

From: Manager, [REDACTED]
Sent: Thursday, June 01, 2017 11:19 AM
To: ACRE Shared Mailbox
Subject: Cover letter for [REDACTED]

June 1, 2017

Dear Mr. Willig and Mr. [REDACTED]

Attached to this letter, with dropbox link:

[REDACTED]

Please find: (I apologize for the alphabetical order in the file, rather than list by easiest use.)

1. Copies of the Little Britain Township Zoning Ordinance in its entirety; it is in several parts, as my scanner was not able to handle the whole thing at once. The amendments are also included.
2. 2017 variance application
3. The variance granted May 8, 2017, for less than ACRE or even the Zoning ordinance allows, and far less than I have been previously allowed
4. Supporting literature about stocking rates for small goats from UMass that was given to the Board in support of my request for higher animal numbers
5. Other supporting materials, including 2005 previous variance application
6. The variance granted in 2005 for 8.8 AEU in the form of 8 horses
7. Copies of some specific parts of zoning ordinance that I believe are in violation of State law that are negatively affecting me as far as animal numbers go. There are additional ones in the Ordinance that I believe are not in compliance with ACRE that affect me now, or may affect me in the future, and that negatively affect Right to Farm or animal welfare in the township.
8. My farm maps with improvements and management areas
9. Little Britain township map showing the zoning areas (I was told by zoning officer that the Right of Way next to me was dual-zoned Ag *and* R1; it is used to access the farmland that surrounds both my farm and my 2nd residence next door at 301 Nottingham Road.) Also, according to the Municipal Development Plan, my farm was *not* part of the proposed future expansion of the village residential area. This is available online, along with the Solanco Regional Comprehensive Plan

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10. Notice of violation that prompted the variance request and Notice of Violation and Enforcement
11. My brief biography for Pure American Naturals, our goat business' application for a VAPG Grant (which we received)

Historically, this farm has been used for agricultural purposes since at least 1857, when my house was built. The farm's recent history is described in the variance applications. I was told in a recent phone conversation with the zoning officer that my farm "is not big enough to be considered a *real* farm..." though I have been producing hay, keeping livestock, and my practice has been an ongoing "agricultural activity" since I purchased the property in 2005. Its use has been listed as "livestock" in all public use maps. It is my understanding that ACRE considers any property larger than 10 acres to be a potential farm, and even less acreage qualifies if it produces more than \$10K per year in farm products. I have been producing hay for my own use and for sale, mohair and slaughter goats (which they say my previous variance didn't allow) for several years and have budgets for those operations, though they are not currently producing quite \$10K. Though I would like to put the farm into conservancy, agricultural zoning isn't a necessity for me, especially if I don't need to be "Ag over 20 acres" to not have to comply with the severe animal number restrictions that are in the Ordinance SECTION 440 KEEPING OF LIVESTOCK ON LOTS LESS THAN (20) ACRES IN SIZE, which also applies even if the lot is zoned agricultural!

Though I was also somewhat threateningly told that several residents of the township have previously appealed to the A.G.'s office and that the township ordinances had been upheld, I don't know what ordinances had been challenged. I was told that even though I am a good steward of a small property, that they don't want someone who is not a good steward to be able to turn a small parcel such as mine into a mess with too many animals and, repeatedly, that animal numbers and types are the basis for the township rules, *not* AEUs.

I was previously granted a variance for 8 horses, equaling 8.8 AEUs. I was told I was treated generously so I wouldn't have to put my horses to sleep, not told that I absolutely couldn't replace them nor that the variance was absolutely species specific, though the discussion in the 2005 variance is ambiguous. I assumed (obviously wrongly, according to the township,) that the variance was based on the appropriate land use by AEUs, and I have never exceeded 8.8 AEUs by actual weight, thinking that, of course, AEUs were the underlying standard of science-based land use. I currently have less than 7000 lbs. (documented by actual weights) of animals on the property including my food-producing and integrated pest management birds, 2 ancient horses, a llama as a guardian, a mini-horse, and 68 Angora goats. This new variance doesn't allow but about half what I was previously allowed in AEUs, and far less (in AEUs) than even their own ordinance apparently allows! My TSP, who did my Conservation Plan, stated that the animal numbers that this land could carry under Act 38 far exceeds any number that I would ever consider keeping here.

The zoning office required that I have a Conservation Plan made by a certified technical service provider and that it be verified by the TSP as in process of being implemented to be able to build any more roofed structures, including my manure storage, which I am required to cover, and for which, of course, I must have a zoning permit. (This, too, may be a violation of Act 38?) If I am not a real farm, then why do I need a conservation plan?

The ordinance says I must have *separate* designated areas for each group (type) of animal, which precludes multi-species grazing! I was also told that I can have numbers of animals in reference to total acres, not just spreadable acres because it is a small acreage, which doesn't make sense if they are trying to limit my animal

numbers. I also have been subtly, and not so subtly, threatened with enforcement; each day in violation being considered a new violation, costing \$500 per day!

I must submit an appeal with Mr. [REDACTED] to the Court of Commons Pleas by June 7, 2017, as I will be in violation as of thirty days after the variance was received, and the clock starts on enforcement at \$500 per day... And this all is at an expense that I shouldn't have to undertake if I am in compliance with State law.

The Solanco Regional Comprehensive Plan has language that is reiterated in the Little Britain ordinance to promote the agricultural nature of the area. I am trying to be a model farm and am planning to produce educational materials and learning opportunities for those that may acquire smaller farms, specifically so they don't create ecological disaster areas through ignorance of agricultural best practices and the law. I will be working with Farm Bureau, extension and NRCS to do this. I am not a hobby farm, but I want to help make both hobby farms and legitimate small agricultural businesses environmentally and financially viable and sustainable; and I believe that this variance, and the zoning ordinances of Little Britain Township, are limiting my (and others') Right to Farm and are not in congruence with the Township's stated mission, the Solanco mission, nor with Act 38. I am trying to adhere accurately to the science and accuracy of Act 38, to utilize my land for its highest and best use, and to grow financially viable and sustainable businesses.

As very subjective asides, I find the language of the variances to be inaccurate, ambiguous, offensive, threatening and condescending. This has already been an upsetting situation and I would like to bring this to a positive conclusion based on facts and the law; and on the assumption that I am acting on the basis of facts and law and with a desire to be compliant--*not* on the unpleasant statement and assumption by the township attorney that I am "flouting the conditions of the zoning decision" in my actions with them. I am also concerned that the township will make things difficult for me in other dealings I may have with them, in the future, in reference to my businesses and my other property, which I am using for a veterinary therapy and rehab center, and that I would like to utilize as a bed and breakfast also. The Zoning Board and Township Supervisors are known to be obstructive to many requests of residents of the township.

My apologies for the delay in getting this to you both. A deadline for applications and inspection for my farm, and my partner's farm in [REDACTED] County, for "Animal Welfare Approved" status had to happen before I could get this compiled. We are being exemplary farmers!

Thank you for your help in this matter. I look forward to working with you both to get this resolved for me, and for the protection of other's rights' in the State.

Sincerely,

[REDACTED]

[REDACTED]