

Implementing a Municipal Open Space Program:

A Guide for Pennsylvania's Municipalities

by

Michael Frank

Director, Community Planning
Heritage Conservancy



*Preserving our Natural and
Historic Heritage*

www.heritageconservancy.org



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“We of an older generation can get along with what we have, though with growing hardship; but in your full manhood and womanhood you will want what nature once so bountifully supplied and man so thoughtlessly destroyed; and because of that want you will reproach us, not for what we have used, but for what we have wasted...So any nation which in its youth lives only for the day, reaps without sowing, and consumes without husbanding, must expect the penalty of the prodigal whose labor could with difficulty find him the bare means of life.”

Theodore Roosevelt, “Arbor Day – A Message to the Schoolchildren of the United States” April 15, 1907

Implementing a Municipal Open Space Program: A Guide for Pennsylvania's Municipalities

In any planning program for growth and change in our communities, we also plan to protect, preserve and enhance the important lands that make our communities special. These important lands may include historic sites, unique natural areas and farmlands. They may also be greenways and recreation areas that attract new residents and businesses who look for top quality communities to call home.

Successful land protection can be a fairly involved program. Planning is the foundation of any effective effort. Planning involves the thorough evaluation of community resources and characteristics, goal setting, identification of possibilities and constraints, the hard work of municipal boards, and lots of public participation. It should involve cooperation with neighboring municipalities.

Implementation can be the most difficult part. It may entail the development of regulatory requirements to protect sensitive areas or provide open space as part of the land development process. It may also focus on raising money to purchase land for public use or to compensate farmers for conservation easements. Stewardship requires the development of baseline information for the protected properties, preparation of management plans, and monitoring the properties on a regular basis.

This report is intended to provide municipal officials with basic information related to planning for and implementing an effective open space program. The report should be used in conjunction with other related publications:

- *Growing with Green Infrastructure*
- *Opportunity Knocks: Open Space is a Community Investment*
- *Public Finance for Open Space: A Guide for Pennsylvania's Municipalities*
- *Using Conservation Easements to Preserve Open Space: A Guide for Pennsylvania's Municipalities.*

Plan Ahead Before You Charge Ahead: An Overview

In order to make the best use of the appropriated funds and to ensure the most suitable

lands are protected to meet the community's needs, a greenways and open space network plan must be prepared. The process includes the collection of pertinent information, described in detail below and in the guidelines published by the Pennsylvania Department of Conservation and Natural Resources (DCNR). The identification of municipal goals and objectives will provide focus and direction to the plan. Concepts related to open space and greenway linkages will guide the plan toward coordinated open space systems rather than dispersed and



disjointed areas that do not maximize the public benefit. Key pieces of land are identified. Recommendations and priorities are established. Preservation methods, in addition to acquisition, are explored. After public presentation and discussion, the community has a greenways and open space network plan to guide its preservation efforts. It is possible to move forward based on a well-defined plan.

This plan is also important in determining how the purchases of land or easements will be negotiated. Reliable appraisals will be needed during the negotiation process.

Where conservation easements are acquired, baseline documentation should be prepared to identify the conditions of the property that exist when easements were purchased. This information will be critically important in the event that the terms of the easement are violated and legal action is needed to defend the covenants. A monitoring process should be established to provide for the annual inspection of land where easements are to be protected in perpetuity.

Where land is purchased for active or passive recreation purposes, master site plans should be prepared for needed facilities, site improvements, park management, equipment, and programs to provide for public use. Plans should also include pedestrian connections to surrounding neighborhoods.

Sounds like a lot to do? All are important. Except for improvement and program costs associated with recreation areas, the planning, negotiation, documentation and monitoring costs will be small portions of the total costs of land preservation. These costs will be money well spent in terms of providing the quality of life desired in the community. To a large degree, quality of life is directly related to the quality of place.

Plan Preparation — *The Working Crew*

Local people best represent the interests and vision of people in the community. While a planner is likely to be hired to do the data collection and the writing of the document, the professional's work should be done under the direction and oversight of a committee appointed by the elected officials.

A planner should have the qualifications to undertake the task. Educational credentials might include at least a bachelor degree in planning, landscape architecture, geography, environmental science or a similar field from an accredited college or university. The consultant should have at least three years experience in the preparation of municipal open space, environmental resource or comprehensive plans. Experience in government funded grant programs is advisable.

The task of preparing a greenways and open space network plan may be assigned to one of a number of municipal boards or commissions. The possibilities include the planning commission or a recreation and parks board. A committee could be established specifically for this purpose and made up of representatives from standing municipal boards. A representative from the elected body should serve as a liaison between the committee and the governing body.

Possibly, the most appropriate board to prepare an open space plan is a municipal Environmental Advisory Council (EAC). Act 148 of 1973, the Environmental Advisory Council Enabling Act, authorizes local governments to appoint EACs and empowers them, in addition to other activities, to keep an index of all open spaces, publicly and privately owned, for the purpose of obtaining information on the proper use of those areas. They are also directed to make recommendations for the use of open lands. EACs advise the governing

*“Unlike
endless, mind-
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sprawl, cities
and farms are
'authentic
landscapes'.”*

*William
Johnson, Jr.,
Mayor of
Rochester, NY*

bodies, planning commissions, and recreation and parks boards on the acquisition of real property. For assistance in forming an EAC, contact the Pennsylvania Environmental Council (EAC) by checking their website at www.eacnetwork.org, or calling 1-800-322-9214.

While the preparation work is undertaken by the appointed committee and consultant, the elected officials have the final responsibility to adopt the open space plan to best address the wishes and needs of the community.

Plan Before Land or Easements are Acquired for Open Space

In Pennsylvania, local governments may undertake only activities that are expressly granted by the General Assembly, those that are necessary or implied to accomplish the expressed responsibilities, or those that are indispensable to meet the responsibilities stated by the legislature. The authority for local governments to raise money and purchase conservation easements specifically for open space and farmland protection purposes comes from two pieces of legislation. These supplement the long-standing authority to acquire land in fee simple for active and passive recreation under their appropriate municipal codes.

In 1996, Act 153 was enacted as an amendment to the Pennsylvania Conservation and Land Development Act, Act 442 of 1967. Act 153 broadened the ability of local governments to acquire interests in real property, including development rights, for open space purposes. These purposes include recreation, scenic resources, historic resources, and conservation of natural resources including farmland, forests and pure and adequate water supply. There is an important planning requirement. Land or development rights to be purchased must have been identified in a resource, recreation or land use plan recommended by the planning commission of the municipality in which the property is located, and that plan must first be adopted by the governing body. If the community does not have a planning commission, the process relies on a similar plan prepared by the county planning commission and adopted by the municipal governing body. Although timing is not specified in the law, it is recommended that the plan be adopted prior to asking the taxpayers to vote on raising money for land preservation. Plan first!

Local governments may levy a tax on real estate or earned income above the existing limits of state law in order to purchase land or development rights, but only if they first receive referendum approval from the voters. The law says the tax imposed may not exceed the rate or limit authorized by the referendum.

Properties may be acquired and resold after restrictive easements or covenants have been placed on the land. Property interests may be purchased on an installment or deferred basis. The purchases are based on a willing buyer – willing seller agreement, not condemnation.

In the event that the governing body decides to dispose of acquired land or development rights, these interests must first be offered to the original property owner at the original purchase price. If the offer to the original property owner is not accepted within 90 days, the property interests may be sold in the manner provided by law. The law also requires that the governing body first obtain referendum approval of the voters to dispose of the land or development rights. The law also requires that property acquired in fee simple must be publicly offered for resale within two years of the acquisition date, subject to restrictive covenants or easements.

In addition, this act authorizes local school districts to freeze the millage on lands whose development potential has been removed.

Think in
terms of open
space systems
or networks.

Act 138 of 1998 was enacted as an amendment to the Pennsylvania Agricultural Area Security Law, Act 43 of 1981. This act authorizes local governments to purchase agricultural conservation easements to preserve farmland. The law permits municipalities to incur debt to purchase these easements. The land must be located within an agricultural security area, which is established after a planning process that includes studies related to soils capabilities, the presence of farming activities, and compatibility with the municipal comprehensive plan plus public participation. Local governments may purchase easements on their own or in cooperation with a county or the Commonwealth as joint owners.

School districts are not authorized to raise and spend money for such purposes under these acts.

Preparation of the Best Greenways and Open Space Network Plan for Your Community

It is likely no two plans among the more than 2,500 municipalities in the Commonwealth will be identical...and they shouldn't be. Each city, township and borough in Pennsylvania has its own unique community goals, physical features, financial capabilities, timing considerations and other matters related to what areas of the community should be protected. The means to protect important lands will be unique and should involve both public and private efforts as well as acquisition and regulatory mechanisms.

There are a few overriding guidelines to keep in mind when starting out to prepare a greenways and open space network plan:

A. Think in terms of open space systems or networks. Interconnected open space areas usually are better designed, more useful and much more appreciated than bits and pieces of scattered and unrelated areas. Where agricultural preservation is a community's goal, large blocks of contiguous working farmland makes better use of public investment in conservation easements. Integrated open space systems are called "Greenways and Open Space Networks." Planning for integrated greenways will best serve the people in a community and make the most of their investments in open space. Boston's "Emerald Necklace," a nine-mile long semicircle of interconnected parks, natural areas, drives and promenades, is a notable example of a greenway system.

B. Make sure the plan is geared to your community's specific needs and interests. The goals for open space protection and use should be well defined. It is important to discuss any special or unique concerns, opportunities or priorities of the community. The most successful plans take advantage of unique assets and resources of a community. The manner in which the county, the general public and other interested parties might use the plan should also be considered.

These goals should be discussed repeatedly throughout the planning process to ensure everyone stays focused and on-track. However, the goals should be adjusted if change is warranted. Public participation will help define the community's interests. The municipal greenways and open space network plan should be



consistent with county or regional plans, but may be different if the community's goals and needs vary from other such plans...particularly if the lion's share of the preservation money is raised by the municipality. The plan must reflect the community's interest, not the biases or preferences of a consultant.

- C. Lots of public participation is important.** As noted above, the working committee should rely on the people in the community to help identify what is most important in terms of open space preservation and use. Public participation is likely to generate support for the open space efforts, which is particularly important when locally raised money is involved. Taxpayers need to be kept informed about where tax dollars are being spent. Consensus will not come automatically. Debates will likely focus on spending public money for soccer fields or nature trails or protected farmlands. Balancing the various interests is challenging. Public participation should take place throughout the planning process.

Various techniques for gathering public input will help the committee evaluate the weight and merit of the various interests and resolve differences. The following activities should be part of the plan's public participation process. Municipalities may also review the "Public Participation Guide" available on the DCNR website: www.dcnr.state.pa.us.

1. Review the results of the community involvement activities of previous planning efforts and initiatives.
 2. Identify and engage key organizations (e.g. watershed organizations, trail steward groups, land trusts, heritage parks, economic development agencies, business concerns, school districts, non-profit groups and civic organizations, etc.) government representatives, and other individuals who can lend expertise to the process of identifying important resources and opportunities for greenways, open space and the needs of the community and the environment.
 3. Using a variety of techniques (e.g. public forums, design charrettes, stakeholder interviews, focus groups, student projects, surveys, etc.) solicit ideas and feedback on the greenways plan as it is under development, using maps as key exhibits.
 4. Reach out to the county and adjacent municipalities to capture information about existing and potential connections.
 5. Publicize the planning process and development of the plan. Distribute information on the plan, including the proposed greenways and open space network map, as widely as possible, including those who live and own property in the municipality, adjacent municipalities, related county agencies, and participating organizations.
 6. Summarize results of the public participation process in the plan.
- D. Leverage local dollars.** If there are private or public funding programs that will stretch locally raised money, make sure the greenways and open space network plan includes the procedures and information needed to qualify for financial support.

Mapping

Good information is essential. Much of the needed information should be mapped in order to illustrate not only existing features and elements, but also the proposed greenways and open space network envisioned by those involved in the planning process.

It would be advantageous to generate maps using a Geographic Information System (GIS) in order to easily compile, combine and manipulate the collected information. These techniques help visualize the location of resources in relationship to each other, and to identify concentrations of the historic, cultural and natural features. GIS also permits the easy measurement of acreage in land features, either individually or in various combinations. GIS will also make compilation of county and statewide greenways network data a much simpler and efficient task.

Municipalities looking for guidance on consistent standards and best practices for data set development and manipulation should consult the “Local Government Handbook for GIS – Implementation Within the Commonwealth of Pennsylvania.” The handbook, prepared by PaMAGIC, a consortium of GIS professionals and government agencies in the Commonwealth, can be accessed at www.pamagic.org/DataStds/DataStds.htm. Municipalities may also contact DCNR’s Bureau of Topographic and Geologic Survey initiative at (717) 702-2047 for guidance on developing geographical data that will be consistent with statewide standards.

Putting the Pieces Together

The contents of a municipal greenways and open space network plan should be geared directly to the goals of the community and to the requirements of funding programs that are consistent with the community’s interests. Actually, preparation of a plan in cooperation with neighboring municipalities would better serve the area residents. The following menu of plan elements was synthesized from DCNR’s planning guidelines for a greenways and open space network plan and from the specifications for open space plans funded under the open space programs for Bucks, Chester, Monroe and Montgomery counties.

Where the community is interested in land for park and recreation purposes, additional considerations will include facility, equipment and maintenance costs as well as program and personnel expenses. DCNR’s planning elements for a Comprehensive Recreation, Park and Open Space Plan are described after the following guidelines for a greenways and open space network plan.

A. Community Background – Regional Setting

This initial section of the plan provides general information about the community and its place in the greater region.

- 1. History of the Community.** This section usually describes a community’s date of settlement and incorporation, its growth and evolution, unique events in its history, and other pertinent background matters.
- 2. Governmental Organization.** The type or class of municipality should be described along with basic information on elected and appointed officials, boards and commissions, employees and departments, and budgetary information.
- 3. Physical Conditions.** Existing land use patterns, schools, parks and playgrounds, areas with existing and projected water and sewer services, roads and transportation facilities, and similar features should be described and mapped.
- 4. Demographics.** Current and projected data on population and housing characteristics could include total number of residents, age and gender characteristics, educational levels and income statistics. Housing information would include numbers, ages and types of dwelling units. Projections should be included for a ten to twenty year time horizon. Employment and fiscal health of the community could be described.

Greenways Planning
“Public investment in the environment today will reap benefits for generations.”

Governor
Ed Rendell

Greenways Plan

There are numerous ways that greenways and open space may serve a community.

5. Current Policies. Any policies or regulations related to open space, recreation, natural resource protection and agricultural preservation matters should be described. The community's comprehensive plan, zoning ordinance, subdivision and land development ordinance, sewage facilities plan, park and recreation plan and existing open space plan should be reviewed.

6. Regional Setting. The community's location within the greater region should be described. Proximity to urban centers, major transportation facilities, regional parks and recreation centers, colleges and institutions, and other such facilities should be identified and evaluated. Major farming areas and areas with natural resources should be considered. Growth corridors might be identified to understand where pressures for change and development may be coming from.

B. Goals and Objectives

Goals are statements of the community's aspirations and philosophy on particular matters. They describe a desired condition or state-of-being. Goals are usually expressed in subjective or qualitative terms. Objectives are actions that are undertaken to achieve the goals. The objectives are stated in terms of programs and projects that are quantifiable or measurable. They should be clearly expressed, reasonable, achievable and implementable.

The community's short-term (1 to 5 years) and long-term (5 to 10 or 20 years) goals should be identified and statements developed regarding development, greenways and open space, natural resource and farmland protection, and recreation needs. For each stated goal, policies should describe the ways the goal will be achieved.

There are numerous ways that greenways and open space may serve a community. Some open space areas will have public access and use. Others should remain in private hands and can achieve the intended purposes with little or no public access. Open space areas could be used for:

- | | | |
|---------------------------|---------------------------|--------------------------------|
| • Active recreation | • Passive recreation | • Pedestrian paths |
| • Bicycle trails | • Equestrian paths | • Village gateways |
| • Green belts | • Urban growth boundaries | • Wildlife habitats protection |
| • Farmland preservation | • Buffer areas | • Historic site preservation |
| • Scenic vista protection | • Public parks, tot lots | • Natural resource protection |
| • Watershed protection | • Well head protection | • Riparian buffer protection |

Since the goals and objectives are expressed at the beginning of the planning process, these statements provide direction related to the type of information to be collected, the analysis that is undertaken and the development of implementation strategies. However, the stated goals and objectives may be revised and refined as the plan evolves.

It is important to develop the goals and objectives through discussions utilizing the input of many other municipal officials, boards and personnel as well as through a heavy dose of public participation. Techniques could include public meetings (visioning sessions, charrettes, nominal group procedures, information presentations) and other methods of gathering opinions (mailed surveys, survey boxes placed in public locations). Targeted interviews with key people or focus group meetings, such as a YMCA, the grange or the school board, will provide specific or topical input. Regardless of the methods used, summaries of the findings should be written.

These efforts provide for the flow of information in two directions. They elicit information from the public and they foster understanding and support for the preservation efforts. This is time well spent.

C. Inventory of Currently Protected Lands

Areas or properties that are currently protected in one form or another should be mapped and their characteristics described. The community may want to focus on preserving lands adjoining or in close proximity to currently protected lands. Links to connect existing and newly protected open space may be important.

Some areas may be permanently protected. Others would be considered temporarily protected open space. Federal, state, county and municipal parks and open space lands are often considered permanently protected. Conservation organizations, watershed associations and homeowners associations hold other lands that are expected to remain open. Other lands, where conservation easements or farmland development rights have been purchased, could be considered permanently protected.

There are properties where incentives discourage a change to developed uses, at least on a temporary basis. These properties would include those in agricultural security areas or held under Act 319 or Act 515 preferential tax assessment arrangements. Golf courses, private recreation lands and holdings of large institutions would be considered temporarily open.

D. Inventory Natural Resources (“Green Infrastructure”)

Existing natural resources and linear greenway corridors should be identified and mapped for areas within and surrounding the community.

Not all lands within the community are equal. Certain areas may warrant greater protection due to their historical, cultural, natural, recreational or farmland characteristics and potential. Depending on the stated goals, the open space planning program may focus on lands with certain characteristics. Areas with the following characteristics should be identified, mapped, evaluated, and the reasons for their significance described.

1. **Farming Resources.** Actively farmed areas; various types of farming (field crops, dairy farming, livestock, equestrian, grass crops); prime agricultural soils (Classes I and II) and soils of statewide and local importance (Class III).
2. **Scenic Resources.** Scenic roadways, ridge tops, view sheds and vistas.
3. **Natural Resources.** A County Natural Area Inventory (CNAI), often available through the county planning commissions, is a good source for information on natural resources.

Geology. Areas with unique geologic features or hazardous features (sink holes, rock outcroppings, limestone formations); aquifers (areas with higher groundwater recharge potential).

Topography. Steep slope areas (steep slopes of 15 to 25 percent and very steep slopes of more than 25 percent), watershed boundaries, smaller drainage areas.

What is Green Infrastructure?

Green Infrastructure is our nation’s natural life support system – an interconnected network of protected land and water that supports native species, maintains natural ecological processes, sustains air and water resources, and contributes to the health and quality of life for America’s communities and people.

Source: The Conservation Fund and the U.S. Forest Service

“What is the use of a house if you don't have a decent planet to put it on?”

Henry David Thoreau

Surface Waters. Streams, water bodies (lakes and ponds), delineated wetlands and floodplains; water quality information (exceptional waters and cold water fisheries).

Soils. Hydric, floodplain and seasonally high water table soils.

Vegetation and Wildlife. Wildlife habitats; forests, wooded areas and locally important vegetation. The Pennsylvania Natural Diversity Inventory (PNDI) and county natural areas inventories are helpful in finding biotic resources. Habitat waters (streams designated by PA DEP for aquatic life propagation as Cold Water, Warm Water, Migratory and Trout Stocking Fisheries) are also helpful.

Critical Habitats. Certain areas of land, water or both which provide for rare, threatened or endangered plant and animal species, wildlife migration corridors, or ecological or natural communities.

4. Greenway Corridors. Existing trails and other greenway corridors within and beyond the municipal borders.

E. Inventory Manmade Resources (“Gray Infrastructure”)

There are manmade hubs or destinations and linear corridors, both within the community and in the surrounding areas, that should be identified, mapped, evaluated and their significance described.

- 1. Transportation and Utility Corridors and Related Facilities.** Canals, abandoned rail lines, utility right-of ways, highway bike lanes, pedestrian walkways, park and ride lots, bus and train terminals, etc.
- 2. Recreation Facilities.** Public recreation facilities (passive or active), community and neighborhood parks, bikeways, walking and hiking paths, water trails and waterfront access areas, fitness trails, etc.
- 3. Cultural and Historic Sites.** Interpretive centers, memorial sites, museums, historic districts, battlefields, tourism attractions, etc.; properties listed on the National Register of Historic Places and those with state or local significance; archaeological sites, particularly those with local cultural significance.
- 4. Population Centers and Destinations.** Major residential areas, commercial areas, community centers, schools and educational complexes, libraries, business and industrial parks, shopping centers, villages, towns, brownfield redevelopment sites, etc.
- 5. Future Development Areas.** Proposed residential, industrial, or commercial development areas, etc.

F. Inventory Other Relevant Plans

The greenways and open space plans of adjoining municipalities, the county and regional agencies should be reviewed to identify and evaluate opportunities for coordination, as well as conflicts and inconsistencies. These might include river conservation or watershed plans, heritage park management plans, historic district plans, non-motorized and motorized trail plans, municipal and county comprehensive plans, comprehensive park, recreation and open space plans, transportation improvement plans or economic development and revitalization efforts.

Ways to take advantage of the opportunities for cooperation and coordination should be discussed. Methods for resolving conflicts should be noted.

G. Potential Open Space Linkages – Greenways

A greenways network is often planned as a system of “hubs” and “links” or “greenways.” The “hubs” may be parks, cultural, historic sites or natural resource based areas. The “greenways” are natural corridors, bikeways, trails or greenbelts. The greenways could be connected to green open space “hubs” and to gray infrastructure “hubs” such as schools, commuter rail stations and community centers.

Linkages are key to community-wide, comprehensive open space planning. Potential connections that would serve as pedestrian and bicycle trails enhance the use of open space and recreation areas. In certain communities, equestrian trails or paths are beneficial. The open space plan should inventory and analyze stream valleys, utility corridors, existing or proposed trails, unused or abandoned rail lines, and highways where wide shoulders are usable. Sidewalks in urban areas and more developed communities are important linkages. Although it may be a reasonable objective to provide a public park in each quadrant of the community, use and enjoyment of the parks would be enhanced if connections among them would be planned for and provided.

Certain natural areas, such as woodlands, hedgerows, water ways and ridge lines, may be important as wildlife habitats and for maintaining natural vegetation. These areas may be planned for very limited or no public access. Where linkages are intended for public use, any such linkages should be constructed to limit damage to natural features and infringement on private property.

Consider linkages between linear greenway corridors and major hubs or destinations, both within the municipality and those that make connections beyond local boundaries. Corridor connections beyond municipal boundaries may have county, regional, statewide or even national significance by providing long-distance recreational and alternative transportation opportunities as well as potentially important migration routes for wildlife and bird migration. When such connections are made across multiple jurisdictions and landscapes, a comprehensive system of greenways for Pennsylvania can emerge. Examples of such corridors include the Kittantany Ridge, Appalachian Trail, Schuylkill River Greenway, Susquehanna Greenway, the Great Allegheny Passage and the Delaware-Lehigh National Heritage Corridor.

Other positive results may be achieved through greenways planning. Major “restorative” opportunities along rivers and streams where riparian buffer greenways may be established or improved to address the water quality protection should be included in the greenway planning. In certain areas, mine land reclamation and brownfield sites should be considered.

The plan should include a map and text to illustrate the rationale for the delineation of the greenways network.

Where farmland preservation is an important goal, the integrated system would take the form of large blocks of contiguous farms so that conflicts between farmers and suburban homeowners will be minimized and the movement of farm machinery will be convenient.

While open space is an important community asset that affects the quality of life of its residents, enhances property values and attracts desirable businesses and industries, an integrated network of developed and natural open space assets makes the best use of the public investment in the green infrastructure. The idea of green infrastructure includes considerations that blend the provision of open space with other public costs and investments. For example, Arnold, Missouri, significantly reduced public costs related to flood damage by purchasing flood-prone properties and establishing a greenway through

floodplain areas. New York City saved billions of dollars by purchasing and protecting land in the Catskills for approximately \$1.5 billion rather than constructing new water filtration and treatment plants estimated to cost between \$6 and \$8 billion. In many places, communities have blunted the costs of municipal and school district facilities by purchasing conservation easements and, thereby, avoiding the net costs of residential development. The report, "Pennsylvania Greenways: An Action Plan for Creating Connections", explains how green infrastructure of open space is vital to the health of Pennsylvania's ecological systems and human communities. (See www.dcnr.state.pa.us/brc/greenways.) Investments in green space is not a frill. It should be a basic element in a community's infrastructure planning, budgeting and economic stability.

H. Analysis of All Resources

The collected information on protected and vulnerable resources plus the potential open space links should be combined and analyzed. Based on the stated goals and objectives, the resources that are most important to the community can be identified, interrelationships among the areas considered, and priorities for protection may begin to be established.

Information on existing and projected land uses will provide some perspective as to timing and the probable vulnerability to certain resources. A valuable resource area that is located within the path of growth might be considered more vulnerable than a resource area that is not in close proximity to a developed area, a highway interchange or the end of the sewer line.

This exercise may indicate that the goals and objectives are reasonable or that they may be unachievable and warrant some adjustment. It may be important to hold a public meeting at the end of this evaluation to present the collected and analyzed information prior to the preparation of the plan recommendations. Public comment may be a "reality check" as to the acceptance of the concepts included in the greenways and open space network plan. This is an opportunity to develop support for the plan. Those who would oppose the plan or the use of public money for open space purposes deserve a chance to be heard.

I. Analysis of Land Needed for Community Growth

It may be worthwhile to estimate how much land is needed to accommodate projected growth. Most guidelines for county open space funding do not require this type of information. However, the Montgomery County program does specify that an open

space plan also include an analysis of land needed for anticipated development.

The projected twenty-year population increase may be converted to a projected number of households by dividing the projected population number by the estimated number of people per household. The projected number of households should be converted to land area needed to accommodate the housing growth by dividing the number of new homes by the average density permitted in the community, or by allocating the projected housing growth among the various zoning districts and dividing by the permitted density in each district.



An estimated area needed for nonresidential development should be determined based on locational considerations such as the existing pattern of development and proximity to adequate roads, sewer and water facilities.

The calculated additional acreage needed for residential and nonresidential development is generally then multiplied by a factor of between 50 and 100 percent to account for changing conditions that affect growth and to provide flexibility in the land market.

This evaluation should consider suitable areas to accommodate the more intensive residential and nonresidential development in light of proximity to existing development patterns; services such as water, sewer and adequate roads; access to schools, particularly elementary schools; and supporting land uses such as the commercial facilities a family would need on a daily or weekly basis.

J. Prepare Plan Recommendations

A substantial amount of information has been collected, analyzed and presented to the public by this point. With the goals and objectives in mind, the planning effort should focus on the properties and resources that warrant protection. In terms of active recreation land, the National Recreation and Parks Association (NRPA) may provide guidelines for the acreage and facilities that should be considered for different types of communities and levels of population. (See www.nrpa.org.) Guidelines published by a county or regional planning agency might be more suitable for a local area and easier to use than NRPA's. Attention should be given to the location, distribution, balance and diversity of types of open spaces that would meet the needs of the community. Planning should include linkages within the municipality and connections to areas outside of the municipality.

Preliminary recommendations should be prepared and made ready for public discussion. Act 153 specifies that the municipality designate properties that may be suitable for open space uses and establish a rating system of the relative desirability for the properties. The designation may be specific or general so as not to affect the price of the properties at this stage. The ranking system will serve as a basis to explain the importance of various properties and why the most important would be pursued for acquisition. Priorities should be considered in terms of levels of importance and sequence of acquisition. A high level priority piece of land may not be under threat of development while a second level priority may be lost in the near future. Which should be pursued first?

It is advisable to include more than one parcel in different priority levels. With only one or a few targeted properties stated in the plan, the prices of those pieces are likely to go up. The community should be able to negotiate among a number of owners to get reasonable purchase prices while meeting the residents' needs. However, the amount paid will be limited by appraisals rather than a landowner's expectations for acquisitions funded with governmental dollars. Act 153 requires that the local government adopt a mechanism for establishing the price that will be paid. Two or more appraisals would help satisfy that requirement.

Different types and uses of protected open space will have various cost, ownership, improvement and maintenance considerations. Methods other than fee simple purchase may present more suitable ways to protect certain types of land.

K. Analyze Various Methods to Protect Open Space

There are a number of methods, in addition to public purchases of land or conservation easements, that may be better used to protect certain lands and resources.

A plan has little use without specific and deliberate implementation methods.

These include regulatory methods, such as zoning ordinance amendments, that would lower densities, increase minimum lot area requirements or permit performance approaches, such as cluster subdivisions, in areas with high amounts of vulnerable resources. Resource protection standards would identify specific natural features of the land where development or regrading would not be permitted (floodplains, wetlands and very steep slopes) or areas where land alterations would be limited (moderate slopes, woodlands, prime agricultural soils). Development could be shifted, on a voluntary basis, to more suitable locations with transferable development rights provisions. State law permits the use of mandatory dedication of open space or fees-in-lieu of such dedications.

Amendments to an individual or multi-municipal comprehensive plan to delineate growth and rural resource areas may take some pressure off of areas which warrant protection. Under the Municipalities Planning Code, publicly funded services, which facilitate development, may be limited to the growth areas.

The establishment or expansion of agricultural security areas provides an incentive for the protection of farmed properties and qualifies properties for the sale of development rights through county and state programs.

Property owners may be encouraged to donate land or easements to a preservation program in order to achieve their conservation wishes or to avoid the impacts of property, capital gains or estate taxes. Community sponsored educational programs could be used to present these matters to landowners.

L. Develop an Action Plan and Implementation Methods

A plan has little use without specific and deliberate implementation methods. These techniques would identify how and when public acquisition versus methods other than public purchases would be most appropriate. As noted previously, priorities and options are always important. Timing is also important and a phasing plan will help project when certain events should take place. A critical consideration is the identification of responsibilities for promoting the plan, implementing it, negotiating with property owners and monitoring the acquired properties or easements over time. The individual, organization or municipal body who would be assigned these tasks needs to be determined.

In preparing the action plan, consider the following:

1. Create a matrix of specific actions for next steps and lay out priorities for the short, medium and long-term time horizons.
2. Specify the life of the plan, such as ten years, to encourage coordination and consistency with other planning initiatives, in particular, the municipal comprehensive plan.
3. Identify roles and responsibilities for each action step.
4. Estimate costs and resources and potential financing options needed to address actions steps.
5. Identify greenway corridor segments as potential pilot projects to generate momentum for early implementation of the plan.
6. Review and recommend ordinance and land development regulation language that could be used to assist in implementing the plan (e.g. standards for riparian buffers along stream corridors, conservation by design, etc.) and/or identifying gaps and inconsistencies in existing local regulations.

7. Recommend the use of advisory groups (e.g. Environmental Advisory Councils, Recreation and Parks Boards, etc.) at the municipal level to act as greenways network champions.
8. Establish methods, such as the preparation and adoption of an official map, for the long-term protection of the corridors and hubs proposed in the greenways network.
9. Set up ongoing mechanisms for coordination with other municipalities, counties, regional planning entities, landowners and other stakeholders.
10. Explore partnerships with private organizations, conservancies, land trusts, services organizations and corporations that could commit to the establishment and protection of the identified greenways network.



M. Plan Adoption

A public hearing would be held to present the plan to the people in the community. Changes would be made if warranted. The plan would be adopted by the governing body, assuming the plan is satisfactory and acceptable. This plan could amend the municipality's comprehensive plan or be a separate document.

Act 153 limits the acquisition of property interests by a municipality to pieces of land designated for open space uses in an adopted plan for open space. It is possible that a desirable property or two may have been overlooked or that, over time, additional properties may be found to have possible use. Before these properties or easements would be acquired, the open space plan should be amended to incorporate the additional pieces.

N. Better Together

Wherever there is a good reason to plan together for mutual benefit, neighboring municipalities should not let these opportunities pass by. Many natural systems and agricultural areas cross municipal boundaries and are better protected through cooperative efforts, including the county. Conflict can be replaced by cooperation. Cooperation becomes success.

Recreation and Parks Planning

Planning for active and passive recreation takes land acquisition one major step farther. Park and recreation planning involves providing and maintaining land and facilities. It might also include programs and personnel for the community activities. A socioeconomic analysis, as described previously, is particularly useful in determining the recreation needs of the existing and anticipated residents of the community. The public participation and surveys would be used to identify desired types of recreation. A park and recreation plan would include the following additional elements, which are summarized from DCNR's planning elements for a Comprehensive Recreation, Park and Open Space Plan. Each municipality must tailor the DCNR guidelines to its circumstances, needs and preferences. DCNR always stresses the advantages of multi-municipal planning. For smaller municipalities, many of the following planning elements or activities may be unnecessary. (See www.dcnr.state.pa.us/grants.)

Recreation and Parks Planning
Cooperation becomes success.

A. Organization and Administration

The policies and procedures of the municipality for park and recreation services should be evaluated related to matters including use of facilities, policy manuals, nonresident use, risk management programs, public relations, public participation in planning efforts, marketing and record keeping. Cooperation with others, including the school district, support groups, area businesses and other recreation providers, will help evaluate who is doing what in the community and what needs are not being met. The legal documents under which the recreation and parks board and municipal department (if either exists) receives its authority and responsibilities should be evaluated. Effectiveness of the board should be evaluated.

B. Personnel

The level of staffing (paid or volunteer; permanent, parttime or seasonal) needed to effectively administer and maintain facilities, programs and services should be evaluated. An organizational chart should be prepared if one does not exist. Roles and responsibilities of each person or position should be evaluated. Training policies should be established.

C. Facility Inventory and Analysis

Existing park and recreation facilities, regardless of ownership, should be inventoried and compared to accepted standards based on population and service areas. For each such facility, the ownership, acreage, type of facility, condition and use characteristics should be described and the facilities should be located on a map. Ownership would include public agencies, public and private schools, not-for-profit and quasi-public organizations and private businesses.

For those owned by the municipality, the condition of its park and recreation facilities should be evaluated for compliance with the guidelines of the Consumer Product Safety Commission and the Americans with Disabilities Act. Deficiencies should be addressed.

The existing numbers and types of facilities should be compared with standards provided by the National Recreation and Park Association or a county agency. Population projections and characteristics will help identify additional needs. Existing shortcomings and anticipated needs should be compared with interests identified through public input.

D. Facility and Equipment Maintenance

Equally important as providing recreation facilities is ensuring that they are well kept, safe, and property maintained. For municipalities currently maintaining facilities, there should be an analysis of its effectiveness. For those without a park, an overview of how to start an effective maintenance program should be provided. A facilities maintenance

program includes provisions for preventative maintenance, record keeping procedures, maintenance schedules, and an inventory of maintenance equipment with age and condition noted. A risk management plan



should address inspection procedures for property and facilities, particularly playground equipment, and high use facilities like swimming pools and skateboard parks.

E. Recreation Programs

In addition to facilities, communities offer programs that could include athletic leagues, classes and instruction, craft sessions, square dancing clubs, trips and many other activities. It is important to identify programs that are provided by the municipality, not-for-profit organizations, for-profit businesses and other entities. The inventory should include the program type, active or passive activities, costs, competitive or noncompetitive schedules, and the demographic characteristics (age, gender, ability levels) of the activities. This inventory should be compared with public opinion to determine if there are programming gaps that should be filled by the municipality. It is helpful to evaluate past trends (last five years) and projected needs (coming five years).

F. Financing

How are all the facilities and programs going to be financed? The municipality's policies related to tax and fee supported park and recreation facilities and programs must be established. A

comparison of the municipality's operating and capital expenditures with municipalities having similar characteristics is helpful. Sources and amounts of revenues including municipal taxes, fees and charges, grants and other resources should be investigated to determine how these revenues may be applied to the municipality's needs.



G. Recommendations

Specific actions that the municipality should undertake to provide the desired facilities and programs should be developed, along with projected timing and estimated costs. Identify roles and responsibilities. It is most important to detail recommended changes for administration, personnel, facilities, maintenance, programs and financing. Supporting data should be provided. Potential implementation obstacles and concerns should be evaluated.

The recommendations should be presented to the public and adjustments to the recommendations made as warranted.

H. Implementation

Time for action! The recommendations should be turned into specific proposals related to responsibility for implementation, target dates for implementation, potential costs and funding sources. A capital improvements program should be developed. A five-year operating budget will include specific matters related to administration, personnel, facilities, maintenance, programs and financing.

*“Humankind
should treat
this planet as
if we plan to
stay here.”*

Bill Moyers

Buying Land and Conservation Easements – Negotiations and Deal Making

After the planning has been completed, owners of properties identified in the plan would be approached to determine if they have interest in selling land or easements. These purchases can be fairly complex procedures and most municipalities will employ professionals, including lawyers, engineers and appraisers, to complete the acquisitions. The following sections are intended to provide the municipal officials with a broad overview of the steps that are likely to take place. Hired professional help will make sure the steps are correctly taken.

The purchase of conservation easements is a bit different than buying land outright. For details of the process specifically related to the purchase of a conservation easement, refer to “Using Conservation Easements to Preserve Open Space: A Guide for Pennsylvania’s Municipalities” published by DCNR. (See www.dcnr.state.pa.us.)

A key decision is the determination of who will represent the community in these overtures to landowners. Experience among municipalities has been that this choice will differ based on a number of considerations. One or more of the elected officials, volunteer members of an open space committee, or the EAC have assumed this task in a number of municipalities. The municipal manager or solicitor has contacted landowners and undertaken negotiations in others.

A community may find it best to engage a contractor to provide these services. In Buckingham Township, Bucks County, a well respected senior attorney in the area represented the township in negotiations for farmland easements. Buckingham provided the use of a township pick-up truck, a suitable vehicle in which to visit the farm families, and then to discuss these matters at their kitchen tables.

Solebury Township, Bucks County, a community under substantial development pressure, has adopted an aggressive land preservation program. This township uses a number of representatives including EAC volunteers, staff people from several land trusts and a local attorney, in order to expedite negotiations and to match the most appropriate representative with the preferences, characteristics and temperaments of the particular landowners.

There are advantages to working with an established land trust or conservancy. Land trust staff often has experience in preparing baseline documentation and drafting easements, as well as developing partnerships for large, expensive and complex preservation projects. Land transactions involve costs including appraisals, surveys, title fees and legal fees. The PA Department of Agriculture reimburses qualified land trusts for a portion of these costs in farmland preservation projects. It may be advantageous for a municipality to hold an easement jointly with a land trust, and the relationship established through the negotiation process makes the long-term partnership easier. There are situations where a landowner simply does not want to deal with “the government” and the land trust may be a more acceptable entity to work with.

A. Step One – Meet and Greet

Based on the targeted properties and the priorities identified in the open space plan, the municipality’s representative would contact the landowners to initiate discussions. An informal tour of the property helps evaluate the land in terms of the community’s preservation objectives and to determine if a working relationship is possible between the parties. Fee-simple or easement purchases would be discussed and should always include the options of land or easement donations or less-than-market sales along with the potential benefits to the property owners.

B. Appraisals

An appraisal identifies what the property or easements may be worth. Where easements are involved, appraisals of the land value (“dirt” value) separate from the development value are needed. Often, both the landowner and the municipality obtain separate appraisals. If the parties are able to reach agreement on price, the negotiation process continues.

Wise landowners will consult an attorney and tax consultant to evaluate the consequences of the potential sale and to explore various ways to structure a deal that would be most advantageous.

C. Sales Agreement

A written agreement documents the parties’ intent and provides time to undertake a title search, complete an environmental assessment and, for the municipality, put together the financial package. The agreement may be a standard real estate contract or, in some instances, a letter contract.

D. Baseline Documentation Report

Baseline information needs to be developed for a number of purposes. For easement purchases, this information, in the form of maps, surveys and photographs, documents the features and conditions of the land, particularly those that are intended to be preserved. At this point in the process, baseline documentation is needed to prepare a draft easement and its specific restrictions.

Baseline information may also be important for land purchases, particularly where grant money is needed to complete the land purchase and the funding source requires documentation that the resources of the land fit the grant criteria. This information would also be useful in public presentations. (See a more detailed description of baseline documentation in a following section of this report and Appendix A for a sample document.)

E. Title Search

A title search identifies any liens, encumbrances or other title problems that the purchaser of the land or easements should know. The title information provides the legal property description to be included in land transfer documents. A title insurance policy should be obtained for purchased land or easements.

F. Environmental Site Assessment

An environmental site assessment, called a Phase I, should be performed by a qualified consulting firm, in a manner consistent with professional and industry standards. This would avoid purchasing property or easements on land that has environmental contamination which could result in lawsuits or clean-up obligations. Current procedures would be based on the American Society for Testing and Materials, Environmental Site Assessments (ASTM E 1527-00 ESA: Phase I).

G. Easement Document Preparation

With a purchased easement, the easement is prepared to describe mutually agreed upon uses of the land and any related restrictions. In certain situations, the restrictions will apply to portions of the property and those provisions need to be addressed in the easement. Matters related to indemnification, back-up grantees and the landowner’s representation and warranties would be included. Participation by attorneys for all parties should be involved at this stage. Funding agencies would review the documents at this point.

H. Property Survey

The title search should provide a legal description of the property boundaries. If the boundaries are unclear or in dispute, a survey should be undertaken. For easement transactions, a survey may also be needed to identify portions of a property that are to be retained by the landowner or excluded from the easement. On the site, such areas should be identified by the placement of pins or permanent monuments.

I. Mortgage Subordination

If a property is subject to a preexisting mortgage, an easement may be lost (“extinguished”) if the lender forecloses and takes title to the property. Most lenders, upon request, are willing to subordinate their rights to those of the easement holder.

J. Stewardship Fund

The grantee (municipality and/or land trust) that accepts a conservation easement assumes the obligation to uphold the terms of the easement over time and through a series of property owners. Certain costs are involved in these responsibilities and activities. A stewardship fund (sometimes called an endowment) should be established to ensure money is in place to monitor the property and defend the easement against violations. These funds may come from the donor/landowner, the municipality or other sources.

K. Settlement

Whether land or easements are purchased, the transaction and transfer takes place at a settlement comparable to any real estate settlement.

L. Recording

After the settlement, the transferred deed or the easement must be recorded in the county’s office of the recorder of deeds.

M. Public Notice

Although not required in any fashion, the municipality and/or the land trust may wish to distribute a press release or other form of announcement to publicize the completion of the successful preservation or land acquisition project, to explain the benefits to the community and to recognize the efforts of those involved. Celebration is warranted.

Protecting the Community’s Investment — Documenting, Managing and Monitoring

Stewardship of land, historic resources and conservation easements is one of the most important responsibilities in ensuring the public’s investment is protected for the long term. These activities are important for properties owned by the municipality or conservation organization as well as for conservation easements held by the municipality or organization. Without a commitment to document, manage, monitor, defend and enforce, the important qualities of the land may be lost over time.

Stewardship includes establishing and maintaining adequate records, monitoring properties at least annually and photo-documenting land conditions periodically. For easement purchases, additional activities include tracking changes in land ownership, answering landowners’ questions, interpreting or approving permitted activities, and correcting inappropriate changes through voluntary compliance or, if necessary, legal proceedings.

A. Baseline Documentation

Record keeping is fundamental to long-term protection of land resources and the public's investment in conservation. Baseline information is needed to prepare management plans, to facilitate regular monitoring and to provide evidence in the event that violations of easements occur. Baseline documentation is a record of the land's conditions and characteristics at a point in time and focuses on the features that are protected under the easement. For example, if a conservation easement is structured to protect a valuable stand of trees on a property, photographs, aerial photos and field maps may be used to record the quality and area included in the woodland. Aerial photographs, produced for various government agencies on a five-year basis, may be used to delineate and measure any change in the size of the woodland over time.

A baseline documentation form may provide a substantial amount of information to supplement maps, photos and aerials. Information concerning the property owner or grantor of the easement, acreage of the property, tax parcel numbers and the current uses of the property are basic to the documentation. Posted boundaries, pins/monuments and noted points where photos had been taken previously will help in regular monitoring.

The specific natural, historic, archaeological or cultural features which are relevant to the terms of the easement should be clearly documented and, where possible, measured in area. Threats to the protected resource should be recorded. Threats could include the spread of non-native plant species, debris accumulation, evidence of diseases and insect infestations, and on- and off-site erosion and stormwater problems.

Baseline documentation forms usually include recommendations for short- and long-term stewardship management and improvements. An example of a baseline documentation form is included in Appendix A.

B. Preparation of Management Plans

Management plans protect the investment both for land acquired in fee and for conservation easements. Where a municipality purchases land for park and recreation purposes, plans for public use, improvement and maintenance are essential, as described previously. Where land may be held for future park and recreation use, a management plan may address interim uses, such as renting to a farmer. Such a plan should provide that a soil conservation plan be prepared and implemented. Riparian buffer areas along streams should be maintained or rehabilitated. Invasive plants should be removed over time and regular debris collection should be scheduled.

Where conservation easements are purchased, the grantee should encourage or provide management plans. For farmland, a soil conservation plan would be imperative. A forest management plan would be helpful to maintain the quality of the forest resource.

Management plans are developed to maintain the owners', the grantees' and the grantors' interests in properties. However, management plans are voluntary. There are situations when the responsible party may be unwilling or unable to manage the property as planned. Enforcement and imposition of remedies may not be possible outside of the easement terms and may result in conflicts among the parties.

C. Monitoring

Regular inspection of protected lands is a critical activity in any stewardship program. For properties owned by a municipality or conservation organization, monitoring helps keep track of the lands' conditions and identifies potential liability problems.

Protecting
Regular
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stewardship
program.

Protecting the Investment

For conservation easements, annual inspections are essential and provide the opportunity to document any changes to the land and to communicate with landowners. In addition to annual site visits, inspections should be undertaken to address events which may occur resulting from severe weather or acts of vandalism. Violations of the covenants are less likely to occur if a landowner has a good relationship with those who monitor the land and knows the municipality is committed to monitoring and defending the restrictions. The public will also know its investment in land preservation is properly managed.

The three basic elements of easement monitoring activities are landowner contact, property inspection and written documentation of the findings. Monitors may be either municipal staff, interns, contractors or volunteers. It is most important that the monitors receive adequate training in each of these three activities.

Monitors are the ambassadors of the municipality. These representatives should deal with the landowners who have donated or sold conservation easements in a diplomatic, if not appreciative, manner. A letter, postcard or phone call should be used to schedule a property inspection (unannounced visits are unacceptable and are precluded under the terms of most easements). This notice should explain the purpose of the visit, encourage the landowner to participate in the inspection and invite any questions of the landowner. In the field, monitors must be respectful of a landowner's privacy and plans for the use of the land within the specific provisions of the easement. Common sense and diplomatic skills should be used in asking the appropriate questions at the appropriate times. Monitors should not interpret the conservation easement for the landowner, approve or disapprove uses of the land, discuss possible violations or try to mediate or enforce actions related to a possible violation. These are matters to be addressed by the responsible staff of the municipality or land trust if the easement is held jointly. Some monitors send a note of thanks after an inspection visit along with a copy of the report.

Before inspecting the property, the monitor should review the conservation easement (or an easement summary) that specifies permitted uses of the land and the landowner's reserved rights. Any information on the property owner and past inspection reports should be read. An inspection may involve an entire property or a portion related to the terms of the easement, such as the preservation of a specific stand of trees. Clues for possible violations would include piles of dirt, flagging, newly dug ditches, new roads or tire paths, or piles of logs, stumps or slash. Questions for the landowner are appropriate; grilling of the landowner is not. Basic tools include a copy of the easement, a report form, landowner contact information, a field map, a camera, pictures from past site visits and the monitor's preferred measuring devices.

A good monitoring visit results in a good monitoring report. The monitor should document findings by describing the property or portion of the property that was inspected. A written description of what was observed should be prepared on a monitoring report form. Changes should be documented whether they are negative, positive or neutral. Good record keeping is the foundation of ongoing stewardship and permits the municipality to use its resources wisely. It also enables a timely, efficient response to problems. (See Appendix B for a model monitoring inspection form.)

The handling of possible violations is different in each case because each easement and alleged violation is unique. The monitor should discuss the problem with the appropriate municipal staff and the terms of the easement should be reviewed. If necessary, legal counsel should be consulted to help interpret the language of the easement. The landowner should be contacted to describe the possible violation and asked to meet with staff to discuss the matter. Face to face discussion has no substitute in these matters. If there is disagreement as to the alleged violation or suggested remedy, a negotiation

process would seek to resolve the issue. If the situation is beyond restoration, the municipality may propose some in-kind remedy on the subject site or another property. The objective should be to minimize the costs of the process and to protect the conservation values of the resource. The last resort would be legal action.

Quality of Place = Quality of Life

Protection of important lands is not a simple process. These efforts involve raising needed funds, proper planning, skillful negotiations, adequate documentation, ongoing management and regular monitoring. But stewardship of any valuable investment, personal or public, deserves ongoing attention and lots of care.

Throughout the nation, people have overwhelmingly voted to raise public money for land preservation. It is well understood that quality of place results in quality of life and, in many ways, quality of life contributes to economic stability. It is likely that sustainable communities will be established. Preserved land is a public investment that does not get used up or go away. Land preservation is not an expense. It is an investment in your community that will appreciate over time.

“All of us were stuck to the surface of a ball, incidentally. The planet was ball-shaped. Nobody knew why we didn’t fall off, even though everybody pretended to kind of understand it. The really smart people understood that one of the best ways to get rich was to own a part of the surface people had to stick to.”

Kurt Vonnegut, Jr.
from *Breakfast of Champions*



Quality of Place = Quality of Life

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Conservation Easement Baseline Documentation

General Information

Client: _____

Grantor

Name _____ Tax Parcel #(s): _____

Address _____ Number of acres: _____

Telephone _____ #Date executed: _____

Township _____ HC Project #: _____

Current Use(s) of Property

- | | | |
|--------------------------------------|--|--|
| <input type="checkbox"/> Residence | <input type="checkbox"/> Preservation | <input type="checkbox"/> Development |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Wildlife/gameland | <input type="checkbox"/> Commercial/Retail |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Industrial |
| | <input type="checkbox"/> Pasture | <input type="checkbox"/> Municipal/gov't |

IRS Qualifications (IRS Code Section 170(h) Qualified Conservation Contribution)

- ☐ The preservation of land areas for outdoor recreation by, or the education of, the general public,
- ☐ The protection of a relatively natural habitat of fish, wildlife or plants, or similar ecosystem,
- ☐ The preservation of a historically important land area or a certified historic structure:
 - a) the term "certified historic structure" means any building, structure or land area which is listed in the National Register, or is located in a registered historic district and is certified by the Secretary of the Interior as being of historical significance to the area,
- ☐ The preservation of open space (including farmland and forestland) where such preservation is:
 - a) for the scenic enjoyment of the general public, and will yield a significant public benefit, or
 - b) pursuant to a clearly delineated Federal, State, or Local governmental conservation policy, and will yield a significant public benefit.

Donor Objectives: _____

General Property Information

	Information on File	Recommend Acquiring
<input type="checkbox"/>	Tax map	<input type="checkbox"/>
<input type="checkbox"/>	Zoning map	<input type="checkbox"/>
<input type="checkbox"/>	Legal survey maps, boundaries only	<input type="checkbox"/>
<input type="checkbox"/>	Legal survey maps, boundaries & topographic	<input type="checkbox"/>
<input type="checkbox"/>	Site plan: accurate measurements of fixed features	<input type="checkbox"/>
<input type="checkbox"/>	USGS Quad(s)	<input type="checkbox"/>
<input type="checkbox"/>	SCS Map	<input type="checkbox"/>
<input type="checkbox"/>	DRVP survey (aerial)	<input type="checkbox"/>
<input type="checkbox"/>	Photos: taken from fixed points on property & numbered	<input type="checkbox"/>



Conservation Easement Baseline Documentation

- ☐ Boundaries of easement are/are not clearly posted:
☐ Corners of easement are/are not indicated with pins/monuments, or other fixed object:
 > Recommendation:

Other (known) significant information

- ☐ Historic District ☐ Nat'l Register designation ☐ eligible ☐ registered
☐ Other deed restrictions, covenants, easements:
☐ Property or buildings left in will to others:
☐ Audubon tree registry program (list) ☐ Forest Stewardship Program
☐ Prime Agricultural Preserve Area, as indicated by the Bucks County Planning Commission, 2000.
☐ Agricultural Security District

Property Description/Natural Resources

Land and Water

Total property: _____ acres

Total water bodies: _____

Water

	Type	Name	Length (or)	Acres
<input type="checkbox"/>	River			
<input type="checkbox"/>	Lake			
<input type="checkbox"/>	Natural pond			
<input type="checkbox"/>	Man-made pond			
<input type="checkbox"/>	Stream			
<input type="checkbox"/>	Intermittent stream			
<input type="checkbox"/>	Waterfall			
<input type="checkbox"/>	Natural Spring			
<input type="checkbox"/>	Canal			
<input type="checkbox"/>	Wetland			
<input type="checkbox"/>	Aquatic Vegetation			
<input type="checkbox"/>	Emergent Vegetation			
<input type="checkbox"/>	Scrub/shrub wetland			
<input type="checkbox"/>	Forested wetland			
<input type="checkbox"/>	Other			

- ☐ Aquatic life observed:
☐ Aquifer recharge area

Notes: _____



Conservation Easement Baseline Documentation

Appendix A

Land

	Dominant Vegetation Type	Describe: key association/types of plants, season of bloom/health	%	Acre
	Active farming/pasture			
	Barren land			
	Hedgerow/buffer			
	Early successional field			
	Shrubby meadow			
	Pole stand			
	Mature forest			
	Old growth forest			
	Cultivated lawn, garden			
	Tree specimens of note			
	Forestry/timber/products			

Notes: _____

Presence of specific plant, animal or habitat, threatened, rare or protected:

A search of the Pennsylvania Natural Diversity Index (PNDI) was conducted to determine whether any species of special concern are currently or historically extant on this property. PNDI did not indicate any reported threatened endangered or protected species present.

	Name	State Rank	Global Rank
Rare	N/A		
Threatened	N/A		
Endangered	N/A		

Geology:

There are no significant or unusual land formations (i.e. cliffs, sink holes, caves, steep slopes, mineral deposits or mines.)

- | | |
|--|---|
| <input type="checkbox"/> Cliffs | <input type="checkbox"/> Glaciated |
| <input type="checkbox"/> Sink holes, limestone | <input type="checkbox"/> Specific mineral deposit |
| <input type="checkbox"/> Caves | <input type="checkbox"/> Mines |
| <input type="checkbox"/> Steep slopes | <input type="checkbox"/> Other |



Conservation Easement Baseline Documentation

Soils

Predominant soils	Name and description
Hydric	
100 yr. flood/alluvial	
Highly erodable	
Prime agricultural	
Other	
Other	
Other	
Other	

☐ NRCS conservation plan

Land use compatibility with soil types:

Wildlife Habitats

	Name	Condition
Deciduous shrubs		
Edge/hedgerow		
Cavity trees		
Mast trees		
Evergreen trees/shrubs		
Other		

List specific wildlife of note: _____

List livestock, domestic animal breeding/boarding on site: _____

Photo Documentation (See Photo Map):

1. _____
2. _____
3. _____



Conservation Easement Baseline Documentation

Historical/Archeological:

Historical Significance of property:

- ☐ Designated as eligible for, or listed in The National Register of Historic Places
- ☐ Historically important land/building of local or regional significance
- ☐ Bucks County Historic Resource Survey (date completed). Condition and integrity determination:

Archeological significance of property:

- ☐ Designated as eligible for, or listed in The National Register of Historic Places
- ☐ Archeological important land of local or regional significance

Environmental Hazard:

	Indicator of Hazard	Recommend further investigation
	Past land use – specifically:	
	Irregular land forms	
	Atypical debris on site	
	Disturbed/deformed/discolored vegetation	
	Water with sheen/atypical color	
	Known underground storage tanks	
	Other:	

Man-Made Elements:

Buildings: see Baseline Map

Check () if existing:

Utilities:

- ☐ Visible utility easements:

☐ Gas

☐ Electric:

☐ overhead

☐ underground

☐ Oil/gas lines

☐ Telephone

location, direction of lines:

☐ Natural gas tanks (size _____)

☐ Underground storage tanks:

☐ registered

☐ abandoned

☐ Fences

☐ Stone/masonry walls

☐ Signage

☐ Roads:

☐ dirt

☐ gravel driveway

☐ hardpaving

☐ Former logging road

☐ Paper roads

☐ Railroad tracks

☐ Well:

☐ Artesian

☐ Municipal sewers

☐ Septic system

Threats to Resource

on-site:

☐ Non-native species

☐ Insect or diseases

☐ Erosion

☐ Illegal hunting

☐ Species decline

☐ Vandalism to property

☐ Debris piled

☐ White-tailed deer overpopulation

Threats to Resource

off-site:

☐ Poor storm water management

☐ Road up to property boundary

☐ Other; describe



Conservation Easement Baseline Documentation

Recommendations to Continue Protection Under the Terms of the Conservation Easement:

Short-term stewardship follow-up: _____

Long-term stewardship follow-up: _____

Recommended season/time for monitoring: _____

By signing below Grantor indicates agreement with the accuracy of the information observed in the baseline documentation.

Signature of Grantor Date

Signature Date

Signature Date

Baseline Documentation completed by:
Conservation Biologist,
Heritage Conservancy





Conservation Easement Monitoring Inspection Form

General Information

Original Donor Name: _____

Current Owner Name: _____

Easement Address: _____

Mailing Address: _____

Phone: _____

Township: _____

Tax Parcel #: _____ Total Acreage: _____ HC Property #: _____

Has ownership changed? yes/no

Monitoring & Information Filing

Monitor: _____ Date: _____ Last Monitored: _____

Method: _____ Photographs Taken? _____

Current Use(s) of Property: _____

Site Changes, Observations and/or Concerns:

***Human Alterations** since easement last monitored (i.e.: construction, dredging or filling, new trails, timber harvest, clearing of new fields). *Include off-site/neighboring alterations.* Note location, extent, individual responsible (if known). Indicate on photo key.

***Natural Alterations** (i.e.: windfall, flooding, fire, insect infestation, animal damage). Note location and nature of changes. Indicate on photo key.

Evaluation: In compliance/In violation

Notes: _____



Conservation Easement Monitoring Inspection Form

Recommendations to Continue Protection Under the Terms of the Conservation Easement

Short-term stewardship follow-up:

(Any items or criteria that need to be addressed by the next monitoring, i.e. fence falling down, need to have NRCS conservation plan completed):

Long-term stewardship follow-up:

(Any items or issues that need to be addressed at each monitoring, documenting progress, i.e. erosion at stream):

Recommended season/time of year for next monitoring:

Please sign below to acknowledge receipt of this **Monitoring Report**:

Signature of Owner

Date

Any comments, corrections or additions may be made directly on this report.

Acknowledgements

We are grateful for the assistance of the following individuals who reviewed this guide and offered suggestions for its improvement:

Todd Stell, PA Department of Conservation and Natural Resources

Diane Kripas, PA Department of Conservation and Natural Resources

Debra Wolf Goldstein, Esq., Heritage Conservancy

Sharon Yates, Heritage Conservancy

This report was financed in part by a grant from the Growing Greener Fund, under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation. The National Parks Services also provided financial assistance for the project. The printing of this publication was funded with support from the William Penn Foundation.

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85 Old Dublin Pike, Doylestown, PA 18901
(215) 345-7020 • Fax (215) 345-4328
www.heritageconservancy.org
email: hconserv@heritageconservancy.org



Department of Conservation and Natural Resources
Bureau of Recreation and Conservation
Rachel Carson State Office Building
P. O. Box 8475
Harrisburg, PA 17105-8475
(717) 783-4734 • Fax (717) 772-4363
www.dcnr.state.pa.us

