

York's farmland preservation zoning put to test

BY JOYCE BUPP
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DELTA — Agricultural land values in York County have increased, regardless of local zoning ordinances — or the lack of them.

That's the conclusion of a York County real estate study originally made back in 1978, after zoning disputes arose in Hopewell Township, a heavily farmed area in the southcentral part of the county.

Spurred by resident opposition to zoning ordinances in the township, Hopewell's solicitor, Attorney Gilbert Malone, arranged for a private study to examine real estate in zoned and non-zoned agricultural areas, to determine the impact that agriculture zoning had on farm land prices.

A York area realtor, Phil Epley, made the study, a massing information on a total of 11 townships in southern York County. That section was one of the most rapidly expanding parts of the state, and under heavy development pressure due to an influx of people moving from Baltimore and its surrounding urban area.

At the same time, the northern end of the county had few preservation ordinances, with the exception of a few townships encompassing areas of valuable farm ground.

Epley's study was based on the weighted average per acre of farmland sold within each township during the study period, from 1974 to 1978. Farm sizes, type of land, and improvements varied from farm to farm.

The most complete information gathered came from five townships where farmland values in 1974 all ranged near one thousand dollar per acre. They were Lower Chanceford, Chanceford, Hopewell, East Hopewell and Codorus.

Hopewell Township, had the highest priced farmland, \$1,131 per acre, in 1974, the same year their farmland zoning ordinance went on the books. By 1978, farmland price had more than doubled, averaging \$2,496 per acre.

By comparison, Chanceford Township, with no ordinances, was valued at \$960 per acre in 1974, and also doubled, to \$2,121 per acre in 1978.

And in another comparison, Codorus Township, had a per-acre value of \$1,069 in 1974. That same year, they too wrote a zoning ordinance, the first sliding-scale one in York County. But, four years later, their per-acre agland value had increased only to \$1,147.

East Hopewell saw the greatest value increase overall, jumping from the 1974 figure of \$998, to \$2,496 in 1978. An ag preservation ordinance took effect in East Hopewell midway through the study, in 1976.

Lower Chanceford's 1974 ag land value was \$903 per acre. In 1977, they passed agriculture zoning; and in 1978, farm land values in this township had climbed to \$1,538.

A study of two townships, Shrewsbury and Springfield, spanned just two years, 1976 to 1978, with both municipalities passing ag zoning in 1976.

Farmland values doubled in Springfield Township, from \$1,222 in 1976 to an even \$2,500 by 1978. That price was based, however, on the sale of a single farm in that period.

Shrewsbury farmland values increased less dramatically, from the 1976 per acre figure of \$1,116, to \$1,745 at the study's close.

Preservation ordinances vary from township to township, although most work with some type of sliding scale, allowing additional building lots from increasingly larger farmland tracts.

Peach Bottom and Chanceford townships allow bonus lots, if the first are subdivided on poor soil areas. But if the building allotments are sold of prime farmland, no bonus ones are granted.

A court case, Hopewell Township vs. Edward Golla, presently pending in the state Supreme Court, will test the legality of the township's setting up a sliding scale for subdivisions of over ten acres. If the court rules in favor, it would be a precedent-setting one, declaring in effect that township officials could not establish controls over the sales on subdivisions from tracts over ten acres.

In a similar, earlier case, Golla successfully had Hopewell Township's original set scale subdivision declared unconstitutional, another precedent setting decision.

Malone, who grew up on a southern York County dairy farm, is intensely interested in farmland preservation. He's traveled widely and has studied preservation methods in use across the country.

"Pennsylvania is one of the few states allowing land use regulation to be set at a township level," he says. "In many areas, zoning is a county function."

Malone speculates that Pennsylvania is unique because of its size and its diversity, and thus laws are drawn to be tailored more closely to local needs.

However, the attorney predicts the likelihood of some broader-reaching statewide legislation, if farmland continues to be lost at the rate of the past 15 years. Local municipalities, he expects, have perhaps a five-year grace period in which to respond with their own zoning plans.

County zoning in Pennsylvania, though, Malone sees a "totally unlikely."

"I don't see much attraction to farmers to enter the ag districts," he figures. "They already have some zoning protection against nuisance suits, and taxes aren't a real incentive because they're too low. There is just no real incentive."

A "carrot on the stick" inducement that might sweeten up the ag district prospect would be otherwise taxing farmland at fair market price in the future.

While most parts of the country have some sort of agriculture preservation plan, they vary in scope and method.

In neighboring Maryland, Baltimore County allows one dwelling lot per 50 acres of farmland. The ratio drops to one lot ten farmland acres in Harford County, while Frederick County

puts a limit of three lots on any tract.

Moving westward, dwelling lot minimum sizes grow larger. A general size is one dwelling per 50 acres, with county zoning common throughout the Midwest.

McHenry County, Illinois, has established a 160-acre minimum lot size. The Appellate Court upheld that lot size when two landowners took the regulation to court.

Colorado has a 160-acre minimum lot size on non-irrigable land, and 80-acres in irrigated areas.

In Oregon, ag land zoning is set statewide, with exclusive ag-only areas. There are no disputes or set or sliding scales, or variances. Non-ag uses are simply not allowed.

And, in San Luis Obispo County, California, is found the "granddaddy" of all subdivision size ordinances — a minimum dwelling lot size of 640 acres.

"There are 400 million acres called 'potential farmland' in this country that aren't really suitable for farming," worries Malone. "And there are 24 million acres fragmented through development, half of which was once good farmland, but is now not retrievable due to the way its been split."

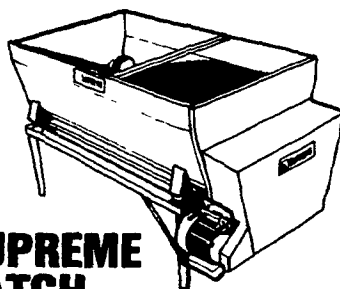
"If that fragmented land was used for future development purposes," he concludes, "it would provide housing for the next 150 years."



From his boyhood days growing up on a York County farm, attorney Gil Malone has become a tireless promoter of farmland preservation.

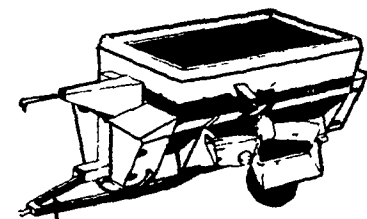
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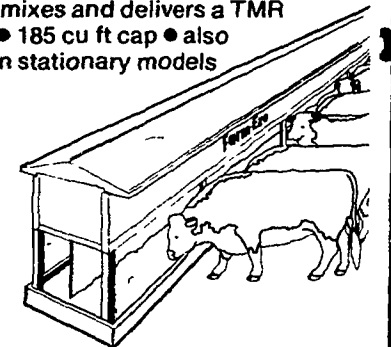
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Gypsy symposium coming Feb. 17

UNIVERSITY PARK — Forest landowners, public officials, professional foresters, and pesticide-spraying applicators are invited to attend the upcoming statewide symposium on "Coping With The Gypsy Moth."

The two-day symposium will be conducted by the Cooperative Extension Service at the Penn State main campus at University Park on Feb. 17-18. James Finley, School of Forest Resources at

Penn State, is co-ordinating the event.

Program brochures, outlining the program in detail and including the advance-registration forms, are available at county Extension office. Further enrollment information is available by contacting the Agricultural Conference Coordinator, Penn State University, 409 J.O. Keller Building, University Park, PA 16802.