

**Willig, Robert A.**

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**From:** [REDACTED]  
**Sent:** Friday, June 8, 2018 3:20 PM  
**To:** ACRE Shared Mailbox  
**Subject:** Clay Twp, Lancaster Co., ordinance 'Section 540 Forestry' - violates PA ACRE law & PA MPC 603(f) law  
**Attachments:** Forrestry Zoning Regulations Clay Township.pdf

Dear Sir,

I request that the PA Attorney General Office review the **Ordinance 'Section 540 Forestry', of Clay Township, Lancaster County**, for violation of the PA law commonly known as the "ACRE" law, Act 3, and for violation of PA MPC Section VI - 603(f) which guarantees forestry use activities, and prohibits unreasonable restrictions on forestry use. Especially unreasonable are restrictions on the amount of trees which may be harvested in a logging operation.

**One page attachment is this Clay Township ordinance 'Section 540 Forestry'.**

Please confirm receipt of this email. Thanks.

[REDACTED]

[REDACTED] Company

[REDACTED]

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subject to the provisions of Section 606 hereof, unless specific authority for location and erection of the structure and site has been received in advance from the Pennsylvania Public Utility Commission by the public utility. [Ord. 051198, 5/11/98, §17.]

#### SECTION 539. DIVISION OF FARMS.

No farm of less than one hundred fifty (150) acres shall be divided into more than a total of two (2) separate farms. Farms of a total of one hundred fifty (150) acres or more may be divided into no more than three (3) separate farms. [Ord. 12-13-00-D, 12/13/00, § III.]

#### SECTION 540. FORESTRY.

Forestry activities, including, but not limited to timber harvesting, shall be a permitted use in all Zoning Districts of Clay Township. Forestry activities shall be conducted in accordance with the following requirements, conditions, and/or approvals:

- A. A Zoning Permit shall be obtained from the Clay Township Zoning Officer prior to harvesting or otherwise removing forty (40) or more trees with a trunk diameter of three (3) inches or more at a height of three (3) feet above the average ground level on any tract of land larger than two (2) acres;
- B. A Forestry Management Plan shall be prepared and filed when harvesting forty (40) or more trees involving more than two (2) acres. This Plan shall be prepared by a qualified forester or forest technician;
- C. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;
- D. Prior to the issuance of a Zoning Permit, an Erosion and Sedimentation Control Plan shall be submitted by the Applicant to the Lancaster County Conservation District for review, recommendation, and approval;
- E. Clear cutting shall be prohibited except on tracts of less than two (2) acres;
- F. When harvesting or otherwise removing forty (40) or more trees on tracts larger than two (2) acres, at least thirty percent (30%) of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least thirty percent (30%) of these residual trees shall be composed of highest value species as determined by a forester and pursuant to the Forestry Management Plan;
- G. Clear cutting is prohibited on areas with slopes greater than fifteen percent (15%) or within the one hundred (100) year floodway. [Added by Ord. 060903, §11, 6/9/03]

#### SECTION 541. ECHO HOUSING.

ECHO Housing, where listed as a permitted use, and ECHO Housing in single-family residential structures that are nonconforming as to use in districts where single family residential structures are not a permitted use or a special exception use, shall in all events