2329, “the loss of a scenic view could result in the loss of property values and neighborhood aesthetics”. While we believe it is unrealistic to protect all scenic views, and we understand that the determination of “scenic” is subjective, we nevertheless encourage the Township to include Scenic Views on the Official Map and consider adopting an ordinance addressing the protection of officially designated Scenic Views.

ACTION PLAN

Short Term Actions to be Taken by Lower Milford Township

- Recommend the Board of Supervisors of Lower Milford Township obtain the necessary funding to allow for the creation of the Township’s first Community Park at the Township facility on Chestnut Hill Church Rd.

- Recommend the Board of Supervisors of Lower Milford Township adopt a Mandatory Dedication/Fee-In-Lieu Ordinance, for all Subdivisions of 3 Residences or more, or any Commercial Development, requiring land to be set aside for Open Space (specific requirements to be determined by the Ordinance) OR a fee per acre (with the recommendation that the fee be commensurate with a fair market value of the land otherwise not dedicated).
- Recommend the Board of Supervisors of Lower Milford Township help facilitate the creation of agricultural and conservation easements, by helping connect interested landowners to all potential funding sources, both private and public and by providing basic information to inform landowners on their options. Strongly encourage those private landowners seeking easements to have them held by more than one entity.
- Recommend the Board of Supervisors of Lower Milford Township continue to work with the Township's Regional Partners in the SWLCCP to adopt a Regional Park and Recreation Plan.
- Recommend the Board of Supervisors of Lower Milford Township obtain a professionally designed Forest Stewardship plan for the Township-owned wooded parcels. Assuming some degree of timber harvesting will be recommended, dedicate all net proceeds for the needs of parks and open space preservation.
- Recommend the Board of Supervisors of Lower Milford Township require Logging Plans on all lands within the township. These should be reviewed by the Township, Lehigh Valley Conservation District and DCNR Forestry Department before any logging can take place.
- Recommend the Board of Supervisors of Lower Milford Township adopt a zoning ordinance that incorporates the Growing Greener ordinances for Conservation by Design development, including the application of TDRs.
- Recommend that while planning the design of a Conservation by Design subdivision, high priority be assigned to locating any open space to maximize the potential for it to be linked to other existing or future potential open space or trail system.
- Recommend that one Planning Commission Member also be on the R&O Board, to facilitate the transfer of information between the two Boards and the Board of Supervisors.
- Recommend that all future subdivision plans be reviewed by the R & O Board at the outset of the planning so that recommendations can be made to the Planning Commission and Township Supervisors in a timely manner.
- Recommend that all Conservation by Design open space be held in easements by more than one entity (for example: both a Homeowners Association and Wildlands Conservancy). This will help ensure the long term conservation of the property.

- Recommend the Board of Supervisors of Lower Milford Township consider adopting special protection ordinances for designated Outstanding Natural Areas and Wetlands Reservation Management including designating these areas as receiving the highest priority for preservation efforts.
- Recommend the Board of Supervisors of Lower Milford Township consider adopting protection ordinances for stream corridors requiring maintaining “natural” and “un-mown” vegetation along the banks.
- Recommend the Board of Supervisors of Lower Milford Township consider adopting an ordinance addressing the protection of officially designated Scenic Views and Historic Sites.

Medium Term Actions to be Taken by Lower Milford Township

- Recommend the Board of Supervisors of Lower Milford Township have an Official Map made listing and locating properties that the township should help preserve either by purchase or through easements for Open Space or as one of the recommended Park locations. This map should also designate official Scenic Views and Historic Sites.
- Recommend the Board of Supervisors of Lower Milford Township look into funding options for the purchase of Park Land and Open Space or easements for same and establish a Fund for this purpose.
- Recommend the Board of Supervisors of Lower Milford Township take the necessary steps to ensure that the funding technique known as “Option to Buy” is available for quick implementation should an opportunity arise for land acquisition ideal for the furtherance of the Township’s park and open space goals.

Long Term Actions to be Taken by Lower Milford Township

- Establish at least Three (3) Community Parks, one passive and two (2) multi-use, i.e. sports fields, paths, dog park area, etc. with facilities and programs in keeping with the Rural Agricultural character of Lower Milford Township.
- Work with adjacent and nearby municipalities and counties in creating Regional Recreation opportunities. These should include a multi-purpose “greenway” within Lower Milford connecting to a regional greenway network, including a “First Priority Linkage” Trail such as the Perkiomen Trail.

On-going Actions to be Taken by Lower Milford Township

- Educate Lower Milford and surrounding residents on the value of Open Space and on the array of available recreation options in this area.
- On-going review of this Plan to incorporate revisions as necessary.

APPENDIX A

Sample Mandatory Dedication/Fee-in-lieu Ordinance

LOWER MILFORD TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. XXX

WHEREAS, Section 503(11) of the Municipalities Planning Code [53 P.S. 10503(11)] authorizes a second class township to require, among other things, a developer to dedicate land, or in lieu thereof privately reserve land, construct facilities, pay a fee or undertake a combination thereof, all for park and/or recreation purposes as a condition of final subdivision and/or land development approval; and

WHEREAS, on _____, Lower Milford Township (hereinafter, “Township”) adopted the Parks, Recreation and Open Space Plan; and

WHEREAS, the Township enacted a Subdivision and Land Development Ordinance (hereinafter, “SALDO”), on _____; and

WHEREAS, the Township has engaged the services of certified consultants to perform a study of appropriate and defensible levels of Mandatory Dedication parkland or Fees-In-Lieu Thereof; and

WHEREAS, the study has concluded that it would be appropriate and defensible to establish a Mandatory Dedication level of parkland of ____; and

WHEREAS, the study has concluded that it would be appropriate and defensible to establish a Fees-In-Lieu Thereof value of ____;

NOW THEREFORE the Lower Milford Township Board of Supervisors does hereby enact and ordain as follows:

SECTION 1

Section ____ of the Lower Milford Township SALDO is hereby amended to read as follows:

“XXX Park and Recreation Land

XXX.1 Definitions.

- (a) Dwelling Unit. As used in this Section, the phrase “dwelling unit”, shall include single family detached dwelling units, single family attached dwelling units (townhouse), two-family detached dwelling units (duplex), two-family semi-detached dwelling units (twins), multi-family dwelling units (apartments), accessory living quarters, and any other type of residential living unit.

(b) Prime. For the purpose of this Section, the term “prime” shall mean park and/or recreation land which:

1. has an average slope of less than 7 percent (to be calculated in accordance with the Township Zoning Ordinance);
2. does not constitute a “wetland” under Federal and/or State regulations;
3. is not within the “100 year flood plan”;
4. is not included in, or made a part of, stormwater management facilities, including detention/retention basins, swales, culverts and any associated appurtenances thereto; except that with the permission of the Township as noted on the plan, 50% of the area of stormwater detention/retention basins designed to provide for park and/or recreation uses may be considered prime; and
5. is, or shall become part of, a contiguous tract of at least 2 acres (which contiguous tract shall include adjacent, pre-existing or planned, park and/or recreation land).

(c) Private. As used in this Section, the term “private” means that the use of land is restricted in any way by the sub-divider, developer or any other owners of the land, acting individually or as a management organization, association or similar entity.

XXX.2

Every proposed residential subdivision of land and/or residential land development regulated by the Lower Milford Township Subdivision and Land Development Ordinance (SALDO) and the Municipalities Planning Code (MPC) shall provide suitable land for dedication as on-site park and/or recreation land. The amount of land required to be dedicated shall be _____ square feet of prime land per buildable lot or dwelling unit (whichever number is greater) proposed by the approved plan. If at the time of preliminary plan submission the sub-divider and/or developer is domiciled on one of the lots in the proposed subdivision or development or domiciled in one of the dwelling units thereon, said lot or dwelling unit shall not be included in this calculation.

XXX.3

If all or part of the land proposed for dedication as park and/or recreation land is less than prime, then the amount of land required for dedication shall be _____ (1.5 x prime) square feet per lot or dwelling unit, whichever number is greater.

XXX.4

All land proposed for dedication as park and/or recreation land, whether or not prime, shall be contiguous and topographically and spatially suitable for park and/or recreation purposes.

XXX.5

In combination with the dedication of land for park and/or recreation purposes, or in lieu thereof, a developer and/or sub-divider may propose to the Board of Supervisors the payment of a recreation fee, the construction of park and/or recreational facilities, the private reservation of park and/or recreation land, or a combination thereof; provided that the same shall be for public park and/or recreation purposes. Any such proposal by the developer and/or sub-divider is subject to the approval of the Board of Supervisors given at the time of plan approval.

XXX.6

If the developer and/or sub-divider receive approval from the Board of Supervisors for the payment of a fee in lieu of dedication of all or some of the required park and/or recreation land, then the fee shall be calculated on the basis of \$_____ per approved building lot or dwelling unit (whichever number is greater).

XXX.7

If the sub-divider and/or developer elect to pay a fee in lieu of the dedication of park and/or recreation land, then such payment, if approved by the Board of Supervisors, shall be deemed a condition of plan approval and shall be paid to the Township at the time of execution of the improvements agreement with the Township or if no improvements agreement is necessary, then prior to recording the approved plan.

XXX.8

All fees paid pursuant to this Section shall be placed in an interest bearing account and accounted for separately from other Township funds, and such funds shall not be used for any purpose inconsistent with the applicable provisions of the MPC. Per the MPC, if such funds are not utilized by the Township within three years from the date of receipt by the Township, the payer of the funds has the right to demand a full refund of the payment.

XXX.9

The requirements of Sub-sections XXX.2, XXX.3 and XXX.5 shall be in addition to, and not in lieu of, (a) open space which is required to be provided in connection with certain uses, developments, subdivisions and/or other residential living arrangements pursuant to the Zoning Ordinance and/or (b) any private park and/or recreation land provided by the developer and/or sub-divider in connection with any proposed, residential development.

XXX.10

The dollar amount of the recreation fee set forth in Sub-section XXX.6 shall be subject to modification upon resolution of the Board of Supervisors acting in compliance with the requirements of the MPC.”

SECTION 2

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

SECTION 3

This Ordinance shall be effective upon advertisement in accordance with the pending ordinance doctrine. Otherwise, this Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Milford Township.

ENACTED this ____ day of ____, by the Board of Supervisors of Lower Milford Township.

TOWNSHIP OF LOWER MILFORD
BOARD OF SUPERVISORS

Chairman

Vice Chairman

Supervisor

Attest:

Secretary

APPENDIX B

Sample Determination of Mandatory Dedication/ Fee-In-Lieu Thereof Values

The following calculations are based largely on calculations and values used by Upper and Lower Saucon Township's (Saucon Region) for their 2006 Comprehensive Recreation and Open Space Plan.

In order to derive suitable levels of parkland demand, differing park types must be considered. The National Recreation and Park Association (NRPA) park classification system breaks down into essentially "Community Parks" and "Natural Resources/Open Space Areas". To avoid confusion with other definitions of Open Space, the following analysis uses the simpler breakdown of Active and Passive parkland. Based on survey results the Saucon Region adopted parkland acreage standards, consistent with NRPA guidelines, as follows:

Regional Park Acreage Standards	
Park Type	Minimum Acres Needed Per 1000 Population
Active	7.5 acres
Passive	7.5 acres
Total	15 acres

Considering the proximity of the Saucon Region to Lower Milford Township (LMT) and the recent determination of these numbers, it is reasonable to use them as the starting basis for LMT.

To derive a "per dwelling unit" standard, the 1000 population value is divided by the average household size (year 2000) as reported in the 2005 SWLCCP as follows:

Mandatory Parkland Dedication Calculations (for raw land)		
2002 Avg Household Size	No. of dwellings per 1000 population	Required Min. Total Park Acres per Dwelling Unit
2.8	357	15 ac/357 units = .042

In addition to the raw land, an active park requires infrastructure and improvements generally considered to equal the value of the land itself. A passive park does not require as much infrastructure and improvement and additional costs are generally considered to be 20% of the land value. The following calculation adjusts the above needed park value for these associated costs, using the value of the land as the basis, to derive a suggested ***Mandatory Dedication value of 0.067 acres per dwelling unit:***

Suggested Mandatory Parkland Dedication Standards by Park Type	
Park Type	Required Park Acres per Dwelling Unit

Active (7.5 ac/357 units x 2)	.042 acres
Passive (7.5 ac/357 units x 1.2)	.025 acres
Total Parkland	.067 acres

As an alternative to parkland dedication, municipalities can accept a fee-in-lieu thereof. The MPC places restrictions on this approach. According to the MPC, amounts of the fee-in-lieu are based, at least partially, on a certified appraisal of land values. As land values are constantly changing, this appraisal needs to be revised frequently.

The Saucon Region 2006 Comprehensive Recreation and Open Space Plan reported appraised values of \$120,000/acre for a building lot and \$20,000/acre for undeveloped land. Given the passage of time since that appraisal and a generally held knowledge of current real estate trends in the region, these values are raised to \$140,000/acre for a building lot and \$30,000/acre for undeveloped land for the following calculation of a fee-in-lieu thereof commensurate with land values:

Suggested Mandatory Parkland Dedication/Fee-In-Lieu Standards	
Park Type	Fee-In-Lieu of Parkland
Active (0.042 ac x 140,000)	\$5,880 per dwelling unit
Passive (0.025 ac x 30,000)	\$750 per dwelling unit
Total for all Parks	\$6,630 per dwelling unit

Additional Informational Calculations

By applying the above derived values to the Township's current population of 3700 residents, the suggested amount of parkland that the Township should currently have to is as follows:

Park Type	Min. Acres of Parkland
Active (3700/1000*7.5)	27.8 acres
Passive (3700/1000*7.5)	27.8 acres
Total Parks	55.5 acres

By applying the above derived values to the Township's estimated growth between now and the year 2020 (4,160 – 3700) of 460 residents, the projected levels of either dedicated parkland OR fees collected in lieu-thereof are as follows. Please note that it is acknowledged that there are many complexities ignored in this calculation including the time value of money and changes in land value. In addition, it is likely that a combination of land and fees will be collected and not solely one or the other.

Projected Dedicated Parklands OR Fees-In-Lieu Thereof 2008 to 2020			
Park Type	Projected New Dwelling Units (2008 – 2020)	Projected Dedicated Parkland	OR Projected Fees-In-Lieu Thereof
Active	460/2.8 = 164	164*.042 = 6.9 ac	164*5880 = \$964,320

Passive	$460/2.8 = 164$	$164*.025 = 4.1 \text{ ac}$	$164*750 = \$123,000$
Total Parks		11.0 acres	\$1,087,320

