



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY  
ATTORNEY GENERAL

May 2, 2023

SDAG Robert A. Willig  
Office of Attorney General  
1251 Waterfront Place  
Mezzanine Level  
Pittsburgh, PA 15222

[REDACTED]

*Re: ACRE Request for Review-Lewis Township-Union County*

Dear [REDACTED]

The Office of the Attorney General (OAG) received your ACRE request for review concerning the Section 617.H.1 & 2 setback distances. The setback distances that you note, and the ordinance provisions that you cite, are from the 2003-2007 ordinances. In 2008, a citizen filed an ACRE complaint with the OAG complaining of Lewis Township's 250, 500, and 1,000 feet setback distances found in the ordinances-the same provisions that you currently challenge. The OAG advised Lewis Township to amend its ordinances to comply with the 100, 200, and 300 feet setbacks found in state law. Lewis Township did so. Attached for your review is the 2010 Amendment that changed the setback distances and brought the Lewis Township ordinances into compliance with state law. Your concerns have already been addressed; therefore, this Office will close your ACRE case as it is moot.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert A. Willig', with a large, stylized flourish at the end.

Robert A. Willig  
Senior Deputy Attorney General

**AN AMENDMENT TO THE ORDINANCE OF THE TOWNSHIP OF LEWIS,  
UNION COUNTY, PENNSYLVANIA, AMENDING THE  
LEWIS TOWNSHIP ZONING ORDINANCE #03-1**

- (1) Article II, Section 202 of the Zoning Ordinance is amended to add the following definitions:

**Fence:** A structure of rails, connected stakes, or strung wire erected as an enclosure, barrier, or boundary.

**Concentrated Animal Feeding Operation (CAFO):** A CAFO is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23. 25 Pa. Code § 92.1

**Concentrated Animal Operation (CAO):** An animal operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre of land suitable and available for manure application. 25 Pa. Code § 83.201

**"Commercial Livestock Operation"** shall be deleted from Article II, Section 202.

- (2) Article VI, Section 617 (A) of the Zoning Ordinance is amended as follows:

"Commercial Livestock Operation" shall be deleted and replaced with "Concentrated Animal Operation" and/or "Concentrated Animal Feeding Operation" and shall read as follows:

"An owner or operator of a proposed concentrated animal operation (CAO) or concentrated animal feeding operation (CAFO) shall obtain a Township permit to operate a CAO or CAFO, which the Township shall issue to the owner or operator upon the Township's receipt of proof that the owner or operator has an approved nutrient management plan and has obtained all required DEP permits. Agricultural operations that use or produce manure that are not concentrated animal operations (CAO) or concentrated animal feeding operations (CAFO) shall comply with the DEP requirements applicable to such operations, including the requirements specified in 25 Pa. Code§ 91.36 and the manuals and guides referenced in that provision.

- (3) Article VI, Section 617, (H) of the Zoning Ordinance is amended as follows:

1. All manure storage facilities shall be set back a minimum of 100 feet and a maximum of 300 feet from any lot line, as applicable under 25 Pa. Code§ 83.351.
2. The location for animal housing and manure storage facilities for new or expanding concentrated animal operations or concentrated animal feeding operations shall be in accordance with the approved Odor Management Plan.

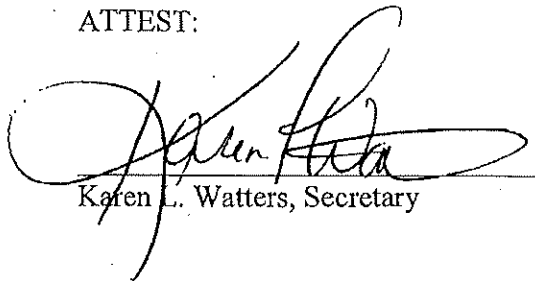
3. Buildings used for animal housing on agricultural operations that are not concentrated animal operations or concentrated animal feeding operations shall be set back a minimum of 100 feet from property lines.

(4) Article VIII, Section 801 for POWERS AND DUTIES of Zoning Hearing Board members is amended to add subsection D as follows:

Zoning Hearing Board members who are directors, officers, partners, or have a direct interest in a business are prohibited from voting on a zoning action which may affect that business.

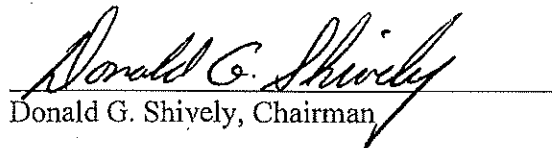
**ENACTED and ORDAINED** as an Amendment to Ordinance No. 03-1 of Lewis Township, Union County, Pennsylvania, this 12th day of October, 2010.

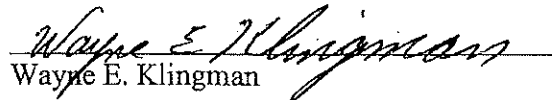
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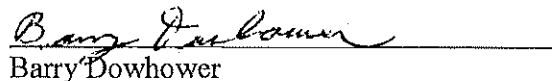
  
Karen L. Watters, Secretary

By:

**TOWNSHIP OF LEWIS**

  
Donald G. Shively, Chairman

  
Wayne E. Klingman

  
Barry Dowhower