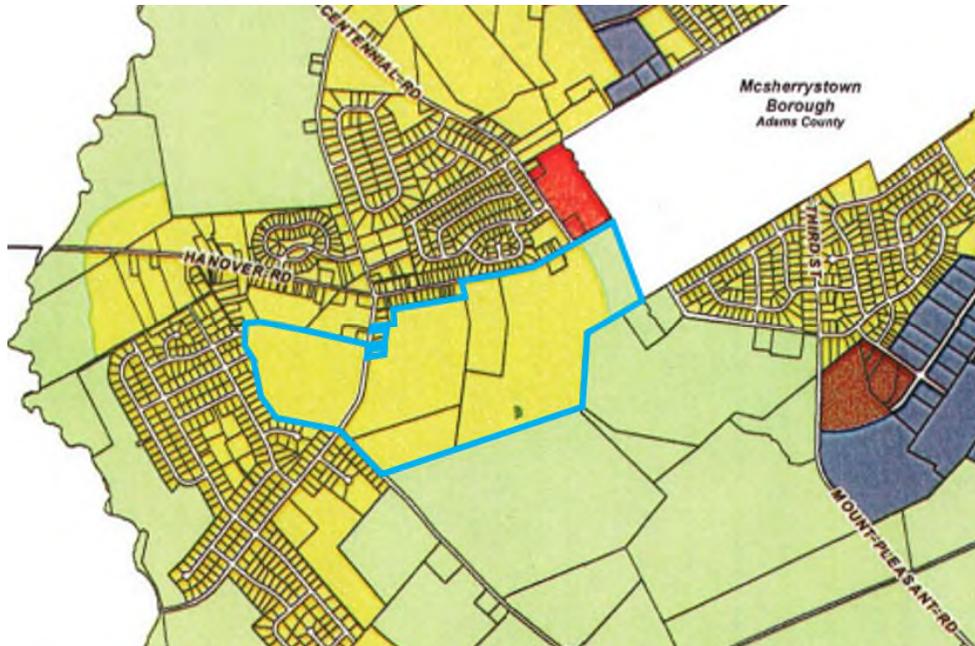


PROFESSIONAL PLANNING AND ZONING REPORT

Proposed Ordinance No. 2020-C
Conewago Township,
Adams County, Pennsylvania



Prepared By:

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August 12, 2020

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APPENDICIES

I. INTRODUCTION

The Board of Supervisors of the Township of Conewago, Adams County, Pennsylvania (“Board”) is considering the enactment of a proposed amendment – Ordinance 2020-C (“Rezoning Amendment”) – to Chapter 155 of the Code of the Township of Conewago (“Zoning Ordinance”). The Rezoning Amendment is intended to rezone certain land (“R-1 Land”) that currently is zoned as part of the Township’s Suburban Residential Zone (“R-1 Zone”) to the Agricultural Zone (“A Zone”). The purpose of this planning report is to provide justification supporting my professional opinion that the current R-1 Zone designation is more appropriate for the R-1 Land, and it should remain zoned as part of the R-1 Zone. It is my professional opinion that the Rezoning Amendment should not be adopted.

II. BACKGROUND

A. R-1 LAND

As indicated in the Rezoning Amendment, the R-1 Land is comprised of all or portions of six lots¹ totaling approximately 185.07 acres. The R-1 Land is located in an area generally south of Hanover Road (SR 0116), west of McSherrystown Borough (“McSherrystown”) and the Hanover Airport, and northeast and east of Race Horse Road (SR 2021). The R-1 Land adjoins Hanover Road, one of the most heavily traveled arterial roads in the Township, as well as Race Horse Road. The R-1 Land also adjoins an alley that parallels Hanover Road, and which is located east of the Hanover Road/Race Horse Road intersection. The majority of the R-1 Land generally is comprised of cropland and fields developed as part of lower intensity agricultural operations and/or related homesteads and outbuildings. But one of the lots is developed as part of the Southeastern Adams Volunteer Emergency Services (“SAVES”) Facility. See Figures II-A.1 and II-A.2, respectively depicting the current zone designations of the R-1 Land and the surrounding area, and an aerial exhibit of the R-1 Land and surrounding area.

¹ Adams County Parcel Identification Nos. (and addresses): (i) 08-K15-0004-000 (5955 Hanover Road); (ii) 08-K14-0237-000 (5865 Hanover Road); (iii) 08-K14-0129A-000 (5955 Hanover Road); (iv) 08-K14-0129-000 (no address listed); (v) 08-K15-0001-000 (110 Race Horse Road); and (vi) 08-K15-0010-000 (250 Race Horse Road). While the text of the Rezoning Amendment lists six lots and associated Parcel Identification Nos., the map of included in Exhibit A depicts only five lots and associated Parcel Identification Nos.

It should be noted that portions of Parcel Identification No. 08K15-0004---000 that are: (i) located in McSherrystown; or (ii) already are zoned as part of the A Zone (east of Plum Creek) as depicted on the Zoning Map listed on the Township’s website.

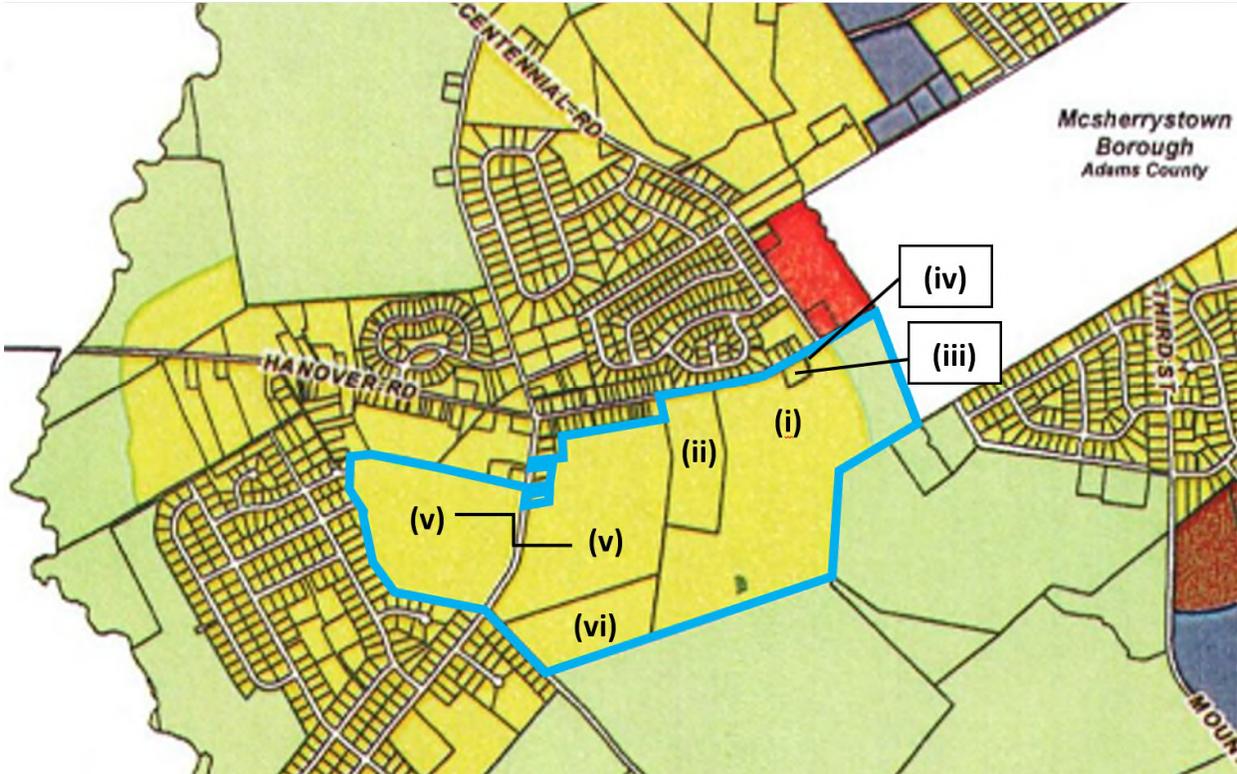


Figure II-A.1 – Current Zone Designations of the R-1 Land and the Surrounding Area (R-1 Land depicted as solid light blue outline, and numbered lots corresponded with Footnote 1)



Figure II-A.2 – Aerial Exhibit of the R-1 Land and the Surrounding Area (R-1 Land depicted as solid light blue outline, and numbered lots corresponded with Footnote 1)

B. SURROUNDING AREA: PATH OF NON-AGRICULTURAL GROWTH AND DEVELOPMENT

In general, the R-1 Land is located in the path of non-agricultural (e.g. residential, commercial) growth and development along the Hanover Road (“State Route 116”) corridor between the developed areas of McSherrytown that is located to the east and Brushtown Village located to the west. See Figures II-B.1 and II-B.2, respectively depicting the current zone designations of the R-1 Land and the surrounding area (smaller scale), and an aerial exhibit of the R-1 Land and surrounding area (smaller scale). The following generally describes the current zone designations and uses/development of these areas surrounding the R-1 Land.

North

Land adjoining to the north of the R-1 Land, including that across (north of) Hanover Road, is zoned for non-agricultural growth and development as part of the R-1 Zone. Pursuant to Section 155-15.A of the Zoning Ordinance, the purpose of the R-1 Zone is to accommodate low- to medium-density residential uses in areas with sufficient infrastructure to support such densities, and the selected locations provide for the accommodation of developments in accordance with the Conewago Township Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics. Further, the R-1 Zone is intended to provide for a continued pattern of suburban residential development with the use of both public sewer and public water, with the required design standards reflecting existing development patterns. Permitted uses include residential dwellings and developments including single-family detached dwellings, traditional neighborhood design developments, manufactured home parks and medical residential campuses. Additionally, non-residential uses including emergency services, parks and playgrounds, public utilities structures, schools, places of worship and golf courses are permitted in the R-1 Zone. (§§ 155-15.B, 155-15.C and 155-15.C) The majority of the land in this area currently is used for single-family detached dwellings. There is no land zoned as part of the A Zone along the R-1 Land’s northern boundary.

Northeast

Land located to the northeast of the R-1 Land, across (north of) Hanover Road, is designated for non-agricultural growth and development as part of the Highway Commercial Zone (“HC Zone”) in the Township and the R-2 Residential District (“R-2 District”) in McSherrystown². Pursuant to Section 155-21.A of the Zoning Ordinance, the purpose of the HC Zone in part is to provide suitable locations for retail, service and entertainment businesses, and the uses permitted vary widely, and some may involve outdoor activities and/or storage areas, like automobile, boat and trailer sales and service establishments. Permitted uses include a full range of retail sales; offices; health care, personal and business services; and dining, lodging and recreational

² Three lots

establishments. The HC Zone land in this area currently includes Centennial Commons and surrounding shopping complex.

McSherrystown's Zoning Ordinance states that its R-2 District is intended to provide for and encourage an ample supply and variety of higher density residential development, along with certain other compatible uses and activities in those areas of the Borough best suited for such development. (§ 215-14) Permitted uses in McSherrystown's R-2 District include all types and a full range of residential dwellings, offices, schools and places of worship. (§§ 215-15 and 215-16) McSherrystown's R-2 District land in this area currently includes higher density type housing. There is no land zoned as part of the A Zone along the R-1 Land's northeastern boundary.

East

Land adjoining to the east of the R-1 Land is zoned for non-agricultural growth and development as part of the McSherrystown's I-1 Industrial District ("I-1 District"). The purpose of McSherrystown's I-1 District, in part, is to provide for the continuation and expansion of existing industry, and to provide for the establishment of new industrial and manufacturing development which will benefit the community. (§ 215-27) Permitted uses include a full range of industrial, manufacturing, wholesale and storage facilities, as well as offices and retail sales of goods produced on site. (§§ 215-28 and 215-29) This land, located in McSherrystown, is identified as an undeveloped portion of Parcel Identification No. 08K15-0004---000, one of the lots included as part of the R-1 Land. There is no land zoned as part of the A Zone along the R-1 Land's eastern boundary.

Southeast and South

Land located to the southeast and south of the R-1 Land adjoins five lots in the A Zone. The primary purpose of the A Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone is further intended to protect farms of sufficient size to allow them to remain economically viable, as opposed to the creation of farmettes that are not agriculturally productive. Also, this zone is intended to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Residential uses are limited. Additionally, large-scale and obtrusive uses are permitted by conditional use to separate them from the Township's population concentrations. Provisions of this zone have been specifically formulated to further the objectives of the Pennsylvania Municipalities Planning Code, which provides that local zoning ordinances shall be designed "to preserve prime agriculture and farmland considering topography, soil type and classification, and present use. (§ 155-14.A) Permitted uses include a full range of various farming and agricultural operations and related and supporting homes and businesses. (§§ 155-14.B and 155-14.C) The five A Zoned lots include the Hanover Airport, and some form of open space, farming or agricultural operations.

Southwest, West and Northwest

Land located to the southwest, west or northwest, either adjoining or located across a right-of-way from the R-1 Land, is zoned for non-agricultural growth and development as part of the R-1 Zone. The purpose and permitted uses of the R-1 Zone are discussed above. The majority of the land in this area currently is used for single-family detached dwellings. There are some recreational facilities in this area. There is no land zoned as part of the A Zone along the R-1 Land's southwestern, western, or northwestern boundary.

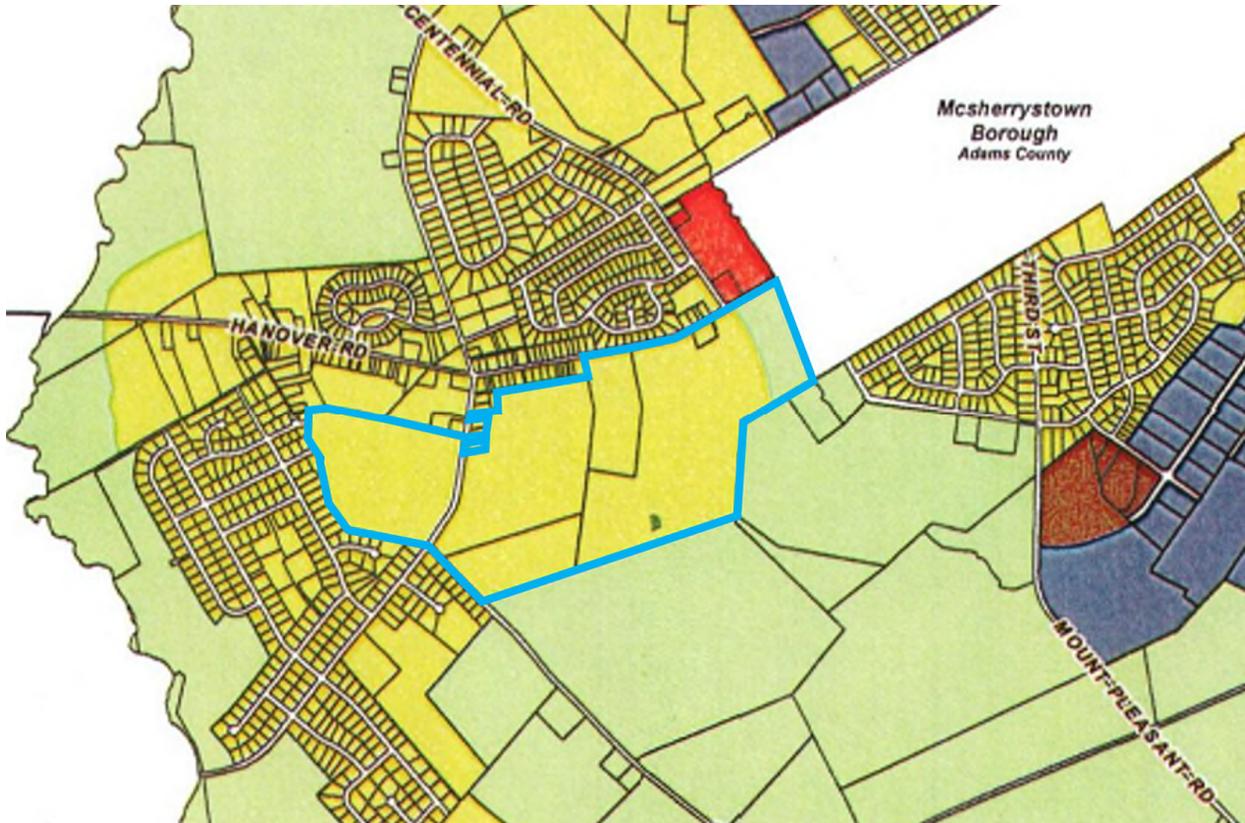


Figure II-B.1 – Current Zone Designations of the R-1 Land and the Surrounding Area
(R-1 Land depicted as solid light blue outline)

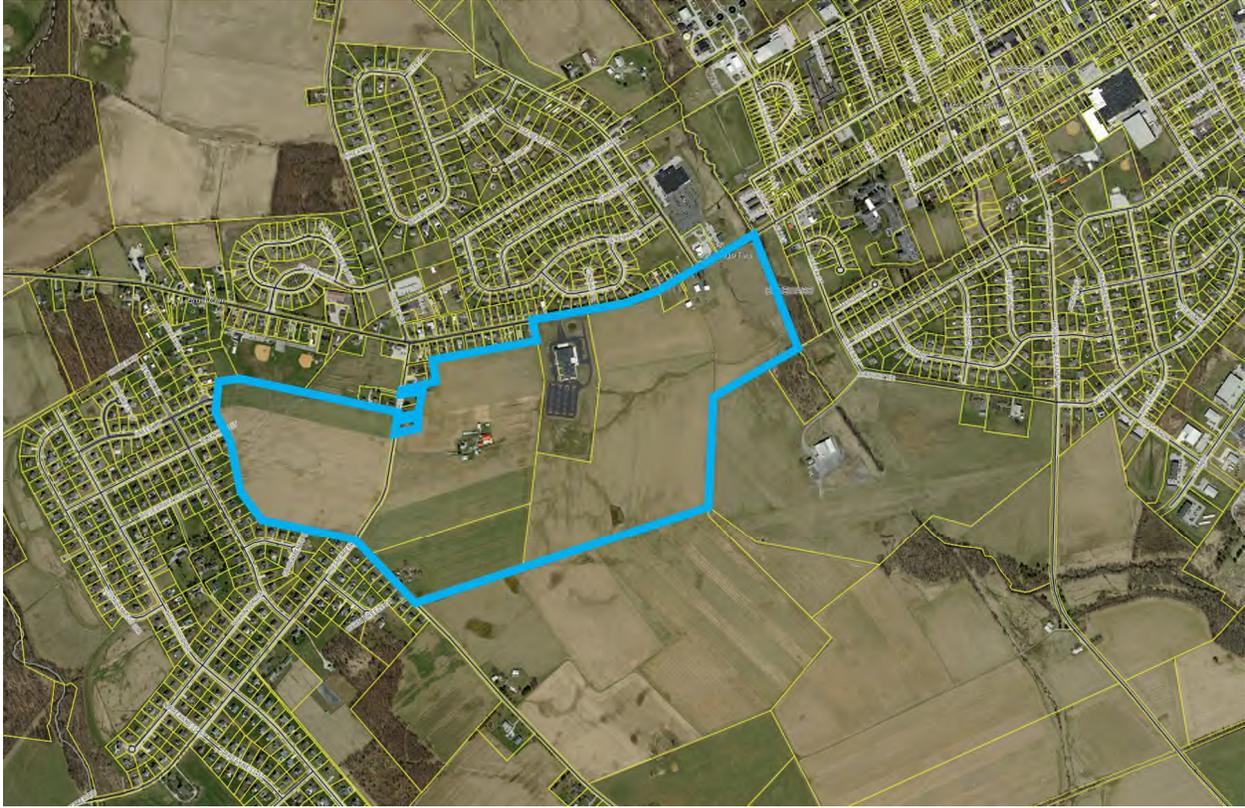


Figure II-B.2 – Aerial Exhibit of the R-1 Land and the Surrounding Area
(R-1 Land depicted as solid light blue outline)

Zone Boundaries Along the R-1 Land's Perimeter

Overall, the R-1 Land's perimeter adjoins, or is located across a right-of-way from land zoned for non-agricultural growth and development. Approximately 70% of the R-1 Land's perimeter adjoins, or is located across a right-of-way from, land zoned or developed with uses other than agricultural uses. Only approximately 30% of the perimeter of the R-1 Land adjoins land zoned and used for agricultural uses, and that portion of the perimeter adjoins only five lots along its southeastern and southern boundary. The current R-1 Zone designation of the R-1 Land is more appropriate and compatible with the adjoining and nearby land that is developed with or zoned for non-agricultural growth and development. See Figure II-B.3 depicting the zone boundaries along the R-1 Land's perimeter.

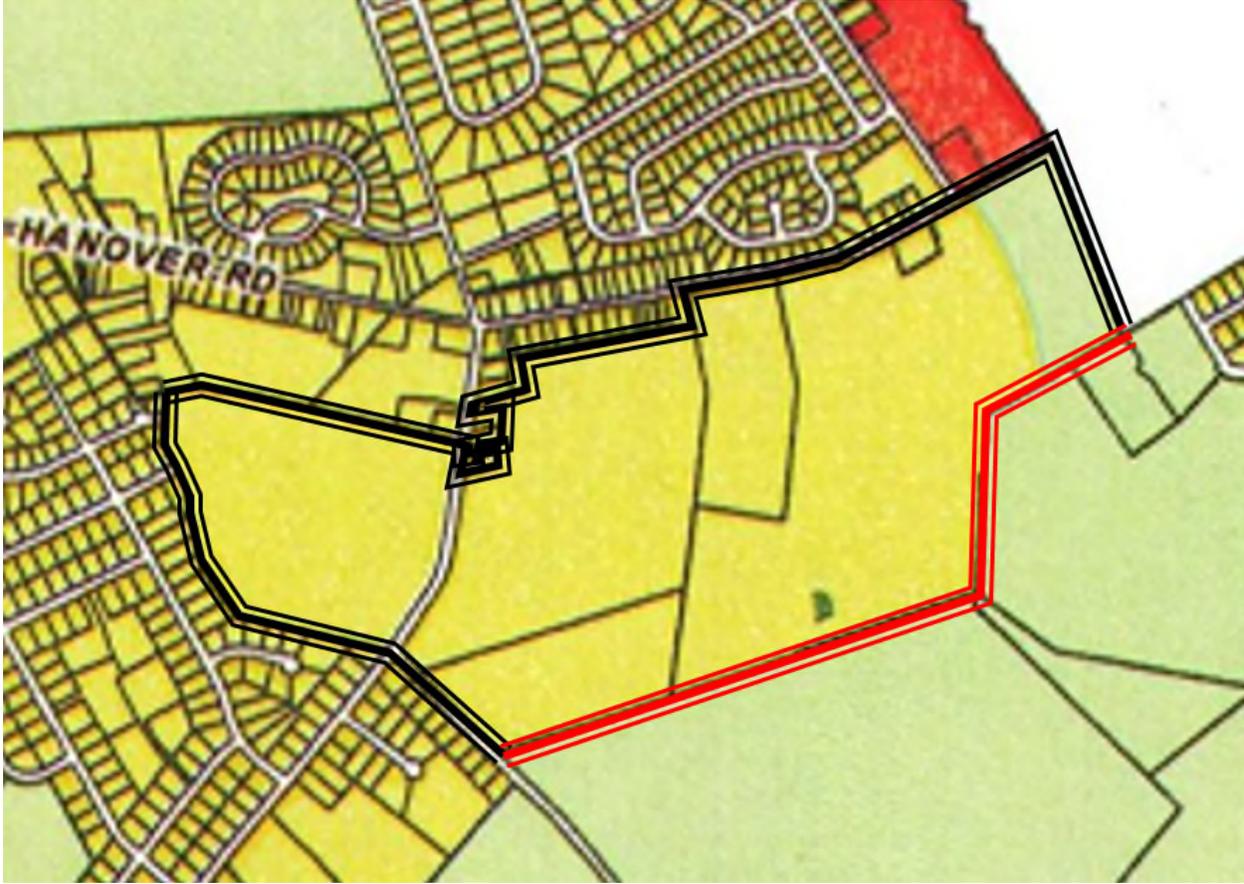


Figure II-B.3 – Current Zone Designations of the R-1 Land and Surrounding Area
(Portions of R-1 Land border adjoining non-agricultural zones depicted as solid black lines, and portions adjoining agricultural zones depicted as solid red lines)

III. PLANNING AND ZONING JUSTIFICATION

For the reasons described below, the current R-1 Zone designation is more appropriate for the R-1 Land, and the R-1 Land should remain zoned as part of the current R-1 Zone. Therefore, the Rezoning Amendment should not be adopted.

A. County Comprehensive Plan (“County Plan”)

The current County Plan, adopted in 1991 and subsequently updated and amended, specifically identifies the R-1 Land as: (i) located in a growth area; and (ii) included as part of a low or medium density residential land use classification. Therefore, the current R-1 Zone designation of the R-1 Land is more appropriate than the A Zone.

The County Plan’s Growth Management Plan specifically identifies the R-1 Land as located in a growth area as part of the residential land classifications. The Growth Management Plan identifies McSherrystown (east) and Brushtown Village (west), and the area in between along Hanover Road, as part of a growth area. The Growth Management Plan states that:

The Land Use Plan incorporates a growth-area concept to provide for the orderly extension of development. Growth is directed primarily to areas already served by central water and sewer systems, community facilities and services, and having a high level of accessibility. The growth-area concept provides an efficient and economical way to allow new growth to occur while limiting the consumption of agricultural land. The majority of the residential, commercial, industrial, and institutional development is planned to take place within designated growth areas. Areas outside the growth area are intended primarily for agricultural, recreational, and open space protection uses.

Growth areas are focused on existing boroughs - with their residential neighborhoods, shopping cores, community service facilities, and public utilities - and on a limited number of other discrete locations in the county, such as selected crossroads villages.

...

Growth Areas

The Land Use Plan recognizes current and expected development trends in Adams County, indicating that its eastern tier will continue to be the primary growth quadrant of the county. Growth areas in the east are focused on the existing boroughs of Littlestown, McSherrystown, New Oxford, Abbottstown, Bonneaudle, and East Berlin, and include portions of Conewago, Mount Pleasant, Oxford, Union, Germany, Berwick, Hamilton, and Reading Townships.

This area is expected to continue to be the primary growth sub-region of the county. Growing employment centers near Hanover, west of York, and close to Westminster and Owing Mills in Maryland are predicted to be determining factors, as are planned road improvements in Pennsylvania and Maryland, and the emergence of major shopping malls, service businesses, and an industrial park near the boundary of Hanover and Penn Township, just across the county line.

...

(County Plan – pp. 3-3-1 – 3-3-2)

The Growth Management Plan identifies the R-1 Land as located in the eastern portion of the County, designated as one of the County's primary growth areas. McSherrystown and

Brushtown Village are designated as part of the “Borough / Village / Crossroad Center (Mixed Use)” land classification. The Growth Management specifically identifies the northern portion of the R-1 Land, located along Hanover Road, as part of the “Residential – Medium and Medium-High Density” land classification. This area is designated as part of the Residential – Medium and Medium-High Density land classification because of its proximity to “urban” areas (i.e., McSherrystowns and Brushtown), existing or anticipated public services, accessibility, community facilities, employment, and shopping areas. This land classification is intended to provide for a full range of residential housing options. Additionally, the southern portion of the R-1 Land specifically is identified as part of the “Residential – Medium-Low Density” land classification. The Residential – Medium Density land classification is intended to be served by public roads, water and sewer, so as to accommodate residential development at significantly higher densities as compared to rural and agricultural areas. (pp. 3-5-1, 3-5-3, 3-5-4 and 3-5-6) As described above, the R-1 Land and the surrounding areas which are extensions of McSherrystown and Brushtown Village along Hanover Road, are planned and zoned for, or developed with, non-agricultural growth and development. These areas are planned to be served with a full range of utilities and infrastructure. The Growth Management Plan does not identify the R-1 Land as part of any “Agriculture” land classification. See Figure III-A.1 depicting the County Plan’s growth area land use designations for the R-1 Land and the surrounding area.



Figure III-A.1 – County Plan’s Growth Area Designations of the R-1 Land and the Surrounding Area (R-1 Land generally depicted as dashed light blue oval; “Borough / Village / Crossroad Center (Mixed Use)” depicted as dark red shading; “Residential – Medium and Medium-High Density” depicted as dark orange shading; and “Residential – Medium-Low Density” depicted as light orange shading)

The current R-1 Zone designation of the R-1 Land is further supported by the County Plan’s Accessibility Map and Suitability for Development Map. Due to its proximity in the high growth area of eastern Adams County and southwestern York County, the Accessibility Map depicts the majority of the R-1 Land as “Close to Urban Core and Major Route” (i.e., McSherrystown, Brushtown Village Hanover Road) with a smaller portion as “Close to Urban Core or Major Route.” The County Plan indicates the R-1 Land as part of the area continuing to attract the larger residential developments. (p. 2-3-3) Based on a composite analysis of

development assets and constraints, the Suitability for Development Map depicts the majority of the R-1 Land as “Good,” which is the highest development suitability classification. The County Plan does not identify the R-1 Land as part of any “Agriculture” land classification. See Figures III-A.2 and III-A.3, respectively, depicting the County Plan’s Accessibility classifications for the R-1 Land and surrounding area, and development suitability classification for the R-1 Land and surrounding area.

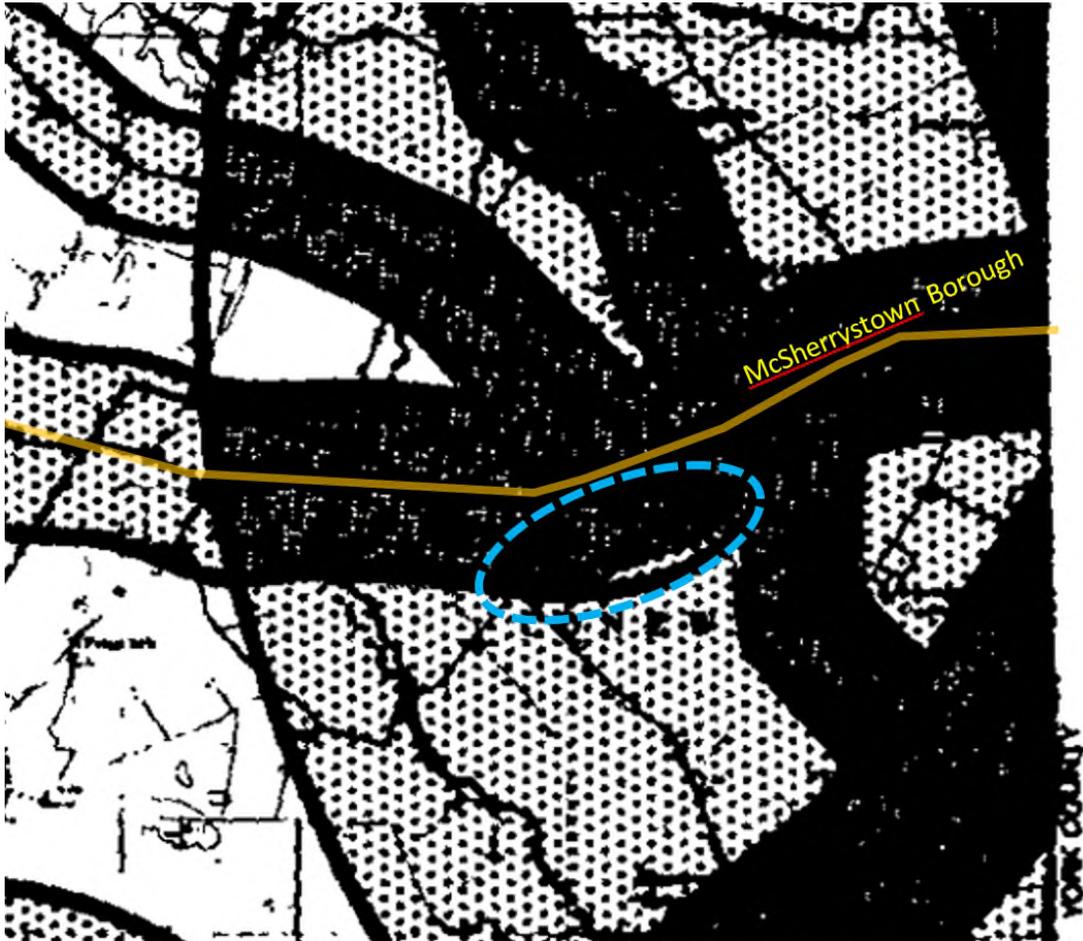


Figure III-A.2 – County Plan’s Development Suitability Classifications of the R-1 Land and the Surrounding Area (R-1 Land generally depicted as dashed light blue oval; Hanover Road depicted as solid brown line; “Close to Urban Core and Major Route” depicted as dark shading; and “Close to Urban Core or Major Route” depicted as lighter shading)



Figure III-A.3 – County Plan’s Suitability of Development Classifications of the R-1 Land and the Surrounding Area (R-1 Land generally depicted as dashed light blue oval; Hanover Road depicted has solid yellow line; “Good” (#1) depicted as dark red shading; and “Fair” (#2) depicted as light red shading)

Finally, several of the County Plan’s goals, objectives or policies support the current R-1 Zone designation of the R-1 Land, rather than the A Zone. These are reproduced (or summarized) in bold below.

Development Pattern (pp. 3-2-1 – 3-2-2)

GOAL: Achieve a future overall development pattern that is responsive to the economic, social, and cultural needs of county residents, and that considers the realities of regional trends

GOAL: Ensure that development occurs in an efficient and logical manner, and in ways that minimize short- and long-term costs to the public and private Sectors.

Objective: Direct residential, commercial, industrial, and institutional development to designated growth areas, where sewer, water, and transportation improvements can be phased in concert with new development.

Objective: Designate growth areas that can be readily-served by existing or expanded infrastructure systems, transportation networks, and public services.

Objective: Identify areas for future growth and development, even if not presently served by infrastructure, where such future development would be appropriate for the protection of community character or to maximize the use of major transportation facilities.

Objective: Allocate sufficient land to accommodate most of the county's projected population and employment within designated growth areas, allowing for flexibility in real estate markets.

Objective: Direct development to areas deemed appropriate for centralized water service so as to avoid overdrawn or contaminating groundwater.

Economic Base (pp. 3-2-3 – 3-2-4)

GOAL: Maintain the economic viability of existing urban communities.

Objective: Maintain residential neighborhoods and expand housing opportunities close to existing urban business districts.

Housing (p. 3-2-4)

GOAL: Provide a diversity of housing opportunities, in harmony with existing development and the historical and natural environments.

Objective: Facilitate a range of housing types, sizes, and price levels, to respond to changing housing needs and to provide housing for various stages of the life cycle, household configurations, and income levels.

Land Use Policies (p. 3-3-14)

- 1. Promote the basic Growth Management Plan concepts of growth areas, resource conservation areas, and permanent open space and preservation areas, and their configuration in the Land Use Plan. Assist municipalities in the preparation and adoption of local comprehensive plans and land use controls consistent with the Land Use Plan.**
- 2. Assist municipalities and land developers in the planning and design of additions to existing built-up areas and new residential, employment, and mixed-use areas, consistent with the Land Use Plan.**

Housing Policies (p. 3-5-6)

1. **Assist municipalities in the preparation and adoption of local comprehensive plans and land use controls consistent with the County Comprehensive Plan.**
2. **Facilitate water and sewer system implements, including extensions of existing systems and creation of new ones, consistent with the Land Use and Housing Plans.**
3. **Advocate construction of new medium and medium-high density housing at appropriate locations within designated growth area.**

[emphasis added]

Several of the County Plan's goals, objectives or policies support the current R-1 Zone designation of the R-1 Land, rather than the A Zone. Given that for nearly 30 year, the County Plan has specifically identified the R-1 Land as some of the most suitable land for residential development in the County, and the R-1 Zone designation is consistent with, and implements certain elements of, the County Plan, the current R-1 Zone designation is more appropriate than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.

B. Township Comprehensive Plan (“Township Plan”)

The current R-1 Zone designation for the R-1 Land is consistent and compatible with the Township Plan. The current Township Plan, adopted in 2008, states the planning timeframe for the Township Plan extends to the year 2020. All of the recommendations made in the Township Plan are structured around this timeframe. (p. 1) The Township Plan suggests updating the Township Plan on or before the year 2020. (p. 120) It is important to note that the current Township Plan is approximately 12 years old and is nearing its planning horizon. At this point, a complete draft of an update to the Township Plan has not been prepared or shared with the public.

Regardless of the age of the current Township Plan, the current R-1 Zone designation of the R-1 Land is generally consistent with, and implements, certain elements of the Township Plan. In determining consistency with a comprehensive plan, a community's goals, objectives, strategies and future land use and other plan elements all are considered. Therefore, it is important to note that the specific land use designations for certain parcels on a future land use map is not the sole factor a community relies upon in determining the consistency with its comprehensive plan, but it is only one of the components considered.

The goals, objectives and strategies supporting the R-1 Land to remain zoned as part of the R-1 Zone are reproduced (or summarized) in bold below. A brief discussion follows:

Goal: Maintain a Balanced Pattern of Development. (pp. 5 – 6)

Objective and Strategies:

- (i) Continue to maintain a character of developed areas in compact arrangements, with farmland and natural areas serving as separators.**
- (ii) Promote development toward existing developed areas and lands designated for development to help with the safeguarding of farmlands and undeveloped areas.**
- (iii) Concentrate development around and adjacent to the Boroughs and existing neighborhoods such as:
 - (a) the Borough of McSherrystown.**
 - (b) the Village of Brushtown.****
- (iv) Strive to maintain the other prime agricultural lands, in order to promote the visual and spatial relief between developed and undeveloped areas.**
- (v) Promote “in-fill” development in existing areas of settlement and community to reinforce and add value to existing neighborhoods.**
- (vi) Encourage “in-fill” development in existing areas of settlement and community by minimizing ordinance restrictions to enhance the appeal of “infill.”**
- (vii) Promote re-use of existing properties and buildings to prevent impervious encroachment into pervious lands.**
- (viii) Control the expansion and extension of utilities infrastructure with a view toward continuing a balanced pattern of development.**

Goal: Minimize the Sprawling Effect of Development (pp. 6 – 7)

Objective and Strategies:

- (i) Limit growth areas with the creation and implementation of urban growth boundaries to avoid a suburban sprawl pattern of development by creating boundaries to the expansion of existing neighborhoods and subdivisions.**
- (ii) Promote development around and adjacent to the Boroughs and existing neighborhoods such as:
 - (a) the Borough of McSherrystown.**
 - (b) the Village of Brushtown.****

- (iii) Encourage the mixing of compatible uses, walkable communities and conserving open space by promoting Traditional Neighborhood Development.
- (iv) Revise zoning district boundaries and development density to promote a more compact form of development.

Goal: Maintain and Enhance Transportation/Circulation Systems (p. 8)

Objective and Strategies:

- (i) Improve traffic controls at critical intersections and along main transportation routes, especially along Route 116 and Route 194.
- (ii) Remedy dangerous traffic intersections with primary attention to the intersections of Sunday Drive, Racehorse Road and Route 116.

Goal: Maintain and Upgrade Utility Systems (p. 9)

Objective and Strategies:

- (i) Expand public water to presently unserved areas, in conjunction with a plan for the control of the spread of development to selected areas of the Township.
- (ii) Expand public sewer to presently unsewered areas, in conjunction with a plan for the control of the spread of development to selected areas of the Township.
- (iii) Establish an urban growth boundary to direct residential and commercial development and ensure the extension of public water and sewer utilities are within this boundary.
- (iv) Coordinate utility line extensions with the Borough of Hanover.
- (v) Upgrade the Hanover Regional Sewer Plant as needed.

Goal: Provide for Needed Land Uses (p. 9)

Objective and Strategies:

- (i) Provide for a variety of housing types including: single-family, two-family, multi-family in various arrangements, and mobile homes/mobile home parks.
- (ii) Promote a diversity of mixed uses to serve neighborhoods and the overall needs of the Township.

- (iii) Provide affordable housing for all age ranges.**
- (iv) Encourage the re-development of existing and built properties.**

Goal: Provide for Needed Community Facilities (p. 10)

Objective and Strategies:

- (i) Continue to provide support to the local volunteer fire companies.**
- (ii) Continue to support and rely upon regional facilities in terms of emergency services.**

Goal: Promote Diversity and Rehabilitation of Housing Types

(pp. 10 – 11)

Objective and Strategies:

- (i) Provide for opportunities for mobile home park development as required by State law.**
- (ii) Encourage TND and cluster development as a means of preserving open space.**

The R-1 Land, which is considered to be “developed³” land, is located in the path of non-agricultural growth and development along State Route 116. This roadway is an important regional transportation corridor that is intended and designed to accommodate larger volumes of traffic. The areas to the north, east (including McSherrystown) and west (including Brushtown Village) of the R-1 Land are planned and zoned for, and currently developed with, non-agricultural uses and development. These areas, surrounding the R-1 Land on three sides (i.e., edges), are adequately served with a full range of utilities and infrastructure (e.g., public water and public sewer). The R-1 Zone⁴ designation of the R-1 Land helps to ensure the continuation and enhancement of the existing developed character of these neighborhoods and areas. The R-1 Zone permits the reuse of “developed” land for compact, moderate-density residential infill growth and development in a logical and appropriate area. This is the preferred and sustainable alternative to prematurely rezoning other less appropriate agricultural or rural land located farther away from the population and

³ Although the R-1 Land is used for agricultural purposes, the Township Plan nonetheless considers it and all other agricultural land to be developed. “In planning for agricultural land, the Township should adopt a philosophy and policy not to consider agricultural land as “undeveloped farmland awaiting another use.” Rather it should be viewed as “developed land” that is being used to produce a valuable product. Farming is a land-intensive, manufacturing process that converts raw materials into a product, comparable to other industrial operations, with occasional accompanying impacts of noise, odor and dust.” (p. 122) [emphasis added].

⁴ Pursuant to Sections 155-14.D(1) and 155-14.D(3) of the Zoning Ordinance, Traditional Neighborhood Developments (TNDs) and Manufactured Home Parks are permitted in the R-1 Zone.

development centers and extending utilities and infrastructure to accommodate sprawling “leap-frog” type of development.

Further, the A Zone, which is currently located to the southeast and south of the R-1 Land, serves as the suggested visual and physical separator between other farmland that is located further to the south and more appropriate for agricultural use and preservation and the developed areas located to the north. Finally, the R-1 Zone designation of the R-1 Land supports local emergency management services by recognizing the existing SAVES Facility as a permitted use in close proximity to (i) State Route 116, a major regional transportation corridor, and (ii) existing developed areas where demand is greater. Therefore, the current R-1 Zone designation of the R-1 Land is generally consistent with, and better implements, these goals and objectives set forth in the Township Plan.

The Township Plan states the importance of assuring that the Township Plan, including future land uses, is generally consistent with County planning initiatives. (pp. 2 and 59) As stated above, the R-1 Zone designation certainly is generally consistent with several of the County Plan’s goals, objectives and strategies, as the County Plan specifically identifies the R-1 Land for non-agricultural growth and development as part of the residential land classification.

Regarding the Township’s Future Land Use Plan, adopted as part of the Township Plan in 2008 (over 12 years ago), the Township Plan indicates:

The preparation of the Future Land Use Map was accomplished according to several “ground rules”; an understanding of these “ground rules” will lead to a better understanding of the Plan’s recommendations.

First, this Plan is designed to address future conditions until the year 2020. Accordingly, future growth areas have been generally located and sized to accommodate the growth that is projected during this time frame. This results in a “staged” future land use scheme that (1) reduces the conversion of productive farmlands and sensitive natural features, (2) confines development areas so that public improvements and services can be provided efficiently to a compact area, and (3) predominately focuses infill development around existing settlements. The benefits of this approach are significant, but require that the [Township] commit to the Plan’s updating on or before the year 2020.

...

Third, a great deal of emphasis was placed on existing land uses in developed areas. In some limited cases, existing development types were recommended for changes to another land use category to enhance compatibility. In rare instances, existing

uses were not reflected to suggest the need for change within that given locale toward which regulatory efforts can strive. Similarly, isolated land uses (particularly scattered businesses) within the rural landscape are not identified. This helps to convey the Plan's overall approach towards targeted growth in designated growth areas and conservation of outlying natural features and farms. Furthermore, this document deals with future land use on a property-by-property basis; however, in rural settings individual home sites upon farms are not reflected as they are considered a part of the farming principal use. Overall, this emphasis on existing land use will keep the Plan practical and should make it more useful to local officials in their evaluation of future land use decisions.

Fourth, based upon goals to concentrate development around the "edges of town and villages" and where public utilities can be provided, much of the designated future growth is located within close proximity of existing Boroughs and Villages with available utility lines. Specifically, the Plan attempts to distinguish between "town" areas in which planned growth will be served by public utilities and services, and the "country" where agricultural preservation and the conservation of natural features is the priority along with protection of a rural independent lifestyle.

(Township Plan - Future Land Use Plan, pp. 120 – 121) [emphasis added]

The Future Land Use Map designates the areas located to the north, east and west of the R-1 Land as areas primarily for non-residential growth and development. Although the Township Plan's Future Land Use Map classifies most of the R-1 Land as part of the "Agriculture" classification, and to a lesser extent "Conservation" classification (east along Plum Creek floodplain), such designations do not reflect the surrounding non-agricultural growth and development trends (specifically residential) occurring since before 2008. Such designations were based upon the Township Plan's rule of maintaining the existing uses of the R-1 Land that have existed for several decades prior to the 2008 Township Plan. Unfortunately, when the Township zoned the R-1 Land as part of the R-1 Zone in 2019, the Township did not update the Township Plan and Future Land Use Map accordingly.

Of the R-1 Land future land use classifications, the Future Land Use Plan designates the majority of the Property as Agriculture. While the Township Plan's planning timeframe is expiring and no longer reflects recent and emerging growth and development patterns, especially in the area surrounding the R-1 Land, the Township Plan provides support for the R-1 Zone designation. See Figure III-B.1 depicting the Township Plan's future land use classifications for the R-1 Land and surrounding area.

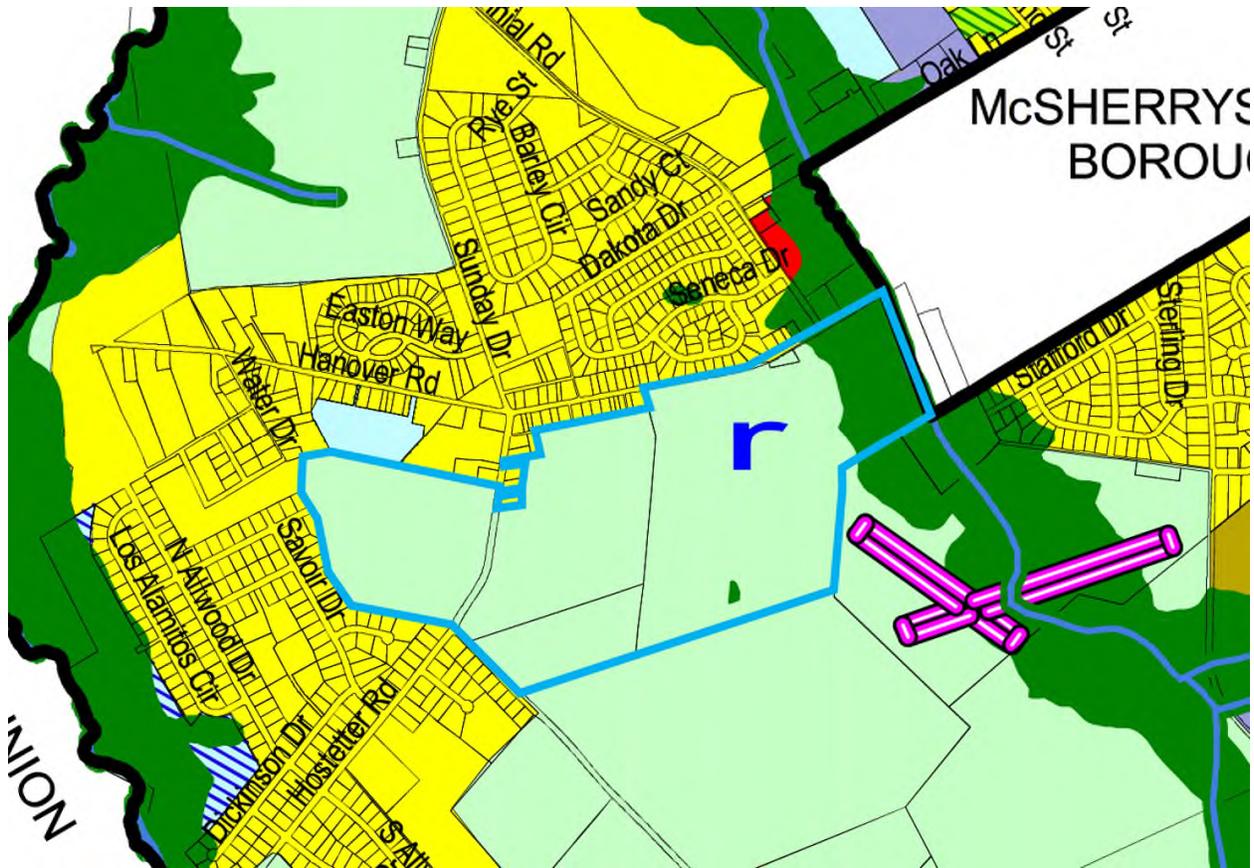


Figure III-B.1 – Township Plan's Land Use Designations of the R-1 Land and the Surrounding Area (R-1 Land depicted as solid light blue outline; "Suburban Residential" depicted as yellow shading; and "Agriculture" depicted as light green shading)

First, the Township Plan erroneously connotes that because a landowner voluntarily participates in the Township's Agricultural Security Area⁵ ("ASA"), the landowner embraces land preservation initiatives. (p. 121) Although participation in an ASA is a prerequisite for most programs involving the purchase of conservation easements, an ASA has other landowner benefits including protection of normal farming operations from nuisance ordinances and eminent domain for certain projects. (p. 60) There is not strong landowner support for protecting agricultural land in the area of the R-1 Land as no landowner has voluntarily participated in a conservation easement purchase or donation program or otherwise preserved its agricultural land in this non-agricultural growth and development corridor. Indeed, the Township Plan recognizes this lack of landowner support as it states, "[l]ocal County staff opine that the lack of interest in the program in Conewago Township is related to the large corporate holdings of farmland that often require "board" actions rather than individual actions and because corporate officers want to keep all investment options

⁵ Only half (i.e., 3) of the six lots that are part of the R-1 Land are designated as part of the Township's ASA. Of the remaining three lots, the SAVES Facility is on a non-agricultural developed lot. Consequently, two-thirds (i.e., 4) of the R-1 Land lots either are not: (i) part of the Township's ASA; or (ii) are developed with non-agricultural uses. Only one third (i.e., 2) of the six lots that are part of the R-1 Land, in fact are agricultural lots designated as part of the Township's ASA.

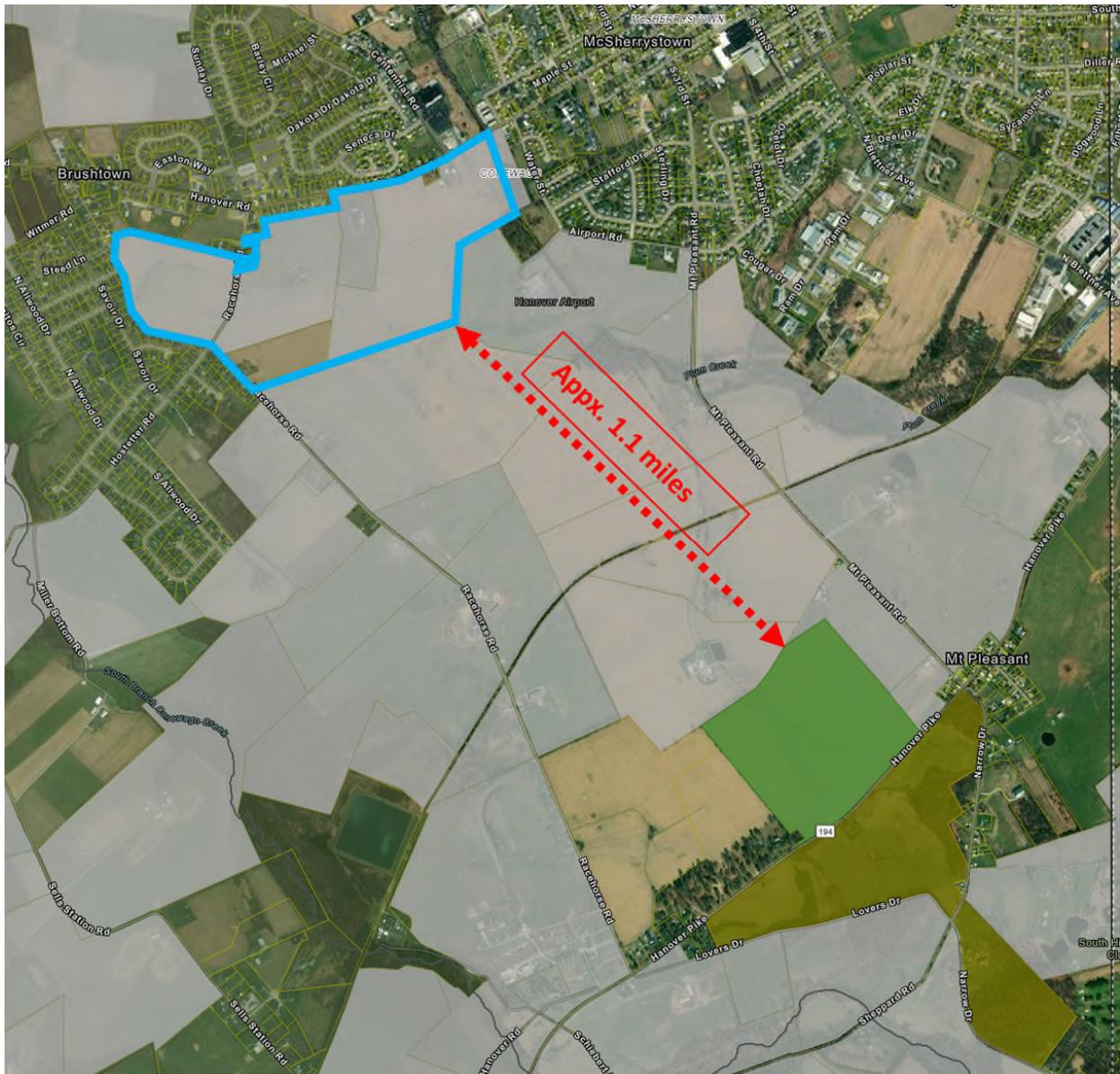


Figure III-B.3 – Township’s ASA and Preserved Farmland South of Hanover Road in Proximity to the R-1 Land and the Surrounding Area
 (R-1 Land depicted as solid light blue outline; ASA land depicted as gray shading; and preserved farmland depicted as green or olive shading)

Next, the Township Plan states that “[f]arming is a land-intensive, manufacturing process that converts raw materials into a product, comparable to other industrial operations, with occasional accompanying impacts of noise, odor and dust.” It goes further to indicate that:

Recent years have seen the advent of concentrated animal feeding operations (CAFOs). These involve the concentration of large numbers of cows, hogs or poultry on a single tract of land with the feed being bought off-site. Because the food these animals eat is often not grown on the tract of land where they are

housed, very high animal concentrations can be achieved. These highly concentrated operations often create acute odor impacts on neighboring residents. These odors can arise from the animals themselves, but more often from their waste products, both at the site where produced and where they are land-applied.

(Township Plan - Future Land Use Plan, p. 122) [emphasis added]

The A Zone that is based upon the Agriculture future land use classification, permits CAFOs and other large and intensive farming operations including Concentrated Animal Operations (CAOs), septage and composting and wind farms⁶. These types of intensive farming operations are incompatible with the existing residential zones and development surrounding the R-1 Land. The Future Land Use Plan recognizes the incompatibility of Agriculture classification and A Zone designation for the R-1 Land that is surrounded by residential growth and development, as it states “that the primary purpose of this land use category [(i.e., Agriculture)] is to accommodate active farming and the more homes that are placed within the midst of agriculture, the more opportunity for conflicts will increase.” (pp. 123 – 124)

Third, as stated above, the R-1 Land is located in the path of non-agricultural growth and development area as the areas surrounding the R-1 Land are planned or improved with a full range of utilities and infrastructure. As depicted on the Public Utilities Map, areas located to the north, east and west of the R-1 Land are located in public water or public sewer service areas. In fact, while major water or sewer main transmission lines traverse or are located in close proximity to the R-1 Land, the Borough of Hanover Sewage Treatment Plant is located on a lot less than approximately one-third (1/3) of a mile (appx. 1,500 feet) from the R-1 Land. Also, as depicted on the Transportation Map, Hanover Road is designated as an arterial street intended to provide for a greater degree of mobility than land access . . . [and] individual driveway intersections with arterials should occur infrequently. Major arterials generally convey between 10,000 and 25,000 average daily trips (ADT) for distances greater than one mile or designed to move larger volumes of traffic.” (p. 105) Indeed, prior public and private investments in developing and maintaining the existing infrastructure in this area or extending such infrastructure to bypass the R-1 Land are wasted if the R-1 Land was zoned as part of the A Zone. See Figures III-B.4 and III-B.5, respectively depicting Township Plan’s utilities and infrastructure in proximity to the R-1 Land and surrounding area.

⁶ §§ 155-14.C(4), 155-14.C(5) and 155-14.C(12)

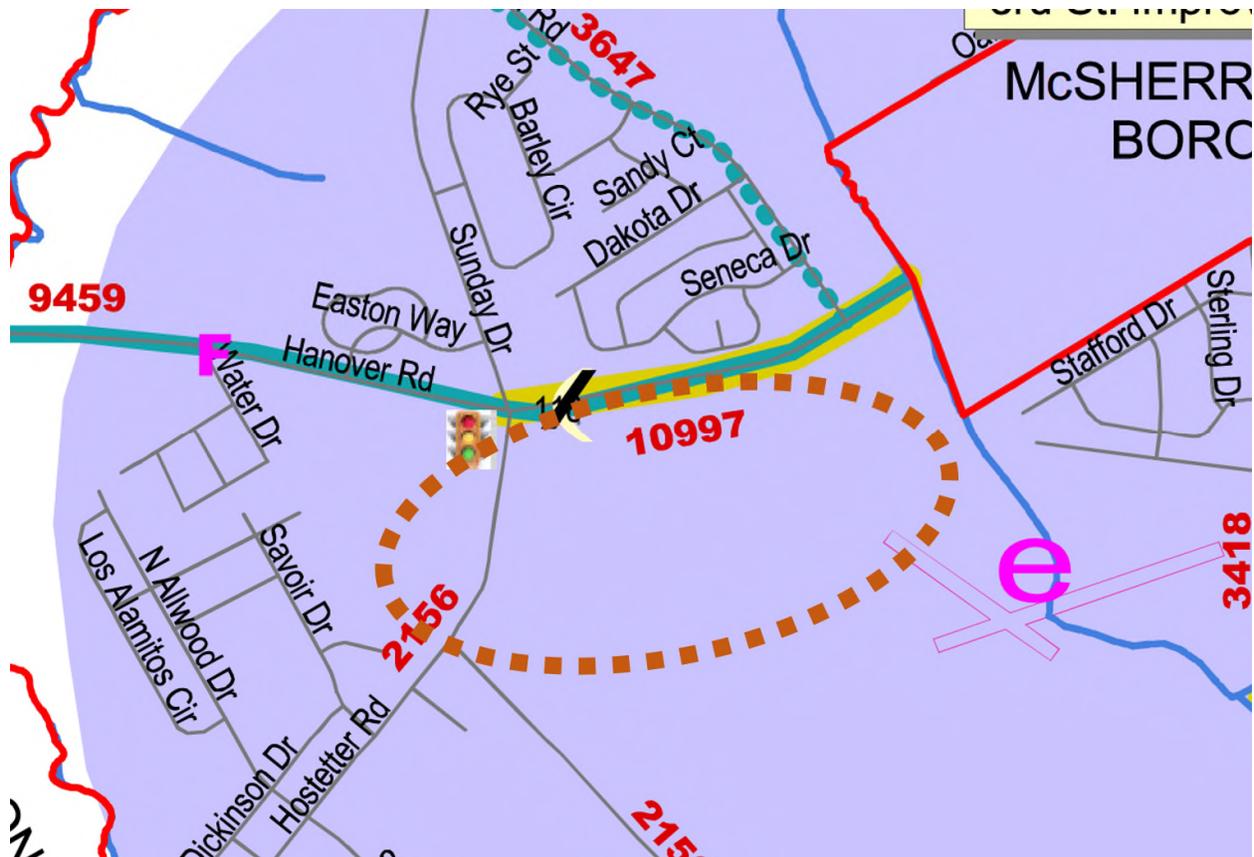


Figure III-B.5 – Township Plan's Transportation Facilities in Proximity of the R-1 Land and the Surrounding Area (R-1 Land depicted as dashed brown oval and arterial street (i.e., Hanover road) solid teal blue line)

Finally, the Township Plan contemplated the R-1 Zone designation of the R-1 Land as it acknowledged that, “[a]lthough the Township has undergone some considerable suburbanization, sizeable masses of farmlands still remain which can operate at some distance from new subdivisions.” (p. 46) Certainly, the R-1 Land is in the path of and surrounded by non-agricultural growth and development served by a full range of infrastructure and utilities that contrast with the existing Agriculture land use classification and proposed A Zone designation of the Property. The current R-1 Zone would help to relieve premature development pressure on farmland located in more rural areas of the Township. The current R-1 Zone designation for the R-1 Land, which is consistent and compatible with, and helps to implement certain elements of the Township Plan, is more appropriate than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.

C. ADDITIONAL PLANNING AND ZONING SUPPORT AND JUSTIFICATION

1. **The current R-1 Zone designation permits agricultural operations on the R-1 Land, therefore the Rezoning Amendment is not necessary.** It appears that the majority of the R-1 Land is used for crop

farming or some other low intensive, “normal agricultural operations⁷.” The R-1 Zone permits low intensity agriculture and related uses. Specifically, pursuant to Sections 155-15.B(1) and 155-15.B(3) of the Zoning Ordinance, agriculture and horticulture, and forestry uses are permitted by right in the R-1 Zone. Additionally, a series of accessory uses customarily incidental to permitted uses including: (i) alternative energy production facilities; (ii) beekeeping; (iii) domestic composts; and (iv) man-made lakes, dams, ponds, and impoundments, are permitted by right in the R-1 Zone⁸. Further, other uses, such as crops and gardening, may be permitted as accessory uses in the R-1 Zone. Given the current R-1 Zone designation permits the existing agricultural operations to continue by right on the R-1 Land, the Rezoning Amendment is not necessary. Therefore, the Rezoning Amendment is not justified and should not be adopted.

2. **Large and intensive agricultural operations that are permitted in the A Zone are not compatible with surrounding residential zones and development.** The A Zone permits several large and intensive farming operations including: (i) Concentrated Animal Feeding Operations (CAFOs); (ii) Concentrated Animal Operations (CAOs); (iii) septage and composting facilities; and (iv) wind farms⁹. Given that it appears that none of these types of large and intensive agricultural operations are currently located on the R-1 Land, and the fact that these types of uses are not compatible with the surrounding residential zones and development, the current R-1 Zone designation is more appropriate

⁷ Section 951 of the Pennsylvania Right-to-Farm Act, 3 P.S. defines “normal agricultural operations” as “[t]he customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production AND preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

(1) not less than ten contiguous acres in area; or

(2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.”

⁸ Pursuant to Sections 155-15.B(12), 155-15.B(12)(a), 155-15.B(12)(b), 155-15.B(12)(d) and 155-15.B(12)(j) of the Zoning Ordinance

⁹ Pursuant to Sections 155-14.C(5), 155-14.C(10), 155-14.C(12)

for the R-1 Land than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.

3. **Since the majority of the land along the R-1 Land's borders is developed or zoned for non-agricultural growth and development, the current R-1 Zone designation is more appropriate than the A Zone.** The R-1 Land adjoins (or is located across rights-of-way from) approximately 74 properties, which are in five different zones. The majority of the R-1 Land's border (appx. 70% of the perimeter) adjoins (or is located across rights-of-way from) land (appx. 69 lots) zoned for non-agricultural growth and development. Only five lots, which are zoned as part of the A Zone, adjoin a small portion of the R-1 Land's southeastern and southern border (appx. 30% of the perimeter). See Figure II-C.3 depicting the zone boundaries along the R-1 Land's perimeter. Given the foregoing, the Rezoning Amendment is not justified and should not be adopted.

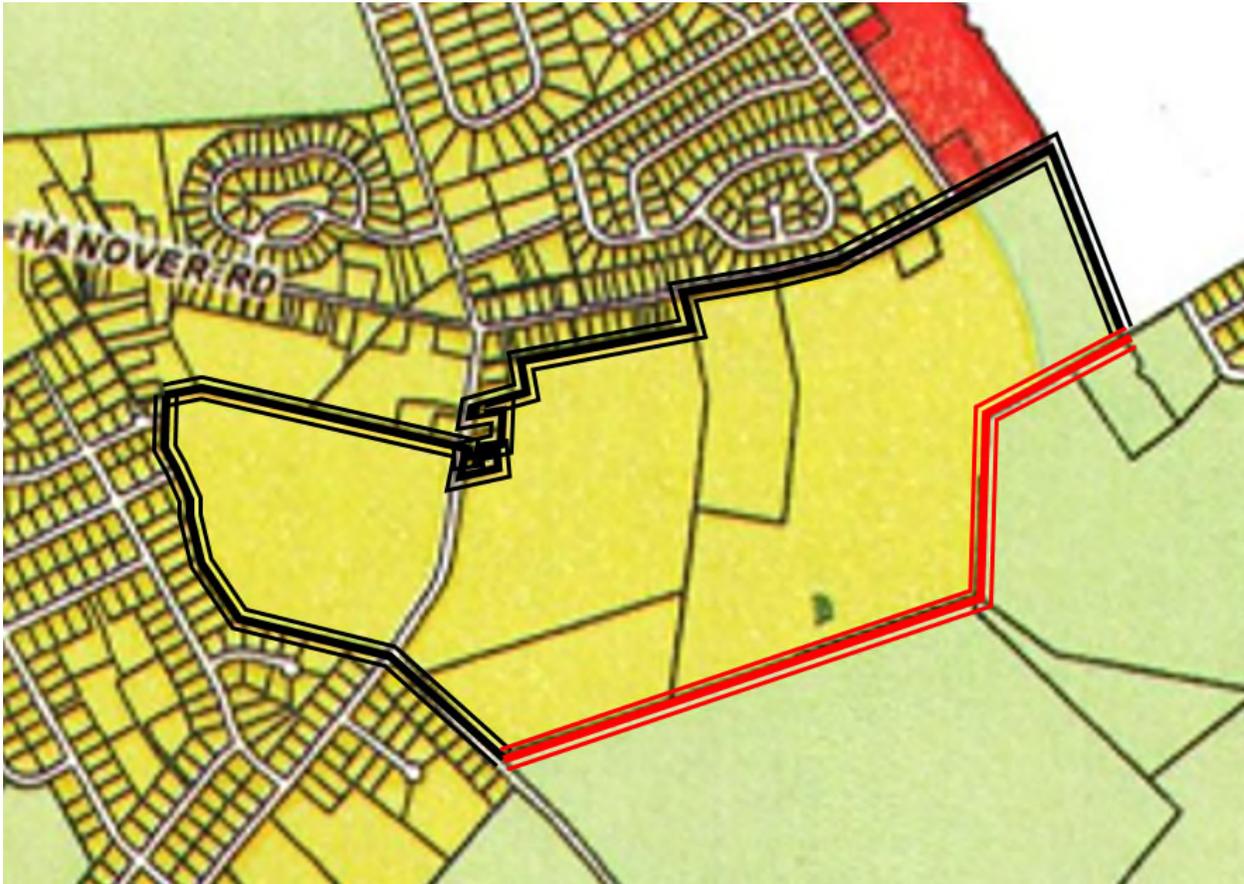


Figure III-C.3 – Current Zone Designations of the R-1 Land and Surrounding Area
(Portions of R-1 Land border adjoining non-agricultural zones depicted as solid black lines, and portions adjoining agricultural zones depicted as solid red lines)

4. **Since the R-1 Land is located in the path of non-agricultural growth and development, the current R-1 Zone designation is more appropriate than the A Zone.** The R-1 Land is in the path of non-agricultural growth and development along State Route 116, an important regional transportation corridor known as Hanover Road in the Township. Along an approximately nine-mile stretch of this arterial roadway, extending through seven municipalities and two counties, from an area just west of Gitts Run Road in Heidelberg Township, York County to an area just west of Honda Road in Mount Pleasant Township, Adams County, nearly all of the land adjoining along both sides of this roadway is zoned primarily for non-agricultural growth and development (e.g., residential, commercial, industrial)¹⁰. See Figures III-C.4.a – III-C.4.i, respectively depicting the current zone designations along nine-mile stretch of State Route 116. Given the foregoing, the Rezoning Amendment is not justified and should not be adopted.

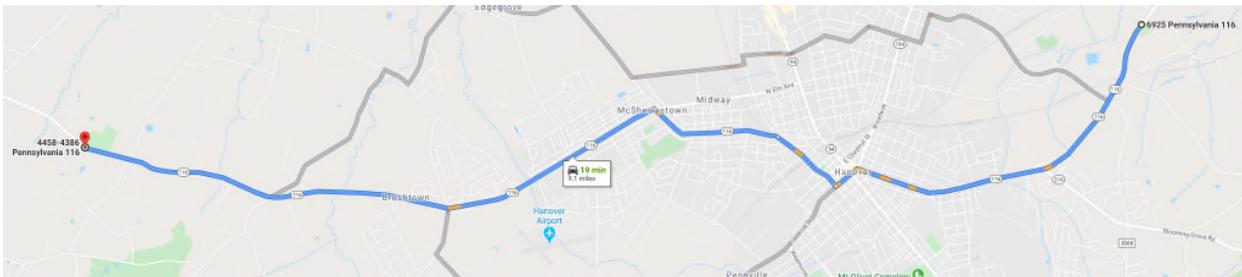


Figure III-C.4.a – Approximately Nine-Mile Stretch Along State Route 116:
Southwestern York and Adams Counties
(State Route 116 depicted as solid blue line)

¹⁰ Two small areas located east and west of the R-1 Land, near the Township's border, are zoned as part of the A Zone. One of the areas is the A Zone-portion of Parcel Identification No. 08K15-0004---000, one of the lots included as part of the R-1 Land. The other is at the Township's western boundary near the South Branch of Conewago Creek.

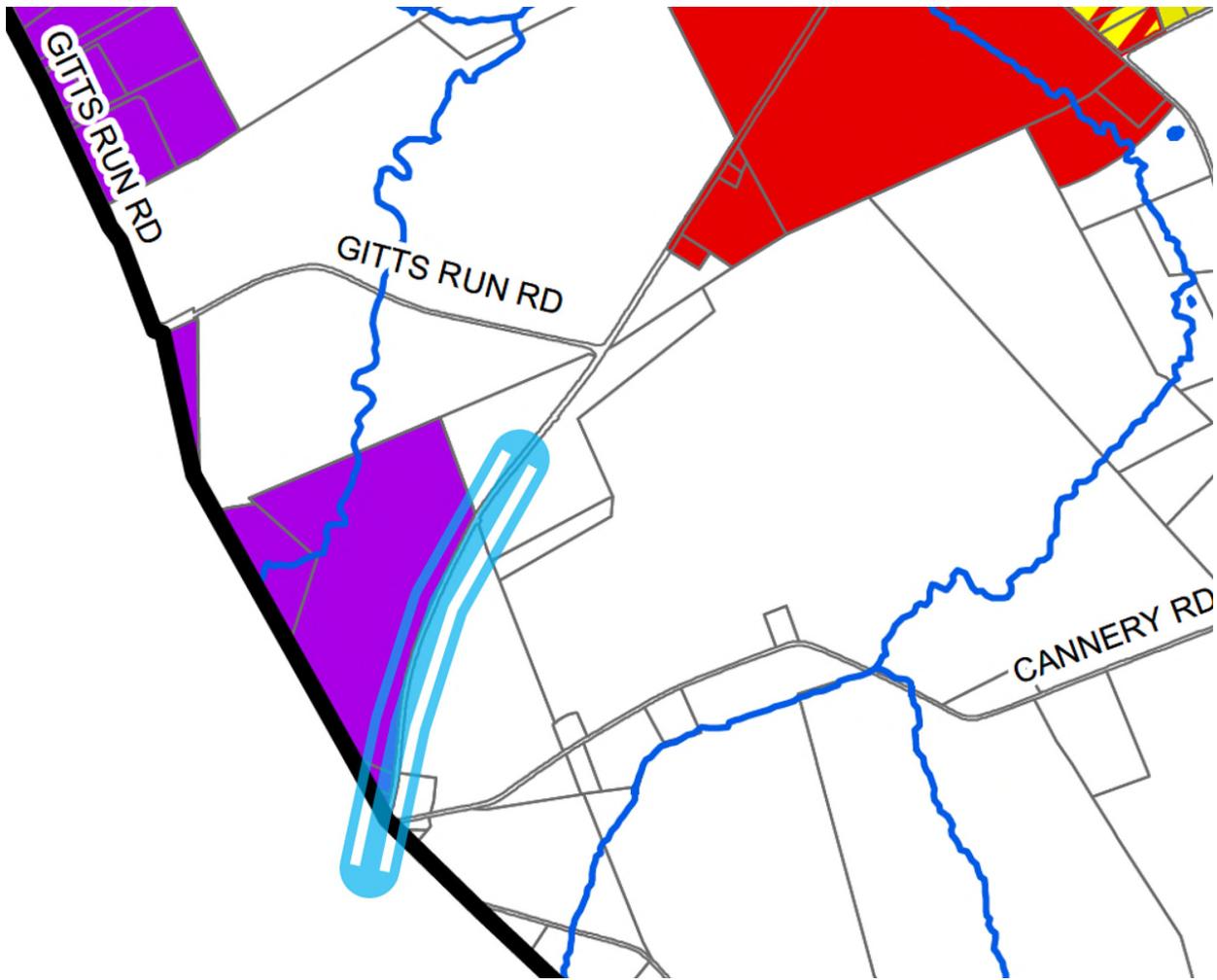


Figure III-C.4.b – Heidelberg Township, York County: Current Zone Designations Along State Route 116
(State Route 116 depicted as solid light blue line; non-agricultural zones depicted as non-white shading; and agricultural zones depicted as white shading)

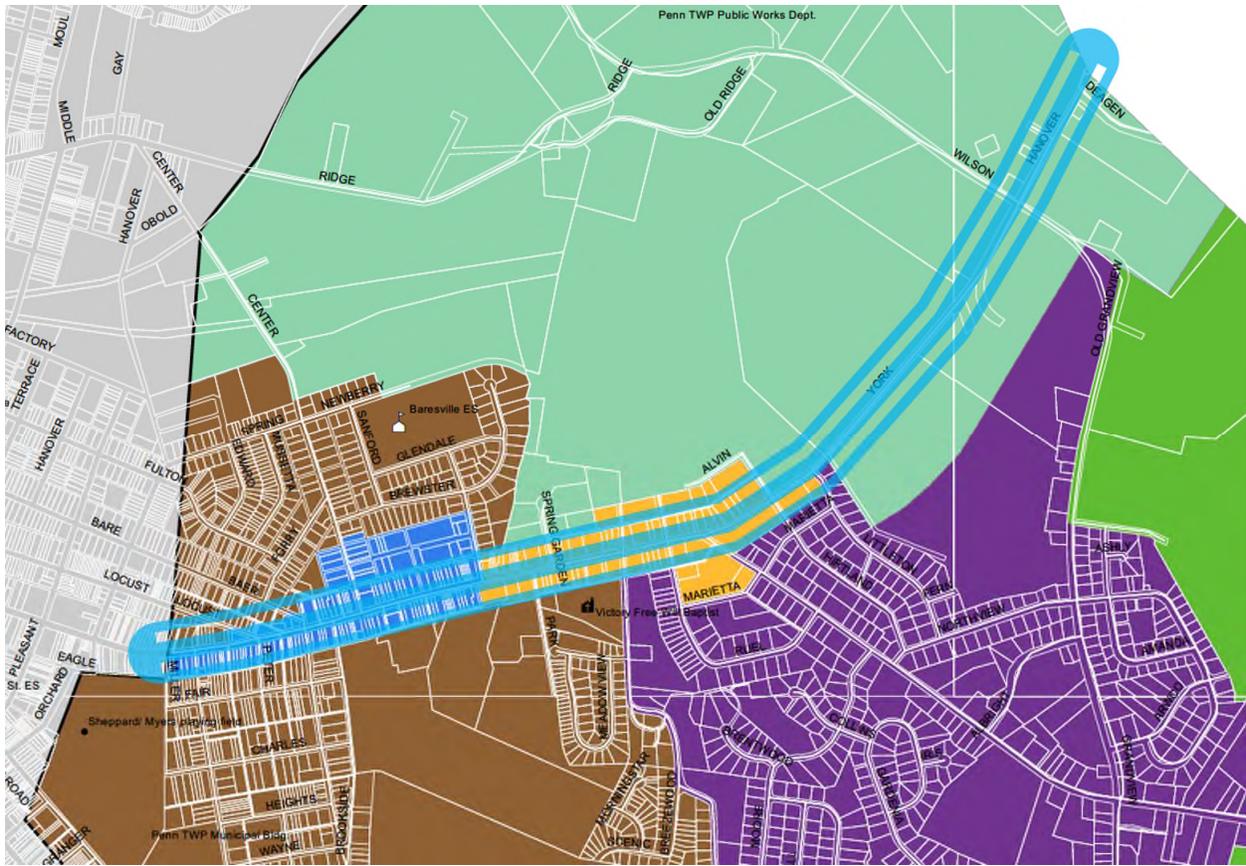


Figure III-C.4.c – Penn Township, York County: Current Zone Designations Along State Route 116 (State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and no agricultural zones depicted)

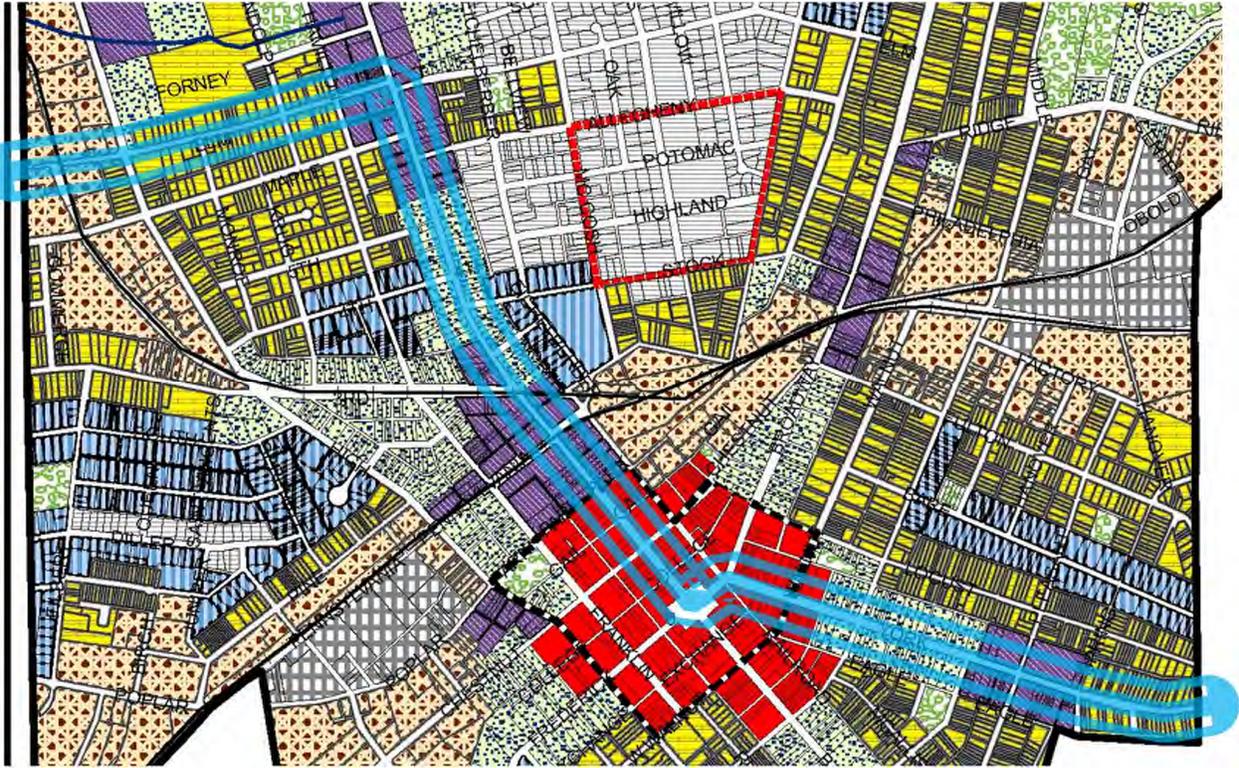


Figure III-C.4.d – Hanover Borough, York County: Current Zone Designations Along State Route 116 (State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and no agricultural zones depicted)

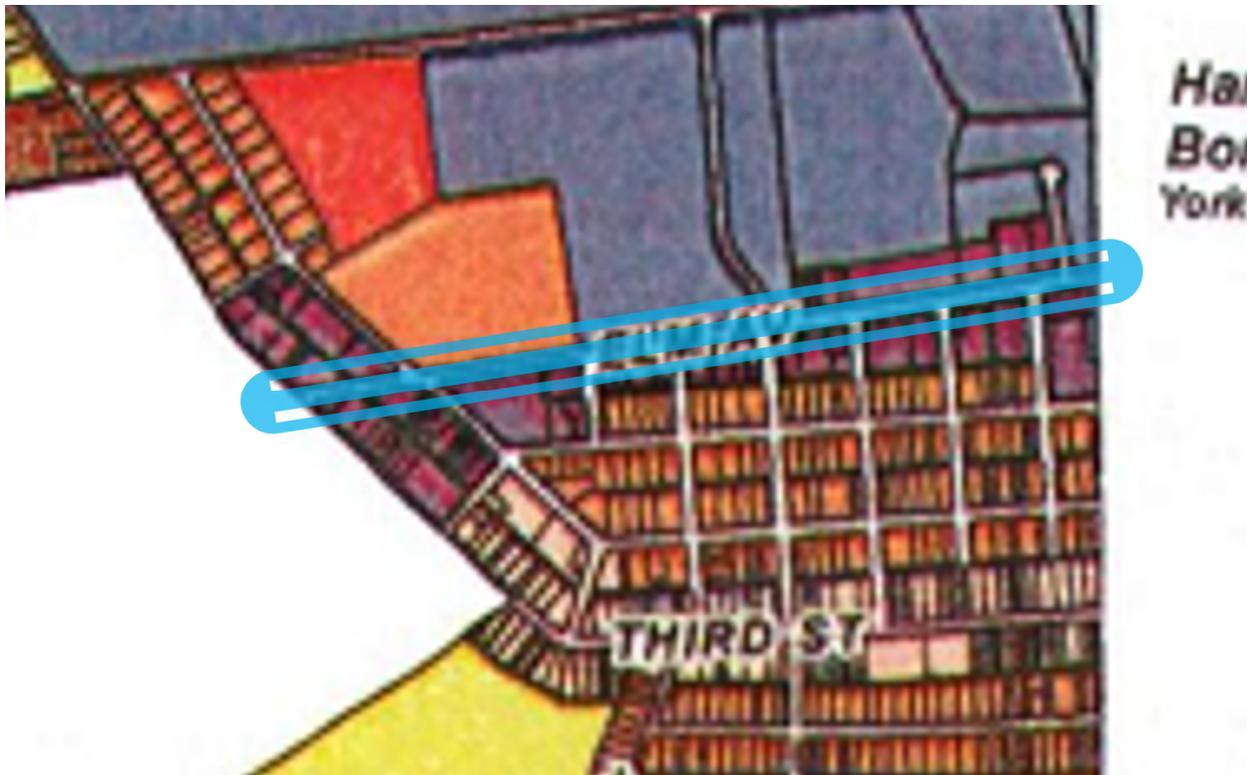
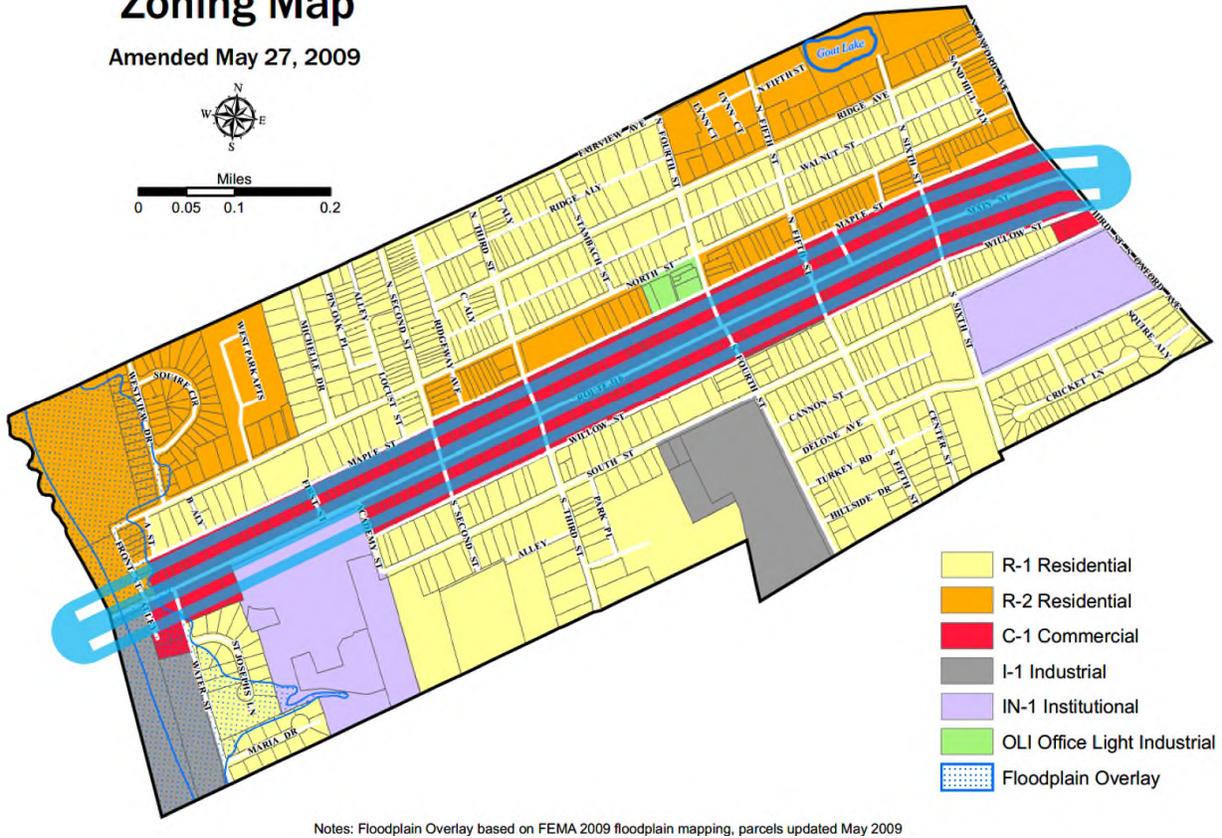


Figure III-C.4.e – Eastern Conewago Township (between Hanover and McSherrystown):
Current Zone Designations Along State Route 116
(State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and no agricultural zones depicted)

Zoning Map

Amended May 27, 2009



Notes: Floodplain Overlay based on FEMA 2009 floodplain mapping, parcels updated May 2009

Figure III-C.4.f – McSherrystown): Current Zone Designations Along State Route 116 (State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and no agricultural zones depicted)



Figure III-C.4.g – Western Conewago Township (west of McSherrystown): Current Zone Designations Along State Route 116 (State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and agricultural zones depicted as light green shading)

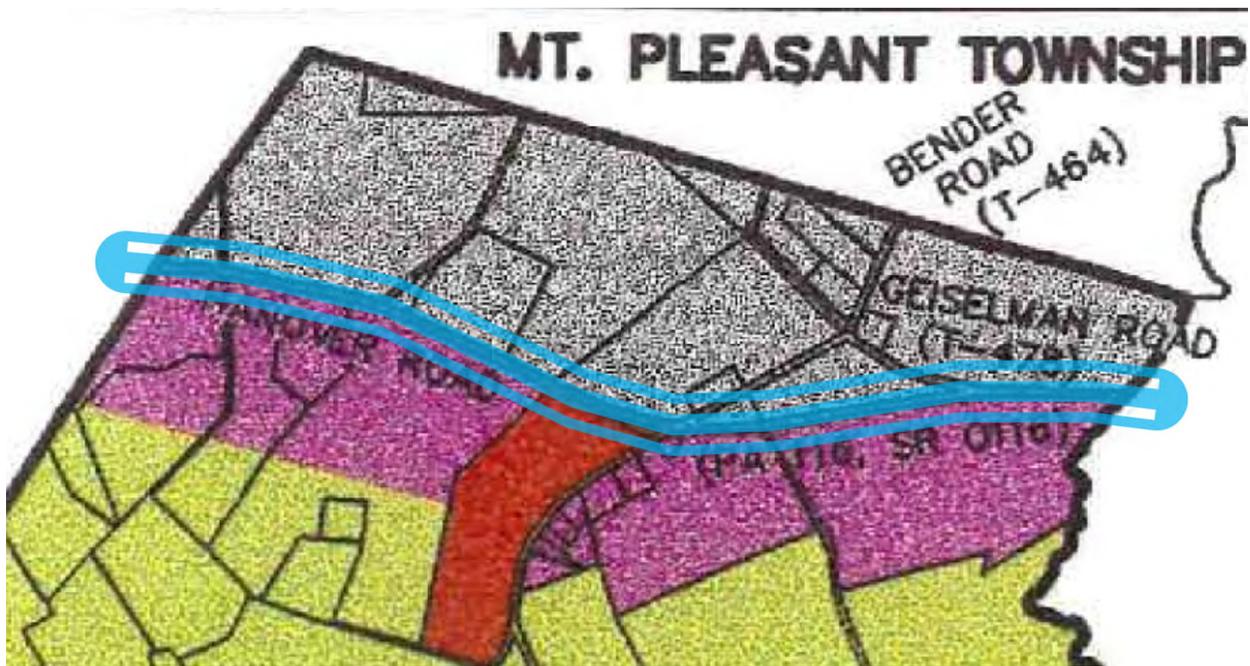


Figure III-C.4.h – Union Township: Current Zone Designations Along State Route 116
(State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and no agricultural zones depicted)

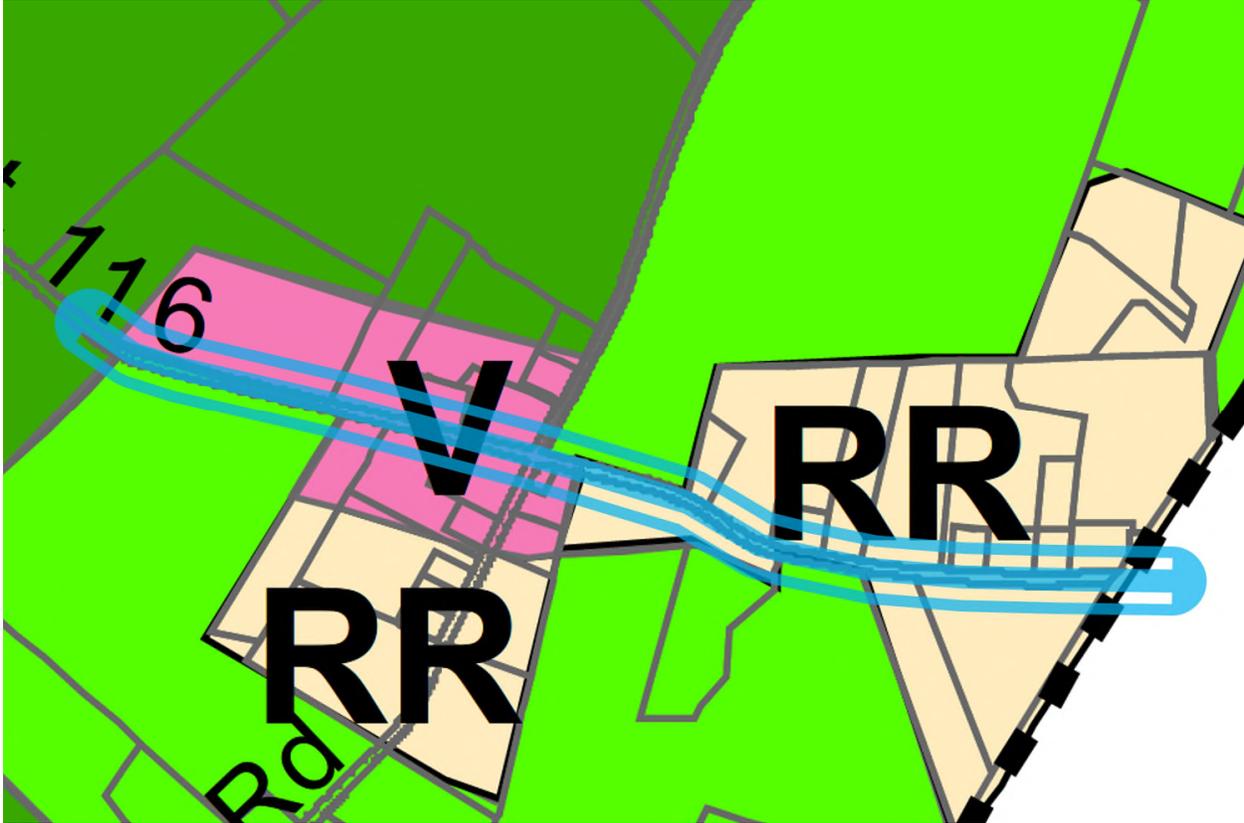


Figure III-C.4.i – Mount Pleasant Township: Current Zone Designations Along State Route 116
 (State Route 116 depicted as solid light blue line; non-agricultural zones depicted as various color shading; and agricultural zones depicted as green shading)

5. **The current R-1 Zone designation better reflects the predominate suburban residential development character of the majority of the surrounding areas, therefore, the current R-1 Zone designation is more appropriate for the R-1 Land than the A Zone.** The majority of the land located to the north, southwest, west and northwest of the R-1 Land currently is zoned as part of the R-1 Zone. As stated above, pursuant to Section 155-15.A of the Zoning Ordinance, the purpose of the R-1 Zone in part is to: (i) accommodate low- to medium-density residential uses in areas with sufficient infrastructure to support such densities in appropriate locations; (ii) acknowledge the location of existing land uses with these suburban characteristics; and (iii) provide for a continued pattern of suburban residential development with the use of both public sewer and public water, with the required design standards reflecting existing development patterns. Permitted uses include residential dwellings and developments including single-family detached dwellings, traditional neighborhood design developments, manufactured home parks and medical residential campuses. Additionally, non-residential uses including emergency services, parks and playgrounds, public utilities structures, schools, places of worship

and golf courses are permitted in the R-1 Zone. (§§ 155-15.B, 155-15.C and 155-15.C) As stated above, the majority of the land adjoining (or across a right-of-way from) to the north, southwest, west and northwest of the R-1 Land is planned and zoned for, and currently developed with, suburban residential uses. This area is served by a full range of utilities and infrastructure. Given the purpose and uses of the R-1 Zone better reflect the predominate suburban residential development character of the majority of the surrounding area, the current R-1 Zone designation is more appropriate for the R-1 Land than the A Zone.

A smaller area of A Zone land adjoins along portions of the R-1 Land's southeastern and southern border. As stated above, pursuant to Section 155-14.A(1) of the Zoning Ordinance, part of the primary purpose of the A Zone to: (i) promote the continuation and preservation of agricultural activities in those areas most suitable for such activities; and (ii) protect the Township's viable agricultural economy by eliminating uses that are incompatible with farming. The R-1 Land and the surrounding area is located in the path of non-agricultural growth and development and are not located in the most suitable area for preserving and continuing agricultural activities. Indeed, the majority of the surrounding area permits or includes several uses that generally are not as compatible with farming, including suburban or moderate density residential, commercial and industrial uses, due to nuisances typically associated with agricultural activities such as noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. (Agricultural Nuisance Disclaimer, § 155-14.H) Agricultural activities are better suited elsewhere in the Township. Such agricultural activities are better suited and should be encouraged to be located on farmland in more rural areas of the Township, away from and without access to infrastructure and public utilities. It is better community planning to preserve agricultural lands where there is a critical mass of several larger, contiguous preserved parcels with active farms and/or prime agricultural soils. Given the purpose of the A Zone does not reflect the predominate suburban residential development character of the majority of the surrounding area, the current R-1 Zone designation is more appropriate for the R-1 Land than the A Zone.

Farmland located in more rural areas of the Township - away from and without access to infrastructure and public utilities - is better suited for preservation. The closest preserved farm that is located south of Hanover Road (i.e., same side as the R-1 Land) in the Township is approximately 1.1 miles south of the R-1 Land. Given the proposed A Zone designation is not consistent with the planned and zoned or

developed character of the majority of the: (i) surrounding area; and (ii) along both sides of the approximately nine-mile stretch of State Route 116 extending through seven municipalities and two counties, from an area just west of Gitts Run Road in Heidelberg Township, York County to an area just west of Honda Road in Mount Pleasant Township, Adams County, the current R-1 Zone designation is more appropriate for the R-1 Land than the A Zone. Infilling the R-1 Land with non-agricultural development in an area currently served by the full range of public utilities and infrastructure is a more sustainable and preferred alternative to rezoning other agricultural or rural land located farther away from the population and development centers and extending infrastructure to “leap-frog” existing development.

Finally, regardless of whether land is currently developed with, or planned or zoned for residential, commercial, industrial or other non-residential, non-agricultural uses, the majority of the Township includes farmland soils identified as “prime” or of “statewide importance.” While the majority of the R-1 Land includes “prime” soils, so does nearly all of the non-agricultural developed or zoned lands that not only surround the R-1 Land, but are located in several other areas throughout the Township. Therefore, just because land includes certain soils does not automatically qualify it: (i) as worthy of preservation; or (ii) to be located in the A Zone. See Figure III-C.5 depicting the Township’s ASA and preserved farmland south of Hanover Road, in proximity to the R-1 Land. Given the foregoing, the R-1 Zone better reflects the predominate suburban residential development character of the majority of the surrounding area, the current R-1 Zone designation is more appropriate for the R-1 Land than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.

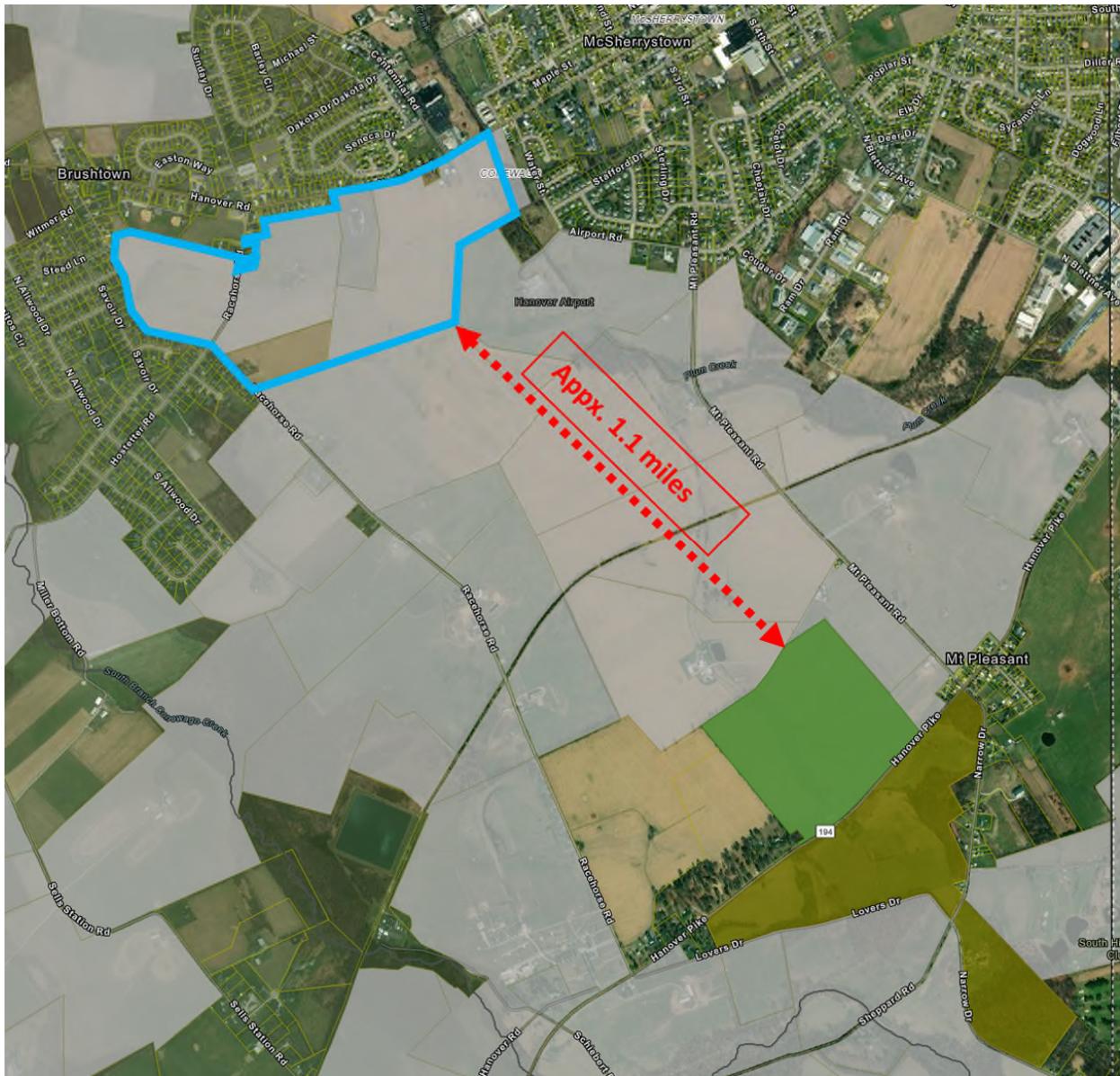


Figure III-C.5 – Township’s ASA and Preserved Farmland South of Hanover Road in Proximity to the R-1 Land and the Surrounding Area
 (R-1 Land depicted as solid light blue outline; ASA land depicted as gray shading; and preserved farmland depicted as green shading)

6. **The current R-1 Zone designation for the R-1 Land is generally consistent with, and better helps to implement, certain purposes of the Zoning Ordinance than the A Zone.** First, four of the five primary purpose statements in Section 155-2 of the Zoning Ordinance address the Township’s non-agricultural growth and development. The current R-1 Zone designation better helps to: (i) promote, protect or facilitate coordinated and practical community development; (ii) provide for the use of land within the Township for residential housing, including single-family dwellings; and (iii) accommodate reasonable overall

community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses, than the A Zone. As discussed below, since the R-1 Zone permits the existing SAVES Facility as a conforming use permitted by right, the R-1 Zone better helps to promote, protect or facilitate emergency management preparedness and operations than the A Zone. (§§ 155-2.A(1), 155-2.A(4) and 155-2.A(5))

Section 155-2.B of the Zoning Ordinance states that the Zoning Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township and their suitability for particular uses and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township. The Township, in designating the R-1 Land as part of the R-1 Zone, determined that based on various planning and development considerations the R-1 Land is more suitable for non-agricultural growth and development now and in the future. Upzoning the R-1 Land to the more restrictive A Zone designation as proposed by the Rezoning Amendment, reduces the development potential and value of the R-1 Land, which is not supported by Section 155-2.B of the Zoning Ordinance.

Section 155-2.C of the Zoning Ordinance further states that the Zoning Ordinance is based on detailed community development goals and objectives set forth in the Township's Comprehensive Plan ("Township's Plan"). As discussed above, the current R-1 Zone designation for the R-1 Land, which is consistent and compatible with, and helps to implement certain elements of the Township Plan, is more appropriate than the A Zone. Given the foregoing the Rezoning Amendment is not justified and should not be adopted.

7. **The current R-1 Zone designation for the R-1 Land acknowledges and permits the existing SAVES Facility as a conforming use permitted by right subject to less onerous standards than as a nonconforming use in the A Zone.** The SAVES Facility is located on a lot¹¹ that is part of the R-1 Land. Pursuant to Section 155-15.B(2) of the Zoning Ordinance, emergency services¹² are expressly permitted

¹¹ Parcel Identification No. 08K14-0237---000

¹² Section 155-13 of the Zoning Ordinance defines "emergency services" as "[a]n organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life

by right in the R-1 Zone. Emergency services are not permitted in the A Zone, and therefore, are expressly prohibited. Under the Rezoning Amendment, the SAVES Facility would become a nonconforming use, and restricted by the nonconforming use expansion, alteration, substitution and replacement limitations of Article VII (entitled, "Nonconformities") of the Zoning Ordinance. See Figure III-C.7 depicting the R-1 Land and the SAVE Facility lot. Given the current Zoning Ordinance, the current R-1 Zone designation for the R-1 Land acknowledges and permits the existing SAVES Facility as a conforming use permitted by right and subject to less onerous standards than as a nonconforming use in the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.



Figure III-C.7 – Aerial Exhibit of the R-1 Land and the Surrounding Area
(R-1 Land depicted as solid light blue outline, and SAVES Facility lot depicted as solid red outline and shading)

8. **The current R-1 Zone designation avoids creating and extending new peninsulas of A Zone land into non-agricultural zone boundaries, therefore, the R-1 Zone designation of the R-1 Land is more appropriate than the A Zone.** Generally, the R-1 Land is bound

support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

by the R-1 Zone in the area north of Hanover Road and along both sides of Race Horse Road in the area north of its intersection with Hostetter Road (T-465). Currently, all lots along both sides of these roads are zoned as part of the R-1 Zone. The Rezoning Amendment would create peninsulas of A Zone land along the southern side of Hanover Road and along both sides of Race Horse Road in the area north of its intersection with Hostetter Road. The combined effects of the sizes, dimensions, locations and surrounding uses, and the Zoning Ordinance dimensional standards severely limit the development potential of at least two of these peninsulas that would be located along the eastern side of Race Horse Road between its intersections with Hanover Road (north) and with Hostetter Road (south). See Figure III-C.8 depicting extensions of new peninsulas of A Zone land into non-agricultural zone boundaries as part of the Rezoning Amendment. Since the current R-1 Zone does not create new peninsulas of disparate zones, the current R-1 Zone designation of the R-1 Land is more appropriate than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.



Figure III-C.8 – Proposed New Zone Boundaries
(Non-agricultural zones depicted as yellow shading; A Zone depicted as red shading; and new peninsulas of A Zone land depicted as dashed purple ovals)

9. **Since the current R-1 Zone designation avoids creating a spot-zone effect along the eastern side of Race Horse Road, the R-1 Zone designation of the R-1 Land is more appropriate than the A Zone.** Currently, all of the lots located along both sides of Race Horse

Road between its intersections with Hanover Road (north) and with Hostetter Road (south) are zoned as part of the R-1 Zone. In addition to the two peninsulas of A Zone land along the eastern side of Race Horse Road that would be created by the Rezoning Amendment, the Rezoning Amendment also creates a “spot” of R-1 Zone. A single, approximately 0.49-acre lot known as Parcel Identification No. 08K15-0002---000 with an address of 90 Race Horse Road that is not included as part of the Rezoning Amendment, would remain as an island of R-1 Zone land surrounded on all four sides by A Zone land. See Figure III-C.9 depicting the creation of a new spot-zone (or island) of R-1 Zone land surrounded by on all sides by A Zone land as part of the Rezoning Amendment. Since the current R-1 Zone does not create islands of R-1 Zone land surrounded on all sides by lands zoned as part of the A Zone, the current R-1 Zone designation of the R-1 Land is more appropriate than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.



Figure III-C.9 – Proposed New Zone Boundaries
(Non-agricultural zones depicted as yellow shading; proposed A Zone depicted as red shading; and new spot-zone (or island) of R-1 Zone land depicted as dashed purple oval)

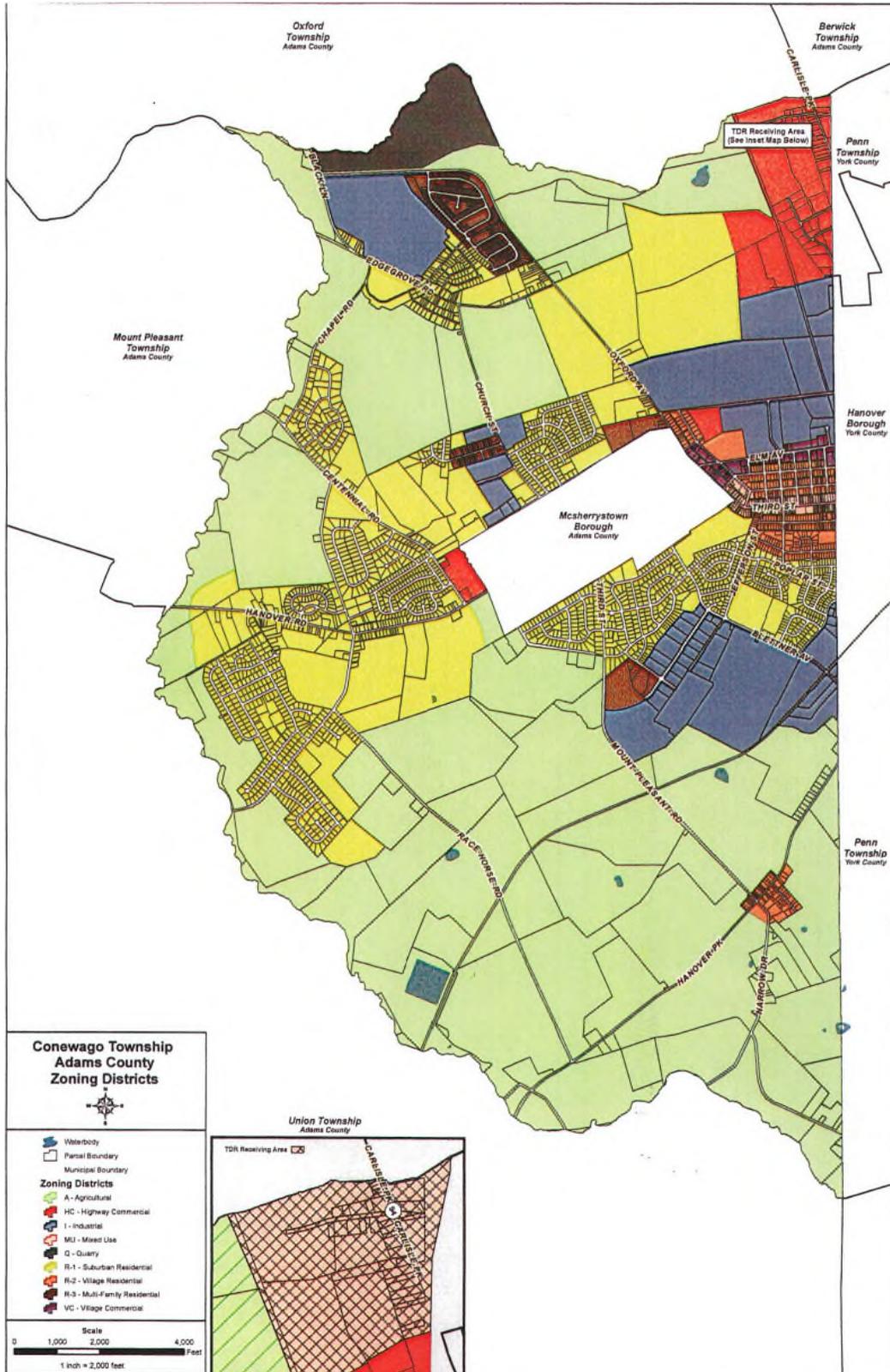
10. **The current R-1 Zone designation creates a more consistent and cohesive character along both sides of the transportation corridors than the A Zone.** A corridor planning principle suggests that where possible, the land and development character on opposite sides of the same street should be consistent and reflect one another. Where possible, transitions between disparate zones should occur at locations away from the street (e.g., rear or side lot lines), rather than along street frontages. The R-1 Land has frontage along Hanover Road and Race Horse Road. Reflecting this corridor planning principle, the R-1 Zone generally is located along both sides of these streets. The transition between the R-1 Land and the A Zone generally occurs away from these streets (i.e., rear or side lot lines). Since the current R-1 Zone designation creates a more consistent and cohesive character along both sides of these transportation corridors than the A Zone, the current R-1 Zone designation of the R-1 Land is more appropriate than the A Zone. Therefore, the Rezoning Amendment is not justified and should not be adopted.

IV. CONCLUSION

The current R-1 Zone designation of the R-1 Land is more logical and proper, and therefore more appropriate than the A Zone. In addition to the R-1 Land itself, lands located to the north, east and west are zoned for, or developed with non-agricultural growth and development. These are served with a full range of utilities and infrastructure. The A Zone designation would waste prior public and private investments in developing and maintaining utilities and infrastructure despite it being located within the path of non-agricultural growth and development. The R-1 Land is ideal for infill residential development. Lands located to the north and west are zoned for and developed with residential uses. Infilling the R-1 Land with residential development is a more sustainable alternative to extending infrastructure to “leap-frog” existing development to develop agricultural lands located farther away from the population and development centers.

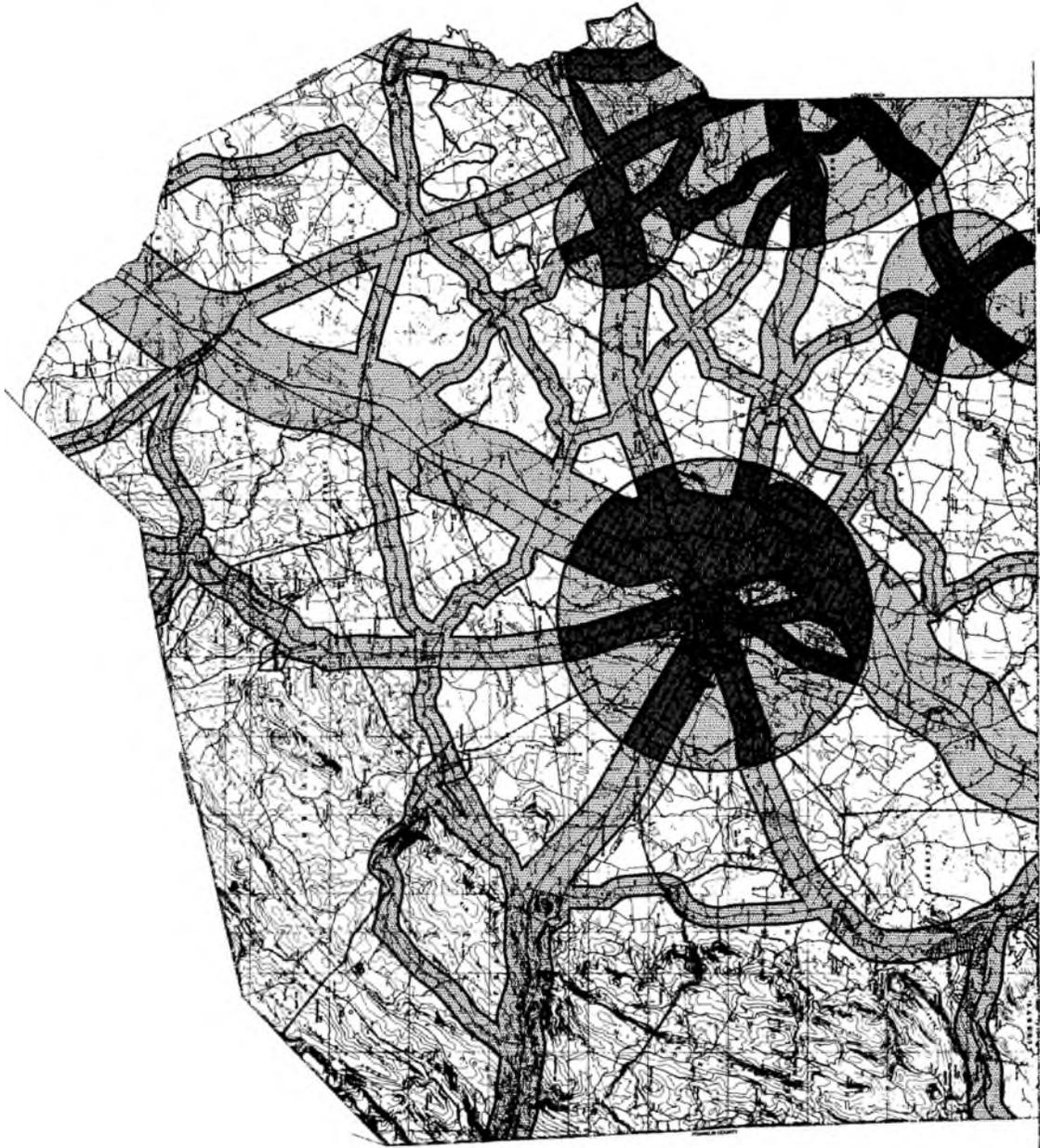
For all the foregoing reasons, including the support of the County’s and Township’s own planning initiatives, it is my professional opinion that the current R-1 Zone designation is more appropriate for the R-1 Land, and it should remain zoned as part of the R-1 Zone. Therefore, the Rezoning Amendment should not be adopted.

APPENDICES



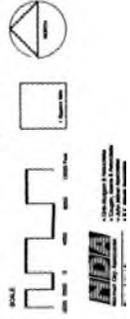
ACCESSIBILITY

- Close to Urban Core and Major Route
- ▨ Close to Urban Core or Major Route
- Less Accessible



**ADAMS
COUNTY**
Pennsylvania

*Comprehensive
Plan Update*



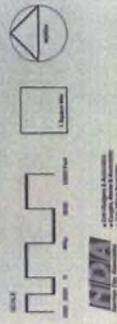
SUITABILITY FOR DEVELOPMENT

- 1 Good
- 2 Fair
- 3 Limited
- 4 Very Limited
- Existing Development & Public Ownership



ADAMS COUNTY
Pennsylvania

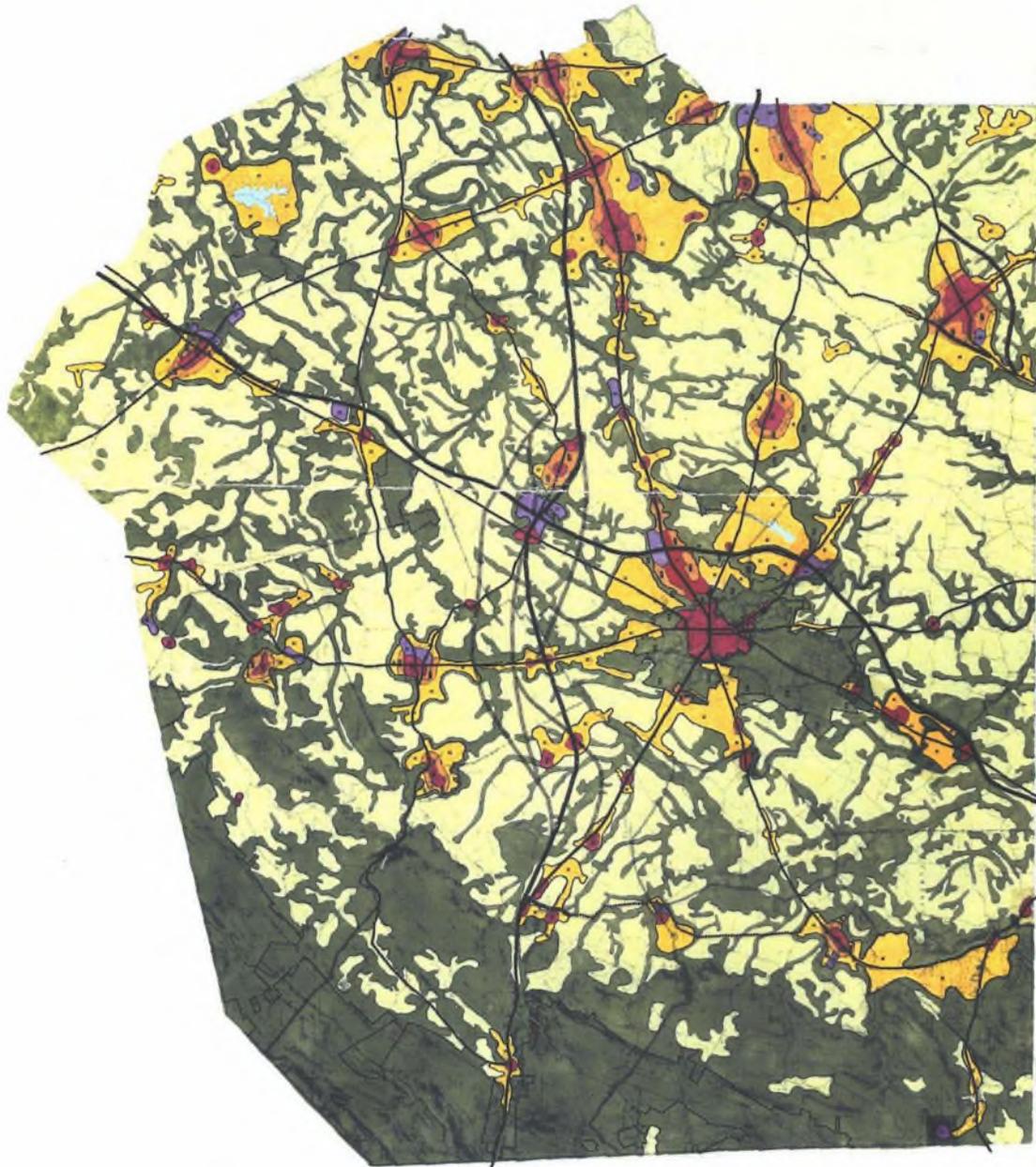
Comprehensive Plan Update



LAND USE PLAN

-  Parks, Permanent Open Space & Preservation Areas
-  Agriculture, Resource Conservation & Residential - Very Low Density
-  Residential - Medium-Low Density
-  Residential - Medium Density
-  Borough/ Village/ Crossroad Center (Mixed Use)
-  Commercial (High Intensity)
-  Employment Center
-  Federal & State Park Boundaries

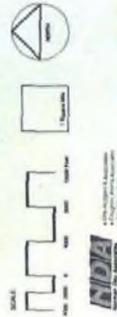
-  Existing Roads
-  New Roads - Possible Alignments
-  New Roads - Alternative Alignments
-  Improved County Collectors

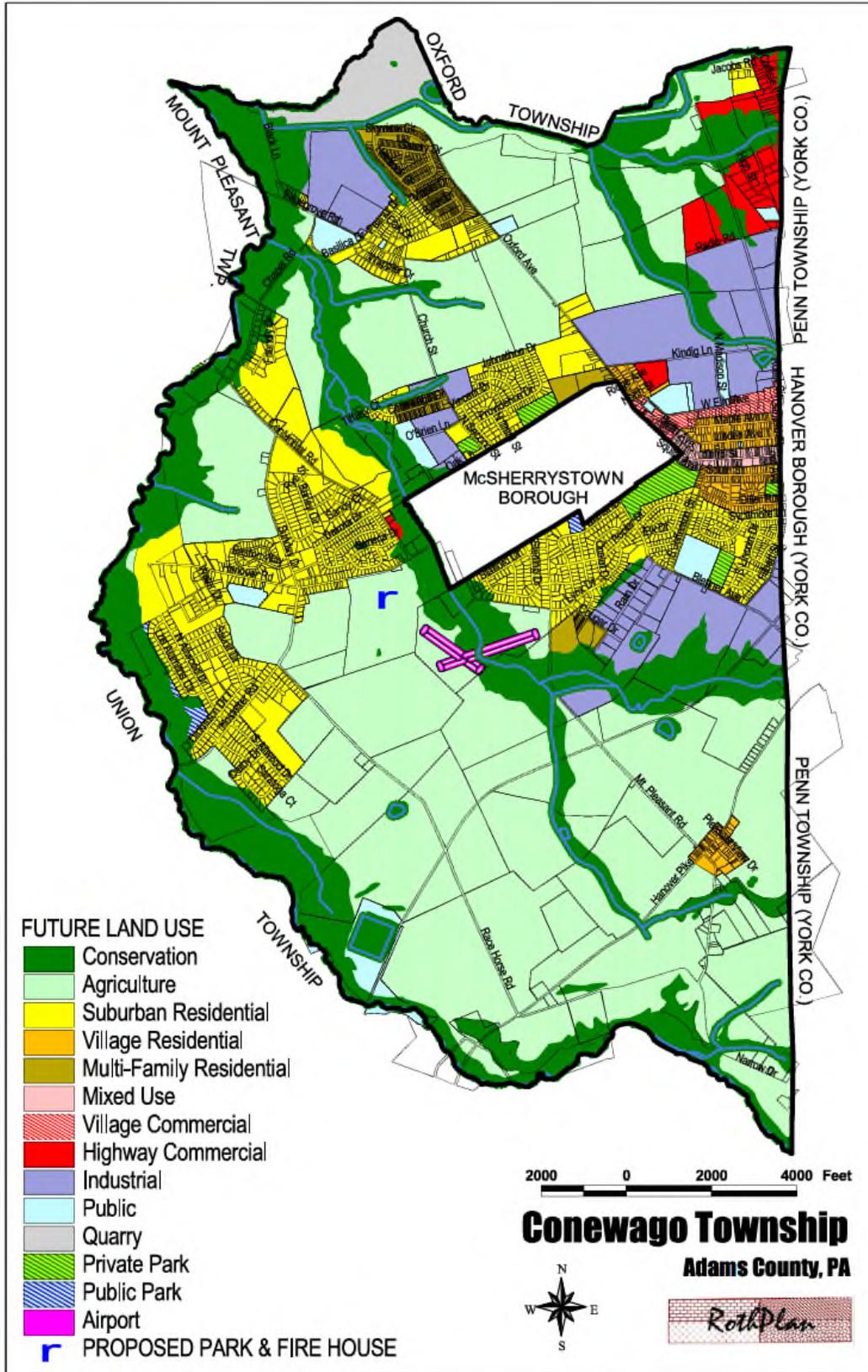


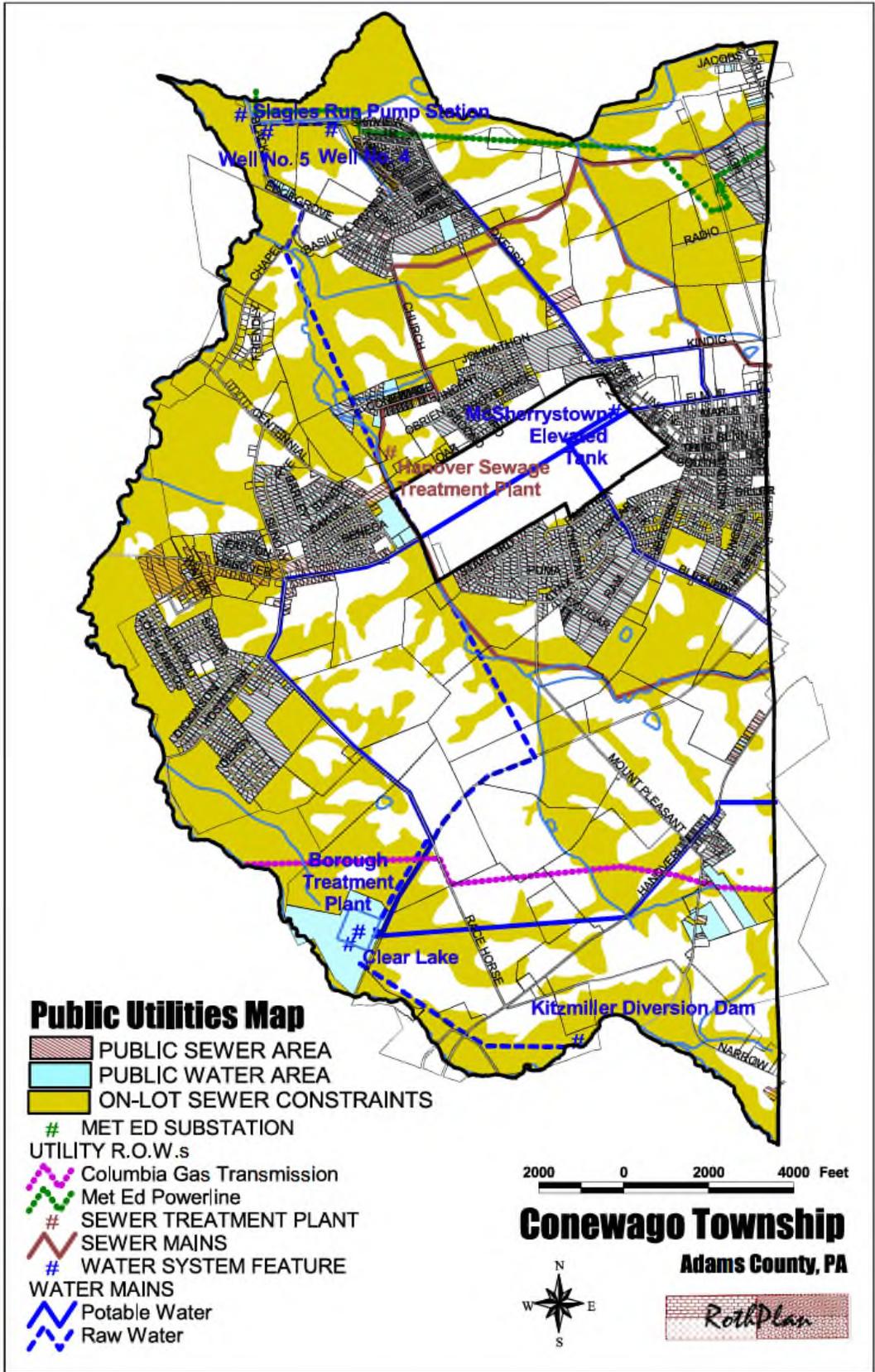
ADAMS COUNTY

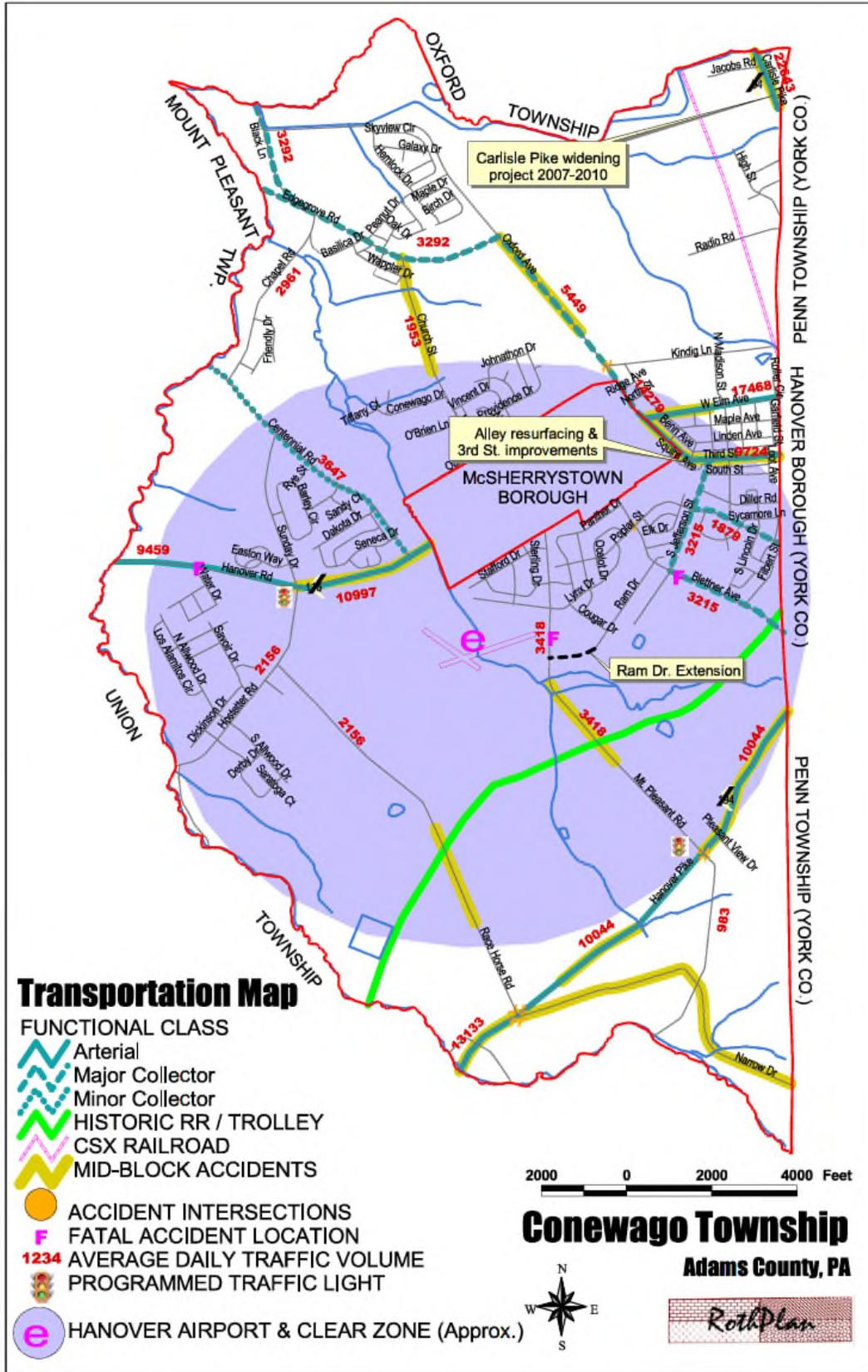
Pennsylvania

Comprehensive Plan Update



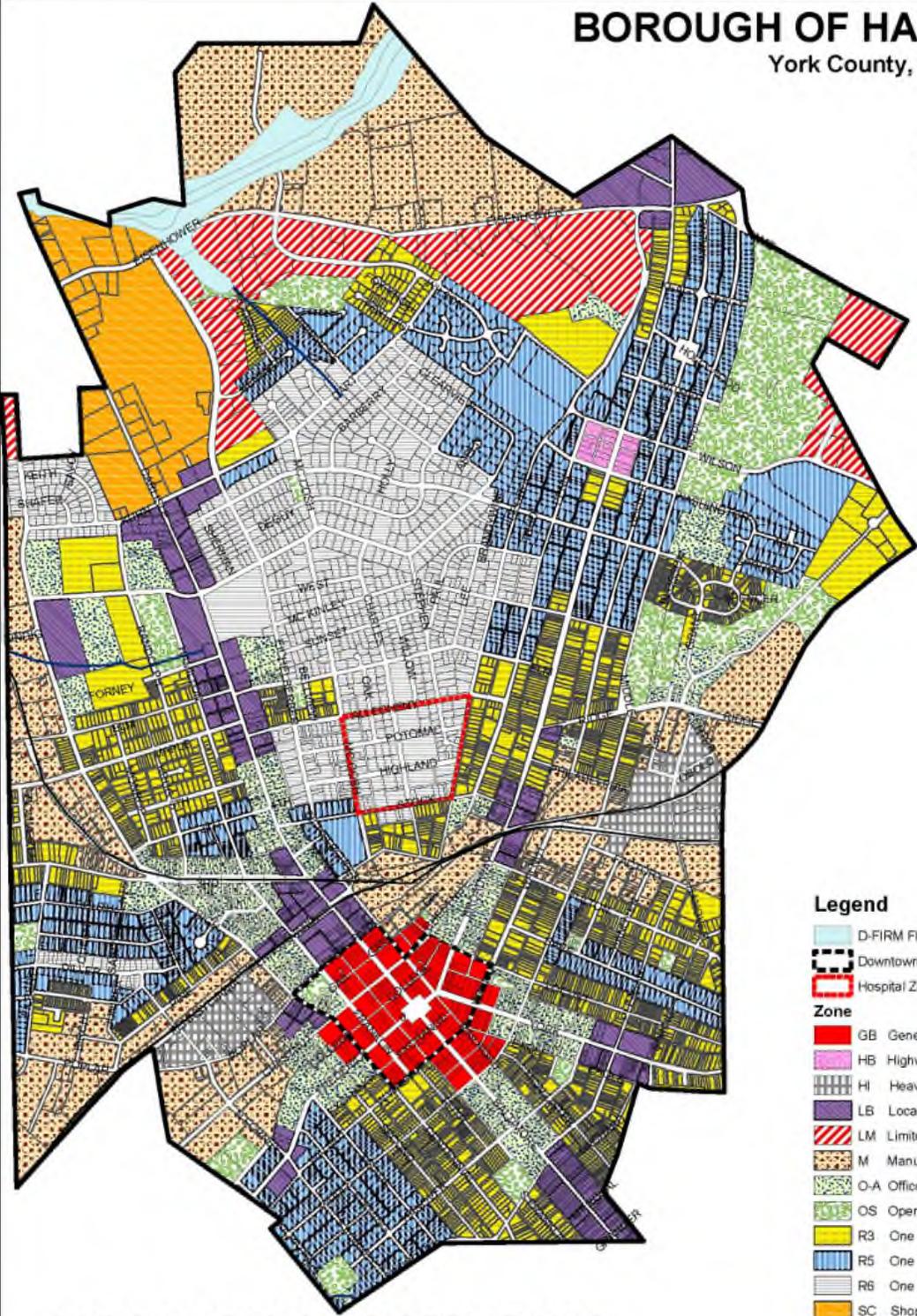






BOROUGH OF HANOVER

York County, Pennsylvania



Legend

- D-FIRM Floodplain
- Downtown Fire Zone
- Hospital Zone
- Zone**
- GB General Business
- HB Highway-Oriented Business
- HI Heavy Industry
- LB Local Business
- LM Limited Manufacturing
- M Manufacturing
- O-A Office and Apartment Use
- OS Open Space
- R3 One to Four Family Dwelling
- R5 One & Two Family Dwelling
- R6 One Family Dwelling
- SC Shopping Center

OFFICIAL ZONING DISTRICT MAP

Revised: 5/12/2010

ZONING MAP

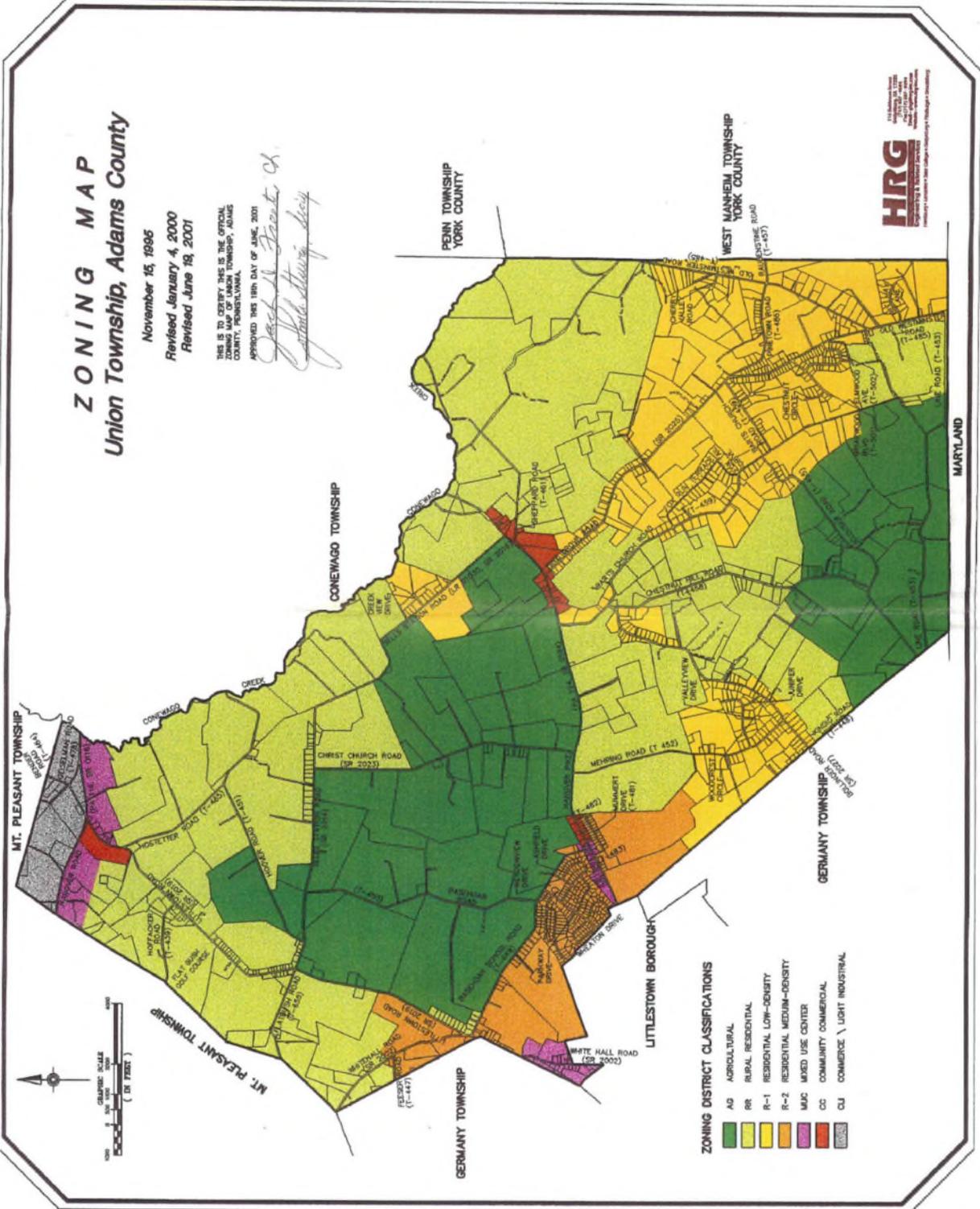
Union Township, Adams County

November 15, 1995
 Revised January 4, 2000
 Revised June 19, 2001

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF UNION TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA.

APPROVED THIS 18TH DAY OF JUNE, 2001

Joseph J. Zoccolato, Jr.
Joseph H. Stangor, Mayor

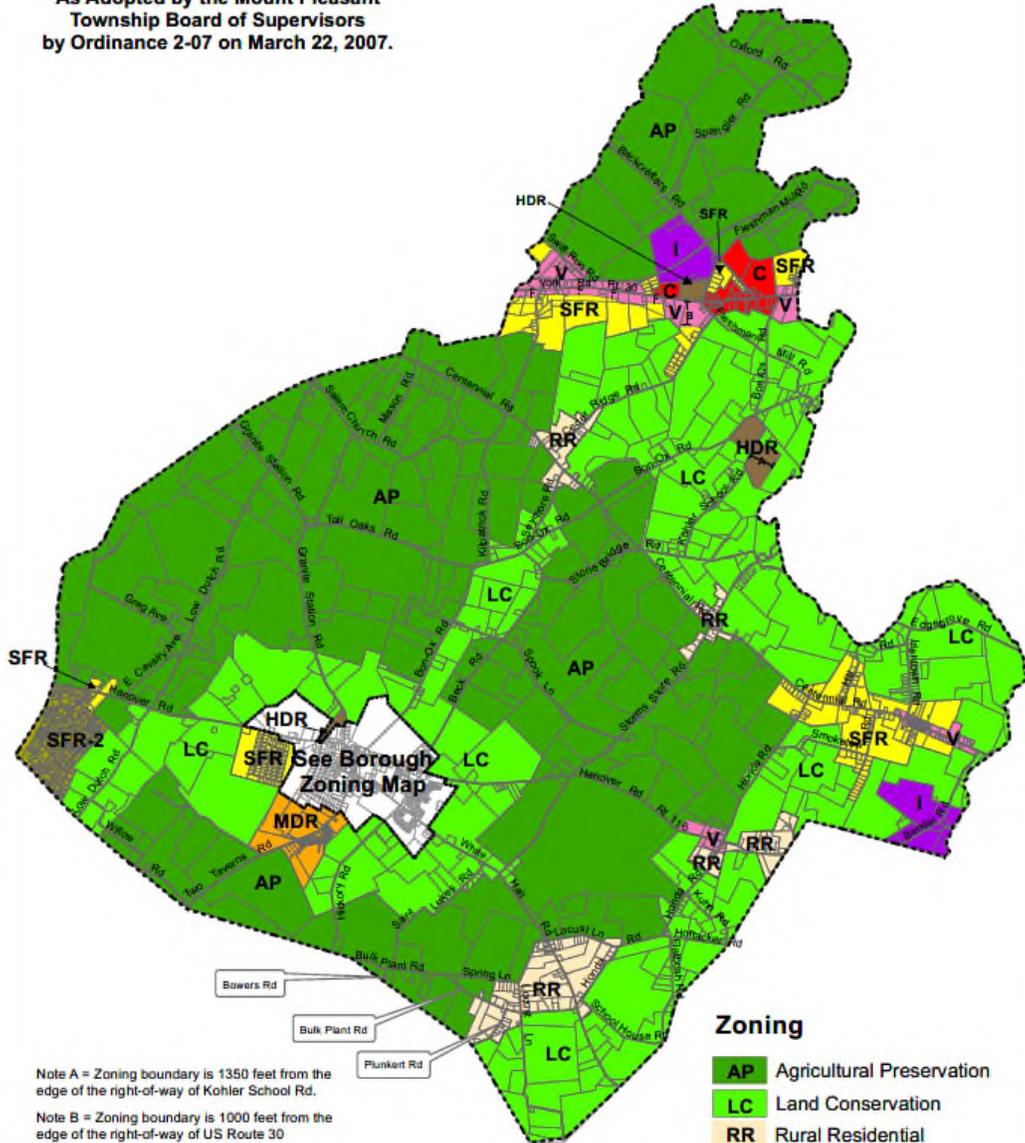


ZONING DISTRICT CLASSIFICATIONS

AG	AGRICULTURAL
RR	RURAL RESIDENTIAL
R-1	RESIDENTIAL LOW-DENSITY
R-2	RESIDENTIAL MEDIUM-DENSITY
MJC	MIXED USE CENTER
CC	COMMUNITY COMMERCIAL
CU	COMMERCE \ LIGHT INDUSTRIAL

Mount Pleasant Township Zoning Map

As Adopted by the Mount Pleasant
Township Board of Supervisors
by Ordinance 2-07 on March 22, 2007.



Note A = Zoning boundary is 1350 feet from the edge of the right-of-way of Kohler School Rd.
 Note B = Zoning boundary is 1000 feet from the edge of the right-of-way of US Route 30
 Note C = Zoning boundary is 300 feet from the edge of the right-of-way of US Route 30

Zoning

- AP** Agricultural Preservation
- LC** Land Conservation
- RR** Rural Residential
- MDR** Mixed Density Residential
- SFR** Single Family Residential
- SFR 2** Single Family Residential 2
- HDR** High Density Residential
- V** Village
- C** Commercial
- I** Industrial



Base Information provided by:
Adams County Mapping Office, 2003