

# Chester Twp. Ordinance

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surface waters, covenants and easements, public open spaces, utilities and historic/archaeological resources, but also these resources were analyzed according to land use. For example: soils were rated according to their use for agriculture, for on-site sewage systems and for their adaptability to homes with or without basements. They even brought the Pennsylvania Scenic River Act into play for the lands along Brandywine Creek and the Buck and Doe Runs.

After the natural resource study was completed, the land area that supported each component was grafted onto a color coded overlay township map. And each natural resource component was rated according to severe development constraints or marginal development constraints. Since most good farmland tends to have few prohibitive limitations for development, the local officials took deliberate steps to steer future development elsewhere. They arbitrarily plotted the top three classes of prime farmland as "marginally-suitable" for development purposes. Thus, one of the first objectives of the citizens to retain the rural/agricultural character of the township was met.

In addition, the new zoning ordinance encourages agriculture and related businesses. In the Agricultural/Conservation Zone, prime farmland is listed as one of the "sensitive-important natural features". And because of the importance of farming placed on the zone by the supervisors, the ordinance states under Article 2, Section 200 that a wide range of agricultural uses and activities will be permitted as a means of strengthening the township's agricultural economy. While intensive agricultural operations will be subject to specific design and performance criteria, these measures are aimed at enhancing compatibility. According to the ordinance future inhabitants of this Zone must be willing to accept the impacts of normal farming practices and farm-related businesses.

After detailed specifications—specifications "dirt farmers" can live with—the section concludes with this agricultural nuisance disclaimer: "All lands within the Agricultural/Conservation Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides.

"Owners, residents and users of this property should be prepared to accept such normal agricultural operations, and are hereby put on official notice that Section 4 of the

Pennsylvania Act 133 of 1982 'The Right to Farm Law' may bar them from obtaining a legal judgment against such normal agricultural operations."

"This zoning ordinance is not overly restrictive to prohibit development," Martin said. "It's just reasonable and logical to protect valuable resources. And farmland is one of those valuable resources.

One method used to help protect these resources is to require the developer to engage in a special planning process at sites where unique resources are believed to exist. If special resources are discovered they are thus recorded so they can be preserved or discarded according to their importance. This feature is incorporated into every resource area covered by the ordinance.

According to Martin, the basis for the reversed approach to West Marlborough township's zoning lies in the constitutional right to protect natural resources.

"The law behind this protection is self-enacting," Martin said. "That means you don't need enabling legislation. Therefore, a lawyer who argues a case in court can raise the issue of the protection of natural resources as a basis for municipal or private action."

This Pennsylvania law is rather unique among states.

One of the startling discoveries made during the research part of the zoning plan was that the area that had been thought of as prime for development really has stringent limitations for such action when rated according to the new criteria. The land that sticks down like a tail toward the Route 1 bypass has been found to be one of the most fragile geological areas in the township.

"We found that you absolutely can not allow intensive development to occur in this lower corridor because of the presence of an exceptional value water shed," Brosius said. "The Environmental Protection Agency will not allow water quality to be degraded in this type of a quality water area."

Some citizens have expressed misgivings about handing over the whole township's future to a series of overlays on a comprehensive township map. Yet the dissent has been mild, and Martin believes the ordinance will become the example for other municipalities to follow.

"In my opinion the ordinance will have a significant impact on the protection of agriculture in our township", Martin said. "In the past, most zoning has been backward—the metaphysical concept. You parcel up the township in sections and then if you find in the development section slopes unsuitable you just don't let them develop there. But what we've done is taken the whole township and looked at it's inherent constraints and determined where development would be possible.

"I believe this unique approach will effectively preserve farmland in West Marlborough Township. When worked together with the new ag security area that has 4,000

acres in the township ready to be committed and is part of the new state agricultural farmland preservation law, the large open spaces with thriving farm estates should have a favorable environment to survive for many years in the future."

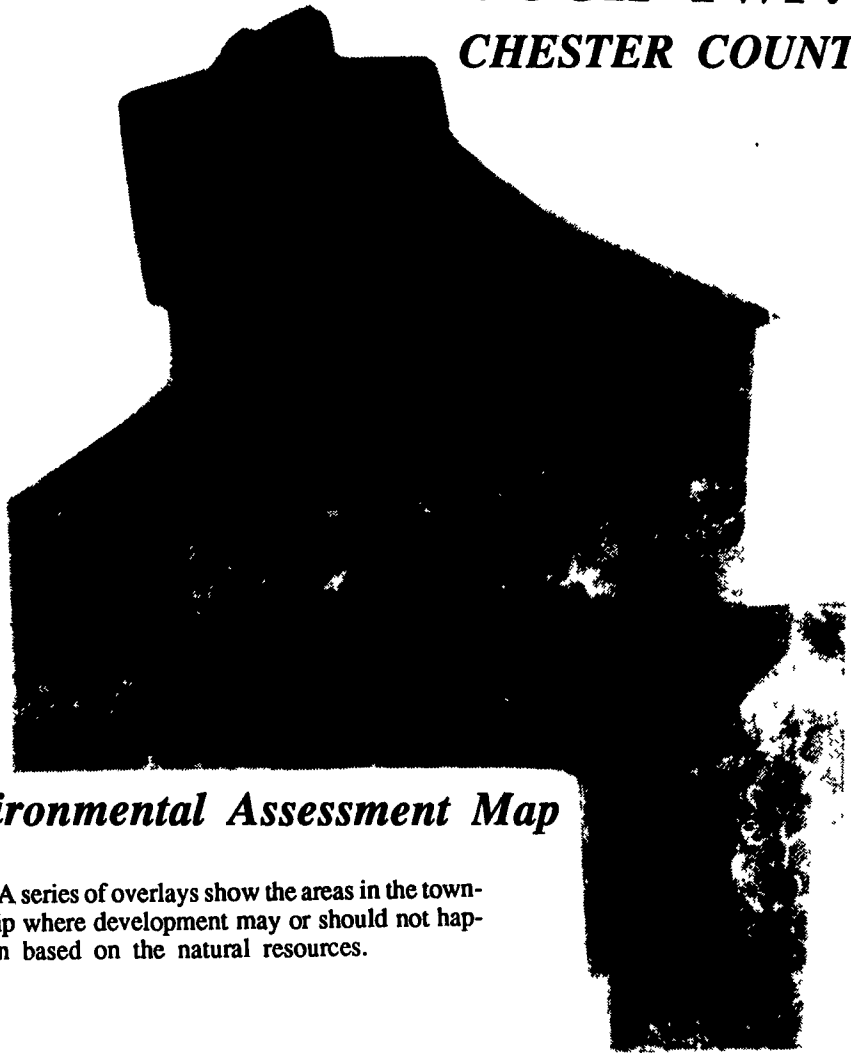
Roth thinks what many municipi-

ties do to save farmland is not enough to stand the test of legal, practical or public opinion pressures along the way. "But when you put natural resource protection along with what you do for farmland you gain a more effective and a more practical preservation program." Roth said.

Martin agrees. "While this township may have unique historic and natural resources, their new zoning plan could help any municipality or group of citizens who have a desire to preserve farmland at the local level. I believe this type of zoning approach can help preserve farmland anywhere."

## WEST MARLBOROUGH TWP.

CHESTER COUNTY, PA



### Environmental Assessment Map

A series of overlays show the areas in the township where development may or should not happen based on the natural resources.

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## NAAB Honors Koons

De FOREST, WI — Donald Koons of Waynesboro, Pa., has recently been recognized by the National Association of Animal Breeders (NAAB) for having artificially inseminated more than 100,000 cows.

Koons began his A.I. career in 1950, joining American Breeders Service (ABS) in 1963. Two of his

sons work in the business with him. Since he began breeding cows, he estimates he has driven over 2 million miles reaching his customers.

Koons, and his wife, Shirley, have eight children and seven grandchildren. Koons is a member of the Waynesboro Area Young Farmers Association.