

July 11, 2017

Page 2

Township views this as reasonable so that there can be some check on the interaction between areas designated for agricultural activity and areas designated ultimately for residential use. With the Property's existence in the R-1 zone, your office should utilize a standard of review that is more deferential to the municipality

We would also add the following:

1. A veterinarian use is not itself the production of agriculture, either generally speaking or under the definition of "agriculture" in the Ordinance. Compare *Tinicum v. Nowicki*, 99 A.3d 586, 592-94 (Pa. Cmwlth 2014) (mulching operation not a normal agricultural operation because none of the raw materials used were harvested from the property and none of the resulting mulch was used for the production of livestock, crops or agricultural commodities on the property).
2. The Ordinance defines "farm" to be at least 20 acres, meaning the Property is not a "farm" for Ordinance purposes.

Also important is the manner of acquisition of the Property by [REDACTED] [REDACTED] bought the property in 2005. She knew of the R-1 zoning and the provision about Keeping of Livestock on Lots Less than 20 Acres when she bought it. In 2005, prior to purchase, she obtained variances from the Board for: (1) her veterinarian practice, which is not an allowed use in R-1; and (2) to have 8 horses on the property, when Section 442 specified a maximum five (5) horses (a Group III animal). Section 442 is now Section 440.4 and continues to state a limit of five (5) Group III animals, which are animals in excess of 200 pounds. See August 2005 Board Decision.

Of course, the Decision (of 2017) expanded [REDACTED]'s rights to an even greater degree. Calculating under the densities allowed by Ordinance Section 440, one can determine that approximately 3 acres would be needed for [REDACTED] 35 Group I animals (35/ 12 animals per acre = 3 acres), about 15 acres would be needed for [REDACTED] 30 Group II animals (30/ 2 animals per acre); and about 4 acres would be needed for [REDACTED] Group III animals (2/0.5 animals per acre). This totals 22 acres, which is in excess of the property size of 16.4 acres. Simply put, [REDACTED] has now been permitted to have more than the Ordinance allows.

This letter does not attempt to respond to all of the various statements in [REDACTED] complaint to your office, but rather is a summary of the Township's position. Little Britain Township believes its Ordinance is very accommodative to agriculture and very fair to its farmers and other landowners.

July 11, 2017
Page 3

Thank you for your consideration. Certainly let me and the Township know if you have questions or comments. The Township and I look forward to hearing of your office's determination in this matter.

Sincerely,

BLAKINGER THOMAS, PC

[REDACTED]
[REDACTED]
[REDACTED]

GTC

cc: Little Britain Township
[REDACTED]

*00949543 / (10559.093)