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**Union County Planning Commission  
Union County, PA**

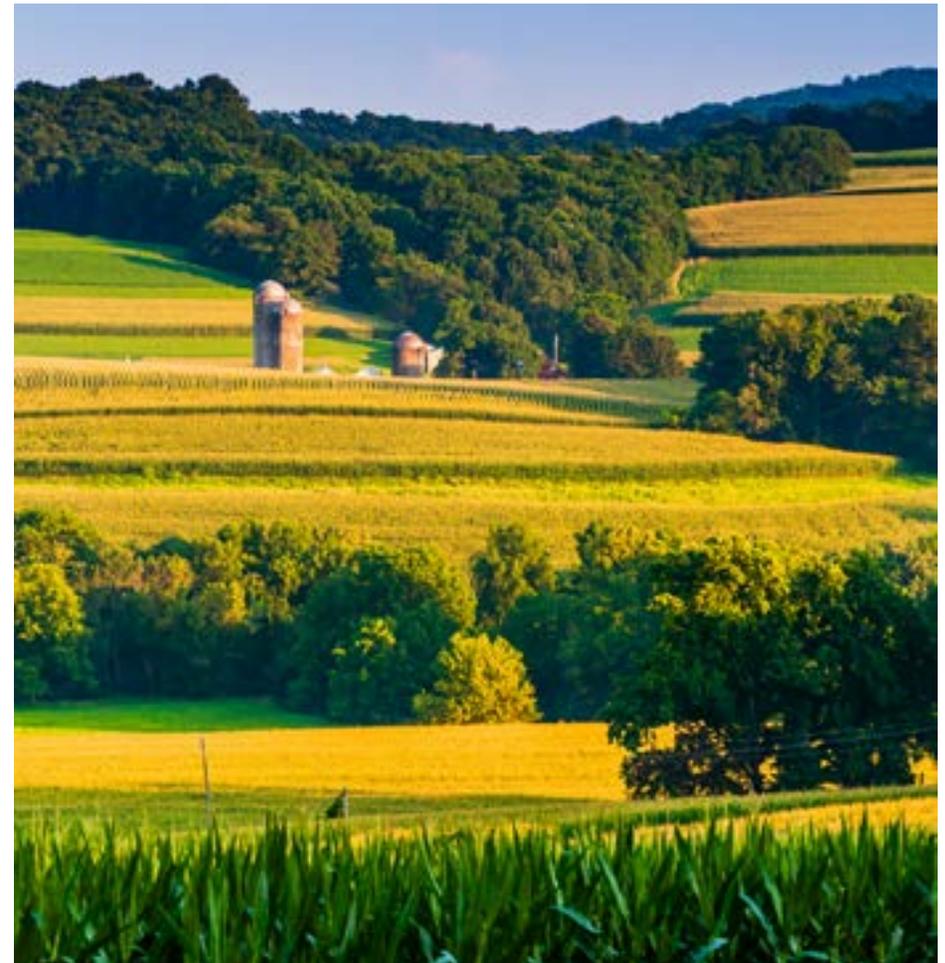
**Agricultural and Woodland Preservation  
Zoning Guidelines**

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To be effective, a strategy for protecting the agricultural land resource must:

- Protect prime soils from development
- Minimize land use conflicts in agricultural areas
- Protect enough farmland for the market to retain agricultural support services

*Zoning for Farming -*  
Center for Rural PA

## Introduction

The Union County Comprehensive Plan, *Cultivating Community: A Plan for Union County's Future*, municipal and multi-municipal comprehensive plans, and the *Union County Greenways and Open Space Plan* recommend the conservation of agricultural and woodland resources. These plans were based on considerable public input and include goals and recommendations to achieve this vision. However Plans are only the first step to establish the community's intent of what it wants to become and must be implemented through other measures, such as zoning.

Zoning ordinances in particular give form to a plan vision by regulating the appropriate location for specific land uses (refer to Figure 1 on Page 4). Agricultural and woodland preservation zoning regulations are intended to ensure the continuation of the agricultural and forestry industry within a municipality. The regulations typically define agriculture and forestry, what types of uses are appropriate or compatible in these areas and the amount of non-agricultural and non-forestry development, such as residential, that is allowed.

A common misconception is that the Agricultural Security Area and Clean and Green programs protect rural resource areas from development, but that is not the case. An Agricultural Security Area (ASA) protects farmers against nuisance lawsuits, anti-farming ordinances and special consideration in cases of condemnation: <http://www.agriculture.pa.gov/Encourage/farm-land/asa/Pages/default.aspx>.<sup>1</sup> The Clean and

Green Program provides preferential tax assessment, i.e. lower property taxes, to landowners that enroll and maintain eligibility requirements <http://www.agriculture.pa.gov/Encourage/farm-land/clean/Pages/default.aspx>.<sup>2</sup> While the Clean and Green program provides a tax incentive to keep land in conservation uses, like ASA, it does not prevent lands from being converted into incompatible land uses.

Agricultural and woodland preservation zoning districts and regulations are recognized as the primary mechanism by which a community's agricultural and forest resources and industries are protected. All other uses, especially those that negatively impact agriculture and forestry, are seen as having secondary importance. The challenge for local officials is to have regulations that provide landowners flexibility in the economic use of their land while still maintaining the long-term viability of agriculture and forestry as well as limiting the impacts of future development in rural areas.

The implementation chapter of the County Comprehensive Plan recommends that the Union County Planning Commission provide municipalities with a model Agricultural Preservation Zoning Ordinance for consideration.<sup>3</sup> The Greenway and Open Space Plan similarly suggests that natural resource and woodland conservation zoning guidance be provided.<sup>4</sup>

Since the majority of Union County municipalities have zoning in place, including agricultural and woodland preservation zoning district

regulations, the Planning Commission is publishing these advisory guidelines for consideration. Municipalities can review and compare their ordinances to the recommended guidelines and make desired changes without replacing their entire agricultural and woodland preservation zoning regulations.

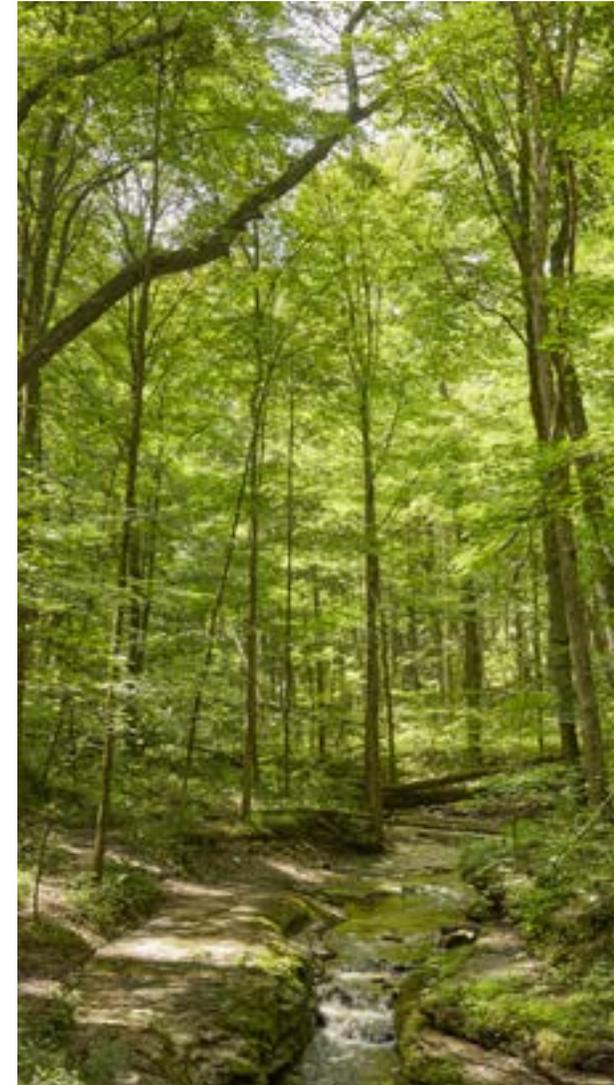
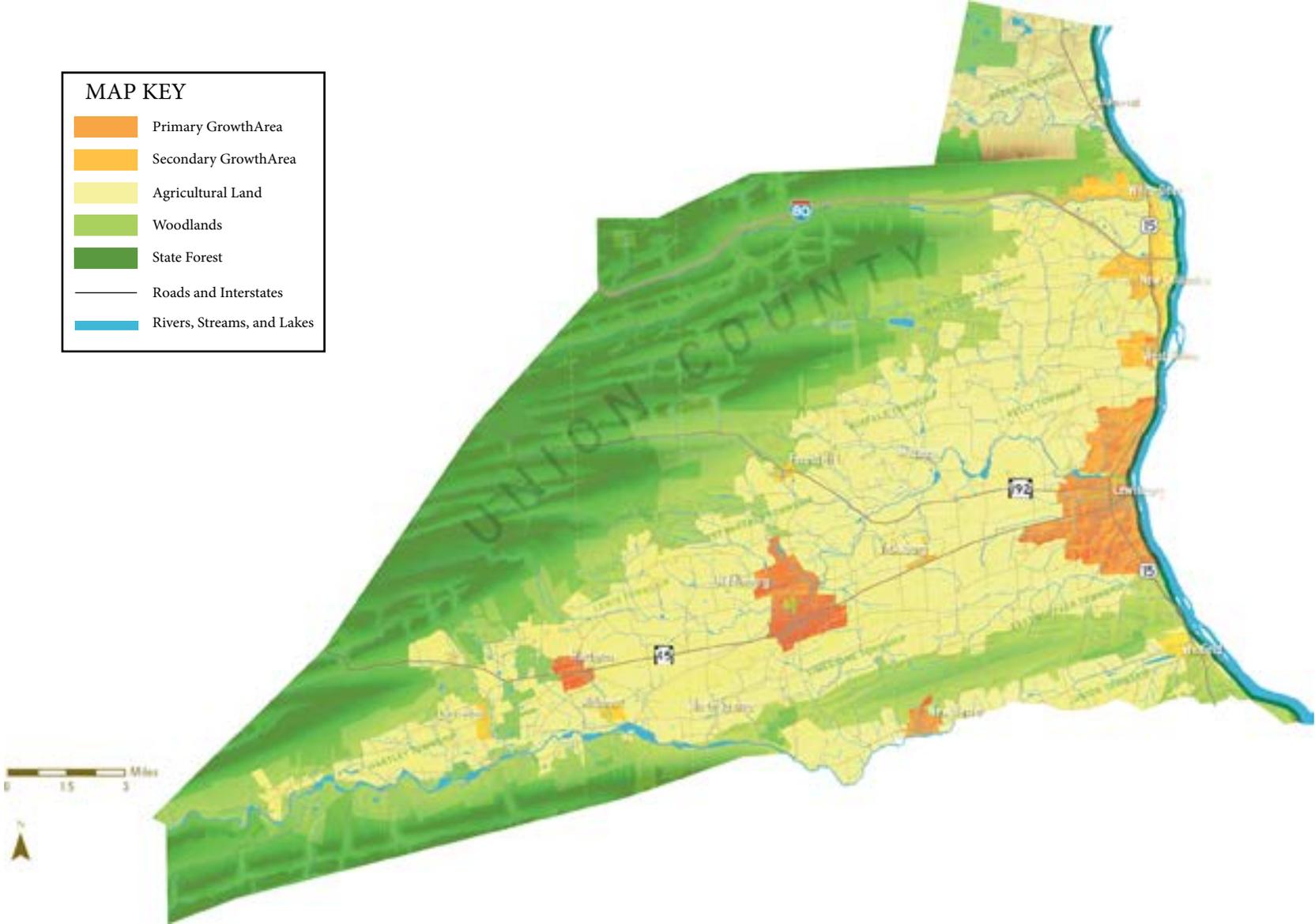
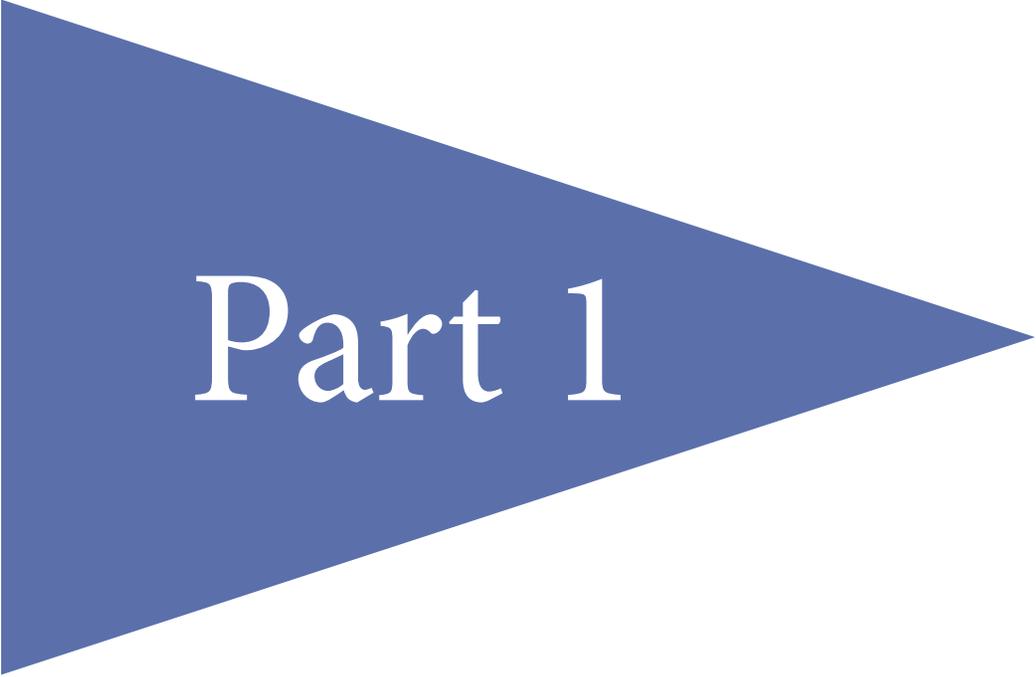


Figure 1. Union County Future Land Use Map





# Part 1

*agricultural preservation  
zoning overview*

The Pennsylvania Municipalities Planning Code states zoning ordinances shall:

- Protect prime agricultural land
- Encourage the continuity, development, and viability of agricultural operations
- Preserve prime agricultural farmland

## Agricultural Preservation Zoning Overview

For the purposes of this guidebook, Agricultural Zoning and Agricultural Preservation Zoning both refer to zoning districts where the intent is to retain large blocks of agricultural land for supporting a viable agricultural economy, stabilizing the agricultural land base, and limiting non-agricultural development.

**Legal Authority.** The Pennsylvania Municipalities Planning Code (MPC) in Section 603 states that zoning ordinances “*may permit, prohibit, regulate, restrict and determine...the protection and preservation of natural and historic resources and prime agricultural land and activities*”. It further states in Section 603(g)(1) that “*zoning ordinances shall protect prime agricultural land and may promote the establishment of agricultural security areas*”. Further, Section 603(h) notes that zoning ordinances “*shall encourage the continuity, development, and viability of agricultural operations*”.<sup>5</sup> Finally, Section 604 of the MPC indicates that zoning ordinances, among other things, should be designed to “*preserve prime agriculture and farmland considering topography, soil type and classification, and present use*”.

**Exclusive Agricultural Zoning.** Agricultural zoning ordinances are generally classified as being exclusive or non-exclusive.<sup>6</sup> In an exclusive agricultural zoning district, land can only be used for agricultural purposes with accessory buildings, barns, and sheds permitted by right.

Residential and other uses typically, if permitted at all, are only allowed by conditional use or special exception and must be located on non-prime agricultural soils in a manner that will least interfere with future agricultural operations. There are no exclusive agricultural zoning districts in Union County.

**Non-Exclusive Agriculture Zoning.** Agricultural zoning in Union County is non-exclusive using an area-based allocation which ties the amount of permitted non-agricultural development to the size of the parcel being subdivided. There are two types of area-based allocation zoning. The first is a fixed-scale where a landowner can build one dwelling unit or subdivide one lot per the specified acreage owned. For example one dwelling or lot is permitted for every 25 acres owned. This method is not used in Union County.



The second is a sliding scale under which the number of homes or lots permitted varies by the amount of acreage owned up to a certain threshold and once that level is reached the allocation reverts to a fixed-rate (i.e. 1 acre/dwelling per each additional 20 acres) The sliding scale is the most common form of agricultural zoning in the county as 6 of the 9 municipalities with agricultural zoning have implemented a sliding scale. Refer to the East Buffalo Township sliding scale (Table 1) as an example.

**Table 1. East Buffalo Township Sliding Scale<sup>7</sup>**

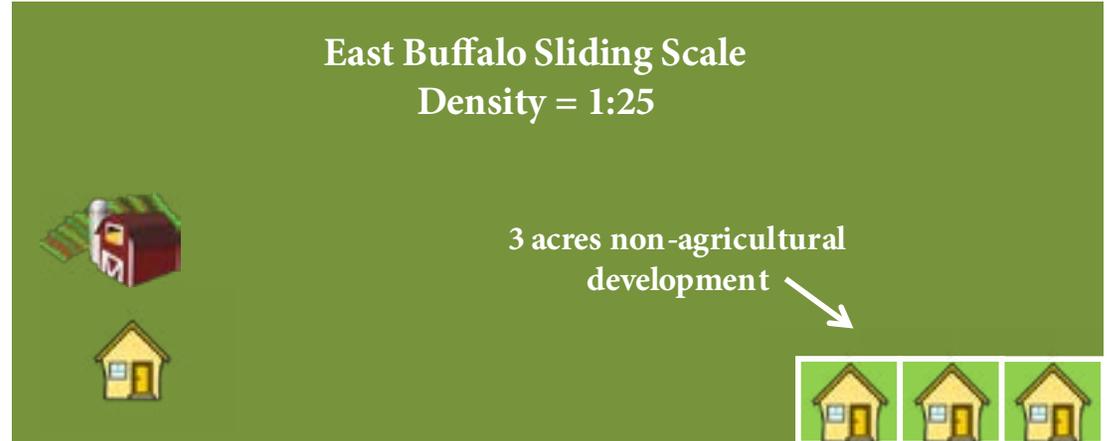
East Buffalo Township Sliding Scale for Non-Agricultural (Non-AG) Acres	
Parent Tract	Non-AG Acres
10-15 acres	1
16-50 acres	2
51-100 acres	3
101-180 acres	4
181-260 acres	5
260+ acres	5 + 1 acres for each 80 acres above 260 acres

Two townships utilize a hybrid whereby the amount of non-agricultural development is based on similar parameters for the Clean and Green Program, in that development is limited to 10% of the farm size, or 10 acres, whichever is less. However in both townships, any existing parcels of 10 acres or less in the agricultural zoning district can be fully developed into 1-acre non-agricultural lots. This is not recommended because it has the potential to significantly increase residential density and land-use conflicts.

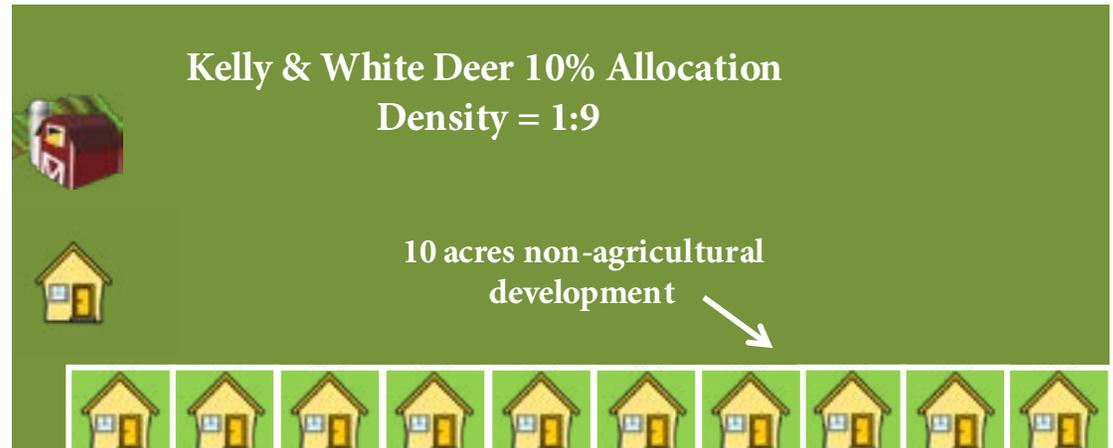


Refer to the following illustrations showing each of these approaches applied to a 100-acre farm:

**Example A: 100-acre farm in East Buffalo Township**



**Example B: 100-acre farm in Kelly and White Deer Townships**



**Development Intensity.** Intensity, often expressed in zoning as density, must be carefully considered in the context of agricultural preservation areas. Too much non-agricultural development can create challenges for farmers as those not accustomed to rural living are suddenly faced with the sights, sounds, and smells of an actual working farm. This can lead to strained relations between farm and non-farm neighbors, complaints filed with the municipality, County Conservation District, and PA Department of Environmental Protection, citizens urging that regulations be passed to limit agriculture operations, and, in some cases, nuisance lawsuits being filed against farmers.

This brings up the following very important question: *What is considered effective agricultural zoning in terms of development intensity?*

The Pennsylvania Department of Community and Economic Development (DCED) defines Effective Agricultural Zoning (EAZ) as zoning that limits the number of dwellings and sizes of lots for non-agricultural use to a true rural density, such as one dwelling unit per 20 acres. EAZ also avoids fragmenting farmland for uses such as airports, golf courses, and large residential subdivisions.<sup>8</sup>

Using the previous hypothetical 100 acre farm example the number of new non-agricultural dwellings would need to be capped at a maximum of 4 if there was an existing farm dwelling to achieve a 1 dwelling unit per 20 acres goal. However, the Union County Planning Commis-

sion feels EAZ is also dependent on local conditions and should be based on the nature of agricultural operations within a particular municipality when determining the density for non-agricultural uses and establishing minimum lot sizes for farms. Therefore the target density to achieve EAZ might be one dwelling unit per 25 or 30 acres.

In Union County, existing residential density of all agriculturally-zoned areas is 1 dwelling unit per 25 acres as calculated by Union County GIS. The table below presents this by municipality. As can be seen, two townships have fallen below the recommended development intensity for EAZ.

### *What is Effective Agricultural Zoning (EAZ)?*

Zoning that limits the number of dwellings and sizes of lots for non-agricultural use to a true rural density, such as one dwelling unit per 20 acres.

*PA DCED*

**Table 2. Current Density in Agricultural Zoning Districts.**

<b>Current Density in Agricultural Zoning Districts</b>			
<b>Township</b>	<b>Acres</b>	<b>Dwelling Units</b>	<b>Density</b>
Buffalo	13,961	489	1:28
East Buffalo	3,050	92	1:33
Gregg	2,526	137	1:16
Hartley	6,944	181	1:38
Kelly	7,654	306	1:25
Lewis	6,203	199	1:31
West Buffalo	7,596	372	1:20
White Deer	5,860	420	1:16
<b>TOTAL</b>	<b>54,794</b>	<b>2,196</b>	<b>1:25</b>

The overall density in the county for all agricultural areas is 1 unit per 29 acres when including Townships that do not have zoning. Refer to Table 3.

The above has focused exclusively on *non-agricultural* development intensity and has ignored the subject of *agricultural* development intensity. Given the growth in large-scale poultry and swine production within Union County, and across the region, there has been an increase in the number of residents and municipal officials who support limits on more intense agricultural development. Agricultural operations are regulated by the Commonwealth of Pennsylvania through a combination of statutes, rules, and regulations which in some cases preempt local governments from regulating those same aspects of farming.



**Table 3. Current Density in All Agricultural Areas.**

Current Density in All Agricultural Areas			
Township	Acres	Dwelling Units	Density
Limestone	11,188	170	1:66
Union	4,574	69	1:66
All Other	54,794	2,196	1:25
<b>TOTAL</b>	<b>70,556</b>	<b>2,435</b>	<b>1:29</b>

1-Calculated by excluding agricultural land within designated growth areas

For example the Pennsylvania Nutrient Management Act prohibits municipalities from enacting setback requirements that are more restrictive than specified in the Act. Therefore, based on existing state statutes and prior court precedent, the Union County Planning Commission recommends that municipalities do

not attempt to regulate the intensity of agricultural development. Doing so could result in the municipality being reported to the ACRE Program at the Pennsylvania Office of the Attorney General and/or potentially lead to costly litigation.

**Lot Sizes.** In addition to limiting development intensity in terms of the number of lots that can be created or dwellings that can be built, another important consideration is the minimum lot size for farms and the size of lots that can be subdivided for non-agricultural purposes.

**Minimum Farm Size.** All Union County municipalities with agricultural zoning have a minimum farm size and restrict a farm from being subdivided to an acreage that falls below this acreage. Minimum farm size does vary significantly ranging from 10 acres to 50 acres in the county. The 10-acre minimum farm size became popular because that is the minimum number of acres needed to participate in the Clean and Green program for preferential tax assessment. However municipalities realized that setting such low minimum farm acreage requirements could lead to the subdivision of larger farms into



estate lots where agricultural production would not be carried out in the future.

The United States Department of Agriculture reported in the most recent Census of Agriculture that the average farm size in Union County is 152 acres with the median farm size 68 acres.<sup>9</sup> By using land use data, zoning district overlays and tax parcel information it is determined that the average parcel size in agriculturally zoned areas of the county is 53 acres, although it is different than farm size because a single farm can be made up of multiple parcels.

The significance of this from an agricultural zoning perspective is that municipalities are justified in setting minimum farm lot sizes well above 10-acres. The Agricultural and Woodland Resources Technical Memo in the Appendix of the County Comprehensive Plan recommended that the *minimum* lot area/size for agricultural operations be 25 acres, but the county would support a minimum lot area as large as 50 acres.<sup>10</sup> For the purposes of sustaining the agricultural land base and retaining an economically

viable agricultural area, higher minimum lot sizes are better.

**Minimum Non-Farm Lot Size.** In Union County, the minimum lot size for non-farm uses is essentially determined based on the on-lot sewage disposal design which typically requires 1 to 2 acres. In some cases, maximum lot sizes are used to limit how big a non-farm lot can be, such as 2 acres.

To provide flexibility to farmland owners who want to sell land and those purchasing it, many municipalities changed the agricultural zoning ordinances to allow the landowner to choose a

### *Recommendation*

Set a minimum lot size of at least 25 acres, and as large as 50 acres, for agricultural uses.

range of lot sizes instead of implementing a maximum lot size. For example, if, under a sliding scale, a farm owner is entitled to 6 acres of non-agricultural development, it could be done as 6 one-acre lots, 2 three-acre lots, or 1 six-acre lot. The benefit is it does not change the amount of land that can be converted out of agricultural production but it could lower the overall density of dwellings in agricultural areas if farmers opt to sell larger lots to fewer people which equals less new homes.

**Permitted Land Uses.** The types of land uses that are permitted within an agricultural zoning district are equally important as the amount of allowable non-farm development. Agricultural zoning districts should be constructed to prevent land uses that are incompatible with farming that would create excessive traffic, consume large areas of farmland or contribute to nuisance complaints. Examples include airports, golf courses, landfills, large institutions (i.e. public schools, mega-churches, prisons) and major residential developments.

Uses that are typically allowed in agricultural zoning districts throughout the county as permitted,

conditional, or special exceptions uses are as follows:

- Accessory Use
- Agriculture
- Agricultural Related Business
- Agricultural Tourism
- Animal Hospital
- Bed and Breakfast
- Cemetery
- Concentrated Animal Feeding Operation
- Forestry
- Farm Dwelling
- Horticulture
- Kennel
- Single family detached dwelling
- Home occupation
- No Impact Home Based Business
- Outdoor Recreation
- Places of Worship
- Public Utility
- Wildlife refuge

In Union County there is consistency across municipalities in terms of what uses should generally be allowed in agricultural zoning districts; however, there is significant variability in whether uses are permitted by right, conditional or special exceptions. For example there are only six (6) land uses that are permitted by right in every township agricultural zoning district across the county. Those are:

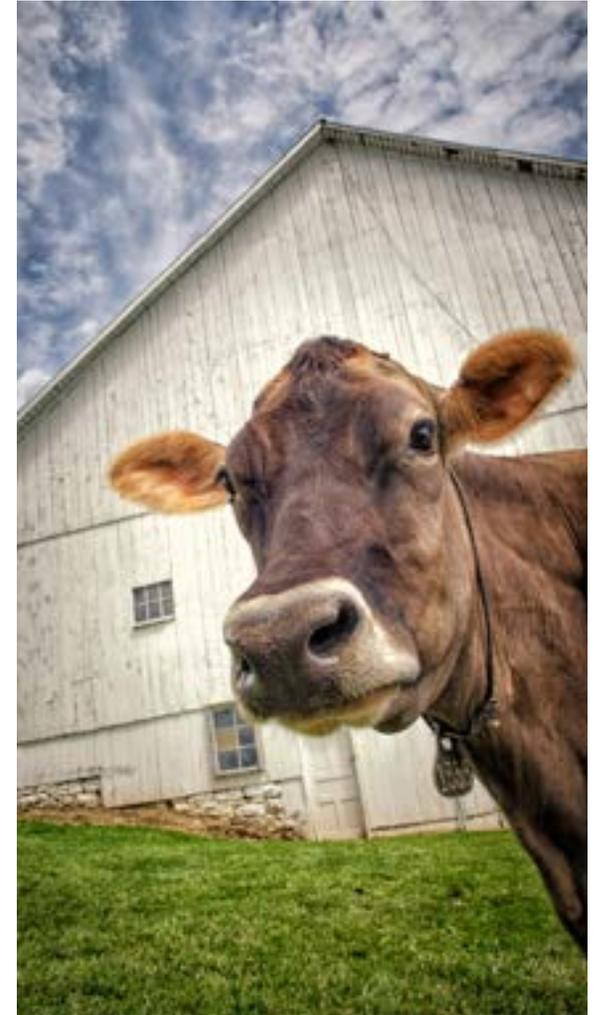
- Accessory uses
- Cultivation of crops
- Forestry
- Single Family Detached Dwellings

Home Occupation  
No Impact Home Based Business

Six municipalities permit agricultural businesses by right while it is a special exception in 2 others; livestock agricultural, also described as commercial livestock or concentrated animal feeding operations (CAFO's), are only a permitted use by right in three townships and a conditional use in five townships.

There is some irony that residential housing, while limited, is a use by right when certain agricultural operations require a conditional use or special exception hearing process. In other communities across the nation, the opposite would be true where all non-agricultural development would require a conditional use or special exception proceeding and agricultural activities would be permitted uses by right.

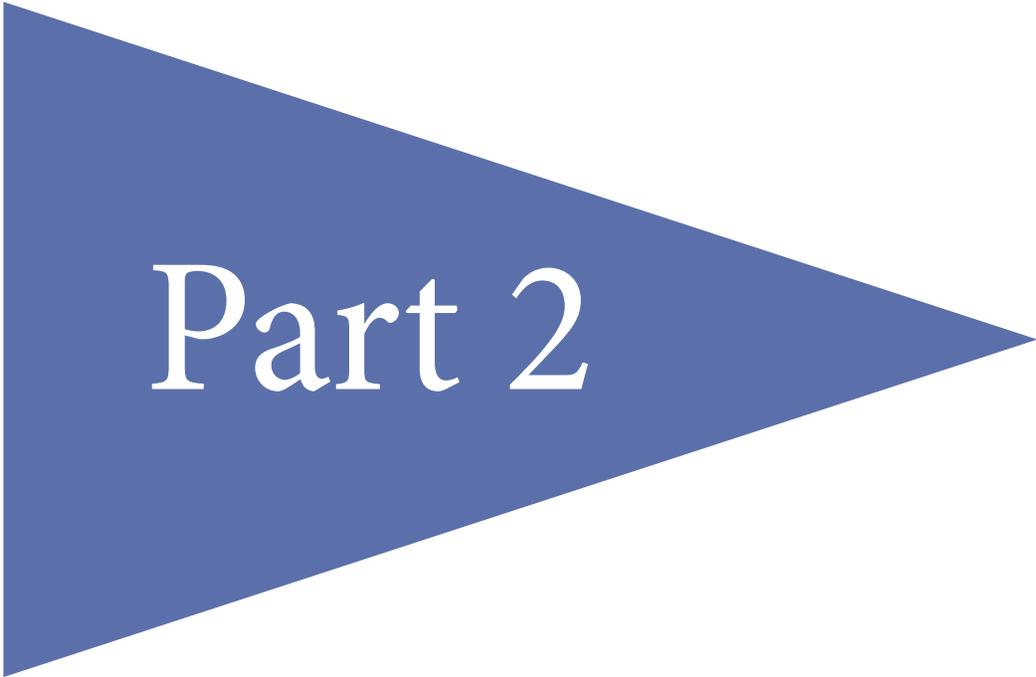
Seven municipalities allow some form of recreation, public and semi-public uses (i.e. post offices, churches, recreation areas, fire stations) and surface mining. Six allow camp/seasonal dwellings and kennels with five allowing bed and breakfast inns, family child day care and family-based group homes.



### *Did you know?*



In a random survey of 100 Union County farmers, 76% supported ordinances that would restrict their own ability to develop land in order to keep farmland in production and to reduce future conflicts with non-farm neighbors.



# Part 2

*agricultural preservation  
zoning district recommendations*

By 2050 the demands on agriculture to provide sufficient food, fiber and energy are expected to be 50 to 70 percent higher than they are now.

*Farms Under Threat: The State of America's Farmland*  
American Farmland Trust

## Agricultural Preservation Zoning District Recommendations

Provided in this section are model guidelines intended to assist municipalities with reviewing their agricultural preservation zoning ordinances in order to determine consistency with comprehensive planning and resource conservation goals. A checklist is also provided at the end of the document to facilitate a review of existing agricultural zoning district standards.

### **Agricultural Zoning District Purpose.**

The zoning ordinance should include a purpose statement for the Agricultural Preservation

Zoning District to define the intent. Most purpose statements in Union County zoning ordinances state that agricultural zoning districts are to preserve valuable agricultural soils and to promote the continuation of agriculture as an economic activity while limiting non-agricultural land uses. For example:

#### ***Hartley Township***

*The purpose of this district is to preserve and protect agricultural usage and related activities. Agriculture and related uses would be permitted in this district.<sup>11</sup>*

#### ***Kelly Township***

*The purpose of this district is to preserve and protect those areas of Kelly Township which are predominantly agricultural in use and those portions of the municipality which have the highest quality soils. Land cultivation and related agricultural production activities, including animal husbandry, are encouraged in these areas, as is the maintenance of the area's rural and semi-rural countryside qualities and character. The intent of such designation is to permit those lands best suited for agriculture (including pasture, grazing lands and wooded tracts) to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities, including agribusinesses and land conservation uses, woodland preservation or natural resource conservation, are provided for, and residential uses, while allowed are permitted only at a low density. The agricultural designation is intended to encourage farmers to invest in farm improvements and to discourage land speculation for residential development in those areas of the Township.<sup>12</sup>*

**Definitions.** Zoning ordinance definitions should be reviewed to make sure they are consistent with the MPC and current practice.

The MPC defines agricultural operation as follows:

**Agricultural Operation** – *An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural*



*crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.*

The definitions of uses permitted in the agricultural zoning district should be reviewed as well to make sure the overall intent of the zoning district is being met. For example some municipal zoning ordinances in the county allow public and quasi-public uses in agricultural areas but include banks within the definition of a public and quasi-public use. Banks, however, are today viewed as commercial land uses.

**Permitted by Right.** Most townships are restrictive in terms of the uses that are permitted by right in the agricultural zoning district. However as noted earlier in the previous section there is significant variability across the county in terms of what uses are permitted by right in agricultural zoning districts with only six land uses appearing as permitted uses in every agricultural zoning district. Each municipality has to determine what works best for their unique situation but the following is a suggestion in terms of what uses would make sense to be permitted by right in the agricultural zone.

- Accessory Uses and Structure
- Agricultural Business
- Agricultural Operation
- Bed and Breakfast (in existing residential structure)
- Forestry

- Horticulture
- Home Occupations
- Municipal Uses
- No Impact Home Based Business
- Public Utilities
- Single-Family Detached Dwelling (limited)

Some municipalities may wish to address concentrated animal operations separately through a conditional use or special exception process; however, the Pennsylvania ACRE law forbids municipalities from imposing additional burdens beyond what is contained in the Pennsylvania Nutrient Management Act. The county presumes that these types of operations are an accepted and important part of the agricultural economy and should be permitted by right as normal farming operations under the PA MPC definition of “agricultural operation”.

**Conditional and Special Exception Uses.** Other land uses, while likely seen as compatible in most agricultural districts, may necessitate a higher level of oversight where municipalities want the ability to apply additional requirements as part of the approval process. It is important to keep in mind that conditional uses and special exception uses should have specific criteria established in the ordinance.

- Animal Hospital
- Church/Place of Worship (Rural Scale)
- Commercial riding schools and stables
- Communication Towers and Antennas
- Kennel
- Mining



### Schools (Rural Scale)

Wholesale agricultural produce sales and stockyards

There are other uses that municipalities may need to include as conditional or special exception uses because there are no other zoning districts where a particular use is compatible. One way to resolve the requirement that each municipality must provide for every land use is through a multi-municipal planning implementation agreement. In that scenario the participants that have adopted a multi-municipal comprehensive plan work together so that their individual zoning ordinances collectively provide for all land uses across the entire planning area rather than in every individual municipality.

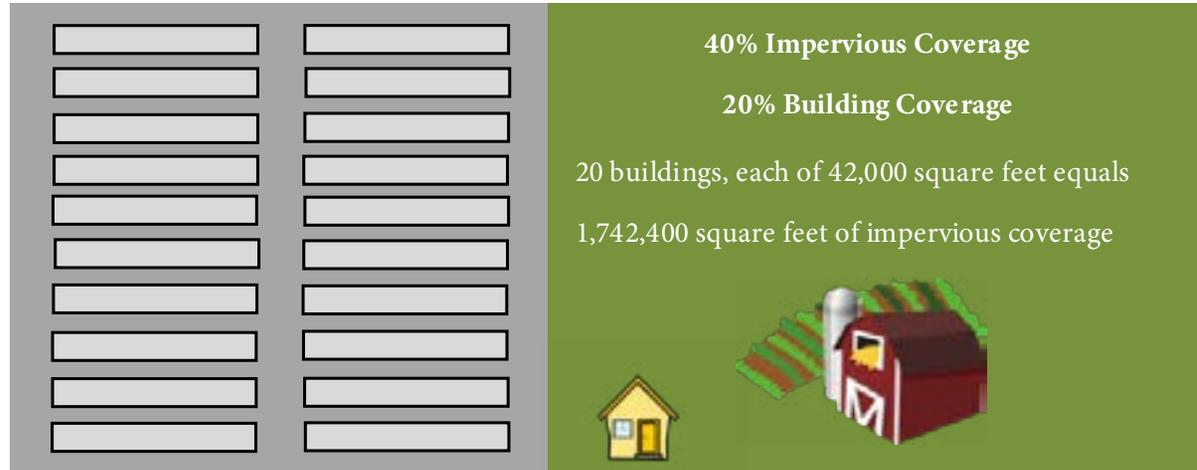
### Coverage and Height Requirements.

Building height and coverage along with impervious coverage limits should be set with the goal of supporting modern agricultural operations and retaining productive agricultural soils. Once farmland is covered with buildings and impervious surfaces it is unlikely to return to production.

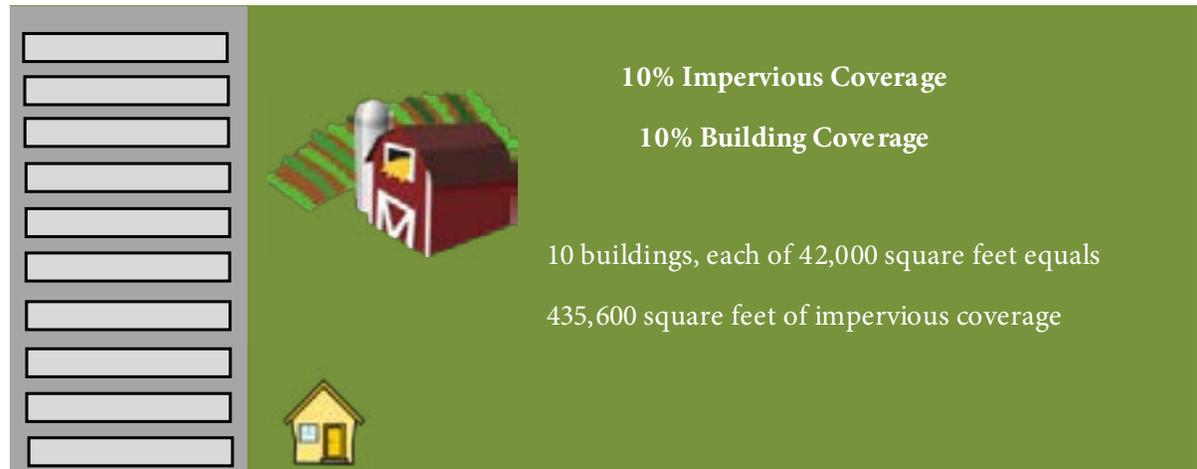
Currently four townships have building coverage set at 10% and four have a limit of 20%. Impervious coverage limits range from 10% (1 township) to 40% (3 townships). The challenge with setting building and impervious coverage limits relates to the impact it has on different sized lots. For example 10% impervious coverage on a 100-acre farm would translate to being allowed to cover 10 acres of farmland with

buildings and pavement. However 10% applied to a 1-acre residential lot would allow 4,356 square feet of home, driveway, and outbuildings. For this reason, some municipalities have opted to set one criteria for buildings and impervious coverage for agricultural uses and separate criteria for permitted non-agricultural uses.

### Example A: 100 Acre Farm Buffalo Township



### Example B: 100-Acre Farm Kelly Township



not maximize the protection of agricultural soils and contributes to greater stormwater runoff.

To put this in perspective, the Wal-Mart north of Lewisburg has nearly five (5) acres of building coverage and 19 acres (830,038 sq. ft.) of impervious coverage. Refer to the illustrations on Page 17 for examples of how different building and impervious limits could impact agricultural lands.

The Union County Planning Commission supports setting the maximum impervious coverage limit at no greater than 10% with a maximum of 10 acres for agricultural uses. This was the recommendation in the comprehensive plan technical appendix. For perspective, recent large-scale livestock buildings submitted for review and approval have had dimensions of 50'x500' and 60'x700' which equates to 25,000 square feet to 42,000 square feet. Typically built in pairs, these projects generate one (1) to two (2) acres in building coverage, plus additional impervious area needed for access drives. With a 10% limit a 50-acre farm could have 5-acres of impervious coverage and accommodate approximately six (6) or (7) 25,000 square foot facilities or four (4) of the larger 42,000 square foot buildings. On a 100-acre farm with 10 acres of impervious coverage these values would double.

The Union County Planning Commission also recommends establishing a separate impervious limit of 20% for agricultural businesses and permitted non-agricultural uses that would typically be on smaller lots.

Height restrictions are 45 feet in four townships, 100 feet in one township and unlimited for agricultural uses in three others. It is also common for certain agricultural structures (i.e. silos, grain elevators) to be exempt from height restrictions.

Where agricultural structures are completely exempt, those municipalities have established a 35-foot height limit. In terms of agricultural land preservation, height does not impact the amount of land taken out of production and is more of a public safety concern. Therefore the height limits should be set by each municipality in consultation with their emergency responders.



### *Recommendation*

Set a maximum impervious coverage limit for agricultural uses of no greater than 10% with a maximum of ten acres.

### *Recommendation*

Establish a separate impervious coverage limit of 20% for agricultural businesses and non-agricultural uses typically on smaller lots.

### *Recommendation*

Maximum height limits should be set in consultation with emergency responders.

### *Recommendation*

Have a minimum lot size of no less than 25 acres; the County recommends a minimum lot size of up to 50 acres.

### *Recommendation*

Have a minimum lot size limit for residential lots and similar non-agricultural development of one acre in the agricultural zoning district.

### *Recommendation*

Limit non-agricultural development to yield a density no greater than one non-agricultural development unit or acre per 20 acres.

**Minimum Lot Area.** The importance of minimum lot area and how it is set was discussed in Chapter 2 of this guide. Below are recommendations for minimum lot areas for both agricultural operations and non-agricultural uses that are designed to preserve prime agricultural soils, retain rural character, and prevent the fragmentation of core farm tracts into parcels that are not economically viable for sustaining agricultural production over the long-term.

***Agricultural Operation (Farm) Minimum Lot Area.*** It is recommended that the minimum lot size for an agricultural operation (farm) be set at no less than 25 acres. The Union County Planning Commission supports a minimum lot size of up to 50-acres based on the average farm size noted in the Census of Agriculture and GIS analysis of density and parcel size within agricultural areas.

***Non-Agricultural Operation Minimum Lot Area.***

The minimum lot size for non-agricultural operations is primarily dictated by the requirements for on-lot sewage disposal. Today a one-acre lot is standard where on-lot septic systems are used. As such it is recommended that one-acre be set as the minimum lot area for residential lots and similar non-agricultural development within the agricultural zoning district.

**Limitations on Development of Non-Agricultural Uses.** In order to achieve effective agricultural zoning (EAZ) non-agricultural development should be limited to yield a

density no greater than one non-agricultural development unit/acre per 20 acres. However currently most zoning ordinances use a sliding scale that could result in a much higher density of development over the long-term. Table 4, on page 20, shows the density of non-agricultural development that would result from applying the agricultural zoning regulations in place today for each municipality using a hypothetical 100-acre farm.

As illustrated by Table 4, only the East Buffalo Township zoning ordinance will result in a density that is consistent with effective agricultural zoning (EAZ) over the long-term at full build out.

Kelly and White Deer Townships allow 10% of a 100-acre farm to be developed, which is consistent with the Clean and Green Program, but yields the least effective approach. In addition within these two townships, all parcels 10 acres or less within the agricultural zoning district can be fully developed at 1-unit per acre density. So if the 100-acre farm used in the example for the purposes of creating the table was bordered by a 9-acre parcel and that were fully developed, the end result would be 19 acres of non-agricultural development across 109 acres. If a total of 19 homes were built between the two properties, the net density would be 1:5. Meaning there would be 1 acre of non-agricultural development for every 5 acres of agricultural land. This equates to a rural residential character and density.

Furthermore, zoning ordinances permit subdivision for the purposes of creating agricultural lots. If new “farm houses” are added to those lots, the density increases even further. It is recommended

**Table 4. Non-Agricultural Use Density after Development**

<b>Non-Agricultural Use Density after Developing a 100-acre Farm under Existing Ordinance</b>			
<b>Township</b>	<b>Density Before Development<sup>1</sup></b>	<b>Acres of Non-AG Development<sup>2</sup></b>	<b>Density After Development<sup>3</sup></b>
Buffalo	1:100	6	1:14
East Buffalo	1:100	3	1:25
Gregg	1:100	7	1:13
Hartley	1:100	7	1:13
Kelly	1:100	10	1:09
Lewis	1:100	6	1:14
West Buffalo	1:100	5	1:17
White Deer	1:100	10	1:09

1-Assumes there is an existing residential dwelling on the original farm tract

2-Maximum allowable non-agricultural development under existing zoning ordinance for 100-acre farm

3-Calculation includes original residential dwelling on the parent farm for purposes of determining final density

**Table 5. Sliding Scale to Achieve 1:20 Density.**

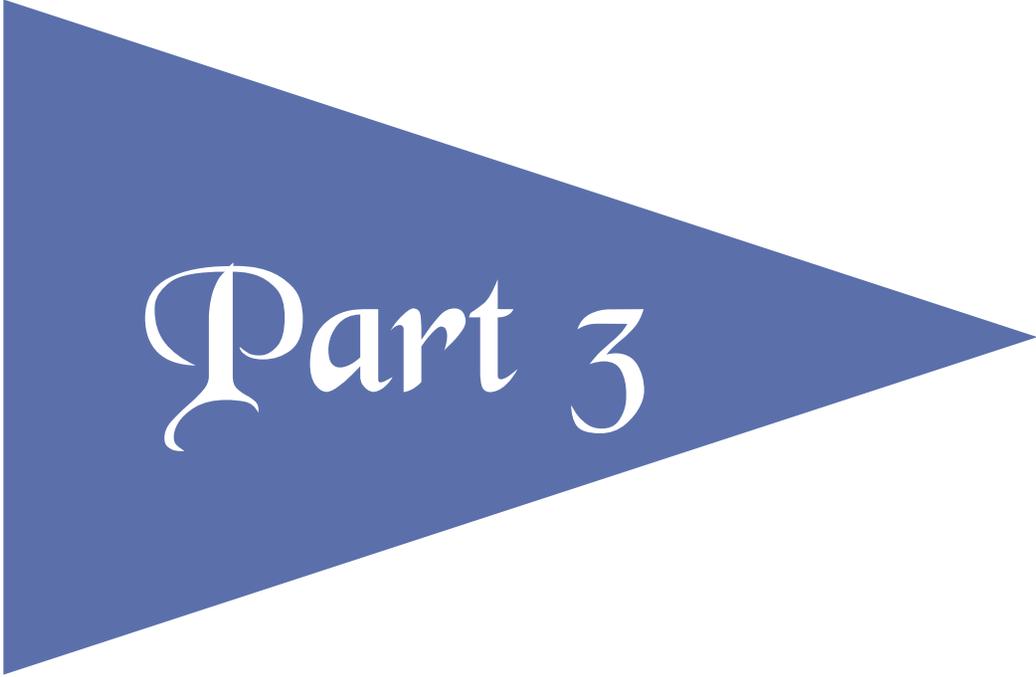
<b>Sliding Scale to Achieve 1:20 Density</b>	
<b>Property Size</b>	<b>Allowable Non-AG Development</b>
1-20 acres	1 acre
20+ acres	1, plus 1 acre for each additional 25 acres

Yield on 100-Acre farm = 4 acres new non-agricultural development, plus 1 acre associated with original farm house = 5 acres or density of 1:20.

that residential units be allocated on new farm lots, which would be counted as part of non-agricultural development.

In order to retain the agricultural land base for the future and to achieve EAZ density, the amount of non-agricultural development needs to be limited further in all townships except East Buffalo. The East Buffalo Township sliding scale (See Page 7 or Table 5) would result in the desired rural density.





# Part 3

forest/woodland preservation  
zoning overview

There are a lot of large parcels sold every day in Pennsylvania. What you're seeing is these parcels being broken up. This is not pie-in-the-sky theory. It's not hype. It's clean water, clean air, and wildlife habitat. It's absolutely vital that what we have stays as a functioning forest.

Jim Finley, Professor Emeritus of Forest Resources Management  
Pennsylvania State University

## Forest/Woodland Preservation Zoning Overview

Forest/Woodland Preservation Zoning (WPZ) Districts are similar to Agricultural Zones in that they are intended to protect large blocks of forested lands and promote the long-term sustainable management of forest resources. Forest lands, acre for acre, are the best land use for protecting water quality. In addition working forests/woodlands are important economically as they supply the wood products industry with raw materials and support tourism through outdoor recreation.

Forested areas are equally important to protect as prime agricultural lands and zoning ordinances should be constructed in a similar manner to reduce forest fragmentation and to retain a true rural density. Much of what was presented for agricultural preservation zoning in the previous chapters is applicable to forest and woodland.

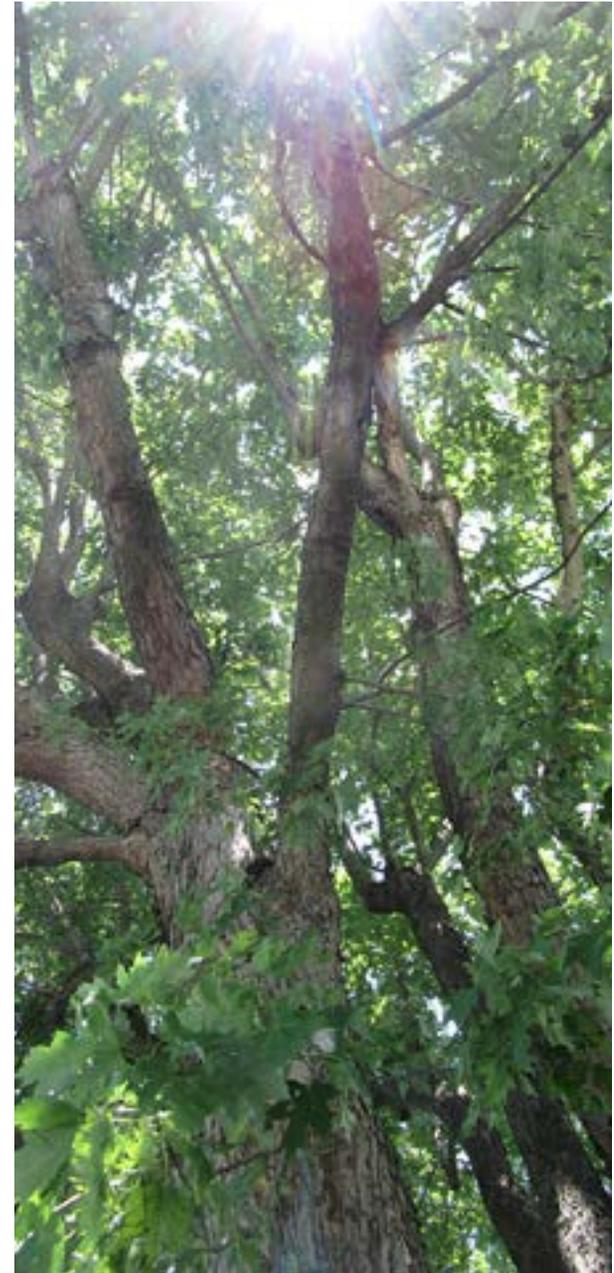
Seven municipalities in the county have woodland preservation zoning districts. Buffalo, Hartley and West Buffalo Townships have separate Public Land Preservation zoning districts to specifically address state forest lands owned by the Commonwealth.

**Legal Authority.** The Pennsylvania Municipalities Planning Code (MPC) in Section 603 states that zoning ordinances “*may permit, prohibit, regulate, restrict and determine ...the protection and preservation of natural and historic resources and prime agricultural land and activities*”. It

further states in Section 603.c (7) that zoning ordinances may contain provisions to promote and preserve prime agricultural land, environmentally sensitive areas and areas of historic significance. In Section 603 (g) (2) states that ***zoning ordinances “shall provide for the protection of natural and historic features and resources.”***

Finally Section 604 of the MPC indicates that zoning ordinances, among other things, should be designed to promote and protect “**preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.**”

**Development Intensity.** Like with agricultural preservation, development intensity needs to be limited in order to maintain contiguous tracts of non-fragmented woodlands for working forests, watershed protection and wildlife habitat. Currently across the county development intensity is far more liberal in woodland preservation zoned areas than in agricultural zoning districts. Only Lewis Township has a minimum lot size consistent with a rural density set at 20 acres. Two townships have minimum lot sizes of 10 acres while four townships require only 5 acres or less with no limits on the total number of units or acres developed. Gregg Township has recently instituted a sliding scale to place additional limits on development in the woodland preservation district.



**Table 6. Current Density in Woodland Preservation Zoning Districts.**

<b>Current Density in Woodland Preservation Zoning Districts</b>			
<b>Township</b>	<b>Acres</b>	<b>Dwelling Units</b>	<b>Density</b>
Buffalo	982	32	1:31
East Buffalo	1,930	61	1:32
Gregg <sup>1</sup>	3,607	9	1:401
Hartley	7,661	167	1:46
Lewis	16,088	76	1:212
West Buffalo	3,721	115	1:32
White Deer	16,129	155	1:104
<b>TOTAL</b>	<b>50,238</b>	<b>615</b>	<b>1:82</b>

1-Gregg, Lewis and White Deer include state forest lands in the WPZ District

Table 6 shows the current development density in woodland preservation zoning districts across the county which is 1:82. However in Gregg, Lewis and White Deer Townships, state forest lands are included. When the state forest land is removed, the density countywide is 1:46.

**Permitted Land Uses.** Uses that are currently allowed in woodland preservation zoning districts throughout the county as permitted, conditional, or special exceptions uses are as follows:

- Accessory Use
- Agriculture
- Agricultural Related Business
- Bed and Breakfast
- Campground
- Communication Tower
- Forestry
- Hiking, Hunting, Fishing Clubs
- Home occupation
- Kennel

- No Impact Home Based Business
- Outdoor and Public Recreation
- Public Utility
- Riding Stables
- Seasonal Dwelling/Camp
- Single Family Detached Dwelling
- Wildlife Refuge

There is less consistency across municipalities in terms of what uses should generally be allowed in woodland zoning districts as compared to agricultural preservation. The following four (4) uses are the only ones that are permitted by right in all seven townships:

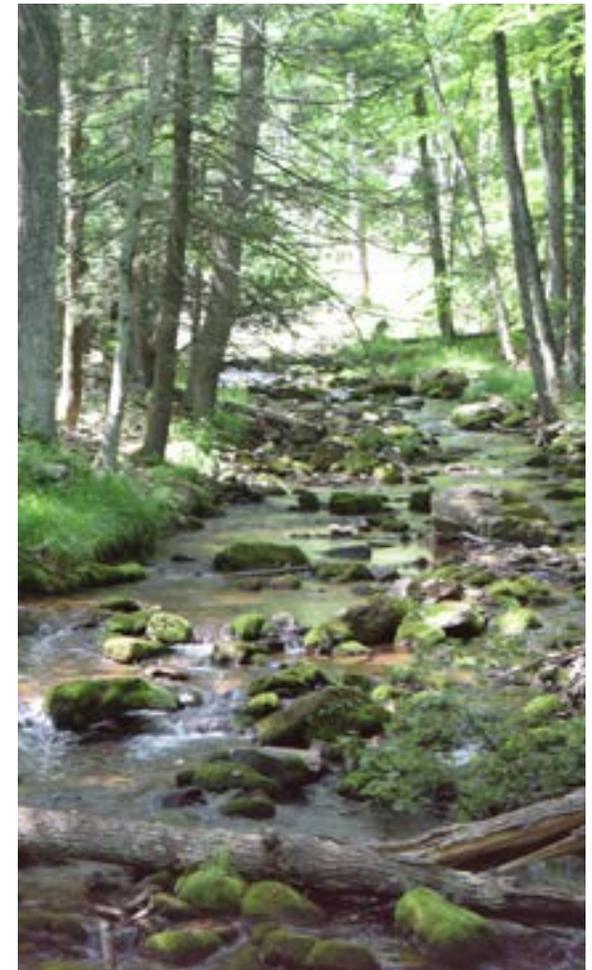
- Accessory Uses
- Forestry
- Single Family Detached Dwellings
- No Impact Home Based Business

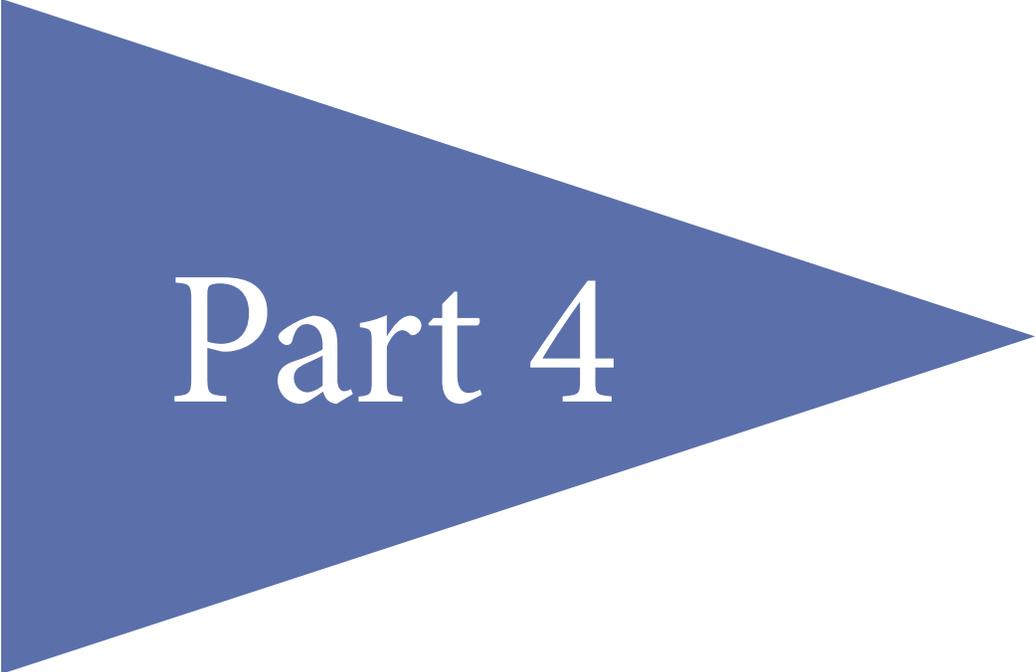
Four additional land uses are allowed by right or as a special exception or conditional use

in six (6) of the seven (7) municipalities and include:

- Agricultural Operations
- Home Occupations
- Seasonal Dwellings
- Kennels

Other uses frequently permitted are cultivation of crops, riding stables, and campgrounds.





# Part 4

*forest/woodland preservation  
zoning recommendations*

Pennsylvania is the largest producer of  
hardwood in the United States.

PA Forest Products Association

## Forest/ Woodland Preservation Zoning Recommendations

Provided in this section are guidelines intended to assist municipalities with reviewing their forest/woodland preservation zoning ordinances in order to determine consistency with comprehensive planning and resource conservation goals. A checklist is also provided at the end of this section to facilitate a review of existing forest/woodland preservation zoning district standards.

**Forest/Woodland Preservation Zoning District Purpose.** The zoning ordinance should include a purpose statement for the Forest/Woodland Preservation Zoning District which defines the intent. Most purpose statements in Union County zoning ordinances state that forest/woodland preservation zoning districts are to preserve valuable forests for timber production and to promote the conservation of environmentally sensitive lands.

Here are examples of purpose statements from Gregg Township and Lewis Township.



### Gregg Township

*The Woodland Preservation District has been designated where one or more environmental constraints exist and the land is still primarily wooded. It has been established to protect the rural atmosphere for the Township in the present and future; however, limited development would be permitted in this district. This would include residential, recreational and limited agriculture. This district is critical for conserving the natural environment since steep slopes, wetlands and poor soils are dominant in this district.*

### Lewis Township

*The purpose of the Forest Preservation District is to encourage the conservation of land in those areas where the topography and land features do not readily support most types of development due to environmental constraints and lack of community infrastructure. Therefore, uses provided for include seasonal, recreation, forestry, and similar uses that will not significantly change the character of the natural environment. The Township does not intend to provide public facilities or services in the Forest Preservation District.*

**Definitions.** Zoning ordinance definitions should be reviewed to make sure they are consistent with the MPC and current practice. The MPC defines forestry as follows:  
Forestry – *The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and*

*selling trees for commercial purposes, which does not involve any land development.*

The definitions of uses permitted in the forest/woodland preservation zoning district should be reviewed also to make sure the overall intent of the zoning district is being met.

**Uses Permitted By Right.** Most townships are restrictive in terms of the uses that are permitted by right in the forest/woodland preservation zoning district. However as noted earlier in the previous section there is significant variability across the county in terms of what uses are permitted by right with only four land uses appearing as permitted uses in all seven forest/woodland preservation zoning districts. Each municipality has to determine what works best for their unique situation but the following is a suggestion in terms of what uses might make sense to be permitted by right in the forest/woodland preservation zone:

- Accessory Uses
- Single Family Detached Dwelling (limited)
- Fishing, Hiking and Hunting Clubs
- Forestry
- Home Occupation
- No Impact Home Based Business
- Public Recreation
- Wildlife Preserves

### Conditional and Special Exception Uses.

Other land uses, while likely seen as compatible in most forest/woodland preservation districts, may necessitate a higher level of oversight, so

municipalities can apply additional requirements as part of the approval process. Conditional and special exception uses should have specific criteria established in the ordinance.

Bed and Breakfast  
Campground  
Communication Tower  
Kennel

Public and quasi-public uses are special exceptions in three municipalities for the forest/woodland preservation zoning district but the definition of those uses include banks, post offices, churches, cemeteries, schools, community centers, fire halls. Banks are today considered a commercial use and the other uses listed would require considerable land clearing.

In general land uses that require significant forest clearing such as agriculture, which is currently allowed in forest/woodland preservation zoning districts in six municipalities, are not recommended. One option would be to include limits in the ordinance on the amount of forest cover that could be cleared as an additional protection when permitting certain uses. It is recommended that land-clearing activities be limited to no more than 10% of the wooded parcel.

**Coverage and Height Requirements.** Building height and coverage along with impervious coverage limits should be set with the goal of retaining working forests and conserving sensitive environmental resources, and wildlife habitat. Forested lands are the most beneficial in terms of maintain-

ing high water quality, particularly in headwater areas and riparian corridors.

Currently six townships have building coverage set at 5% with one at 10%. Six townships have the maximum impervious coverage in forest/woodland preservation zone set at 10% or less while one is at 15%. The Union County Planning Commission supports and recommends impervious coverage limits of no greater than 10% in the forest/woodland preservation zoning districts.

All seven municipalities have a maximum building height of 35 feet for principle structures, which should be adequate.

**Minimum Lot Area.** Minimum lot area is covered extensively in Chapter 2 and Chapter 3 of this document as it pertains to agricultural preservation zoning; however, some of the same principles would still apply to forest/woodland preservation in terms of retaining a rural density.

Minimum lot areas vary considerably and range from a low of two (2) acres to a high of twenty (20) acres. Two townships have a 10-acre minimum and two have a 5-acre minimum lot size while one township uses a range of three (3) to five (5) acres, depending on slope.

To support the long-term economic importance and value of managed timber resources, watershed protection and the conservation of non-fragmented habitat, the Union County Planning Commission recommends a minimum lot area of at least 20 acres in forest/woodland preservation zoning districts. The Commission,



however, would support a minimum lot area of up to 25 acres, particularly if no limitations are placed on future development of residential units.

**Limitations on Non-Forestry**

**Development.** Unlike agricultural preservation zoning the PA DCED and other organizations have not published guidance in terms of what constitutes effective forest/ woodland preservation zoning. Presently in Union County the majority of municipalities do not appear to place the same level of importance on protecting forests as they do agricultural land. Perhaps the prevalence of state forest land leads to this; however, private forests actually account for 45% or 55,000 acres of the total forested land in the county. Also, according to Penn State Cooperative Extension, the PA Forest Products Association, and PA Hardwoods Development Council, government-owned woodland provides a minority (10 to 20%) of the annual resource needs of the states \$5.5 billion forest products industry.<sup>13</sup>

In the forest/woodland preservation zones, minimum lot sizes are generally smaller as com-

**Table 7. Non-Forestry Use Density after Development.**

Non-Forestry Use Density after Developing a 100-acre Parcel under Existing Ordinance			
Township	Density Before Development <sup>1</sup>	Number of Developed Lots <sup>2</sup>	Density After Development
Buffalo	1:100	10	1:10
East Buffalo	1:100	20	1:5
Gregg	1:100	3 <sup>3</sup>	1:33
Hartley	1:100	20	1:5
Lewis	1:100	5	1:20
West Buffalo	1:100	10	1:10
White Deer	1:100	20 <sup>4</sup>	1:5

1-Assumes there is no existing residential/seasonal dwelling on the original parcel

2-Maximum allowable lots under existing zoning ordinance for 100-acre parcel

3-Six acres of non-forestry development allowed but a 2-acre minimum lot size

4-Assumes 5-acre lot size for an area with slope greater than 15%; would be 33 lots if using 3-acre minimum

pared to agricultural districts and, with the exception of Gregg Township, there are not any limits on development and/or subdivision. Gregg Township has implemented a sliding scale to limit the number of future lots and development density.

It could be suggested that effective forest/woodland preservation zoning should be the same as agricultural preservation and be limited to yield

a density no greater than 1 acre of non-forest development per 20 acres of woodland (1:20). Table 7 shows the density of non-forestry development that would result from applying the existing forest/woodland preservation zoning regulations in place today for each municipality using a hypothetical 100-acre parcel.

As illustrated by Table 7, only the Lewis Township and Gregg Township zoning ordinances would result in a density of 1:20 over the long-term at full build out. Buffalo and West Buffalo Townships have larger minimum lot sizes than several others, but without limits on lot formation and non-forestry development the result is a density of 1:10. East Buffalo, Hartley and White Deer Townships are the most ineffective and would more closely resemble rural residential densities and character than what is expected in a forest/woodland preservation zoning district.

**Recommendation**

Have impervious coverage limits no greater than 10% in forest and woodland preservation zoning districts.

**Recommendation**

A minimum lot area of at least 20 acres in forest and woodland preservation zoning districts. The County supports a minimum lot area of up to 25 acres.

The Union County Planning Commission recommends and supports a limitation on development and new lots in the forest/woodland preservation zoning districts that will achieve a rural density

of 1:20. This can be accomplished by establishing a larger minimum lot size of 20 acres like Lewis Township or by implementing a sliding scale like Gregg Township.



# Reviewing your Agriculture and Woodland Preservation Zoning Districts: A Checklist

YES NO

## Agricultural Preservation Recommendations:

Does the non-agricultural development meet or exceed the Effective Agricultural Zoning (EAZ) recommendations of no more than 1 dwelling unit per 20 total acres?

Does the minimum lot size for agricultural operations meet or exceed 25 acres?

Is the maximum allowed impervious coverage for agricultural uses at 10% or less of the total lot area?

Is the maximum allowed impervious coverage for non-agricultural uses at 20% or less of total lot area?

Is the maximum allowed building height serviceable by emergency responders?

Are the allowed uses compatible with agricultural operations and land use goals?

## Forest / Woodland Preservation Recommendations:

Is the maximum allowed impervious coverage at or less than 10% of total lot area?

Is the minimum lot size at or above 10 acres? (The UCPC recommends and supports a minimum lot area of up to 25 acres)

Does the ordinance limit development to, at most, one developed acre per 20 total acres?

Are permitted uses compatible with forest/woodland preservation goals?

## Notes

- <sup>1</sup> Pennsylvania Department of Agriculture. 2017. *Agricultural Security Areas*. [http://www.agriculture.pa.gov/Plants\\_Land\\_Water/farmland/asa/Pages/default.aspx](http://www.agriculture.pa.gov/Plants_Land_Water/farmland/asa/Pages/default.aspx).
- <sup>2</sup> Pennsylvania Department of Agriculture. 2017. *Clean and Green Preferential Tax Assessment Program*. [http://www.agriculture.pa.gov/Plants\\_Land\\_Water/farmland/clean/Pages/default.aspx](http://www.agriculture.pa.gov/Plants_Land_Water/farmland/clean/Pages/default.aspx).
- <sup>3</sup> *Cultivating Community: A Plan for Union County's Future*. 2009. Union County Planning Commission.
- <sup>4</sup> *Greenways for Union County: Greenway and Open Space Plan*. 2017. Union County Planning Commission.
- <sup>5</sup> *Pennsylvania Municipalities Planning Code*, Act 247 of 1968. 23<sup>rd</sup> Edition, 2015. Governors Center for Local Government Services. Pennsylvania Department of Community and Economic Development.
- <sup>6</sup> *Planning for Agriculture*. 2014. Governor's Center for Local Government Services. Pennsylvania Department of Community and Economic Development.
- <sup>7</sup> *East Buffalo Township Zoning Ordinance*. 1996. East Buffalo Township.
- <sup>8</sup> *Effective Agricultural Zoning Tip Sheet*. 2013. Governor's Center for Local Government Services. Pennsylvania Department of Community and Economic Development.
- <sup>9</sup> *Census of Agriculture*. 2012. United States Department of Agriculture.
- <sup>10</sup> *Appendix B: Agricultural and Woodland Resources Technical Memo. Cultivating Community: A Plan for Union County's Future*. 2009. Union County Planning Commission.
- <sup>11</sup> *Hartley Township Zoning Ordinance*. 1996. Hartley Township.
- <sup>12</sup> *Kelly Township Zoning Ordinance*. 1997. Kelly Township.
- <sup>13</sup> Penn State University (US). 1994. *Timber Harvesting in Pennsylvania: Information for Citizens and Local Government Officials*. <https://extension.psu.edu/timber-harvesting-in-pennsylvania-information-for-citizens-and-local-government-officials>.