

September 4, 2025

PA Office of Attorney General
Attn: ACRE
15th Floor, Strawberry Square
Harrisburg, PA 17120

Dear ACRE Attorney,

My name is [REDACTED], and my dad and I farm together in Southampton Township, Cumberland County. The farm is located at [REDACTED]. My father owns 231 acres and rents an additional 50 acres. We milk 60 dairy cows, and have 40 heifers. I recently constructed a 4800 head finishing barn on the farm, which I own by myself. Because my father still owns the farm, I am a CAO. Because the finishing barn is a CAO, I had a certified Odor Management Plan which listed what is required based on my Odor Site Index for BMPs to mitigate odor impacts on the neighborhood. Trees outside my finishing barn are not required in the Odor Management Plan. However, Southampton Township has a portion of the ordinance that states that "intensive ag operations" involving animal housing with ventilation fans shall provide vegetative planting strips in according to their widths, lengths and tree types. I am asking for this review because I feel the state-required Odor Management Plan should be honored over the municipal requirements related to vegetation opposite ventilation fans.

Outside of my personal concern with my Odor Management Plan and the township requirements for vegetation around my finishing barn, I have some concerns about other requirements in this ordinance that could affect other farmers, not just myself. I'm asking for you to review the following items in the Southampton Township, Cumberland County ordinance.

- In Chapter 350. Zoning, Article II. Terminology, please refer to the definition for "Agricultural Uses", specifically E. *The keeping and raising of hogs, provided that there shall be no feeding of any market or house refuse, garbage or offal, other than that produced on the premise.*
 - Is this referring to food processing residuals, but not specifically calling it that? FPRs are regulated by PA DEP, aren't they?
- In this same Chapter, Article and Terminology section, they define "Agriculture, Intensive" as essentially CAOs and CAFOs, plus slaughter areas and areas for processing manure. Please evaluate if that intensive definition is acceptable in light of some previous ACRE court decisions.
- Chapter 350, Article X, 350-1027 refers to Intensive Agricultural Operations, allowing them as a Conditional Use in Ag and Woodland Conservation zones. I can read in the Fannett Township case among others, "As a preliminary matter, a CAFO is a 'normal agricultural operation.'" I assume this applies to CAOs as well being considered normal agricultural operations. Under ACRE cases, or in a different case law in PA, is there any ruling about CAOs or CAFOs as normal agricultural operations therefore being permitted as a use by right instead of Conditional Use or Special Exception?
 - 350-1027, A. "A parcel of contiguous land owned by the owner of an intensive agricultural operation shall be and remain at least 50 acres in the Ag Zoning District". Please review the 50 acre requirement, considering the Right to Farm Act, Nutrient Management Act and any other applicable statewide regulations.
 - 350-1027, A-2, a) and c) contain setback requirements for 500 feet from an occupied building in Ag and Woodland Conservation zones, and 1000 feet for occupied buildings in non-ag zoning. There is a setback requirement from buildings housing animals of 150

feet from a well, not owned by the owner of the CAO/CAFO. Please review these setback requirements compared to setbacks in the Nutrient Management Act.

- 350-1027.D. gives authority over dead livestock disposal to PA DEP, when it is actually covered under 1996's PA Act 100 Domestic Animal Act, with enforcement and oversight from the PA Department of Agriculture.
- 350-1027. F. 1) and 2) and 3) and 4) states "Intensive agricultural operations involving animal housing facilities with ventilation fans shall provide vegetative planting strips in accordance with" ...numbers 1, 2, 3, and 4. Since an Odor Management Plan written by a certified Odor Management Specialist for all new or expanding CAOs and CAFOs identifies what Best Management Practices (BMPs) are required from an odor impact minimization standpoint, please consider if the township ordinance requirements are additional and superseded by the PA Nutrient Management Act and the PA Odor Management Act. If a vegetative buffer *is* required for a CAO or CAFO in their Odor Management Plan, shouldn't the specifications listed in the Odor Management Plan related to the buffer design supersede the tree spacing, lengths, widths, setbacks, and types and sizes of trees outlined in the Township ordinance?

I am enclosing applicable sections of the Southampton Township ordinance, and it can also be found in its entirety online at <https://ecode360.com/SO4014>. Specifically, Section 350 is at <https://ecode360.com/35916038#35916038>.

Please contact me if you have questions or would like more details. I can be reached at [REDACTED]

Sincerely,

[REDACTED]

Farmer, Southampton Township, Cumberland County PA