

PA Office of Attorney General
Attn: ACRE
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Harrisburg, PA 17120

ACRE@attorneygeneral.gov

[REDACTED]
[REDACTED]
[REDACTED]

Dear Attorney Robert Willig,

In February of 2023, my wife [REDACTED] and I [REDACTED] bought the property at [REDACTED]. It is a 12-acre parcel (farmland) and 3-acre parcel (house, barns, etc) that we purchased together and are adjoining each other. This is the last 15 acres of the original 60 Acre farm which has always been farmland. The surrounding area has been developed with single family homes. We purchased this farm to pursue our dream of having a functional homestead and professional equine business operation. Since purchasing the property, we have been met with many restrictions and setbacks from the local West Brandywine Township Code Enforcement Agency that have greatly prohibited our progress.

Shortly after purchasing the property in March of 2023, we began upgrading the old cattle barn into a functional equine barn, there was over 5,000 square feet of needed soil grading to be completed on the lower property near the barn, which was all previous erosion and bare soil. We began re-grading the property to allow re-seeding and growing a grass-fed pasture. We were met with a stop work order from the township for not having a grading permit (grading permit for disturbance over 5,000 sq feet requires full stormwater management). Link to referenced code township is referring to: <https://ecode360.com/7991893 - 7991893>

The township at that time would not honor their own agricultural stormwater exemptions in their code, [https://ecode360.com/7991894 - 7991894](https://ecode360.com/7991894-7991894). After many back and forth conversations, local police coming to our property and telling us we could not perform any work on the property (unloading wood to build stalls inside of the barn) and other local neighbors voicing their opinions in our favor, the township agreed to allow us to re-grade the pasture area without their required grading permit, and also agreed to honor agricultural exemption in the township's code. Please note, we had an E&S (erosion and sediment) plan in place and throughout all of the completed work and we have not had any erosion or sediment occur that affected anything outside of our property.

Recently, In January of 2024, we realized that we needed to put a proper farm driveway to the barn area where the horses are stabled, the previous owners never installed a proper driveway and simply drove off of the road and onto the grass to get to the barn area. Due to a few emergency situations when we could not get our veterinarian access to the barn, we installed a farm driveway from the road to the barn area. Upon installation of the driveway, we emailed the township and noted that we had to install the driveway under emergency circumstances and also requested specific details on what specifications the township required for pavement meeting the township road. We then filled out a driveway permit and noted the size of the newly constructed farm driveway which is approximately 4,000 square feet. The driveway meets all of the townships required specifications, setbacks, design, construction etc.

The township is now stating that we need to provide a full stormwater plan for the farm driveway that was installed. Upon noting the agricultural exemptions, they have in their codebook, they responded that we need to submit a grading permit and drainage permit for the driveway, all of which needs to be completed by an engineer, to allow the agricultural stormwater exemption to be considered for exemption. Link to referenced code township is referring to:
[https://ecode360.com/42354903 - 42354903](https://ecode360.com/42354903-42354903)

We are looking for guidance and clarification on how the state views agricultural stormwater management when it is in regard to maintaining, improving, or constructing new impervious coverage such as driveways, barns, stable housing etc. The cost for an engineer to complete the townships' current requests is not feasible for us and extremely prohibitive on our entire farming operation.

Lastly, another potential issue we may face is the construction of a new outdoor equine riding arena and a new barn. The township currently has a 100 feet setback from any property line being a requirement for an outdoor riding arena and a 200-foot setback for a public stable. Due to current slopes and location on the property, this is not ideal. How does the state view outdoor horse-riding arenas and stables in regard to acceptable property line setbacks? Link to referenced code township is referring to: [https://ecode360.com/7990985 - 7990985'](https://ecode360.com/7990985-7990985)

Also, how does the State view outdoor horse-riding arenas in regards to impervious coverage? The arena is designed to ample drainage through the surface and zero runoff.

We have had many conversations and meetings with the township code officials to try and avoid making an ACRE claim, but we feel though this is our best option moving forward and hopefully will provide some much-needed clarity on what our rights are as farmers!

Thank you for your time in this manner, if you have any questions, please call me at [REDACTED]

Sincerely [REDACTED]