

CHAPTER X – FUTURE LAND USE

G. LAND PRESERVATION THROUGH ZONING (2021 UPDATE)

The 2006 Warrington Township Official Comprehensive Plan included a brief analysis of prime farmlands that contains two opposing statements: “Prime farm soils and soils of Statewide importance should be protected from conversion to other uses through appropriate planning and zoning” and “the Township believes that the remaining farmlands do not offer sufficient mass to warrant effective agricultural zoning that would severely limit rural residential development.” Fifteen years later, attitudes have changed, and the Township is now undertaking a second look at this land use planning position. As the 2006 Plan noted, approximately two-thirds of the Township’s soil resources – more than 16,000 acres - are categorized as either prime agricultural soils of either Class I or II or as soils of Statewide importance (Class III). A recent map analysis by the York County Planning Commission shows in great clarity, the wide distribution and abundance of these soils throughout the Township and especially within the Rural Agricultural (RA) zone. It is evident there was a clear effort on the Township’s part to draw its current zoning map boundaries, particularly those separating the RA zone and the Conservation (C) zone, based on the location of these soils. (See Plates 1 and 2 attached)

The significance of agriculture to the Township and its importance to its residents can be assessed via an examination of property participation in three farm-related programs: the County Clean and Green program, the Township’s Agricultural Security Area, and the placement of land within a conservation easement through either the County Agricultural Conservation Easement program or similar programs operated by various private, non-profit organizations.

Plate 3 attached hereto identifies properties currently participating in York County’s Clean and Green Program. The program was established as part of the 1974 Farmland and Forest Land Assessment Act. It encourages land preservation by taxation according to land use rather than market value. In return for reduced tax rates, owners sign restrictive covenants agreeing to continue to use the land as is and dramatically limit any development during their participation. To qualify for the program, applicants must demonstrate varying degrees of – among other factors - use, agricultural commodity production, acreage, anticipated annual gross income from production, public availability for recreation/scenic beauty, and/or annual tree growth. Minor subdivisions are permitted for participants including one 2-acre residential lot annually but totaling no greater than 10% of the tract area or 10 acres, whichever is less. Participants may leave the program; however, to discourage such exits, upon removal the affected property is subject to roll-back taxes of up to seven years plus interest. As Plate 3 illustrates, Clean and Green program participation is high in Warrington Township and widespread throughout its boundaries, regardless of municipal zoning designations. This demonstrates the importance of the Program to the people and to the ongoing economic sustainability of the farming industry. It is also an indicator of the continued production potential of Warrington Township’s valuable agricultural resources.

Plate 4 attached hereto identifies the current boundaries of the Township's Agricultural Security Area (ASA). This a voluntary participation program with no attached development restrictions, which originates from Pennsylvania Act 43, also known as the "Agricultural Security Area Law." Local municipalities may establish an ASA with 250 acres or more, owned by one or more persons, of lands used for the production of crops, livestock and livestock products. ASAs are to be reviewed every seven years by the municipality's ASA advisory committee. While participation in the ASA doesn't protect land from being developed, it provides other protections which are attractive to the farming industry. ASA participation prevents local government from imposing regulations that unreasonably restrict farm operations and farm structures. It also protects farm operations from public nuisance complaints and limits the ability of government to condemn land for projects. From an environmental standpoint, it also prohibits the siting of hazardous waste treatment or storage facilities. Participation in the ASA is a prerequisite for any property applying to the County's Agricultural Conservation Easement program. The 2006 Comprehensive Plan identified 98 ASA participating parcels totaling 5,410 acres. Warrington Township staff have confirmed that these numbers were not accurate and the correct figures for 2021 are 77 parcels with a total of 4,007 acres (or 17% of the Township's total land area). The ASA program is a greater indicator of long-term commitment to agriculture than the Clean and Green program as the benefits extend beyond simple economics.

Conservation easements currently established in Warrington Township are illustrated on the attached Plate 5. Easements are currently available for purchase or donation in York County through the County's Agricultural Easement Program, overseen by the County's Agricultural Land Preservation Board, or through private non-profit organizations such as the Farm & Natural Lands Trust of York County, the North American Land Trust, and the Heritage Conservancy. The process to secure a conservation easement for a property, especially when the applicant is seeking a purchase rather than a donation, can be competitive involving ranking, reviewing, and scoring for factors such as soils classification, land productivity, likelihood of conversion to non-agricultural use, pre-existing development restrictions, rural location, and demonstration of best management practices. To date, 14 Warrington Township properties have successfully established conservation easements on a total of 1,313 acres. Other properties within the Township have recently sought similar easements but have not been successful. One of the determining factors that contributes to this lack of easement success is the inability to score points due to Warrington Township's lack of strong agricultural preservation zoning controls. In August of 1998, Warrington Township amended its zoning ordinance to eliminate the sliding scale method of development restrictions. The sliding scale method employed a formula to determine the maximum number of lots permitted for subdivision based on the acreage of any property. At the time, this method was viewed by the Township as overly burdensome to the property owner in contrast to any perceived community benefit.

When discussing land preservation efforts in Warrington Township, it must also be recognized that a significant portion of the Township is de facto preserved due to other circumstances. 3,873 acres (another 17% of the Township's total acreage) are controlled by the Township or by the State via State Gamelands No. 242 or Gifford Pinchot State Park.

Based on the preceding data, Warrington Township recognizes it is blessed with an abundance of prime farmland, a desirable open and rural environment, and a strong agricultural community. Such a wealth of resources is also in most cases nonrenewable and, therefore, deserving of consideration for additional land use and development protections. Our analysis will now turn to an examination of the existing C and RA zones to determine an appropriate method for identifying those properties on which the Township could successfully employ agricultural preservation zoning techniques to ensure their community benefits will continue to be available for future generations while also still allowing a reasonable option for limited development. From a development perspective, Warrington Township is already hampered to a great degree due to its lack of available centralized water and sanitary sewer facilities. For the foreseeable future, developers must rely on individual wells and on-lot sewage disposal systems unless a significant investment is made to design, permit, construct, operate and maintain a private system of such utilities. The lack of public utilities can also be a deterrent to certain agricultural preservation efforts as the possibilities for smaller lots and clustering in a smaller area are absent.

Primary considerations for a potential Township zoning system to promote greater levels of agricultural preservation include 1) location with respect to current zoning districts, 2) presence of prime agricultural land, and 3) functional size of the property for agricultural use. Plates 1 and 2 have previously been discussed and illustrate the C and RA zone geographic limits and the location of Class I, II, and III soils. Plate 6 is now introduced to illustrate those properties in the C zone that are 25 acres or greater and 50 acres or greater. It also illustrates properties in the RA zone that are 12 acres or greater as well as 25 acres or greater and 50 acres or greater. When combined with the current minimum lot size subdivision requirements for the C (3 acres) and RA (60,000 square feet) zones, this data evolves into the concept of an Agricultural Preservation Overlay Zone.

As proposed here, the Agricultural Preservation Overlay Zone would be applicable to properties in the C and RA zones only. Affected properties in both zones would have to include a certain minimum acreage (30 acres for the C zone and 12 acres for the RA zone) and a minimum 25% of its total lot area as prime agricultural land (Class I, II and III soils). If applicable to the overlay, the subdivision or land development of an affected parcel would be limited by a percentage-based scale. The percentage-based scale technique is perceived as a more fair and less complex system than the previously utilized pre-1998 sliding scale method. A percentage of the original acreage of the property would be the maximum area allowed for development (20% for the C zone and 25% for the RA zone). The existing minimum lot size requirements would continue to be used for both zones and allow the smallest affected parcels to develop at least one additional dwelling unit; but, regardless of the number of proposed lots, in no case would development be allowed to exceed the maximum resulting acreage. A critical element of this technique involves requiring development to be located on portions of the property which offer the least potential for agricultural productivity. Such lands would exhibit characteristics such as poor soils, rock outcroppings, shallow depth to rock, swamps, heavily wooded areas, and steep slopes.

Plate 7 attached hereto illustrates those parcels that are likely to be subject to the described Agricultural Preservation Overlay Zone in both the C and RA zones considering their current acreages and their onsite soils.

For reference, the C zone includes a total of 581 total parcels of land. Six of these parcels are 100 acres or greater in area (1%). 21 are 50 acres or greater (3.6%). 38 are 30 acres or greater (6.5%) while 46 are 25 acres or greater (7.9%).

Alternatively, in the RA zone there are 1,286 total parcels of land. Fifteen of these parcels are 100 acres or greater in area (1.2%). 46 are 50 acres or greater (3.6%). 85 are 25 acres or greater (6.6%). 179 are 12 acres or greater (13.9%). From an alternate perspective of acreage, as opposed to number of parcels, there are a total of 10,675 acres of land currently zoned RA. 100-acre or greater parcels account for 19.8% of the total area. Parcels 50 acres or greater account for 40.9%. Parcels of 25 acres or greater account for 53.1%. And, finally, parcels of 12 acres or greater total 68.5% of the total lands currently zoned RA in Warrington Township.

While the majority of the affected 12+ acre parcels in the RA zone include at least 25% prime agricultural land, only approximately 13 of the affected 30+ acre parcels include the minimum percentage of Class I, II and III soils. Most of these C zone properties are located along the Township's eastern boundary with the Conewago Creek.

Introducing such a zoning program and its resulting impact on land preservation for agriculture within Warrington Township should prove significant in the coming years. As the Township's current method of large lot zoning has not proven to be effective in the challenge of agricultural land preservation it has also offered no quantifiable land use support to local farmers competing within the County's Conservation Easement program. By instituting the overlay techniques introduced above, the Township will effectively diminish the primary threat to sustainable farmland: the subdivision of working farms of a viable acreage into smaller residential development tracts. Such a loss of valuable agricultural land is incredibly difficult, if not impossible, to recapture. The proposed Warrington Township Agricultural Preservation Overlay Zone, if crafted and administered properly and allowed sufficient time to produce results, will accomplish three major elements of any successful land preservation program: 1) control the number of new dwelling units, 2) limit the acreage of land subdivided for speculative purposes, and 3) assure that new construction is relegated to lands with the least potential for farm production. A well-designed agricultural preservation zoning program will help stabilize the agricultural community's prospects for success, insulate the Township's farmlands from further separation and encroachment of incompatible uses, and demonstrate irrefutable support and municipal recognition for farming as a valuable, ongoing community resource.

EXHIBITS

Plate 1 – Zoning Map

Plate 2 – Prime Agricultural Land / Soils Capability Classes

Plate 3 – County Clean and Green Program

Plate 4 – Agricultural Security Area

Plate 5 – Conservation Easements

Plate 6 – Significant Property Acreages

Plate 7 – Proposed Agricultural Preservation Zoning Overlay