

Frequently Asked Questions About Open Space Preservation

What is “open space”?

Open space refers to natural, predominantly undeveloped areas that may include wildlife habitat, stream valleys, working farmland, active and passive recreation lands, and the scenic vistas that give our Township its tranquil character.

Why protect open space?

Townships desirable for their abundant natural beauty are naturally a target for developers, but such development comes at a high cost for residents in the form of traffic congestion, pollution, and diminished scenery. Protecting open space protects our quality of life, keeps our land values high, avoids more traffic on our roads, prevents light and sound pollution from development, conserves our underground water resources that provide water to our homes, protects our clean streams, and maintains the beautiful rural character of the township.

How does West Pikeland fund open space initiatives?

West Pikeland voters approved a referendum in 2007 to institute a ¼% tax on earned income to provide a sustainable source of funds to use exclusively for preserving open space. This tax also makes it possible to obtain state, county and Federal grants for open space preservation.

How much does the open space program cost West Pikeland taxpayers?

The ¼% tax is on *earned income only*, an approach with typically little or no impact on fixed-income or retired residents. The tax costs a household with an income of \$100,000 about \$250 per year, or \$0.68 cents per day, less than a cup of coffee. This revenue will fund an approximately \$8,000,000 bond (at current interest rates) to be used exclusively for the preservation of open space.

Why was it so important to approve the referendum?

With each year, more open space is irrevocably lost to development. Development inevitably leads to more people and higher taxes to pay for schools and services. Within West Pikeland, there are currently 139 parcels representing 2,163 acres of land vulnerable to development; nothing in the current zoning can prevent it. There are landowners who are currently willing to discuss preservation who may not be able to preserve the land without financial assistance, and West Pikeland cannot get matching funds from the state if it does not have an open space preservation fund. The time is now to protect what open space remains in our scenic township.

Have other townships implemented similar open space programs?

Yes! Over half of the municipalities in Chester County have approved open space tax referendums for their townships.

Why couldn't West Pikeland use the taxes we already collect for open space initiatives?

Although the Township has used income tax revenues in the past to fund open space initiatives, it cannot meet the current (or future) demands for open space funding with the existing tax structure.

Can the money raised from the open space tax be used to build ball fields or buildings?

No, the law requires that the money be used exclusively for open space initiatives. However, it's important to note that if open space is lost to developers, it will not be possible to build new ball fields in the future.

Who decides how open space preservation funds are spent?

Under Pennsylvania law and current township code, West Pikeland's Township Supervisors make the final decisions on which open space initiatives will be funded, with the following caveats: (1) The Township is required by Pennsylvania Act 153 to use funds designated for open space preservation ONLY for open space initiatives; and (2) the West Pikeland Land Trust advises the Supervisors and recommends use of the funds for specific open space purchases based on a screening process.

What are the screening criteria used for property selection?

The West Pikeland Land Trust, through its Open Space Advisory subcommittee, has developed a careful screening process for the Township to use to evaluate and prioritize properties. The screening is based on a broad range of considerations, including:

- Size of the protected part of the parcel
- Location, such as adjacency to protected land, existing parks or wildlife areas
- Special qualities, such as significant ecosystem or wildlife habitat or watershed benefits
- Current vulnerability to development
- Suitability for passive or active recreation or trails
- Scenic views, especially in highly visible locations
- Costs to finalize transaction

What are the legal restrictions on the use of the open space funds?

The legal requirements of Pennsylvania Act 153 that the Township MUST follow include:

1. Money may be used only for open space – Funds may only be used to acquire property for open space uses, including conservation and protection of water resources, farmlands, and forests, as well as natural, historic, and scenic resources, and to protect existing or planned parks and preserves.
2. The property must be designated for open space uses – No property or interest can be acquired unless the property has been designated for open space uses in a resource, recreation or land use plan approved by the county planning commission and adopted by the Township Supervisors.
3. There must be a selection process in place – No property or interest can be acquired unless the Township has by ordinance or resolution established procedures for reviewing open space property and for rating the relative desirability of particular parcels.
4. Residents must have an opportunity to participate in the decision – No property or interest can be acquired until a public hearing is held.
5. Purchases must be free of coercion – The Township may NOT exercise the power of eminent domain in carrying out the provisions of Act 153.

Can the money from the open space preservation fund be used for anything else?

Money from the open space fund may be used to cover transactional expenses incurred in association with purchase of conservation easements or open space property, such as appraisals, surveys, title insurance, legal fees, etc.

For more information, please contact West Pikeland Land Trust at info@wplandtrust.org.

What “interests in land” does the township envision purchasing?

While it is possible the Township may decide to purchase a particularly desirable piece of property, the best use of these funds will be the purchase of preservation agreements, development rights, or conservation easements from private landowners. In these situations, the land is protected from development while it continues to be privately maintained and on the real estate tax rolls. This will protect our natural resources and scenic vistas while minimizing further Township investments.

What are “preservation agreements”, “development rights” and “conservation easements”?

Although there are slight legal differences in the structure of the agreements, the result in all three cases is essentially the same: Private landowners are compensated for voluntarily agreeing to forever give up the right to subdivide and develop their properties. The compensation is based upon an appraisal prepared by a state-certified real estate appraiser.

How was the Open Space Preservation Referendum worded?

The referendum question that West Pikeland voters approved read as follows:

Do you favor the imposition of a tax on the earned income of Township residents at the rate of one quarter of one percent (0.0025) by the Township of West Pikeland to be used to purchase land or interests in land, including easements and transferable development rights, for protection, preservation and conservation of open space, open space uses, farmland and historic sites?