

**TOWNSHIP OF SILVER SPRING
Cumberland County, Pennsylvania**

RESOLUTION 2014-12

**A RESOLUTION ESTABLISHING THE SILVER SPRING TOWNSHIP
LAND PRESERVATION REVIEW BOARD**

WHEREAS, a referendum was approved in the November 2013 general election which authorizes the Township of Silver Spring (the "Township") to levy a tax on earned income at the rate of one tenth of one percent (1/10 of 1%) (.001) for the purpose of retiring indebtedness incurred in purchasing interests in real property and for making additional acquisitions of real property for the purpose of land preservation, pursuant to the Open Space Lands Act, Act 153 of 1996, as amended ("Act 153"); and

WHEREAS, Act 153 requires that requires that local government units establish procedures to review, rate and value open space interests as to their relative desirability; and

WHEREAS, the Township desires to create the Land Preservation Review Board to assist the Township in reviewing, rating and valuing open space interests as to their relative desirability, among other things.

**NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY
RESOLVED** by the Board of Supervisors of the Township of Silver Spring as follows:

LAND PRESERVATION REVIEW BOARD

Section 1. Establishment of Membership.

There is hereby created the Silver Spring Township Land Preservation Review Board, which shall consist of seven members appointed by the Board of Supervisors of Silver Spring Township.

Section 2. Terms.

A. The term of membership shall be three years, except as originally established herein.

B. The initial members of the Land Preservation Review Board shall be appointed to terms of office as follows: two members for a term to expire December 31, 2015; three members for a term to expire December 31, 2016; two members for a term to expire December 31, 2017.

Section 3. Vacancies.

The Board of Supervisors shall fill vacancies in the term of membership for the unexpired term.

Section 4. Officers.

A. The Chairperson of the Land Preservation Review Board shall be appointed by the Board of Supervisors until such time as the Land Preservation Review Board members, by majority vote, elect their own Chairperson, and all other necessary officers, including a Secretary. All officers shall be elected for a period of one year, that period of office to be coterminous with the calendar year.

B. The Secretary shall keep minutes of all meetings of the Land Preservation Review Board and make a copy of those minutes available to the Board of Supervisors by providing a copy to the Township Secretary.

Section 5. Rules and regulations; meetings.

The Land Preservation Review Board shall adopt rules and regulations for the conduct of its own meetings and business. Said rules and regulations shall comply with all applicable statutory regulations, including but not limited to the Sunshine Act. The Land Preservation Review Board shall establish regular meeting dates and criteria for the calling of special meetings.

Section 6. Compensation and reimbursement of expenses.

All members of the Board shall serve without compensation, but may be reimbursed for necessary and reasonable expenses as approved by the Board of Supervisors.

Section 7. Responsibilities.

The Land Preservation Review Board shall have the following powers and responsibilities:

A. To identify, review, evaluate and rate the relative desirability of interests; establish the price the township will pay for particular parcels; and submit recommendations to the Board of Supervisors for its consideration to acquire such interests in the real property.

B. To recommend to the Board of Supervisors procedures for:

- (1) Reviewing open space property interests;
- (2) Rating the relative desirability of interests in particular parcels of real property; and
- (3) Establishing the price the township will pay for acquisition of real property interests.

Section 8. Reports and recommendations.

The Land Preservation Review Board shall submit the following information and reports to the Board of Supervisors unless otherwise indicated herein:

A. An annual report to the Board of Supervisors not later than February 28 following the year for which the report applies, and said report to include a summary of the activities of the Land Preservation Review Board with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public objectives to be met.

B. Prepare and submit recommendations to the Board of Supervisors regarding the following:

- (1) Type of real property farmland and other viable open space interest to be acquired (conservation easement, fee simple, other).
- (2) Type of use of real property (open space) to be considered (passive, active, public access, public view, other).
- (3) Management, covenants and restrictions to be considered.
- (4) Establishment of a program to purchase open space property interests on an installment or other deferred basis.

C. Review proposed ordinance provisions that relate to the protection, preservation and management of open space in the township.

D. Coordinate with other Township boards and committees at the discretion of the Land Preservation Review Board for effective program implementation.

Section 9. Review, rating and valuation of open space property interests.

Act 153 requires that local government units establish procedures to review, rate and value open space interests as to their relative desirability. While the Board is authorized to establish such procedures, the following shall be reviewed and incorporated by the Land Preservation Review Board into its procedures and/or recommendations:

A. Township Comprehensive Plan, Open Space and Parks and Recreation Plan; other township plans and studies related to land use and planning for the township; and the Cumberland County Comprehensive Land Use Plan and each as may be amended from time to time.

B. Orderly engagement and use of qualified professional independent appraisers.

C. Recordation of each interest in real property acquired by the township at the Cumberland County Office of Recorder of Deeds.

D. Maintenance of records to be filed in the Township Building of the interests in real property which have been reviewed and acquired by the township.

E. Submit to the Cumberland Valley School District, in compliance with Act 153, a copy of the deed reflecting the open space property interests acquired and certified by the Cumberland County Recorder of Deeds.

F. Exercise of the power of eminent domain in carrying out the provisions of the Act, through this chapter, is not permitted.

G. Compliance with the Act regarding the termination or sale of open space property interests acquired under the Act, through this chapter.

H. Compliance with all other provisions of PA Act 153 of 1996, as amended.

Section 10. Open Space Selection Guidelines.

The LPRB shall use the following criteria to guide it through the open space selection process. Because every parcel of land has different environmental opportunities and every landowner has different financial constraints the criteria are intended to give the LPRB a list of attributes the Township desires rather than to represent a precise ranking or scoring system. It is envisioned that these guidelines will be evaluated on an ongoing basis and revised as the needs of the Township change over time. The Township's Conceptual Open Space Network map will be used as a complement to these guidelines.

Physical Features. The degree to which the parcel under consideration:

1. Contains significant agricultural soils (Prime or of State Importance);
2. Is in agricultural production (greater than 50% of the land);
3. Protects water quality;
4. Is adjacent to a Township water body;
5. Contains significant woodlands;
6. Is adjacent to, will connect to, or link other protected parcels, including the Appalachian Trail;
7. Contributes to a scenic viewshed;
8. Conserves a documented biodiversity site;
9. Expands recreational uses;
10. Implements Township Comprehensive Plan goals;
11. Is consistent with County and State planning documents;
12. Is of documented historic or cultural significance
13. Is of adequate size, at least ten acres;

Financial Features. The degree to which the parcel under consideration:

1. Is owned by person(s) having a desire to preserve;

2. Can be acquired under a scenario that leverages Township funding with County, State, or other funds;
3. Is owned by person(s) willing to donate some or all of the easement value;
4. The Township portion of costs falls within the Township's available funding;
5. Has positive logistical issues which influence the ability to preserve the site in a timely manner.

ADOPTED as Resolution 2014-12 this 16th day of July, 2014.

ATTEST:

**BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING**

Theresa Eberly
Secretary

By: Ng T. Dippi
Chairman