

*South  
Whitehall  
Landscapes*

An Open Space, Historic,  
Agricultural, and Natural  
Resource Preservation Plan

Meeting #5  
Recommendations

# Timeline

**Landscape Preservation Plan Kick-off Meeting.** (Why? & Where?)

**Tuesday, June 27, 2023. 6:00-8:00PM**

**Agricultural Resources Subject Matter Meeting.** (What? & Who?)

**Tuesday, August 15, 2023. 6:00-8:00PM**

**Natural Resources Subject Matter Meeting.** (What? & Who?)

**Tuesday, August 22, 2023. 6:00-8:00PM**

**Historic Resources Subject Matter Meeting.** (What? & Who?)

**Tuesday, August 29, 2023. 6:00-8:00PM**

**Landscape Preservation Plan Wrap-Up Meeting.** (How? & When?)

**Tuesday, October 24, 2023. 6:00-8:00PM**



*How did we get here?*

# South Whitehall Comprehensive Plan

- Plan adopted March 2023
- Lays the foundation for the future of the Township
- Identified resource protection as a high priority

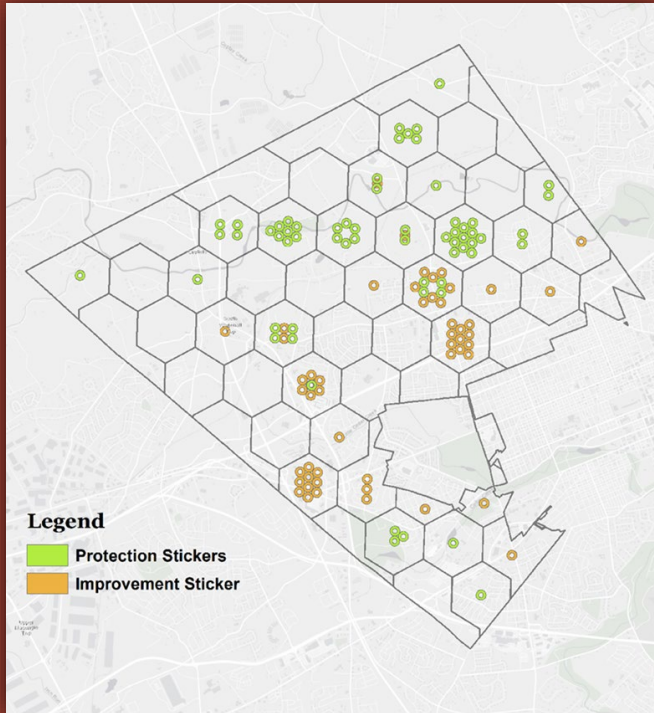


**swt**

South Whitehall Township  
COMPREHENSIVE PLAN

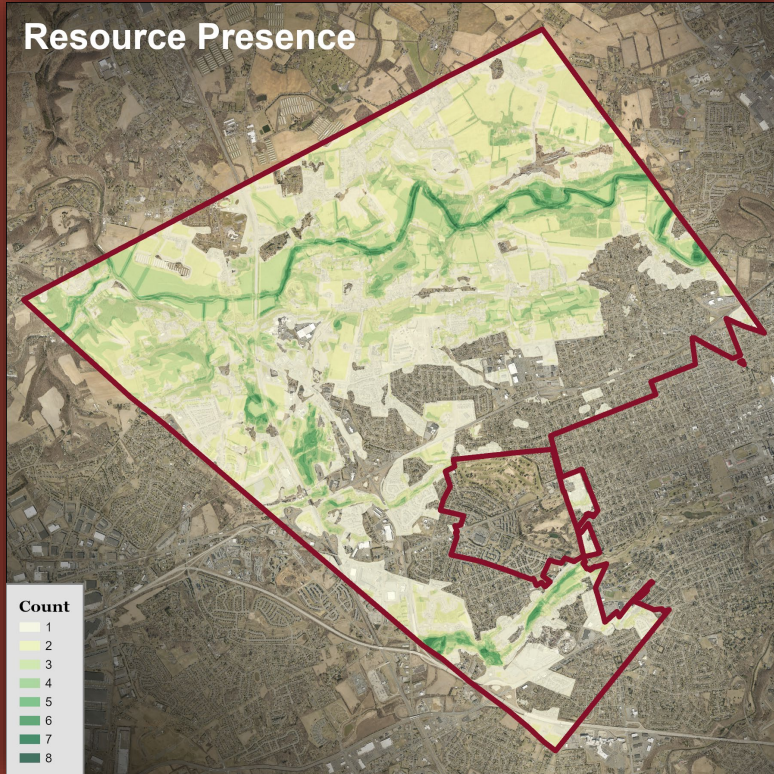
**2023**

# Where Should We Grow?



- “Build Out” exercise during Comprehensive Plan
- Community identification of areas to “protect” and “improve”.

# Resource Overlay

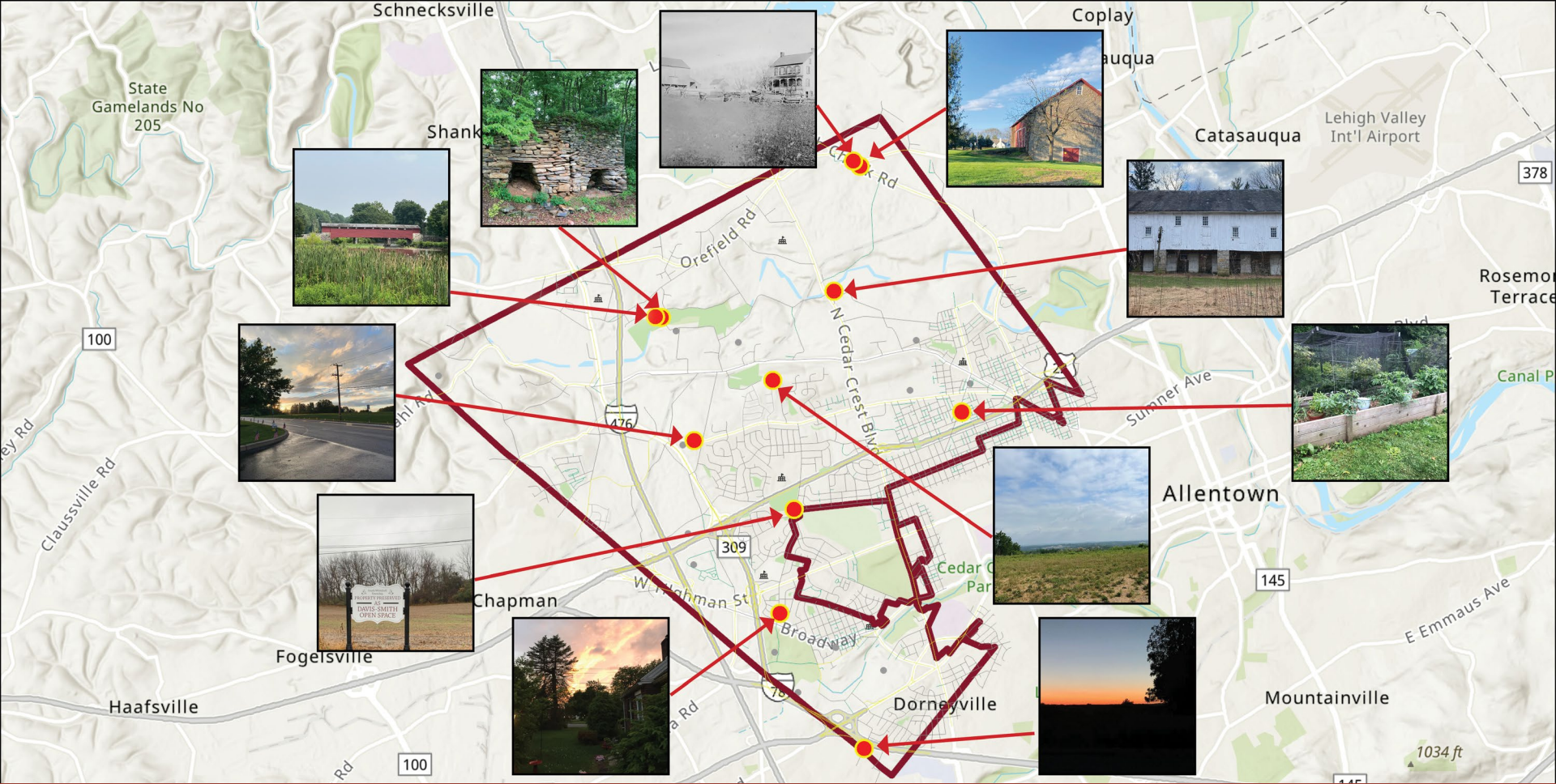


- Planning for “landscapes”
  - Identified overlapping resources in close areas
  - Preserve the “Character-Defining” elements of the community

# Data Collection



- Photo Survey
- Public Meetings #1-4
  - Why? Where? What? Who?
- Topic Surveys
- Subject Matter Expert Interviews
  - Agriculture
  - Natural Resources
  - Historic Preservation



# Photo Survey



# Farmette



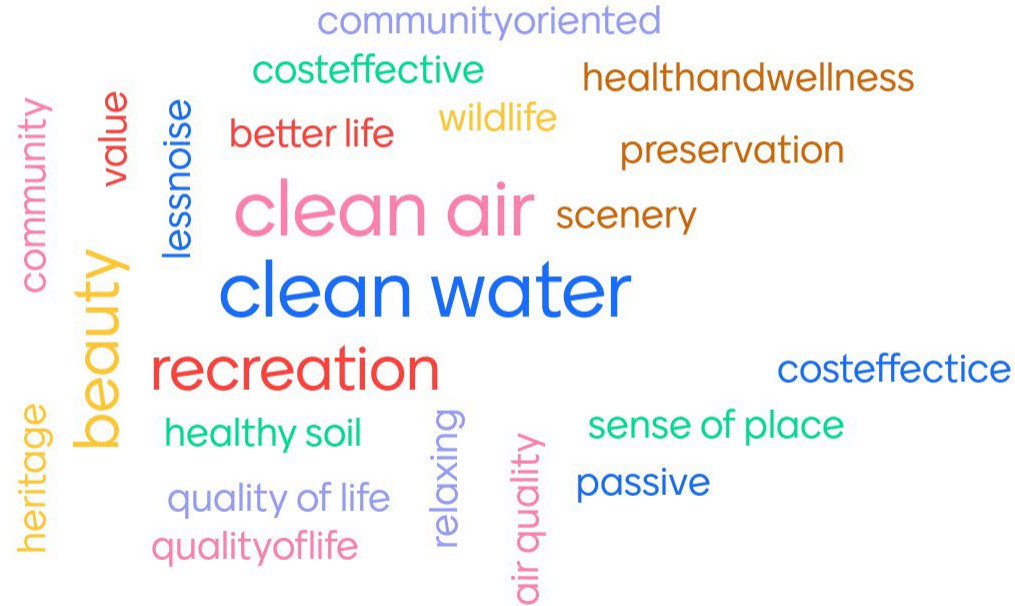
0 = Least Favorable 10 = Most Favorable

8.7

*Agricultural Preferences Survey*

# What are the benefits of natural resources?

29 responses



*Natural Resources Word Cloud*

# What does historic mean to you?

24 responses



## *Historic Resources Word Cloud*

Local Farmers

Lehigh Valley Greenways

The Seed Farm

Rodale Institute

Local Landowners

Pennsylvania Department of Conservation & Natural Resources

Wildlands  
Conservancy

Watershed  
Organizations

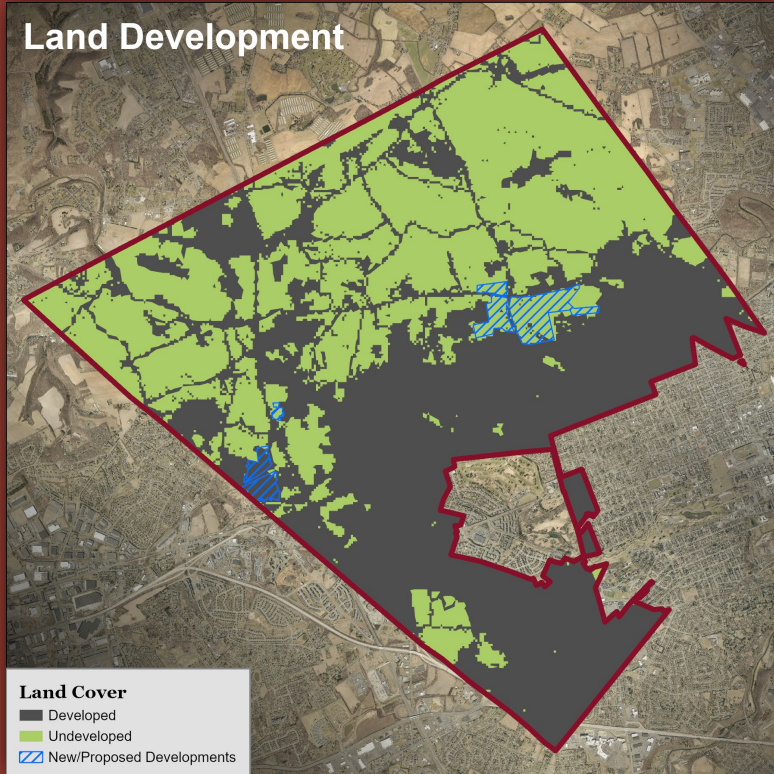
Buy Fresh  
Buy Local

Local Businesses

Pennsylvania Historical & Museum Commission

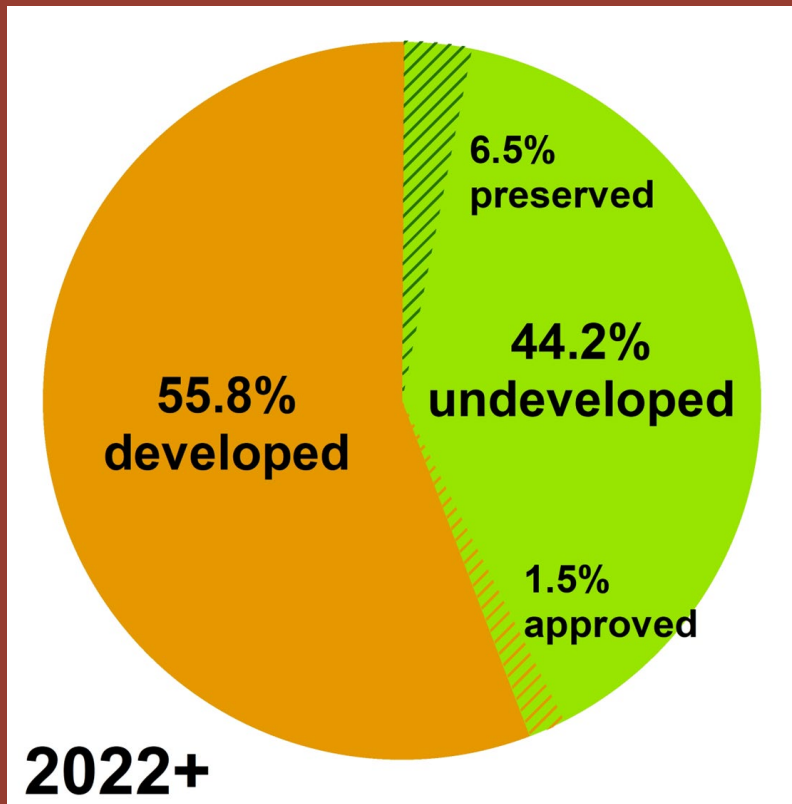
*Subject Matter Experts*

# Preservation Need



- How much land has already been developed?

# Development Trends



- What is left to preserve?
  - Based on National Land Cover Dataset:
    - 4,900 acres undeveloped
    - 730 acres preserved undeveloped

**4,170 acres of unpreserved undeveloped land in SWT**

*Problems with the data:*

- *What is meant by “preserved”?*
- *What is “open space”?*

# Preserved Land



- Land that will remain “undeveloped” forever
- Must require specific action or regulation to permanently protect

# Open Space



- Land that is not intensely developed (for residential, commercial, or industrial uses)
- Preserving “open space” is a useful mechanism to preserve one or multiple critical resources
- 7 proposed designations of “open space” in South Whitehall
  - Each designation has general defining characteristics
  - Designations serve different functions and require different management strategies



# Open Space Designations

## Large Farm:

- *Size: >10 acres*
- *Land Use: Agricultural*
- *Often monoculture (one crop per season)*
- *Wholesale business*
- *Often mechanized labor*
- Ownership: Private
- Recommended Preservation Method:  
Easement



# Open Space Designations

## Small Farm/Farmette:

- *Size: 5-10 acres*
- *Land Use: Agricultural (with house lot)*
- *Multiple crops in production*
- *Wholesale, share (CSA), or market sales*
- *Low impact livestock (horse farm, goats)*
- Ownership: Private (opportunities for public)
- Recommended Preservation Method:  
Easement



# Open Space Designations

## Market Farm:

- *Size: <5 acres*
- *Land Use: Agricultural or Residential*
- *Multiple crops or specialty products*
- *Market, retail, or direct to consumer*
- *Hand labor*
- Ownership: Private (opportunities for public)
- Recommended Preservation Method:  
Deed Restriction



# Open Space Designations

## Active Park:

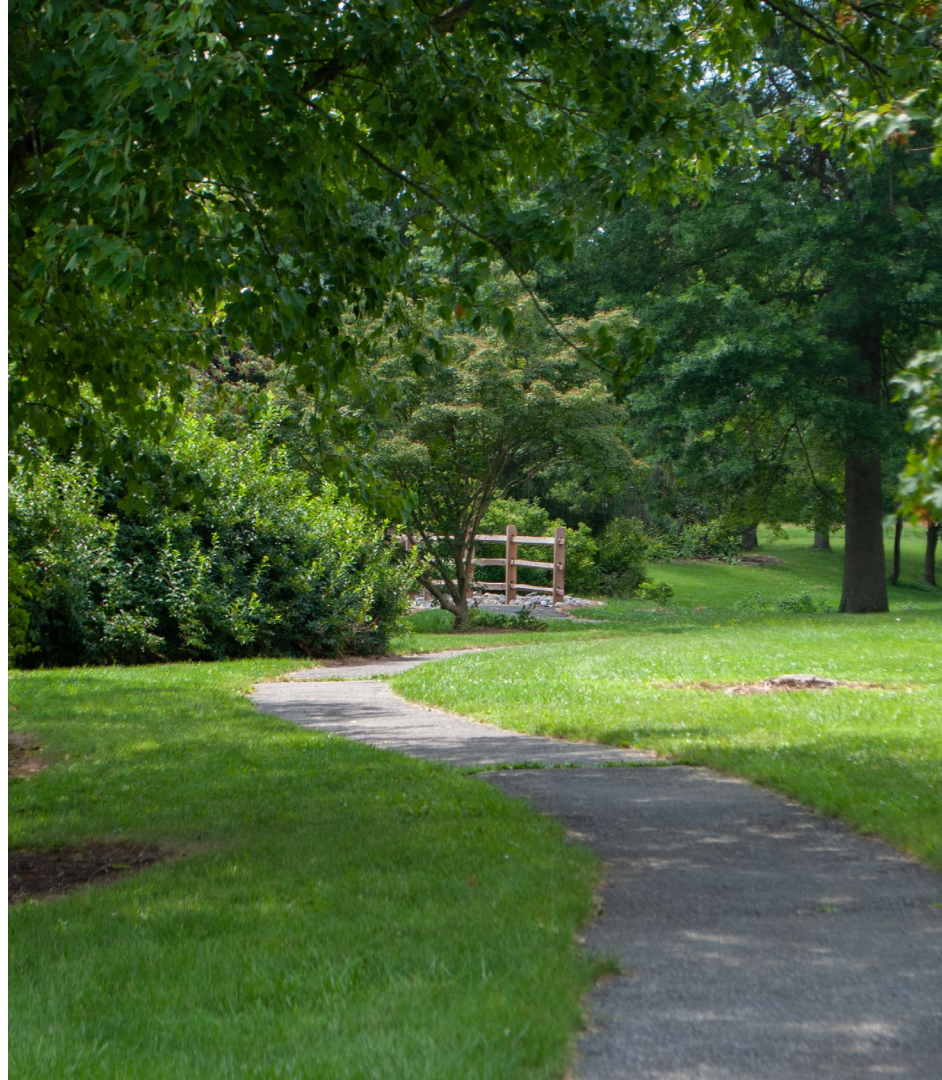
- *Size: Any*
- *Land Use: Any*
- *Maintained areas for active recreation*
- *Often contain structures (playground equipment)*
- *Well maintained sports fields, or courts*
- Ownership: Public
- Recommended Preservation Method: Acquisition



# Open Space Designations

## Passive Park:

- *Size: Any*
- *Land Use: Any*
- *Open areas for passive recreation*
- *Often contain limited maintained areas for passive enjoyment*
- *Walking, wildlife viewing, picnicking*
- Ownership: Public
- Recommended Preservation Method: Acquisition



# Open Space Designations

## Naturalized Area:

- *Size: Any*
- *Land Use: Any*
- *Areas preserved as “wild” areas*
- *Typically unmaintained and left in a natural state*
- *Often contain some natural resource (ex. wetlands, woodlands)*
- Ownership: Public or Private
- Recommended Preservation Method: Easement, Acquisition, Deed Restriction, Zoning



# Open Space Designations

## Stormwater Management Area:

- *Size: <10 acres*
- *Land Use: Residential, Commercial, Industrial*
- *Open space area dedicated to stormwater management*
- *Maintenance is prescribed by stormwater Best Management Practices*
- Ownership: Public or Private
- Recommended Preservation Method:  
Deed Restriction, Zoning



Why landscape preservation?

Who did we talk to?

Preservation and Open Space

*Pause for questions*





*What are our resource opportunities?*

# Agricultural Opportunities

- 2,300 acres of active farmland?
- 6,000 acres of prime agricultural soils



# Natural Resource Opportunities

- 800 acres of riparian areas
- 1,500 acres of woodlands
- 1,100 acres of steep slopes



# Historic Resource Opportunities

- 4 features listed on the National Register of Historic Places
- 5 features identified as National Register eligible
- 70+ sites/features identified for further investigation



# Community Opportunities

- Interest in expanding agricultural opportunities
- Interest in preserving finite resources and the environment
- Countless stories to share





*How do we address these opportunities?*

# Preservation Toolbox

- Land Preservation
- Asset Preservation
- Outreach & Education

# Land Preservation



- Fee Simple Acquisition
- Easement
- Deed Restriction
- Zoning



# Land Preservation

## Development Rights

- Property ownership can be described as a “Bundle of Rights”
  - Right of Possession – Legally own the property
  - Right of Control – Use and change the property how you want (following local laws)
  - Right of Enjoyment – Enjoy the property how you want (following local laws)
  - Right of Disposition – Sell or transfer the property or rights (unless this right is shared i.e., mortgage)
  - Right of Exclusion – Restrict access (no trespassing)
- The Right of Control grants property owners the right to develop
- Some Rights may be partially or fully relinquished (donated, sold, taken) while still retaining others

# Land Preservation

## Fee Simple Acquisition

- Takes possession of the entire “Bundle”
- Title transferred from one owner to the next (donated, sold, or exchanged)
- Title transferred via a new deed
- New owner has complete control of the property

# Land Preservation

## Easement

- Takes possession of one or more Rights from the Bundle
- Property owner severs or transfers one or more Rights to the “easement holder”
- Details including restrictions, allowed uses, and enforcement provisions are documented and recorded through an easement agreement (signed by all parties)
- “Affirmative” Easement example:
  - Allows public access on private property
- “Negative” Easement example:
  - Restricts development rights

# Land Preservation

## Deed Restriction

- Controls one of the rights from the bundle
- Current owner maintains ownership
- Township places restriction on what can be allowed through deed
- Can be negotiated as part of a land development or subdivision plan
- Easy way to restrict further subdivision or require resource management

# Land Preservation

## Zoning

- Development rights and open space requirements can be regulated through zoning
- Conservation-based zoning
  - Encourages more open space preserved by clustering development into smaller areas
  - Encourages development away from highest quality resources on site
- Transfer of Development Rights allows development rights to expand beyond a single property. Often from “sending” zones to “receiving” zones.
  - Sending zones = preservation
  - Receiving zones = redevelopment

# Land Preservation

## Conservation Financing

- Pennsylvania Open Space Law (Amended Act 115 of 2013)
  - Authorizes local governments the right to preserve, acquire, or hold land for open space uses
  - Authorizes local governments the right to impose by ordinance an open space tax by increasing the rate of the earned income tax, if authorized by voter referendum
  - Example ballot question:
    - “Do you favor the imposition of an additional Earned Income Tax at the rate of XX by South Whitehall Township to be used to finance the acquisition of real property or interests in real property to preserve open space?”
- Open Space Tax Uses
  - Acquire property and or rights using tools in the “Preservation Toolbox”
  - Preserve and maintain open space areas

# Asset Preservation



- Historic Preservation Ordinance
- Natural Features Ordinances

# Asset Preservation

## Pennsylvania Municipalities Planning Code

- “Zoning ordinances shall provide for the protection of natural and historic features and resources”
- Historic Preservation Ordinances
  - May regulate the demolition, alteration, and addition to historic structures and nearby construction
- Adaptive Reuse
  - Creating modern functionality while preserving the historic integrity



# Asset Preservation

## Historic Asset Designation

- Identify and classify historic assets > Perform Historic Resource Survey
- Classification categories
  - Class I:
    - Listed as a National Historic Landmark or on the National Register of Historic Places
    - *Benefits: Raised level of significance, federal project intervention, tax incentives*
  - Class II
    - Listed as National Register-eligible property
    - *Benefits: Ability to move to Class I*
  - Class III
    - Designated as a Local Historic Resources by Township Resolution
    - *Benefits: Unlocks adaptive reuse provisions*
  - Class IV
    - Listed on the South Whitehall Historic Resource Inventory
    - *Benefits: Ability to move to Class III*

# Asset Preservation

## Natural Features Ordinances

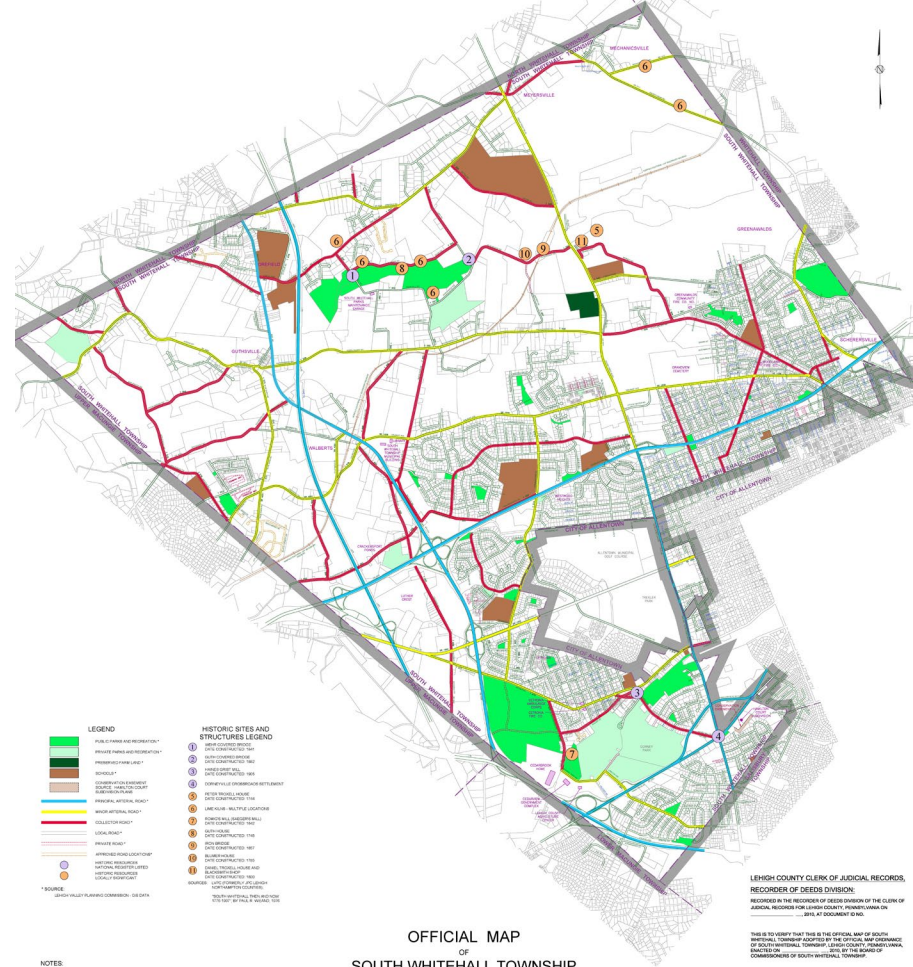
- Floodplain Ordinance
- Stormwater Ordinance
- Riparian Ordinance
- Steep Slopes Ordinance
- Woodlands/Tree Ordinance



# Asset Preservation

## Official Map

- Identifies important resources to protect
- Allows Township to take action on resources when affected



# Outreach and Education



- Historical Society
- Agricultural Community
- Environmental Advisory Council

# Outreach and Education

## Historical Society

- Independent of Township government
- Volunteer open membership (usually a guiding Board)
- Community events
- Storytelling
- Maintains archives and/or collections

## Historical Commission

- Agent of the Township
- Limited appointed membership
- Keeps records of historic assets/inventory
- Makes recommendations to historic preservation program



# Outreach and Education

## Environmental Advisory Council

- Identify environmental problems and recommend plans/programs for conservation
- Make recommendations to the possible use of open spaces
- Promote a community environmental program
- Keep an index of open space areas
- Advise the Township in the acquisition of open space property
- Review subdivision and land development plans and make recommendations to the Planning Commission

## Open Space Acquisition

- Quantitative and qualitative evaluation of open space properties to be acquire
- Recommendations made to BOC



## OPEN SPACE ACQUISITION Site Evaluation Sheet

Project Name:	Project Number:
---------------	-----------------

Landowner (On record):		
Owner's Name:	Telephone#:	Email Address:

Address:
PIN# (List if multiple):

Property Information							
Current Use (check all):							
Ag	<input type="checkbox"/>	Wooded	<input type="checkbox"/>	Open/Barren	<input type="checkbox"/>	Riparian/Wetland	<input type="checkbox"/>
Description of Property:							
Acreage:	Zoning:	Current Assessment:	Zoning:				
Number of Buildings:	Building type:	Age:	Condition:				
Surrounding Land-use:							

Criteria	+1	0	-1	Comments
<b>Natural Value</b>				
a) Streams on property				
b) Property adds to riparian buffer				
c) Significant woodlands on property (Goal 50% or more)				
d) Areas of important wildlife habitat				
e) Areas of rare ecological communities (e.g. PNDI, NHA, sensitive species)				
f) Areas of important geological interest				
g) Contributes to the protection of steep slopes or unstable land cover				
h) Contributes to the protection of ground water resources				
i) Potential for restoration, remediation, or improvement of natural resources				
<b>Score:</b>				

# Next Steps

## Draft Final Plan

## Plan Adoption

The final plan will be presented to the Board of Commissioners for adoption at a public meeting

## Implement Priority Goals

- Historic Resource Survey
- Historic Preservation Ordinance
- Open Space Tax
- Zoning Revisions

Thank you for participating!

*South  
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