



December 1, 2015

Susan Bucknam, Senior Deputy Attorney General
PA Office of Attorney General
Strawberry Square
Harrisburg, PA 17120

RECEIVED

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SR-70815-260B
Office of Attorney General
Litigation Section

RE: Zoning Ordinance of Ferguson Twp., Centre County, PA

Dear Susan,

This letter is a follow up to our telephone conversation in October, concerning the "right to farm" and Centre County, Ferguson Township's zoning ordinance 899 that prohibits livestock on parcels that are less than 50 acres. There is also a second ordinance 973 that made riding stables & academies a conditional use in Rural Residential zoning districts.

Twenty years ago, I bought 21.74 acres and legally developed the land as a small hobby farm with a house, barn, shed, fencing and horse-back riding trails. My property is zoned Rural Residential and was recently made part of the Growth Boundary Zone. I did not receive adequate notice before the zoning changes were enacted that changed the character of my land.

The mentioned zoning ordinances have made my property into a non-conforming use. I've received a letter & clarification letter (attached) from the Ferguson Twp. Zoning Administrator [redacted] stating that use of my property for livestock and riding stable are "grandfathered" legal uses. But I have also been advised by [redacted] that if I subdivide the land or finish the basement as a small apartment, I will lose the grandfathered status. The house was built with roughed-in plumbing in the basement for an apartment but not completed. I was planning to make it into a small apartment for myself and rent my house now that my daughter has grown up and moved away.

Ferguson Township is a large township near State College that, except for a few hamlets and developments, is decidedly agricultural in nature. My property is located along [redacted] beside the [redacted] (used for several months each year as a shooting range) and adjoining another 20 acre parcel. Across the street from my property is a large beef cow farm. [redacted] is behind my land.

Section 27-302 of the Ferguson Twp. ordinance states that it's intent is to "retain the pastoral nature of the district" and "to encourage the preservation of agriculture as a suitable use in rural areas" but it seems to do the opposite.

I'm [REDACTED] and, due to health issues, I'm no longer physically able to take care of or ride horses or provide lessons and the horses kept on the property were sold. For the past 3 years, I've been trying unsuccessfully to sell my property but the non-conforming farm use continues to be an issue to potential buyers who are concerned about the grandfathered status lapsing and are not sure what the land can be used for. I've been advised by the Zoning Administrator that the conditional use does not lapse on farm properties under this ordinance.

I'm attaching the zoning ordinances and letters. I hope you will follow through by challenging the ordinance as over-broad and unnecessarily impeding the right to farm in Ferguson Township. While it might be reasonable to limit the number of farm animals per acre, disallowing any livestock on less than 50 acres is overbroad. Not allowing riding academies, which are a normal farm use, also does not make sense to me, if the intent of the ordinance is to encourage agricultural use and preserve the township's pastoral nature.

If you need additional information, please contact me.

Sincerely,

[REDACTED SIGNATURE]