

LAND USE PLAN

INTRODUCTION

Growth and Development

A community's growth and development is affected by a broad range of interrelated factors including such things as regional location, the transportation system, natural resources, land suitability for agriculture and development, available community facilities such as sewage disposal, condition of the general economy, local land values and real estate taxes. A change in one factor will in all likelihood result in a change in another factor, and the overall character of the community. In short, how a community's character has developed and how it will change into the future are the result of a complex interaction of sometimes opposing forces ranging from no growth land use controls to unbridled development. Land use patterns in a community are the result of this complex interaction played out over the community's history.

Franklin Township's environmental quality, scenic quality and rural character, together with its proximity to the Scranton-Wilkes Barre, New York and New Jersey metropolitan areas, make it a very desirable place to live. The challenge for Franklin Township as it moves into the future is to strike a balance between growth and preservation. That is, the Township must provide for essential economic growth and development while concurrently preserving the natural and scenic features and rural character that give residents their superior quality of life. Without continued careful planning and management of growth, the Township's landscape and community character will be forever altered by sprawling and haphazard development.

This Land Use Plan examines the development pattern in Franklin Township and provides recommendations aimed at achieving balanced and coordinated growth and development based on the community's goals.

LAND USE GOALS AND OBJECTIVES

GOAL 1:

Protect and enhance the Township's quality lifestyle by maintaining open space, and recognize agricultural land, forest land and other open land as important elements of the local economy, character, and scenic setting.

Franklin Township's physical environment, regional location and past development practices have shaped and maintained its character. The key element is currently the Township's rural-agricultural landscape located so close to the City of Wilkes-Barre, Kingston Borough and other Wyoming Valley Boroughs. Without careful planning, vigilant land use management, and continued community conservation, the quality lifestyle sought by so many from nearby metropolitan areas can succumb to the cumulative effects of the demands

Note About Open Space

The preservation of open space is a common thread of this Comprehensive Plan. Open space is land which has not been developed for a constructive or productive use and is intended for environmental and natural resource protection, scenic, or recreational purposes. Open space may include, for example, woodland, wetlands, watercourses, reverting farmland, and floodplain. In the case of a development project, open space may include passive recreation areas such as ballfields, lawns and buffer areas. Agricultural land is certainly open land, but not truly open space because it is in fact highly developed for crop and livestock production.

of an increasing population.

Franklin Township is perceived as an attractive community offering a high quality of life within an easy commute to the metropolitan area. While agriculture once dominated the landscape, more and more families have located in the Township. In recent years, large lot subdivisions with very large homes have been the norm. Future development must be and managed with an overriding concern to sustain the area's community character based on open space while meeting the needs and expectations of residents for employment, shopping, services and community facilities.

Without careful planning and management, the use of the natural resources and sensitive environmental areas in the Township can lead to the decline of community character and the quality lifestyle it affords, with eventual direct threats to the environment and public health and safety. Of special concern are lakes, streams, ground water, agricultural, forest and soil resources. If the quality of the area's natural resources is diminished, the quality of life and the local economy will suffer.

OBJECTIVES:

Open Land and Rural/ Agricultural Character

Conserve agricultural land, forest land, open space, significant natural features, and sensitive land areas to maintain rural-agricultural character.

- Important Areas - Identify and prioritize areas important for conservation.
- Identification Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas by requiring resource sensitive development.

The purpose of conservation: The greatest good to the greatest number of people for the longest time.

- Gifford Pinchot

I recognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.

- Theodore Roosevelt

If we learn, finally, that what we need to "manage" is not the land so much as ourselves in the land, we will have turned the history of American land-use on its head.

- Gaylord Nelson, Founder of Earth Day

- Critical Resource Areas - Promote the conservation of open space within the Township and the County and actively promote the long-term preservation and maintenance of valuable natural resource areas through public negotiated acquisition, private dedication of easements, and other cooperative efforts.
- Connections - Maintain a connected network of open space to facilitate natural resource and habitat protection and passive recreational opportunities (e.g., trail networks).
- Land Use Ordinances - Evaluate and develop land use ordinances in terms of effects on natural resources with the goal of maintaining open space to the greatest extent possible while allowing a reasonable density of development.
- Innovative Conservation Methods - Evaluate more progressive means of open land conservation including, conservation subdivision design, purchase of conservation easements and transferable development rights, especially in cooperation with conservancy and land trust organizations.

- Conservation Design - Use optional *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.
- Transferrable Development Rights - Use optional transferrable development rights to direct development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties.
- Development Incentives - Implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- Area Wide Cooperation - Coordinate environmental preservation efforts with neighboring jurisdictions, and establish an action plan targeting environmental concerns that require a regional approach.
- Economic Development - Encourage local economic development groups to make natural resource protection an integral part of all promotion efforts.

Agriculture and Forestry Preserve agriculture and forestry as important elements of the local economy.

- Economic Value - Recognize agriculture and forestry as a significant economic industry in the community and encourage economic opportunities in this industry.
- Right to Farm - Protect and promote the abilities and rights of farmers to engage in all sound agricultural management practices by recognizing the Right to Farm Law as an important element of farmer protection from nuisance complaints related to normal agricultural practices.
- Land Base - Preserve a large contiguous land base to assure that agriculture and forestry remain viable, permanent land uses.
- Conservation Design - Provide farmers and other owners of large parcels flexibility in the use of their property and allow them to benefit from area growth without developing all of their land by offering the option of *conservation subdivision design*.
- Programs - Encourage landowners to participate in the *Agricultural Security Program*, and the *Agricultural Preservation Program* for purchase of easements by Luzerne County.
- Tax Incentives - Encourage the use of *Act 319 Clean and Green* and other tax incentive programs as a means of forestalling development.
- Agricultural Advisory Committee - Consider creating a Township Agricultural Advisory Committee to promote agricultural preservation activities and other open space preservation activities in the Township in cooperation with the County and State agencies.

Commercial Uses	Ensure consistency of commercial uses with existing community character. <ul style="list-style-type: none">• <u>Performance Standards</u> - Apply zoning performance standards to address noise, lighting, outdoor storage, and other potential effects as well as ensuring appropriate landscaping and signage.• <u>Commercial Design</u> - Develop guidelines for commercial building design, landscaping and parking that will ensure high aesthetic quality and while meeting basic development needs.• <u>Community Scale</u> - Encourage community-scaled businesses with innovative design as opposed to strip commercial development.
Nuisances	Control common law nuisances and threats to public health and safety due to, among others, noise, lack of property maintenance, poor building practices, junk accumulation, and odors.
Water Supply/Quality & Surface Water Quality	Protect the supply and quality of drinking water and protect surface water quality. <ul style="list-style-type: none">• <u>E & S Control</u> - Reduce erosion and sedimentation by requiring compliance with DEP regulations• <u>Stormwater</u> - Adopt an up to date stormwater ordinance to control runoff through the use of BMPs.• <u>Water Quality</u> - Consider the impacts of residential and nonresidential development on water quantity and quality and encourage the use of best management practices.• <u>Sewage Disposal</u> - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.• <u>Well Ordinance</u> - Apply well construction standards with a well ordinance in areas not served by community water supply.• <u>Community Water Supplies</u> - Apply well head protection standards to maintain good drinking water quality.
Wildlife Habitat	Protect critical wildlife habitat areas. <ul style="list-style-type: none">• <u>Natural Areas Inventory</u> - Protect sites of rare, threatened, and endangered species as identified in the Luzerne County Natural Areas Inventory.• <u>Forest</u> - Conserve large forested areas that provide habitat.• <u>Corridors</u> - Protect wildlife corridors, consisting of networked open space.
Ridge Lines & Scenic Viewsheds	Conserve ridge lines and scenic viewsheds. <ul style="list-style-type: none">• <u>Development Standards</u> - Consider measures that will preserve the characteristics of important ridge lines and scenic view sheds by limiting the amount and type of clearing associated with development

GOAL 2:

Develop a land use plan for Franklin Township that integrates all aspects of growth and development including residential, commercial, industrial and open space.

Land use management is a complex process that depends on the interrelationship of a number of factors including the historic development pattern, regional location, demographics, the regional economy, the transportation network, and soils and land capability. Most of these factors are beyond the control of local municipalities.

In the case of Franklin Township, the landscape remains largely undeveloped while neighboring municipalities in Luzerne County have been experiencing increased development pressure. While large parcels owned by long term resident families may seem secure from development, increasing property values may shift the balance to residential development. Conversely, the potential for natural gas development and the value of gas leases and royalties may temper the residential development trend. In any case, this *Comprehensive Plan* gives the Township the foundation to manage the growth and development of the community using innovative land use management ordinances, careful programming of public facilities, and active participation of residents.

Rampant land conversion is a first consequence of the way Pennsylvania is growing. Quite literally, development-as-usual is consuming the Commonwealth's traditional rural landscape of farmland, forests, wetlands, and open spaces. Overall, Pennsylvania developed some 1.14 million acres, or 1,800 square miles, of fields, open space, and natural land between 1982 and 1997 – the sixth-largest such conversion after Texas, Florida, Georgia, North Carolina, and California.

This also means that fully one-third of all the land that the Commonwealth has ever urbanized since its founding was developed in just 15 recent years. Put another way, over those 15 years the state consumed land at a rate equivalent to 209 acres a day, or 9 acres an hour, every hour.

Source: Back To Prosperity, A Competitive Agenda for Renewing Pennsylvania, p. 47

OBJECTIVES:

Incompatible Uses Provide adequate separation between incompatible land uses.

- District Location - Evaluate the location of zoning districts relative to one another.
- Commercial - Evaluate the allowed uses in commercial zoning districts and encourage retail, office, and service uses.
- Industrial - Create a separate zoning district for industrial, manufacturing, warehousing, and similar high impact uses.
- Setback/Buffers - Provide appropriate setbacks and buffers between land uses.
- Landscaping - Provide landscaping along road frontages in commercial and industrial areas.

Residential Encourage the development of livable communities and preserve existing neighborhoods.

- Open Space Access - Create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong

neighborhood identity.

- Diversity - Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be maintained.
- Landowner Development Options - Provide multiple development options for landowners in order to minimize impacts on environmental resources (sensitive lands such as stream corridors, wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls)..
- Design - Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

Commercial

Promote innovative forms of commercial development that are in harmony with the rural-agricultural character of the community.

- Scale - Provide opportunities for innovative and community-scaled retail commercial use as opposed to strip commercial development.
- Services - Facilitate community service uses such as a convenience store and medical center.

Economics

Expand the Township's existing economic base by exploring economic development opportunities consistent with and building on the existing rural-agricultural character in order to strengthen the existing economy, create employment opportunities and generate tax revenue

- Location - Welcome new commercial and industrial development to areas of existing similar development and where community facilities are adequate so that the development is compatible with existing land use and community character.
- Home Occupations - Encourage local economic viability by allowing home occupations consistent with residential districts.
- Economic Development - Recognize the importance of the regional economy and cooperate with local business development organizations to promote commercial development which builds on community assets and which will not compromise the quality of life.
- Government Efficiency - Continue to maintain an efficient government and keep taxes low as an incentive for economic development.
- Existing Business - Support the continued development and possible expansion of existing businesses providing local employment and contributing to the tax base.

EXISTING LAND USE

Land Use Pattern

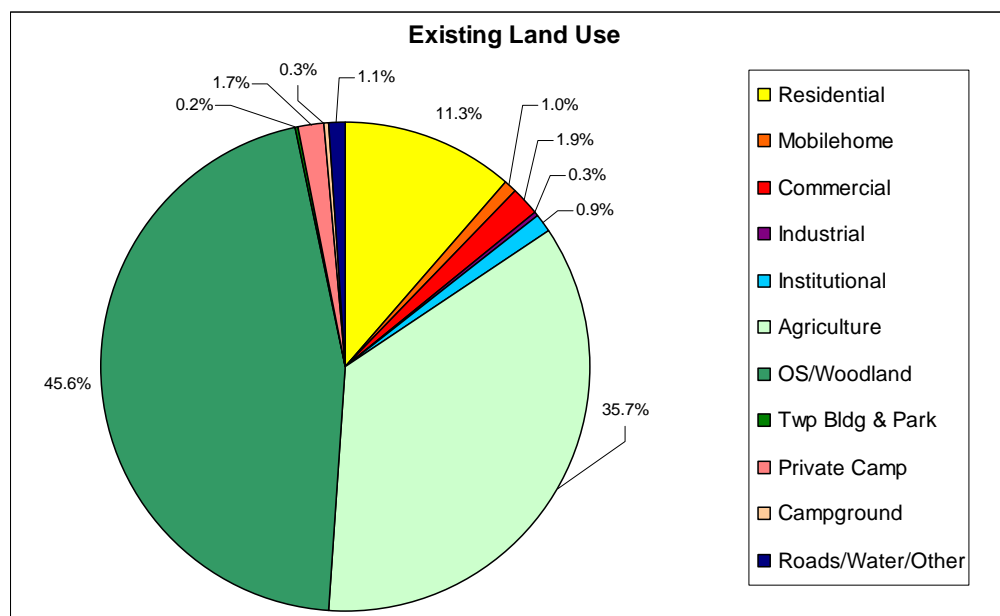
Franklin Township encompasses approximately 8,115 acres, or 12.68 square miles of land area. This land has remained largely in forest/woodland and agricultural use and has changed little throughout the Township's history. Today, the Township's land use pattern is one dominated by agriculture and woodland with residential use primarily spread along the Township's main roads. (See Existing Land Use Map.) Most residential lots are relatively small, averaging approximately 1.5 acres. However, large residential lots have begun to appear in recent years signaling a trend toward a more consumptive residential land use pattern that could quickly consume the Township's open spaces.

The Existing Land Use table and figure quantify the land uses shown on the Existing Land Use map. The data show that the Township is dominated by Open Space/Woodland and Agricultural land uses

Existing Land Use		
Land Use	Acres	% of Total
Residential	919.51	11.3%
Mobilehome	82.15	1.0%
Commercial	155.62	1.9%
Industrial	25.94	0.3%
Institutional	72.23	0.9%
Agriculture	2895.35	35.7%
OS/Woodland	3701.40	45.6%
Twp Bldg & Park	12.61	0.2%
Private Camp	138.87	1.7%
Campground	20.89	0.3%
Roads/Water/Other	89.46	1.1%
Total	8114.04	100.0%

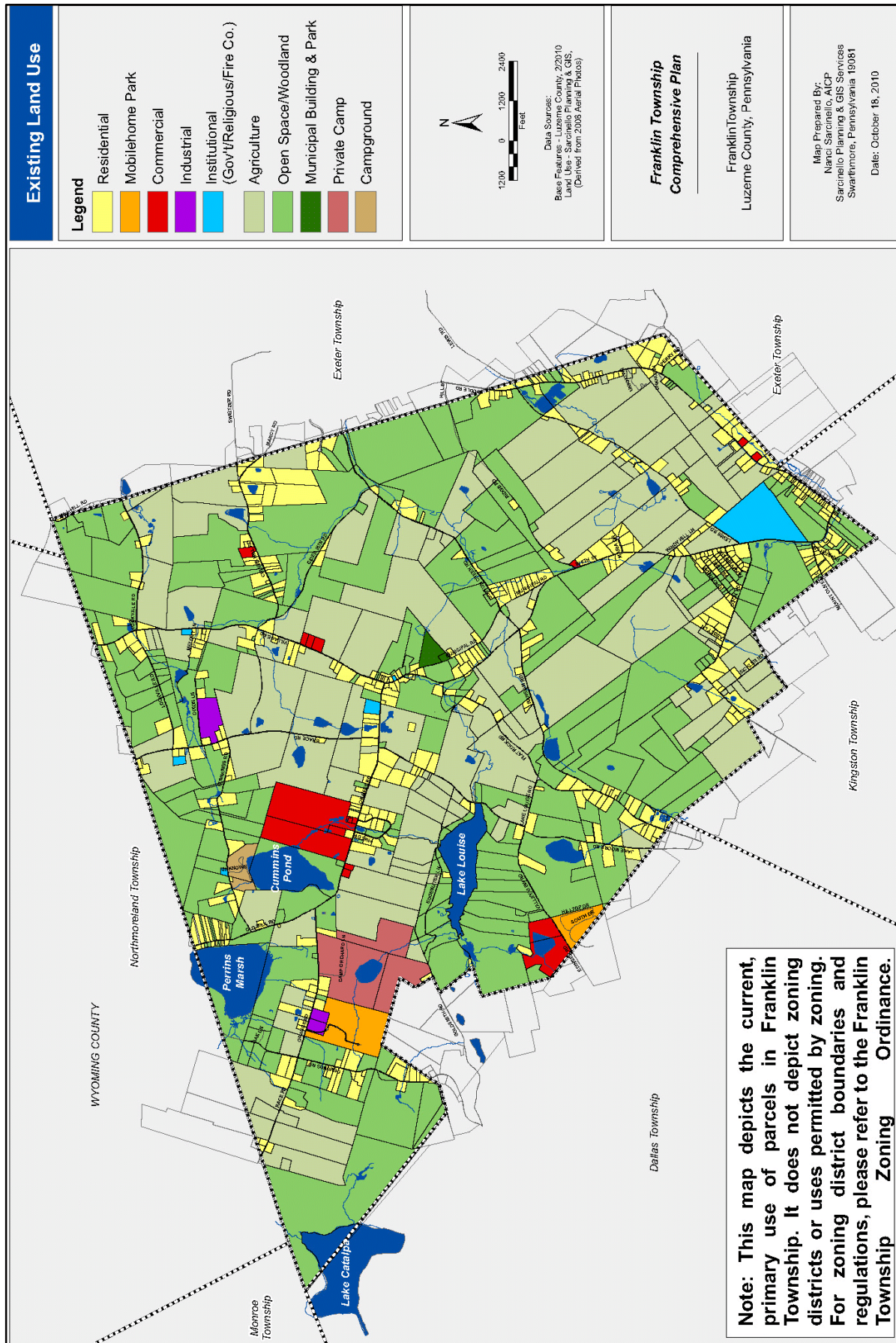
Open Space/Woodland - Open Space/Woodland is the principal land use type in the Township occupying 3,701 acres (46% of the Township's land area). This land use category includes undeveloped land that is forested and non-forested. None of the land in this category is protected - it is all in private ownership and as such, has the potential to be developed at anytime.

Agriculture - Agriculture is the second largest land use type in the Township at 2,895 acres (36% of the Township's land area). Historically, dairy farms and orchards were the mainstay of the Township's agriculture industry. Today, two working farms are in operation - Brace's Orchard and Dymond's Farm -as wells as a honey bee operation. The remaining agricultural land primarily field corn and hay. Like Open Space/ Woodland, this land is also in private ownership and could be developed at anytime.



Residential

Residential land use comes in a distant third place at 920 acres (11% of the Township's land area). Residential land use is mostly in the form of 1.5 acre lots spread along the Township's main roads. Smaller lots are found in the Village of Orange, consistent with a historical village development patterns. In more recent years most development has been on larger lots throughout the



Township's Agricultural Zoning District. If this trend continues it could result in the rapid consumption of the Township's agricultural, open space and forested lands. The Township can consider implementing land conservation strategies such as Conservation Subdivision Development, natural resource protection ordinances, voluntary conservation easements, and transferable development rights in order to preserve its defining natural features while permitting various forms of development.

Mobilehome Park – The Township contains 82 acres devoted to two mobilehome parks. Reese Mobile Home Park on Country Village Lane (off of Orange Road) encompasses approximately 55 acres and currently contains 35 homes. Valley View Mobile Home Park lies in both Franklin and Dallas Townships. Approximately 23 acres are in Franklin Township and approximately 33 acres are in Dallas Township.

Commercial – Franklin Township has a relatively small amount of commercial activity within its borders. Commercial land use occupies 156 acres (1.9% of the Township's land area). Most of this commercial land is devoted to the Twin Oaks Golf Course on Orange Road. The remaining commercial uses are small private businesses. Residents travel to Dallas Township and other neighboring communities for retail goods and services.

Industrial – Industrial development accounts for approximately 26 acres (0.3% of the Township's land area). This includes two businesses currently in operation.

Institutional – Institutional land comprises 72 acres (1% of the township's land area). It includes government and religious uses and the Franklin Township Volunteer Fire Company property. It does not include the Franklin Township municipal office as this is included in its own category (see Municipal Building and Park below).

Municipal Building and Park - The Franklin Township Municipal Building and Park occupy approximately 13 acres in the center of the Township along Municipal Road. The complex contains the Township office and garage and a community park with a baseball field. A park master plan, completed in August 2010, recommends improvements to the ball field and parking areas.

Private Camp - The Private Camp land use designation contains 139 acres (nearly 2% of the Township's land area). It is entirely comprised of Camp Orchard Hill, a summer camp located off Orange Road.

Campground – The Campground land use designation comprises 21 acres. It is a privately run campground adjacent to Cummings Pond.

BUILD-OUT ANALYSIS

Overview

A build-out analysis was conducted to examine the effect of land use policies and implementation strategies. It compares the potential build-out of the Planning Area based on current land use policies and zoning regulations with the build-out scenario that could result from updated policies and regulations that promote conservation design development and preservation of open space.

The estimated number of future housing units is calculated based on residential zoning densities as they apply to currently undeveloped properties. An inefficiency factor was

built in to the calculation to account for the fact that some land is not buildable due to environmental limitations and that some is set aside for roads. However, the analysis does not consider properties that are not buildable due to soil limitations for septic systems.

The Build-Out by Current Zoning table shows the estimated number of dwelling units that could potentially built in each of the residential zoning districts. It reveals that if current zoning regulations remain in place, the Township could see a total of 2,052 additional homes.

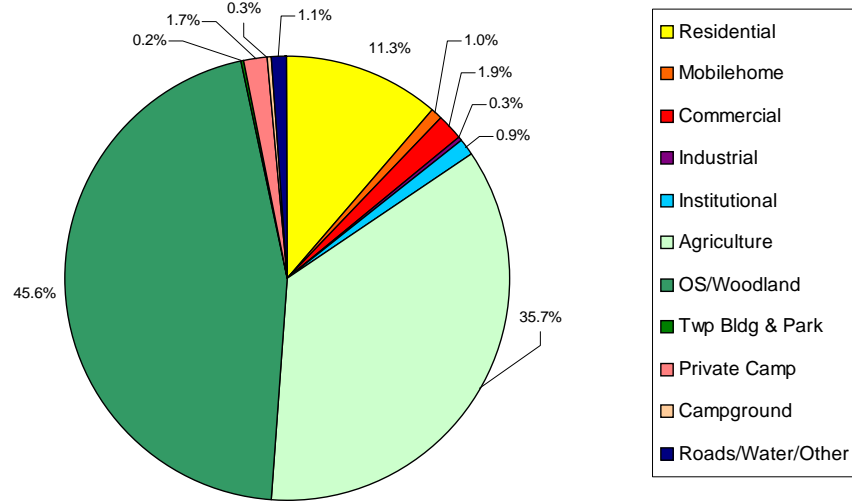
Build-Out by Current Zoning	
Zoning District	# of Dwelling Units
A-1	1707
B-1	N/A
C-1	61
I-1	N/A
R-1	265
R-2	19
R-MHP	N/A
Total	2052

The Build-Out Analysis Figure on the following page illustrates the impact on land use should the Township build-out according to current zoning. The pie chart on the left shows existing land use, while the pie chart on the right shows land use at build-out. Most notable is the enormous increase in residential land and the corresponding decrease in agricultural, forest and open land. At build-out, residential land will increase from 11% to 88% of the Township's total land area. Agriculture will decrease from 36% to less than 1% of the total land area – a decline of 2,866 acres. Open Space/Woodland will decrease from 46% to 5% of the total land area – a decline of

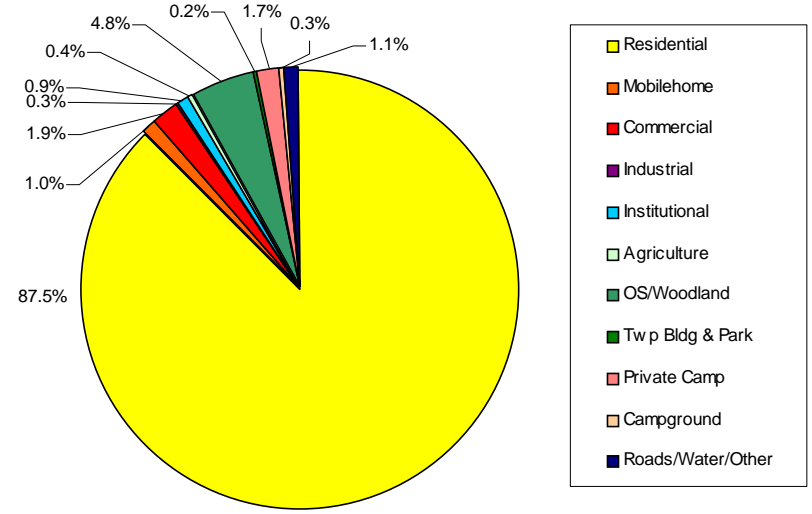
3,315 acres.

The Land Use with Conservation Subdivision Development figure shows that with the use of Conservation Subdivision Development the Township could accommodate future residential growth and simultaneously preserve a large portion of its agricultural and forest land. Conservation subdivision design would require 50% open space in residential developments but would permit at least the same number of dwelling units as the current zoning. In this way, the Township can preserve open space *and* protect or even increase property values. Even more land can be protected through methods such as transferable development rights, and by encouraging landowners to enter into voluntary conservation easements and agricultural easements.

Existing Land Use



Land Use at Build-Out

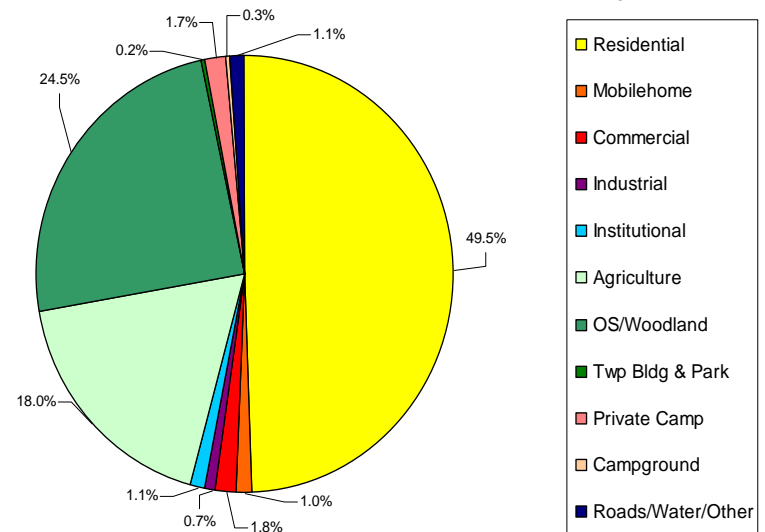


Build-Out Analysis

The build-out analysis compares the impact of the Township's current zoning provisions with the effect that the use of Conservation Subdivision Development would have on the landscape.

- Currently, 78% of the Township's land is agriculture and woodland (chart at top left).
- Under current zoning, the Township would see an additional 2,052 residential units and would lose nearly all of its agriculture and woodlands (chart at top right).
- Implementing Conservation Subdivision Design would allow the Township to accommodate *at least* 2,052 dwelling units, protecting and even increasing property values while simultaneously preserving much of its agricultural land and woodland.

Land Use with Conservation Subdivision Development



PLANNING IMPLICATIONS

Overview

Franklin Township is faced with both challenges and opportunities in its current land use configuration and careful and continued planning is essential.

- Given its location near the greater Wilkes-Barre metropolitan area and its small town character, clean environment, quality of life, and open land, Franklin Township holds great potential for growth and development. The challenge is to balance the need for essential economic growth and development of the Township while concurrently conserving its scenic, historic and natural environment and the remaining open land.
- Many large privately owned tracts of land exist throughout the Township. As is typical with most rural communities, new development will occur on new lots subdivided from these large agricultural and forested lands. As land values rise, the likelihood of development of these properties increases. Local officials must begin an outreach effort and partner with landowners and local conservation organizations to preserve these properties. Open space can also be preserved while simultaneously protecting property rights through innovative development techniques and land conservation tools.
- The build-out analysis demonstrates that under current zoning, which contains no provisions for open space set asides and natural resources protection, the Township could reach a residential build-out of an additional 2,052 homes and comprising 88% of the total land area. This would come at the expense of the Township's agricultural and forest lands, which together would decline by approximately 6,181 acres. Conservation Subdivision Design offers a means to accommodate future growth and protect property rights while preserving agricultural land, woodlands, and open space.
- Franklin Township has very little commercial and industrial development. However, more residential development in the Township and surrounding municipalities will spawn more pressure for retail/service commercial development. Providing for small scale commercial uses within the Township could serve to meet some of the retail and service needs of residents and could offset some of the costs associated with residential development.
- More residential development will result in increased demand for municipal facilities and services and increased traffic on the Township's roads. Directing growth to appropriate areas will not only preserve open space, but will also enable the Township to manage its facilities, services and roads in a more cost effective and efficient manner. It will also limit the spread of traffic onto roads in the Township's interior.
- The Village of Orange and the nearby Franklin Township Volunteer Company are the focal point of the community.

Current Land Use & Environmental Controls

As authorized by the Municipalities Planning Code, Franklin Township has an adopted subdivision and land development ordinance (SALDO) and a zoning ordinance. The subdivision and land development ordinance provides standards for dividing land and for ensuring the provision of adequate community facilities such as roads, water supply,

sewage disposal, utilities, highway access, and storm water control. The SALDO must be updated to ensure it reflects the latest practices and regulations.

The zoning ordinance regulates the use of land by dividing the Township into districts to separate land use activities (residential, commercial, industrial, etc.); sets standards for lot size, setbacks and building height; and includes specific standards for a broad range of land uses including for example: parking, signs, junkyards, cell towers and multi-family dwellings.

Aside from its floodplain management provisions, the zoning ordinance does not contain specific protection measures for the Township's natural resources. The ordinance also lacks any provisions for open space preservation. In order to accomplish the community's natural resource and open space preservation goals, the zoning ordinance should be amended to include such provisions.

The Township's zoning ordinance regulates development as follows:

- In addition to agricultural uses, the A-1 Agricultural zoning district permits single family detached dwellings at a density of one unit per 2 ½ acres. It does not include any requirement for open space within residential developments. Because the Agricultural zoning district encompasses the vast majority of the Township, this zoning scheme could result in the complete consumption of the Township's open lands. In fact, with a 2 ½ minimum lot size, the Agricultural zoning district would yield approximately 1,692 additional residential units and no open space.
- The R-1 Single Family Residential Zoning District stretches along some of the Townships primary roads and contains smaller parcels scattered throughout the Township. It permits residential development at a density of one unit per 1 ½ acres. Like the Agricultural zoning district, there is no requirement to set aside open space. According to the Build-Out Analysis, the district could potentially accommodate approximately 265 additional dwelling units and no open space.
- The R-2 zoning district encompasses the Village of Orange. Single family Detached and Two-Family Dwellings are permitted at a density of one unit per acre. Although largely built-out, there appears to be some remaining land in this district with a potential for the development of approximately 19 additional single family units. Future development in the Village should be regulated by design guidelines that would ensure its compatibility with the existing character of the Village.
- Mobile homes are permitted in the R-MHP Residential Mobile Home Park district. Two such districts exist in the Township. The Reese Mobile Home Park off Orange Road is not yet built out and can accommodate additional homes in the future (???). Recreational facilities should be required in any future mobile home park developments.
- The B-1 Light Business district encompasses several parcels scattered throughout the Township. It permits various retail and service establishments, as well as single family dwellings, two family dwellings and dwellings over or attached to a business. Each use requires a two acre minimum lot area. There are approximately 45 gross acres of undeveloped land remaining in the B-1 district. The SALDO contains some rather

weak buffering/screening standards. Because the district abuts residential districts this presents the potential for conflict between residential and commercial uses.

- Industrial development is permitted in the I-1 Light Industrial District with a two acre minimum lot size. There are approximately 33 gross acres of undeveloped land remaining in the I-1 district. The SALDO contains some rather weak buffering/screening standards. Because the district abuts residential districts this presents the potential for conflict between residential and industrial uses.
- The C-1 Conservation district surrounds Lake Catalpa, Perrins Marsh (a Luzerne County Natural Areas Inventory site), and Cummings Pond, and also stretches along a lower portion of Sutton Creek at the Exeter Township border. The district is intended to protect these important hydrological features. However, some of the uses permitted in this district are rather intensive and are contrary to the goal of protecting these features. The uses should be limited to low impact types of uses. These properties should also be considered high priority for conservation efforts such as voluntary easements and transferable development rights. In terms of residential use, the district permits single family dwellings on a minimum lot size of 3 ½ acres. This could potentially yield approximately 61 dwelling units in the district.
- The zoning ordinance is currently lacking provisions for some of the uses required by the MPC, including some forms of residential development, mineral extraction, forestry, and no impact home based business. The ordinance should be amended to include these uses.

CONTEMPORARY PLANNING TOOLS

Overview

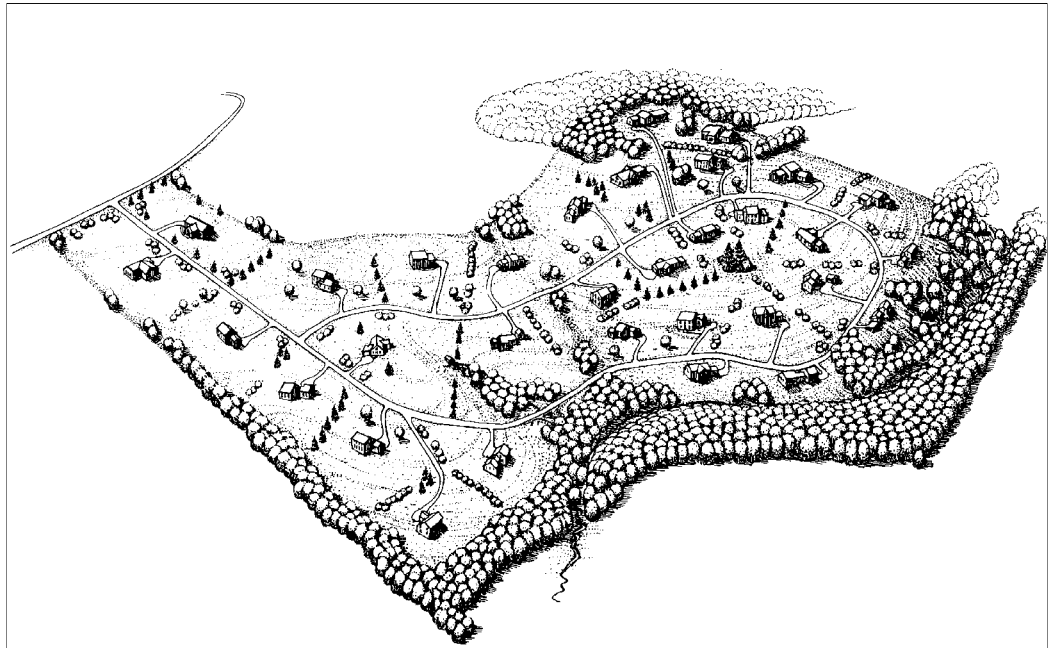
There is no one best method to accomplish the objective of conserving open land. The intent of the following discussion is to point out innovative approaches that are currently used by many municipalities in Pennsylvania. In the end, the elected officials of Franklin Township must determine which approach and standards are best suited to the community.

Conservation Subdivision Design

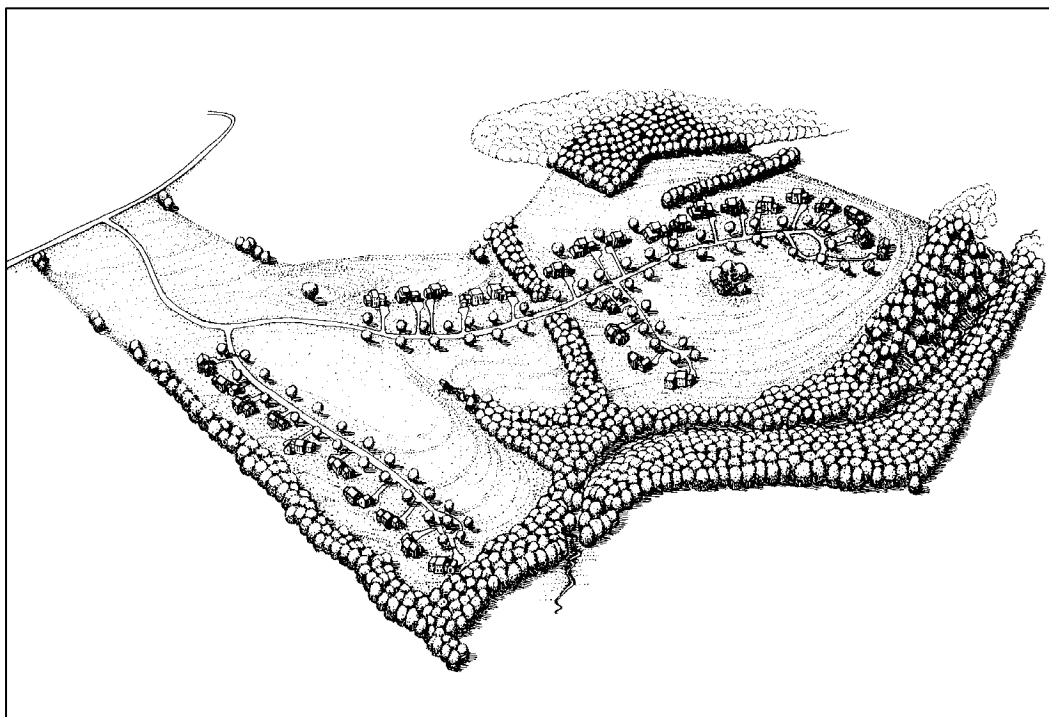
I want my piece of the pie, or I want room to spread out are common desires voiced among new residents. The problem is that as this pattern continues, the sprawl that the emigrating urbanites left behind, or escaped, is beginning in Luzerne County and will ultimately change the very character which is so attractive to new residents. Conservation Subdivision Design is a land use tool that enables municipalities to accommodate growth while simultaneously protecting the open space and natural features that often define community character.

Based on the density set in a municipal zoning ordinance, conservation design permits the same number of units on a parcel as a typical subdivision, but with a requirement to set aside a portion of the tract as protected open space. In order to achieve this, the minimum lot size is reduced. For example, a tract of 100 net acres with a two acre density would yield 50 dwelling units. Given a 50% open space requirement, 50 acres would be protected as open space and 50 acres would be developed. Thus, to accommodate 50 dwelling units on 50 acres would require lot sizes of one acre or less. Open land and natural areas are protected by shifting development to more appropriate areas of the site.

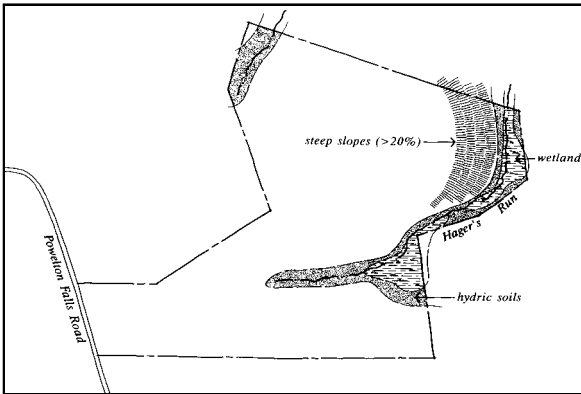
In short, the development is designed around the natural features on the tract. In addition to maintaining open land, conservation design maintains property values (by maintaining the development yield), reduces development costs and commitment of resources given shortened road, water line and sewer line length, minimizes long term maintenance costs of such improvements, and limits environmental affects such as soil disturbance and storm water. The same design process can be applied to multi-family and commercial development.



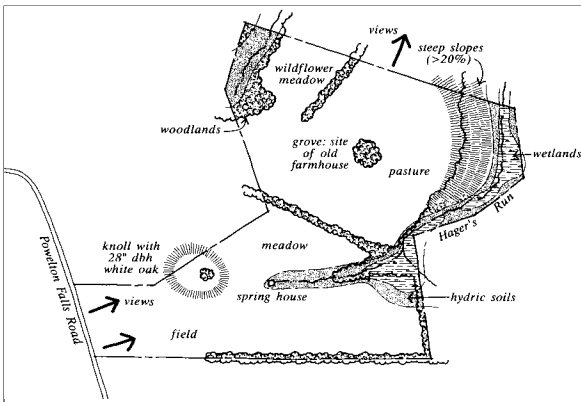
Conventional Development does not include protected open space



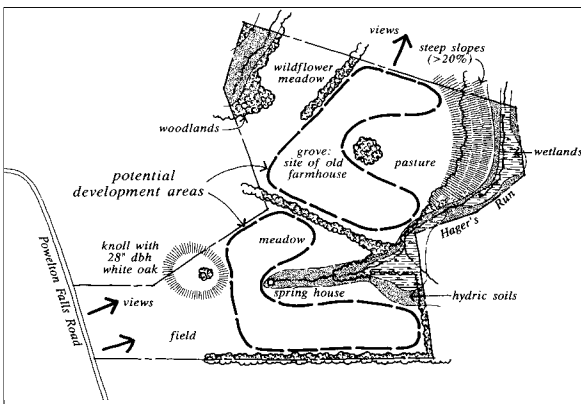
Conservation Subdivision Design includes protected open space and achieves full yield.



Identify Primary Conservation Areas



Identify Secondary Conservation Areas



Identify Potential Development Areas

A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual building lots is reduced, while the total number of lots does not exceed the density which is based on the underlying minimum lot size. In addition, constrained land areas (e.g., wetlands, floodplain and steep slopes) are deducted prior to calculating the number of units permitted. The important question is - *Does minimum lot size matter, provided the number of units does not exceed the established density?* In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved. Individual building lots can be quite small if community water and sewage disposal are provided.

The Natural Lands Trust, a nationally known land conservation organization located in Media, Pennsylvania (Delaware County), suggests that the conservation design concept can be implemented by providing incentives (or disincentives) to encourage its use. Incentives could include allowing higher density for open space design; a disincentive would be the reduction in density for conventional subdivision.

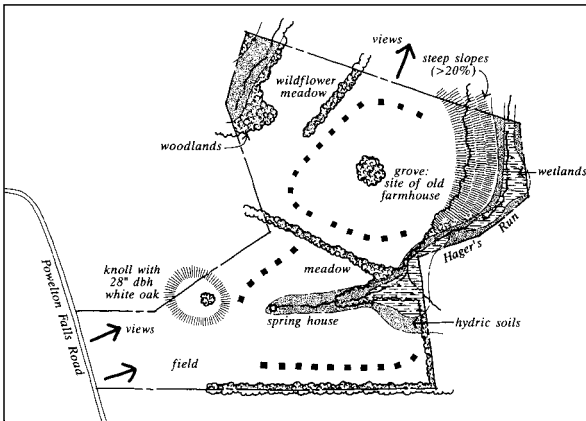
Conservation Subdivision Design is practiced throughout southeastern Pennsylvania and is also being embraced by many municipalities in the northeast where the influx of new residents from nearby metropolitan areas is driving the demand for new housing and subdivisions. In fact, some communities have mandated the use of this technique for all development or in certain zoning districts.

Conservation Design Process

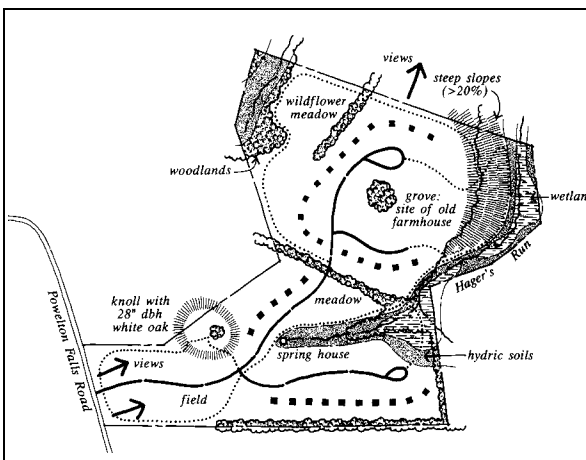
The design process involves the following steps: (See the Figures from the Natural land Trust's *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.)

1. Yield Plan - the number of units which could be developed on the site using the traditional subdivision approach.

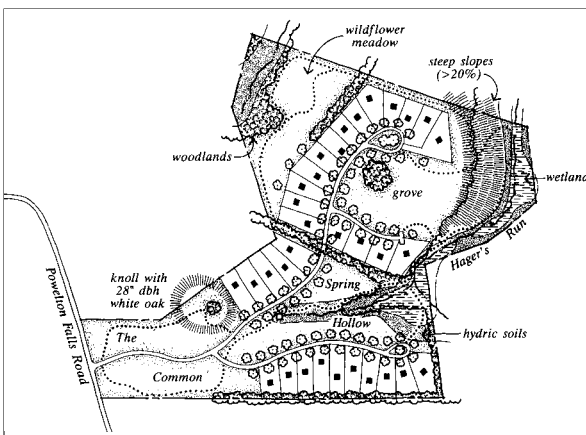
2. Identification of all potential open space areas



Locate Potential House Sites



Design Roads and Trail Links



Draw the Lot Lines

including primary conservation areas such as...

- Soils suitable for on site sewage systems,
- Waterbodies,
- Floodplain,
- Wetlands
- Steep slopes

...and secondary conservation areas such as . . .

- Mature woodlands
- Prime farmland
- Significant wildlife habitats
- Historic, archeological, and cultural feature
- Views into and out from the site
- Aquifers and recharge areas

3. Identification of potential development areas:

- Where should the houses be logically located on the site?

4. Location of potential house sites:

- Where should individual units be located within the development area?

5. Design of road alignments and trails:

- How is access best provided with the least impact on conservation areas?

6. Drawing in the lot lines at the reduced lot size results in the conservation of the designated open land.

The open land set aside in the conservation design subdivision would be coordinated with the *Natural Resources Map* which is included as part of this *Plan*. This is intended to create an interconnected network of preserved open land.

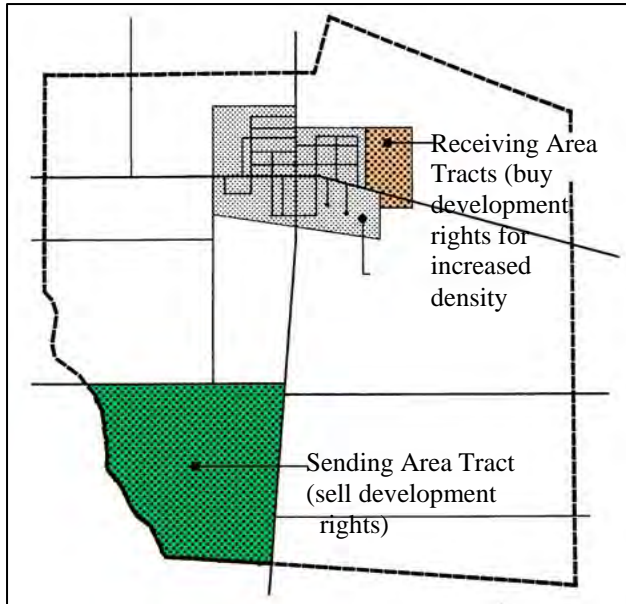
Conservation Subdivision Design gives Franklin Township the opportunity to accommodate future development and preserve the community's character.

Purposes for Conservation Design:

- To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
- To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands.
- To implement adopted land use, transportation, and community policies.
- To protect areas with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
- To provide an option for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- To conserve scenic views and elements of the rural working landscape, and to minimize perceived density, by minimizing views of new development from existing roads.

Transferable Development Rights

Transferable Development Rights (TDR) is a free market tool authorized via zoning for preserving forest land, open space, and natural resources. The traditional approach to preservation has been twofold: 1) public purchase of threatened property, either in fee or by purchase of conservation easements, and 2) placement of zoning restrictions on development. TDR programs offer a third option by allowing the owner of open land to sell the development rights to another property owner through the private real estate market. (See the *TDR – Sending Property / Receiving Property Figure*.)



TDR Sending & Receiving Areas

Source: Chester County Planning Commission, 1997

TDR Potential Benefits:

- TDR redirects development from areas where development is not appropriate to areas where development makes the most sense.
- TDR preserves open space at little or no public expense.
- TDR ensures that landowners suffer no serious property value reductions that may accompany other zoning approaches (such as down-zoning used to protect open space).
- TDR allows large groups of parcels (e.g., entire agricultural areas, sensitive watersheds, scenic vistas, historic districts) to be conserved in contrast to parcel-by-parcel clustering techniques.

Source: *Transfer of Development Rights, Brandywine Conservancy, 2003, p. 5*

Under TDR, which must be included in a zoning ordinance, the development rights are voluntarily severed from a sending property (the property containing land to be preserved) and are sold on the open market to a developer who uses the rights to increase density on a receiving property. The zoning ordinance establishes the parameters for the TDR program. A density bonus can be provided as an incentive and the number of development rights is determined after deducting the area of constrained land. Once the development rights are severed, the sending property is protected from development by a conservation easement; however the property owner may still use that land.

The conservation design approach, combined with the optional transfer of development rights, gives a municipality a very progressive tool to conserve large areas of open land by shifting development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties. In fact, an entire sending property could be preserved with the density transferred to the receiving property where individual lot sizes could be reduced and important conservation areas would also be conserved.

Traditional Neighborhood Development

In years before interstate highways and urban sprawl, small villages and towns served as the centers for community activities and commerce. The Village of Orange is a good example. Traditional neighborhood development (TND) is another tool authorized by the Pennsylvania Municipalities Planning Code for inclusion in a zoning ordinance. TND enables the development of compact communities with a variety of housing types, community facilities and services, and neighborhood commercial establishments.

A key element of the TND is a pedestrian friendly design that allows residents to walk to centrally located community facilities, parks and stores. The residential density would be based on a maximum density set by

the zoning ordinance, yet individual lots could be very small to allow a substantial proportion of the development to be preserved as open space. The open space, accessible to residents, adds to the appeal of the TND and conserves important natural resources. Similar to Conservation Subdivision Design and Transferable Development Rights, TND should be considered for inclusion in any zoning ordinance where larger parcels are available for development.

**Considerations
for Conservation
Design, TDR &
TND**

Based on the *Natural Resources* map included in this *Plan* and the overall community goals and objectives, Franklin Township officials should consider the following when

evaluating the use and location of any Conservation Subdivision Design, Transferrable Development Rights or Traditional Neighborhood Development provisions proposed for inclusion in Township ordinances:

- Ability of the Township to work cooperatively on zoning to enable intermunicipal transfer of development rights.
- Availability of, or potential to provide, adequate infrastructure - roads, water supply, sewage disposal.
- Identification of areas of open space critical to preserving community character.
- Landowners interested in preserving open space.
- Need to preserve and/or the effect on environmentally sensitive areas.
- Effect on neighboring properties.
- Inclusion of adequate standards to minimize on-site and spillover effects of more compact development.

Conservation Easements

A conservation easement is a legal agreement that is voluntarily entered into between a landowner and a land trust or government agency. The easement may be sold or donated by the property owner and places permanent restrictions on the use or development of land in order to protect its conservation values. In addition to government agencies, community based non-profit organizations are also acting to preserve land and rural character by accepting donations or acquiring conservation easements. Such organizations range in size from the Nature Conservancy, a nationwide organization, to small organizations with Board members from the local community.

Advantages Offered by Conservation Easements:

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.

Farmland Preservation Program

In 1989, the Commonwealth of Pennsylvania established a farm preservation program in an effort to reduce the number of farmland acres being taken out of production. According to the Bureau for Farmland Preservation, agriculture is the leading industry in Pennsylvania which contributes approximately \$6 billion to the economy every year. One in every seven jobs (14%) in the Commonwealth is related to agriculture. In Luzerne County, agriculture has always been vital to the local economy and supports an infrastructure of related agribusinesses in Luzerne and surrounding counties

In 2000, the Luzerne County Farmland Preservation Program was established. The purpose of the Program is to preserve farms forever through the purchase of conservation easements, or development rights, which prevent the farm from ever being developed or used for any purpose other than agriculture and agricultural related activities. Since 1999, 21 farms totaling 2,130 acres have been preserved, but none in Franklin Township. In order to apply to the Luzerne County Farmland Preservation Program, a farm must meet the following requirements:

- Membership in a 500-acre Agricultural Security Area (*see below*);
- Farm must consist of at least 50 acres;
- 50% of acres submitted for easement purchase must consist of cropland, pasture, or grazing;
- 50% of the soils on the farm must belong to Capability Classes I-IV.

Agricultural Security Areas

Agricultural security areas, authorized by the Agricultural Area Security Law, PA Act 1981-43 (Act 43), are another means of preserving agriculture and are initiated by landowners whose combined parcels total at least 250 acres (if the farmer wants to apply to the Luzerne County Farmland Preservation Program, the ASA must consist of 500

acres). The parcels must be viable agricultural land or woodland and the agricultural security area (ASA) may be comprised of non-contiguous tracts at least ten acres in size. Almost 1,555 acres in the Township are included in an ASA.

ASA's provide protection from nuisance ordinances and local ordinances that restrict farming practices and farm structures, unless the local municipality can clearly demonstrate a direct public purpose for the protection of the public health and safety. The ASA also restricts land condemnation procedures by state, county and local governments without approval by the State Agricultural Lands Condemnation Approval Board. The ASA program is voluntary and not permanent, with each ASA reviewed every seven years. Individual landowners are free to sell their property and it can be developed at any time. In other words, the ASA Program affords protection

Agricultural Security Area Criteria

- Noncontiguous farm parcels must be at least 10 acres in size. The farm tracts needed to create a new 250 acre or larger agricultural security area do not have to be under the same ownership or even be located in the same municipality. The Agricultural Security Area Law (Act 43 of 1981) allows for the creation of joint municipality agricultural security areas.
- The property should be viable agricultural land. Cropland, pasture, and woodland can all be included in an agricultural security area.
- At least 50% of the land should be in Soil Capability Classes I-IV, as defined by the county soil survey.
- The property must be zoned to permit agricultural uses.

Source: www.agriculture.state.pa.us

to agriculture, but is no real guarantee that the land will be preserved. Nevertheless, landowner participation in the ASA Program demonstrates an interest in continuing agricultural use of the land, and the Township will promote ASA's. (See the *Agricultural Securities Areas Sidebar*.)

Tax Incentives Clean & Green

Differential assessment laws enable counties to assess agricultural land and forest land at its agricultural and forest use value instead of its fair market value. The Act 319 *Clean and Green* Program (*The Farmland and Forest Land Assessment Act of 1974*) is the most widely used in the Commonwealth with hundreds of thousands of acres enrolled statewide. The legislative intent of Act 319 is to protect open land from development and insulate landowners from tax increases from rising property values. The amount of tax revenues lost from the land enrolled in the program must be shifted to the other taxpayers in the municipality to place the tax burden on those developed properties which generate the greatest demand for services.

Act 319 *Clean and Green* Program

- A ten-acre minimum parcel size or \$2,000 annual agricultural product sales is required.
- Development is precluded without penalty.
- If the landowner develops the property, the tax savings over the prior seven years must be paid in addition to a penalty of six percent.
- Three categories of land are eligible -
Agricultural Use - actively used for producing an agricultural commodity.
Agricultural Reserve - noncommercial open space land open to the public free of charge for recreational opportunities.
Forest Reserve - must contain trees capable of producing timber or wood products.
- Act 156 of 1998 amended Act 319 to allow a base acre, which may include a residence, farm building or other accessory building, to also qualify for the preferential assessment.

Clean and Green is most effective and finds more participation in areas that have been recently reassessed, whereby the fair market value greatly exceeds the agricultural use value of the land. The program is voluntary and generally requires a minimum of ten acres that will remain in the designated use (agricultural use, agricultural reserve, forest reserve), or \$2,000 in annual agricultural product sales. Land taken out of the designated use becomes subject to a roll-back tax, imposed for up to seven years plus six percent simple interest. Act 319 is administered by the County Assessment Office.

Agricultural Protection Zoning

The purpose of Agricultural Protection Zoning is to minimize land use conflicts in agricultural areas and to protect farmland and prime agricultural soils from development. To accomplish this, Agricultural Protection Zoning prohibits uses that are incompatible with agriculture and places strict limits on the amount of development permitted on land included in the agricultural protection zoning district. Thus, Agricultural Protection Zoning should promote uses that are compatible with agriculture, prevent division of farms into small parcels that are unsuited to farming, discourage development that consumes prime agricultural soil, minimize conflicts and adverse impacts on adjoining residential properties, and provide notice of the nuisances caused by farming in the area. At this time, Franklin Township does not wish to place special limits on the amount of development within its Agricultural zoning district. Rather, the Township wishes to use land use tools such as Conservation Subdivision Design and Transferable Development Rights as means to achieve agricultural land preservation while simultaneously protecting land value.

FUTURE PLANNING POLICIES

Future Land Use Plan

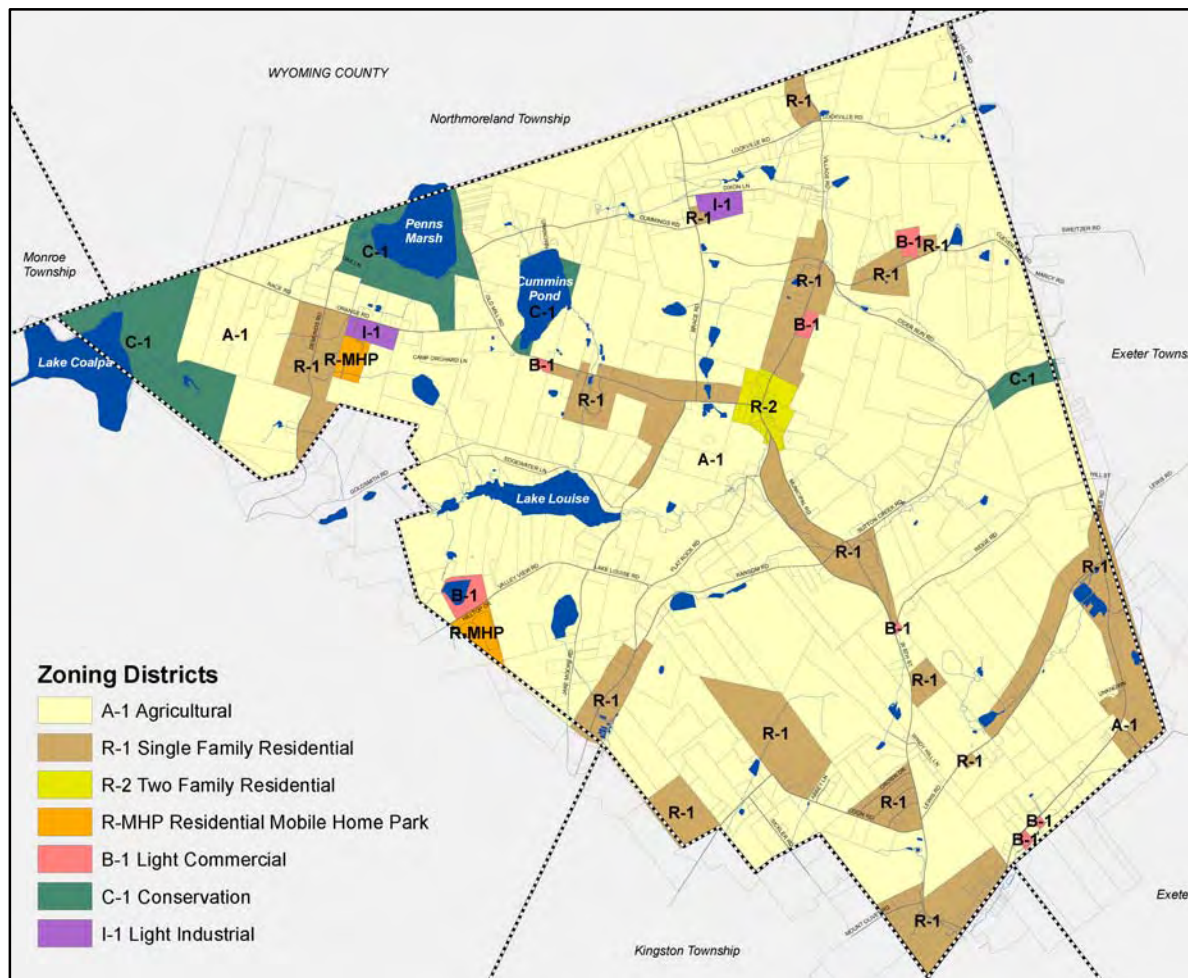
This Comprehensive Plan is intended to accommodate anticipated growth and provide for needed community facilities and services while preserving the Township's rural character, open space and natural resources. It addresses land conservation, sustainable residential development, opportunities for commercial and office development, and opportunities for recreation. The plan is also attentive to state law, which requires

municipalities to accommodate all categories of land use. It also provides for protection measures in critical natural resource areas and directs development away from these areas.

Based on this approach and all of the elements of this Comprehensive Plan, the Township Supervisors and Planning Commissioners recognize that the continued enforcement of the zoning ordinances and the subdivision and land development ordinances, continued planning by consulting, reviewing and updating this Comprehensive Plan, and periodically updating the ordinance to realize Plan goals and objectives and to address changing conditions, are the most critical actions required to manage the growth and development which is inevitable for the Township.

The existing zoning districts in the Township as delineated by the current zoning map are affirmed as the foundation for the future land use plan for the Township. The zoning districts include:

- | | |
|------------------------------------|----------------------|
| A-1 Agriculture | B-1 Light Commercial |
| R-1 Single Family Residential | C-1 Conservation |
| R-2 Two Family Residential | I-1 Light Industrial |
| R-MHP Residential Mobile Home Park | |



Residential Development

The MPC requires that the Township provide opportunities for all forms of housing, including single family detached, single family attached, two-family, multi-family, and mobile homes. The Township currently provides for single family detached and mobile homes, but it needs to make accommodations for single family attached, two-family, and multi-family residential development. It is policy of Franklin to provide for these forms of residential development in accordance with the MPC, and to use contemporary planning techniques such as conservation subdivision design, transferable development rights, and village design guidelines to achieve its growth management and preservation goals. Furthermore, the Township will permit no-impact home based business in all residential zoning districts in accord with the MPC.

Conservation Subdivision Design would be encouraged as a permitted use in the R-1 Zoning District with a residential density of one dwelling unit per two acres of net tract area and a 50% open space requirement. The open space can include natural, agricultural, historical, and scenic resources. Conventional residential development would remain either remain as it currently is, at a density of one unit per 2½ acres, or would be decreased. This provides a strong incentive for developers to use Conservation Subdivision Design (CSD) versus conventional development since they would secure a density bonus through CSD. It also protects the original landowner's property value and contributes to the Township's goal of protecting community character and valuable resources.

Two-family and multi-family residential development would also be permitted at appropriate densities with the appropriate wastewater treatment systems.

Agriculture-related businesses, such as farm stands and local produce markets, would also be permitted in the R-1 District as a means to sustain local farms.

Non-Residential Development

This *Comprehensive Plan* recognizes that commercial, manufacturing, and institutional uses are important to maintaining the economic and social health of Franklin Township. Given the anticipated demand for such uses over the short term, the Township will continue to provide for such uses with additional opportunities for small scale retail and office uses in the existing B-1 and I-1 Zoning Districts. Income generating opportunities for Township residents will also be provided by permitting no-impact home based businesses in all residential zoning districts, and home occupations as appropriate.

The Township will regularly assess the demand for additional non-residential uses as the population grows and will make accommodations as needed. Setbacks, screening and buffers standards should also be applied to non-residential uses to avoid potential conflicts with adjacent residential properties. Furthermore, any future expansion of areas devoted to non-residential development should consider road capacity, access, and availability of utilities.

Small scale commercial development in the form of cottage industry would be permitted in the A-1 Zoning District. Increased setbacks, limitations on the size of structures and number of employees, and other performance standards would be used to limit the scale and effects on neighboring properties.

Agriculture

Agricultural land accounts for 36% of the Township's land area and is a defining feature of the Township's character and scenic landscape. Protection of agricultural land is one of the Township's primary goals. In support of this goal, the Township encourages the

protection of farmland and prime agricultural soils through innovative zoning tools and voluntary action by landowners.

Most of the Township's agricultural land lies within the A-1 Zoning District where the use of innovative zoning tools such as Conservation Subdivision Design and Transferable Development Rights is recommended. These zoning tools can be used to protect agricultural lands by setting aside agricultural land in protected open space areas, and by transferring development rights from agricultural land to preclude development of the property or a portion of the property. Both techniques provide a financial incentive to the landowner. The A-1 Zoning District would also permit agriculture-related businesses, such as farm stands and local produce markets, in an effort provide an income source for farms.

Voluntary actions on the part of the landowner include enrollment in an Agricultural Security Area (ASA), placing land in a conservation easement or agricultural easement, and enrollment in Pennsylvania's Clean and Green Program. While the ASA and Clean and Green programs do not permanently protect land, participation in these programs signifies the landowner's commitment to the continuing agricultural use of the land and the benefits provided by these programs promote at least temporary protection of the land.

Forestry

This *Comprehensive Plan* recognizes the historical and continuing importance of forestry enterprises in the region. Landowners manage their forests for a variety of reasons including income from timber sales, wildlife habitat, recreation, water quality protection, bio-diversity, and timber for long-term investment. Improper harvesting and management practices often raise concerns among local residents and officials of adverse environmental impacts. It is critical for public acceptance of forestry, for environmental quality, and for the long-term viability of the industry and forest resources that logging professionals and individual landowners use best management practices when harvesting.

The Pennsylvania Municipalities Planning Code (MPC), at §603(c)(7), states that *zoning ordinances may not unreasonably restrict forestry activities* and goes on to require that in the Commonwealth, *forestry activities . . . shall be a permitted use by right in all zoning districts in every municipality*. Therefore, forestry activities will be permitted throughout Franklin Township provided such operations are conducted in accordance with sound forest management practices and environmental regulations.

Mineral Extraction (Including Natural Gas)

The Pennsylvania Municipalities Planning Code defines minerals as: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The MPC clearly recognizes mineral extraction as a lawful use, but severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. MPC §603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*, while MPC §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects,

and reclamation. In other words, municipal regulations are pre-empted by these state regulations.

This *Comprehensive Plan* recognizes the need to provide for *the reasonable development of minerals* and encourages such operations in appropriate locations in accordance with the MPC and state laws. Given the industrial nature and potential for adverse environmental impacts arising from mineral extracting operations, and consistent with its duty to protect the health, safety and welfare of its residents, Franklin Township discourages the placement of mineral extraction operations in residential areas and in populated areas. Any mineral extraction activities that occur in the Township will be regulated by the Township to the extent possible as determined by state law and case law.

Open Space

Why is the preservation of open land important for a community? The value of open lands extends beyond monetary worth. Residents know that these open lands, whether agriculture, forest land, hillside, ridge line or park, affect community livelihood, property values, and recreational opportunities. While the value may be difficult to quantify, we know open lands:

- *Provide agricultural (and forestry) jobs and sales.*
- *Boost property values for surrounding developed areas.*
- *Offer a scenic backdrop for a tourist economy.*
- *Form a link to a historic past.*
- *Offer recreation opportunities.*
- *Provide habitat for native plants and wild animals.*
- *Replenish groundwater and act as a filter to improve water quality.*
- *Enhance the quality of life of area residents.¹*

Open land and natural areas are key ingredients of the region's rural recreational landscape, and local and county officials must encourage the conservation of open land if this character is to be maintained. The Penn State College of Agricultural Sciences Cooperative Extension, in *Extension Circular 410 - Fiscal Impacts of Different Land Uses, The Pennsylvania Experience*, reports on a study conducted in three rural townships in Adams County, Lebanon County, and Perry County. (See the following *Cost of Community Services by Land Use Table*.) The study found that:

- *Land uses affect the size of the local government, the types of services it offers, the types of equipment it must purchase, and the taxes it must levy.*

¹ Santa Barbara County 2030: The Open Lands, p.2,
http://www.countyofsb.org/plandev/pdf/comp/programs/Newsletters/open_lands_newltr/value_all.pdf

- *Land use also affects the number of students in the local school district, the sizes and number of school buildings, the number of teachers, and the taxes and tax rates the school levies.*
- *The overall fiscal impact of a land use depends on both its (tax) revenue and its (municipal) expenditure impacts.*

Cost of Community Services by Land Use				
Township In:	\$ revenue collected : \$ spent on services			
	Resid	Comm	Indus	Open
South Central Townships				
Bethel Lebanon Co.	1 : 1.08	1 : 0.07	1 : 0.27	1 : 0.06
Carroll Perry Co.	1 : 1.03	1 : 0.06	—	1 : 0.02
Maiden Creek Berks Co.	1 : 1.28	1 : 0.11	1 : 0.06	1 : 0.04
Richmond Berks Co.	1 : 1.24	1 : 0.11	1 : 0.06	1 : 0.04
Straban Adams Co.	1 : 1.10	1 : 0.17	1 : 0.05	1 : 0.06
Philadelphia Area Townships				
Bedminster Bucks Co.	1 : 1.12	1 : 0.006	1 : 0.04	1 : 0.04
Buckingham Berks Co.	1 : 1.04	1 : 0.16	1 : 0.12	1 : 0.08
North Central Townships				
Bingham Potter Co.	1 : 1.56	1 : 0.26	1 : 0.15	1 : 0.15
Stewardson Potter Co.	1 : 2.11	1 : 0.37	--	1 : 0.15
Sweden Potter Co.	1 : 1.38	1 : 0.07	--	1 : 0.08
Western Township				
Allegheny Westmoreland Co.	1 : 1.06	1 : 0.15	1 : 0.14	1 : 0.13
Source: <i>Calculating a Cost of Community Services Ratio for Your Pennsylvania Community</i> , Pennsylvania State University, 1998				

- *Residential land, on average contributed less to the local municipality and school district than it required back in expenditures.*
- *Commercial, industrial, and farm- and open land contributed more to the local municipality and school district than they took, thus helping to subsidize the (service) needs of residential land.*
- *If growth must occur, commercial and industrial development has a potentially beneficial impact on the tax base as long as it does not dramatically raise the demand for services.*
- *When farmland is converted for residential purposes . . . the land will be converted from a net contributor to the municipality and school district into a net drain.*
- *Even with preferential assessments, farmland ends up subsidizing the educational costs of residential land and plays a positive economic role in the community.*

The Penn State data represents a cross section of communities in terms of level of development, from very rural townships in Potter County to highly developed townships in the Philadelphia area. The conclusion in all reported townships was consistent: ***The cost of services to residential development exceeds the amount of tax revenue generated.***

Some communities in southeastern Pennsylvania have found that the purchase of conservation easements to limit residential development is a more economical approach than providing facilities and services to new residents. The cost of schools is the most important factor when the amount of tax revenue generated from a single-family dwelling is compared to the cost of educating one student. Nevertheless, residential development has always been, and will continue to be,

and integral part of the character of Franklin Township. The important point of the Penn State study is not that residential development must be discouraged, but that there must be a balance between open land, residential development, and commercial development.

Franklin Township encourages the preservation of valuable open space resources through voluntary use of conservation easements, protection of agricultural and forest lands, and use of land use planning tools such as Conservation Subdivision Design and Transferable Development Rights.

Natural Resources

Development and environmental protection, as well as conserving open land and natural resources, need not be mutually exclusive. While a clean environment, abundant open land, and natural resources are key elements of the quality of life in Franklin Township, one must recognize that growth is inevitable and can contribute positively to a healthy community. The goal is to strike a balance between development and preserving the Township's natural resources. Development practices which recognize the importance of the local built and natural environment will ensure the continuation of the quality of life that residents enjoy and which is so attractive to new residents. Concurrently, land owners and developers will be able to provide the home sites and businesses that a growing population demands. The intent is to ensure *environmentally sensitive* development within the context of the existing zoning districts. Franklin Township supports the protection of its critical natural resources, achieved through open space preservation tools and through limits on the disturbance of these resources, including wetlands, surface and groundwater, floodplains, steep slopes, and hydric soils.

THE OFFICIAL MAP FOR OPEN SPACE AND PUBLIC FACILITIES

Article IV of the Pennsylvania Municipalities Planning Code grants the authority to municipalities to adopt an official which map shows the location of areas which the municipality has identified as necessary for Intersection improvements, future public streets, recreation areas, and other public grounds, or for open space. By showing the area on the official map, the municipality puts the property owner on notice that the property has been identified for future acquisition for a public facility or purpose or for open space. The municipality may refuse to issue a permit for any building or development on the designated parcel; however, the municipality has up to one year to purchase the property, or an easement in the case of open space, upon notice by the owner of intended development.

This little used land use management tool can be invaluable for minimizing the cost of public facilities and open space acquisition. The Township should consider the adoption of an official map as part of its long term planning for community facilities and open space preservation. By setting aside funds for the eventual fee purchase or easement acquisition of priority open land areas, municipal resources can be used to the best long term advantage, ensuring that open land preservation is a coordinated effort rather than uncoordinated reactions to unanticipated needs.

IMPLEMENTATION STRATEGIES

Zoning Ordinance Actions

- Amend the A-1 zoning district to include Conservation Subdivision Design as a permitted use at a density of one dwelling unit per two net acres with a 50% open

space requirement. Conventional development should remain at its current density or be reduced in order to provide an incentive for use of CSD. Also permit farm related businesses such as farm stands and markets.

- Amend the R-1 zoning district to permit single family attached, two-family, and multi-family residential development at appropriate densities, as well as small scale retail uses.
- Amend the R-2 zoning district to permit single family attached, two-family, and multi-family residential development at appropriate densities, as well as small scale retail and office uses. Include design guidelines to promote development that is compatible with the historic village character.
- Amend the Zoning Ordinance to include a Transferable Developments Rights article that designates properties in the A-1 Zoning District as Sending Areas, and properties in the R-1 and R-2 Zoning Districts as Receiving Areas. Provide appropriate density incentives for both Sending and Receiving Area landowners in order to encourage use of TDR.
- Amend the Zoning Ordinance to include forestry as a permitted use in all districts and include language to encourage the use of best management practices for forestry operations.
- Amend the zoning ordinance to include no-impact home businesses as a permitted use in all residential zoning districts, home occupations as a conditional use in all districts, and cottage industries as a conditional use in the A-1 District.
- Amend the Zoning Ordinance to include mineral extraction as a conditional use in the A-1 zoning district with restrictions as permitted by state law and case law.
- Include a Lot Area definition in the Zoning Ordinance that deducts a proportion of land occupied by critical natural features, such as steep slopes, wetlands, hydric soils, floodplains, and riparian buffers.

SALDO Actions

- Amend the SALDO to include the design process for Conservation Subdivision Design.

Voluntary Actions

- Conduct an outreach program to contact owners of potential open space preservation lands and educate them on the various preservation tools and the benefits (financial and resource protection benefits) of employing those tools.
- Contact the various land trusts and conservation organizations in the region to get assistance with outreach and education efforts. If a landowner wishes, facilitate communications between the landowner and land trust.
- Encourage landowner participation in the *Clean and Green* program, Agricultural Security Areas, and the Luzerne County Farmland Preservation Program.