



Lehigh Valley Planning Commission

STEVEN GLICKMAN
Chair

CHRISTOPHER AMATO
Vice Chair

KEVIN SCHMIDT
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

ENVIRONMENT COMMITTEE MEETING
Wednesday, January 25th, 2023, at 12:00 pm
AGENDA

THE MEETING CAN BE ACCESSED AT <https://tinyurl.com/LVPC2023> OR VIA PHONE 610-477-5793 Conf ID: 661 345 854#.

Roll Call

Presentation:

1. *INFORMATION ITEM*: County Farmland Preservation Programs (LC, NC)

Committee Business:

2. *ACTION ITEM*: Pen Argyl Borough – Stormwater Ordinance Update (GR, DK)
3. *ACTION ITEM*: Delaware River Basin Commission Review – Application to Renew Approval of Existing Wastewater Treatment Plant – Northampton Borough (SR)
4. *ACTION ITEM*: Delaware River Basin Commission Review – Application to Renew Approval of Existing Wastewater Treatment Plant – Nazareth Borough Municipal Authority (SR)
5. *ACTION ITEM*: North Whitehall Township Comprehensive Parks, Recreation & Open Space Plan (TM)
6. *INFORMATION ITEM*: Regional Greenhouse Gas Assessment and Climate Action Plan Update (JB)

Next Environment Planning Committee Meeting:
February 22, 2023 at 12:00 pm

Agricultural Security Areas

Agricultural Security Areas

Farmland owners, in cooperation with local governments, can establish agricultural security areas (ASAs) in places where agriculture is the primary land use.

Participating farms and landowners benefit from local & state programs and policies that help to protect farmland and maintain the viability of agricultural businesses. The ASA program was started in 1981 with the passage of Act 43.



Eligibility Requirements

At least 250 acres of farmland are needed (collectively) to form an agricultural security area. ASAs are usually composed of multiple tracts of farmland owned by multiple owners. ASAs can be created jointly by more than one municipality.

To be eligible, farm properties must:

1. Be at least 10 acres in size if noncontiguous to other properties that are in or proposed for inclusion in an ASA.
2. Be viable agricultural land. Cropland, pasture and woodland can all be included in an ASA.
3. Have at least 50% of the land in Soil Capability Classes I-IV (as mapped & defined by the Natural Resources Conservation Service).
4. Be located in a zoning district that permits agricultural uses.

Agricultural Security Area Benefits

There are three important landowner benefits for having farmland included in an agricultural security area.

1. Landowners who have their farmland enrolled in an ASA of at least 500 acres are eligible to apply to preserve their farms by selling agricultural conservation easements to the Commonwealth and/or Lehigh County.
2. Local governments are not permitted to enact laws or nuisance ordinances that will unreasonably restrict farm structures and farm practices within their ASAs.
3. It is more difficult for local and state governments to take land in ASAs by eminent domain for schools, parks, highways and other public uses.

Unless a landowner has chosen to preserve their farm with an agricultural conservation easement, an ASA does not add any restrictions to the use of a property.

Adding Your Land to an ASA

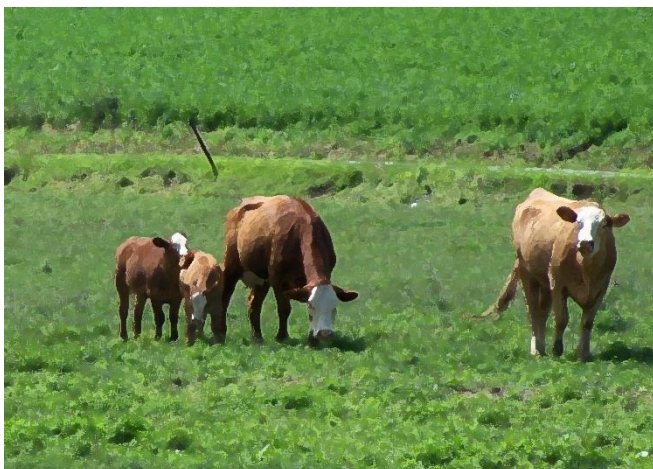
1. Complete and submit an ASA proposal form to your township office. The proposal must include your printed name, signature, address, tax parcel identification number and acreage of each parcel. ASA proposal forms are available at the Lehigh County Farmland Preservation Office.

The proposal form should be submitted to your township by certified mail return receipt. If hand delivered, ask for a receipt that includes the date of your submission.

2. If your proposal includes land in more than one township, the proposal form must be submitted to each township where your land is located.

3. The township supervisors should acknowledge receipt of your proposal at their next meeting, publish a notice in the newspaper and post five notices on and near your property stating that your proposal has been received.

4. For 15 days after publishing the notice, the supervisors and the township planning commission may receive other proposals for the modification of the ASA.



5. The township supervisors, at the expiration of the 15 day modification period, send your ASA proposal to the township planning commission and the township agricultural security area advisory committee for review. The ASA advisory committee is made up of 3 farmers, 1 non farmer and 1 supervisor. Each group has up to 45 days to review and comment as to whether or not your land should be added to the ASA.

6. After receiving comments from the planning commission and ASA advisory committee, the supervisors hold an advertised public hearing on your proposed addition to the ASA.

7. Following the public hearing, the supervisors may act to approve or deny the addition of your land to the ASA.

8. The supervisors must make a decision within 180 days of the date you submit your proposal form. If the supervisors fail to act within 180 days, your land is automatically added to the ASA without modification.

9. Within 10 days of the addition to an ASA, a description of the added land must be filed in the Lehigh County Recorder of Deeds' Office and the PA Department of Agriculture should be notified.

10. An ASA should be reviewed by the township every 7 years. Land can be removed from an ASA at the end of the 7 year review process.

For More Information:

Lehigh County Farmland Preservation Program
4234 Dorney Park Road Suite 2
Allentown, PA 18104
Diane Matthews-Gehring, Director
Phone:
610-336-5680
Website: www.lehighcounty.org. Agricultural
Land Preservation Department

Lehigh County Agricultural Conservation Easement Program

What is an Agricultural Conservation Easement?

An agricultural conservation easement is a legal restriction on land development that limits all future uses of the land to agriculture. Qualifying farmland owners can apply to sell perpetual conservation easements to the Commonwealth of Pennsylvania, Lehigh County and to local municipalities.



Minimum Eligibility Requirements

The State Agricultural Land Preservation Board has established minimum criteria for properties to be eligible to be considered for conservation easement purchase.

Farmland tracts must:

1. Be located in an agricultural security area consisting of 500 acres or more.
2. Be contiguous acreage of at least 35 acres or be at least 10 acres and adjoin a property that is preserved with a perpetual conservation easement.
3. Have at least 50% of the soils which are available for agricultural production and are of capability classes I-IV, as defined by the USDA - Natural Resources Conservation Service.
4. Contain the greater of 50% or 10 acres of harvested cropland, pasture and grazing land.

Farms that do not qualify for state funding may qualify for 100% Lehigh County funding.

The Farmland Preservation Process

1. Applications are submitted to the Lehigh County Farmland Preservation Program by **July 1st**.

2. Farms are ranked with a land evaluation and site assessment (LESA). The ranking system considers the following:

Soil Quality - 40% of score
Development Potential - 10%
Farmland Potential - 25%
Clustering Potential - 25%

3. The highest ranked applications will receive an offer to have their properties appraised. Appraisals are required to determine the value of the conservation easement.

The value of a conservation easement is the difference between the fair market value of the farm (before value) and the value of the farm after it has been preserved (after value).

4. Applicants who have been selected for appraisal pay a \$500.00, non-refundable, easement processing fee.

5. A price per acre offer is made to the applicant based on the appraisal. Applicants have a right to obtain a second appraisal at their own expense.

6. A boundary survey is conducted if necessary.

7. An agreement of sale is prepared and signed.

8. A conservation plan may need to be prepared or updated.

9. Proposed conservation easements are presented to the county and state farmland preservation boards for approval.

10. At settlement, landowners receive their compensation and the deed of agricultural conservation is signed.

The entire preservation process, from the time of application to the time of settlement, can take 18 to 24 months.



Agricultural Conservation Easement Deed Provisions

- The conservation easement term is perpetual.
- All normal agricultural uses are permitted, including crop and livestock production and the construction of buildings for the storage, processing and marketing of products produced on the farm.
- Commercial, industrial, institutional, recreational and residential development is prohibited, unless specifically permitted in the deed of easement.
- Farm-related development (barns, sheds, greenhouses, livestock housing, etc.) is permitted as long as the total area covered with buildings is no more than 10% of the total easement area.
- Only one additional residence can be built on the farm for housing the landowner, an immediate family member or farm employees.
- All agricultural production must be conducted in accordance with an approved conservation plan.
- The Farmland Preservation Office inspects preserved farms every other year to ensure that no violations have occurred.
- If the easement property is sold, the conservation easement restrictions must be included verbatim in the transfer deed.
- The conservation easement does not give the public access to the property.

For More Information:

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Allentown, PA 18104
Phone: 610-336-5680
Diane Matthews-Gehring, Director
Dianemattthews-gehringer@Lehighcounty.org
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January XX, 2023

Ms. Robin Zmoda, Manager
Pen Argyl Borough
11 North Robinson Avenue
Pen Argyl, Pennsylvania 18072

Re: Pen Argyl Borough Stormwater Ordinance Update

Dear Ms. Zmoda:

The Lehigh Valley Planning Commission (LVPC), at its regular monthly meeting on January 26, 2023, reviewed the above-referenced ordinance. We offer the following comments.

The proposed ordinance uses several terms that, in context, appear to mean the same as the Stormwater Management Site Plan. This is a defined term in the proposed ordinance and likely should be used in each instance. A similar defined term is a Drainage Plan. Other terms used include storm drainage plan (Section 93-19 E (21)), Stormwater Drainage Plan (Section 93-20 C (10)), site drainage plan (Section 93-30 B (1)), stormwater management plan (Section 93-40 C) (also a defined term but appears to be incorrectly used in section), and swm plan (Section 93-40 E). Section 93-8 C should also refer to managing stormwater quality as well as managing rate, volume and direction.

Under the proposed ordinance, Section 93-30 G, a Stormwater Management Site Plan would not need to be created for any regulated activity that will result in a cumulative earth disturbance less than one acre. Other than the general standard referred to above in Section 93-8 C, it does not seem clear what submission and review requirements apply to smaller regulated activities.

Ordinance Section 93-22 B (9) may have the effect of encouraging green infrastructure and low impact development practices. The Borough could further consider specific standards for green infrastructure and water balance as incorporated in the Monocacy Creek Act 167 Plan (2018).

Ordinance Section 93.20 should include "Wetlands, closed depressions, sinkholes and areas of natural vegetation to be preserved".

Ms. Robin Zmoda
Pen Argyl Borough
January XX, 2023
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Please call if you have any questions regarding these comments.

Sincerely,

Geoffrey A. Reese, PE
Master Planner and Engineer

Denjam Khadka
Senior Civil/Environmental Engineer



Project Review Summary Sheet

Environment Committee

Date: January 2023

Project	Municipality	Brief Statement of Purpose	LVPC Comment
<p>Application to Renew Approval of Existing Wastewater Treatment Plant and Discharge (DRBC Review)</p>	<p>Northampton Borough</p>	<p>Application by Northampton Borough to renew approval of existing 1.5 million gallon per day (mgd) wastewater treatment plant and discharge. The average flow to the plant is 0.95 mgd. No expansion or modification to the plant is proposed.</p>	<p>Aligns with the <i>FutureLV</i> action to: 'Protect the quality and quantity of surface water and groundwater' (under Policy 3.2). Per DRBC, no substantial adverse impacts are anticipated with continued operation.</p>
<p>Application to Renew Approval of Existing Wastewater Treatment Plant/ Discharge and Modification (DRBC Review)</p>	<p>Lower Nazareth Township</p>	<p>Application by Nazareth Borough Municipal Authority to renew approval of existing 1.6 million gallon per day wastewater treatment plant and discharge. The average flow to the plant is 1.18 mgd. Modification of the disinfection system from chlorine disinfection to ultraviolet disinfection is proposed. No expansion of the plant is proposed.</p>	<p>Aligns with <i>FutureLV</i> action to: 'Protect the quality and quantity of surface water and groundwater' (under Policy 3.2) and 'improve the utility and mobility infrastructure of the region' (under Policy 1.1). Per DRBC, no substantial adverse impacts are anticipated with continued operation.</p>



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Planning for the Future of Lehigh and Northampton Counties at 961 Marcon Blvd., Ste 310, Allentown, PA 18109 ■ (610) 264-4544 ■ lvpc@lvpc.org ■ www.lvpc.org

January XX, 2023

Ms. Kayla Mack
Recreation & Communications Coordinator
North Whitehall Township
3256 Levans Road
Coplay, PA 18037

RE: North Whitehall Township Comprehensive Parks, Recreation & Open Space Plan

Dear Ms. Mack:

The Lehigh Valley Planning Commission (LVPC) considered the subject plan at its Environment Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Both meetings were virtual, and occurred on:

- LVPC Environment Committee Meeting
 - January 25, 2023, at 12:00 PM
 - <https://lvpc.org/meetings.html>
- LVPC Full Commission Meeting
 - January 26, 2023, at 7:00 PM
 - <https://lvpc.org/meetings.html>

The Draft North Whitehall Township Comprehensive Parks, Recreation & Open Space Plan is an update to the Township’s *Joint Comprehensive Parks, Recreation and Open Space Plan* adopted in 2009. This previous plan included the participation of South Whitehall Township, but the current update covers only North Whitehall Township. The Plan’s goals and objectives reflect current concerns, needs and requirements of recreation within the Township, addressing such topics as recreation opportunities analysis, climate resiliency, recreation needs of residents, improving connections, and structure of the recreation department and board (*FutureLV: The Regional Plan*, of Policy 3.1 ‘Preserve the natural, recreational, cultural, historical and scenic assets’ and of Policy 5.3 ‘Improve access to green space’) Based upon our review, we offer the following comments:

The LVPC commends the Township on updating their Plan to address the needs in their parks, recreation and open space system to be equitable and accessible for all residents (*Livable Landscapes*, Goal 2). Additional commendations for the following aspects of the Plan include:

- Extensive National Recreation and Park Association Metric comparisons related to service areas, residents per park, acres per 1,000 residents, average population per facility, community center per population, staffing, programming, finances and also obtaining input from residents through surveys to determine future park and recreational facility needs. (*Lehigh County Livable Landscapes*, Outdoor Recreation Acreage Guidelines and Action Plan)
- In-depth evaluation of the Township’s seven parks providing concept plans and cost estimates.
- Promoting safe community connection, discussing destinations to connect and using the existing roadway system, riparian areas, villages and new developments (*Lehigh County Livable Landscapes*, Goal 2; *Walk/RollLV An Active Transportation Plan*, Pedestrian Area Strategies and the Visionary Bicycle Network).
- Developing and maintaining partnerships to share facilities and recreational programming (*Lehigh County Livable Landscapes*, Goal 6).

- Accessing public school and Lehigh Carbon Community College recreation facilities during non-school hours (*Lehigh County Livable Landscapes*, Goal 2)
- Evaluating playground safety, ADA accessibility and promoting universal/inclusive design standards. (*Lehigh County Livable Landscapes*, of Goal 2)
- Advocating riparian buffers to protect water quality and identifying the related Township and state protections that are in effect (*FutureLV: The Regional Plan*, of Policy 3.2 'Protect the quality and quantity of surface water and groundwater' and *Lehigh County Livable Landscapes*, Goal 1).

The LVPC recommends the following:

- The step to require developers to provide safe connections of multi-use trails through new developments (V Goal, Action Item 3) should have wording added to include sidewalks and bikeways and to connect to adjacent existing trails and sidewalks (*FutureLV: The Regional Plan*, of Policy 5.3 'Strengthen sidewalk, bike route and trail infrastructure;' *Lehigh County Livable Landscapes*, Goal 2).
- Creating and maintaining riparian buffers should also be applied to other surface waters other than streams, such as wetlands, lakes and ponds (*Lehigh County Livable Landscapes*, Goal 1).
- Add to the list of techniques for 7. Protecting Open Spaces (page D27), the dedication of land or fee-in-lieu by developers (*Lehigh County Livable Landscapes*, Goal 1).

The LVPC suggests the following:

- Expanding the Natural Features text to include elements other than geology and Natural Heritage Inventory sites, such as woodlands, wetlands, hydrology, floodplains, and steep slopes with a definition. Additionally, add these layers to the Natural Features map (similar to the Natural Features Map in the Township's Comprehensive Plan update), which will assist in guiding future preservation efforts by the Farmland and Open Space Committee and to develop the Open Space Action Plan.
- On the Recreation and Conservation Land Map, consider identifying additional Potential Recreation Land in areas not covered by service area circles, as referenced in the text (e.g., the north-central area where "new housing developments" are planned).
- Add an Action Step in the Implementation section to complete an Open Space Action Plan as stated in the text.

Mapping Notes:

- On the Natural Features map, the Lands of Environmental Significance (Natural Heritage Inventory), Rockdale Cliffs is not in the legend and is in the wrong location and misnumbered on the map.
- On the Recreation and Conservation Land map, the golden-brown lines on the map are not in the legend. These lines appear to be proposed connections as discussed in the text.
- Symbolizing open trails differently than proposed trails may help with future trail planning efforts.

The LVPC is supportive of the Township as it looks to implement its updated Comprehensive Parks, Recreation & Open Space Plan and is available as a resource if Township staff would like to discuss plan revisions or implementation strategies.

If you have any questions regarding the content of this letter, please do not hesitate to call.

Sincerely,

Teresa Mackey
Senior Environmental Planner