

The Forks Township Open Space Advisory Committee

The Benefits of Open Space- Frequently Asked Questions

Why are we considering an Open Space referendum?

- On June 22, 2021 a Public Visioning Session was held in the Municipal Building to solicit input from residents and property owners of the township for our 10-year Comprehensive Plan. Several of the expressed concerns regarding the quality of life were uncontrolled development, specifically industrial development, which results in loss of farmland, increased truck traffic and stormwater issues. Concerns of "rapid growth" occurring in the Township negatively affecting the attributes residents love about living here. Residents were outspoken of the need to preserve open space and farmland and limit high density residential and industrial development. It resulted as a high priority recommendation in the Comprehensive Plan and the Chairman of the Board of Supervisors appointed a supervisor to conduct research, education and outreach into an Open Space referendum for Forks Township. Voter approved Referendum.

What is Open Space

- Open space refers to undeveloped farmland, meadows, greenways, woodlands, wetlands, and lands on which important natural and environmental resources are found, such as water resources and watersheds, scenic areas, and passive recreation and conservation sites. Pennsylvania's Open Space Law (Act 442 of January 19, 1967) as further amended in Act 115 of December 18, 2013, authorizes the Commonwealth and its local government units to preserve, acquire, and hold land for open space uses and provides for municipal referenda for dedicated open space taxes. It's important to preserve open space to meet the community needs for passive recreation, amenity, and conservation of natural resources for the promotion of sound land development by preserving open land for perpetuity.

Will Farmers be impacted?

- No. This Open Space Referendum will actually help allow farmers to remain in business and continue farming. Land development rights may be purchased from interested farmers through Agricultural Easements, whereby the farmer is compensated fairly and may continue to own their land and continue farming. Participation by farmers (and other landowners) **does not** require public access and is completely voluntary.

How much does it cost to preserve Open Space?

- Lehigh Valley Planning Commission and other credible organizations in our region have produced consistent studies that show Open Space preservation as a tax savings. This is primarily accomplished through lower infrastructure costs and lower school tax burdens when land is preserved rather than developed (*Opportunity Knocks-An Open Space Community Investment, 2008* p.3). These and other

studies have also shown that property values are generally protected and even increase in communities that are preserving their open space.

Why fund Open Space preservation with an EIT tax rather than a property tax?

- An Earned Income Tax (EIT), or wage tax is thought to be a more equitable means of raising funds for open space preservation. Real estate taxes burden everyone, regardless of their ability to pay. A wage-tax on the other hand, has some relationship to the ability to pay. Those who earn less pay less. Those on nontaxable or fixed incomes are spared.

Will an Open Space Referendum, directly or indirectly, take away property rights?

- No. An Open Space Referendum will actually protect against the taking of rights by creating a fair and equitable means of preserving properties through purchase of easements or fee simple acquisitions. All involvement will be voluntary, and participating landowners will be presented with the conservation value of their land based on appraised fair market value. This effort will preserve property values by maintaining reasonable open space throughout the township and preserving our local "quality of life" for public benefit by residents and visitors. Real estate demand and value for such areas will only increase as surrounding development throughout our region continues.

Are we guaranteed that our tax money will go towards Open Space?

- Yes... We will be required under the terms of the Voter approved Referendum and PA Open Space Law as a dedicated, restricted fund for the acquisition of land, development rights, and easements including trail easement, conservation easement, and agricultural easement. Further amendment of the Open Space Law allows a portion of dedicated open space taxes to be used to develop (for passive recreation like walking, birdwatching, etc.), improve, design, and maintain open space acquired with dedicated open space taxes for open space benefits (Act 115 of 2013).

Why not just say “NO” to developers and proposed land development projects?

- We can't... We are legally REQUIRED by Pennsylvania's Municipal Planning Code to accept our fair share of development (and of all types) and cannot just say "no." Developers have their rights, as do our property owners. The intention of the Open Space program is to permanently protect environmental and agricultural land remaining in the township to better benefit the residents of today and tomorrow. The Program will provide residents with an equitable option to selling their open land for development.

Will the Township become a large landowner?

- No. The Township may own some land where advantageous for public use, but the primary objective is to purchase development rights as easements from willing landowners. Open Space Program priorities include: to acquire conservation easements on prime environmentally sensitive lands, place agricultural easements on farmland (to support farming), and secure trail easements for important trail connections to larger public open spaces.

How will the Open Space Referendum be financed?

- The Open Space Referendum proposes a slight increase in the Earned Income Tax (EIT) that all gainfully employed township citizens currently pay. This has been standard fare in many other municipalities that have enacted successful Open Space initiatives. The increase will be a mere 0.25% and will result in approximately \$650,000 raised per year to pay strictly for dedicated Open Space preservation as outlined for implementation in our own Open Space Program and Plan. Northampton County has had 10 successful local municipal open space referendums. Pennsylvania Townships have passed 121 open space referendums since 1996 with an average 62% of votes cast in favor of open space funding, generating approximately \$492 million annually in earned income taxes dedicated for open space preservation. Out of all the referendums passed in eastern PA, 90% are within the Delaware River Basin, in which Forks Township resides. (*Local Municipal Open Space Referendums in Pennsylvania: 2021 Status Report*, 2021).

How much approximately will the dedicated open space earned income tax generate?

- Approval of the referendum will allow the Township to reasonably acquire development rights and open land in perpetuity. Based on annual earned income tax (collected for the FY2022 calendar year), approximately \$650,000 per year would be generated for open space preservation. Property values and real estate trends will vary depending on whether land is placed under easement or is acquired through direct purchase. Efforts will focus on purchase of development rights through conservation easements and agricultural easements, so that open space preservation is maximized. Also, by having these dedicated Township funds for Open Space preservation, the Township will be in a very good position to acquire “matching funds” from the County, State, and other sources to further increase preservation.

References:

- Opportunity Knocks-An Open Space Community Investment (2008). <https://heritageconservancy.org/wp-content/uploads/2012/02/opportunity-knocks.pdf>
- Local Municipal Open Space Referendums in Pennsylvania: 2021 Status Report. WeConservePA. https://conservationtools.org/library_items/2176

Visit the websites for more information:

- Forks Township Comprehensive Plan Update (2022). <https://www.forkstownship.org/DocumentCenter/View/129/2022-Comprehensive-Plan-PDF>
- Livable Landscapes, an Open Space Plan for Northampton County (2015) [livable_landscapes.pdf](https://www.northamptoncounty.org/livable_landscapes.pdf) ([northamptoncounty.org](https://www.northamptoncounty.org))
- Leaders in the Field: Seven Successful Municipal Open Space Referendums in the Lehigh Valley (2009). http://greenways.delawareandlehigh.org/wp-content/uploads/sites/6/2016/07/Heritage-Conservancy_Leaders-in-the-Fields_SuccessfulMunicipalOpenSpaceReferendums-2008.pdf