

**POINT TOWNSHIP RESPONSE TO [REDACTED] ACRE REQUEST  
FOR REVIEW  
DECEMBER 15, 2023**

1. [REDACTED] submitted a request to the Point Township Zoning Enforcement Officer for a Zoning Permit to allow him to construct a "pole shed for storage of equipment utilized in silviculture practices and related activities".
2. [REDACTED] purchased his property (the "Property") in July of 2022. The Property has been zoned R-1 Residential since at least 1982, and the most recent version/amendment of the Township's Zoning Ordinance was adopted in March of 2022.
3. While [REDACTED] Request for Review narrative includes references to the general description of the R-1 Residential-Countryside District found in the Ordinance, it failed to include the specific provisions of the Ordinance relating to the R-1 Residential Countryside District Permitted and Conditional Uses, or the various Definitions in the Ordinance related to Agriculture, Agricultural Operation and Agriculture Business, all of which have been supplied to [REDACTED] by the Township's Zoning Enforcement Officer. (These documents are attached hereto for your reference. If you would like a copy of the full Ordinance, please notify the Township and a copy will be supplied.)
4. While [REDACTED] Request for Review narrative indicates that the Property "has been used for agriculture use for as far back as I can tell" it is important to note that while the Property may have been used for cultivation of crops through lease arrangements by the prior owner, a Permitted Use in the R-1 District (see Section 6.2.1.5 of the Ordinance), and may have been timbered from time to time, also a Permitted Use in the R-1 District (see Section 6.2.1.7), it was never owned by or part of an Agricultural Operation (as defined in the Ordinance). As [REDACTED] acknowledges in his narrative, the Property was and is "undeveloped".
5. The Township's position is that the constructing of a building on the Property for "agriculture" use, is taking the proposed use outside of the R-1 District's Permitted Uses of crop cultivation and forestry, and into activities that, at minimum, fall under the definition of "Agriculture", which is a Conditional Use under the Ordinance. [REDACTED] has been advised of this, but has chosen not to request a Conditional Use hearing.
6. Furthermore, in subsequent conversations with the Township, [REDACTED] has acknowledged that what he is really seeking is a very broad ability to engage in various activities far beyond the scope of his initial request for a "pole shed" for storage of equipment in relation to silviculture. He has indicated that he seeks to raise livestock on the property, among other activities, and has sought to have the property "perc tested" by the Township's SEO in furtherance of that objective and other activities (see attached PA One-Call notice to the Township). In short, he is looking to establish a commercial "Agricultural Operation" or "Agricultural Business", as those terms are defined in the Ordinance, on the property. Neither of these types of activity are a Permitted Use under the Ordinance, and would require [REDACTED] to seek and obtain a variance to the Ordinance.
7. The Township actually arranged a meeting between [REDACTED] and the Township's Engineer, Zoning Enforcement Officer and Solicitor in an attempt to understand more fully what [REDACTED] proposed scope of use of the Property is, in order help him better navigate the requirements of the Ordinance. However, he has yet to provide anything in a written zoning permit application that encompasses the types of use that he has verbally stated that he wants to engage in.
8. It would seem that [REDACTED] Request for Review is based on the assumption that a property that is undeveloped (and thus has never been the site of a farming operation), but that has historically had portions of the property used by non-owners for crop cultivation, qualifies as a

normal farming operation subject to the ACRE Law (and thus exempts it from being subject to limitations imposed by a township's duly enacted Zoning Ordinance). The Township will certainly cooperate with Office of Attorney General to revise its Ordinance appropriately if this is the case. However, the Township would argue that such an interpretation is overly broad and would unduly limit a municipality's ability to plan for the balanced and orderly development of property within its borders as contemplated by the Pennsylvania Municipalities Planning Code. This is particularly the case in central Pennsylvania, where many undeveloped properties are likely to have had some degree of historical crop cultivation, even though they are not located in an agricultural zoning district.