[redacted]

LAW FIRM

[redacted]

August 15, 2025

[redacted]

Via regular mail

Office of the Attorney General
Senior Deputy Attorney General, Robert A. Willig
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222
Via regular mail and email to [redacted]

Re: ACRE Complaint – Lycoming County – [redacted]

Dear Senior Deputy Attorney General Willig and [redacted]

McCormick Law Firm represents the County of Lycoming and we are sending this letter on their behalf. The purpose of this letter is to respond to Senior Deputy Willig's July 17, 2025, letter notifying Lycoming County (the "County") of an ACRE Complaint filed by [redacted] complaint, dated June 13, 2025, contends that his proposed 4,000-bird egg layer facility and 1,400-foot access driveway should be exempt from the County's Subdivision and Land Development Ordinance ("SALDO") as an "accessory" structure, and not a "principal" building. He further contends that he is exempt from the "commercial driveway ordinance" because the proposed structure is agricultural in nature.

The County's SALDO can be found online at www.Lyco.org, or more specifically at https://www.lyco.org/Portals/1/PlanningCommunityDevelopment/Documents/SubdivisionLandDevelopmentOrdinance.pdf. Because of the length of the document (106 pages), a copy of the link will be provided to Senior Deputy Willig by email but will not be attached to the printed and mailed response.

As discussed in more detail below, the proposed 4,000-bird egg layer facility is a principal structure on [redacted] land and the Lycoming County SALDO has been properly applied to [redacted] proposed development.

PRINCIPAL AND ACCESSORY BUILDINGS

The Lycoming County SALDO excludes from the definition of land development "[t]he addition of an accessory building, including non-principal farm buildings, on a lot or lots subordinate to an existing principal building." See Lycoming County SALDO ("SALDO") at Section 1.02.

The SALDO then defines "principal" and "accessory" buildings as follows:

> Building: Any structure having a roof supported by columns, or enclosed with exterior walls or fire walls and built, erected, and framed of component structural parts.
>
> > a. Building, Principal: The main structure on a given lot designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.
> >
> > b. Building, Accessory. A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

See SALDO at Section 7.0.

[redacted] has provided no evidence of a principal structure to which his proposed 4,000-bird facility is "customarily incidental and subordinate to." According to [redacted] he is a "small farmer" proposing the addition of a "4,000 bird egg layer barn." See Complaint. This barn is a structure designed to house animals, as defined in the SALDO as a "principal building." Accordingly, this new proposed structure is a principal building.

[redacted] ontends that this building is an accessory structure because the property already has two pole barns, one bank barn, and a corn shed. However, [redacted] provides no explanation as to how this new structure is "customarily incidental [or] subordinate" to any of those structures. Contrary to [redacted] ssertion, barns and corn sheds are customarily subordinate and incidental to bird barns as they are used to store the equipment used to maintain the birds and bird barn, they are used to store the eggs retrieved from the barn prior to being sold, and they are used to house the feed used for the birds in the bird barn.

Because this new facility is a principal building and is not subordinate to any other principal structure currently on the land, it is not excluded from the definition of land development.

DRIVEWAY REQUIREMENTS

[redacted] lso indicates that his property is not "commercial" but rather "agricultural" so the "commercial driveway ordinance" should not apply to him. Specifically, he takes issues with the requirement that a turnaround be constructed every 500 feet.

As discussed in the prior section [redacted] roposed 4,000-bird egg layer barn and 1,400-foot access driveway for commercial buyers to access the barn, accurately falls under the Lycoming County SALDO as a principal structure and "major land development." See SALDO at Section 7.0.

Section 4.1 of the SALDO is titled "Streets and Driveways." This section provides minimum standards for driveways and private/public streets serving "residential, commercial, and industrial" developments. See SALDO at Section 4.1.

The County SALDO provides for five different types of developments: Commercial, Industrial, Institutional, Recreational, and Residential. "Agriculture" is not a type of development enumerated in the SALDO and, depending on the nature of the agricultural use, would fall under one of the five defined categories.

Specific to [redacted] roposed use, "Commercial Development" is defined as the "development of a tract of land . . . designed and intended for commercial purposes." See

SALDO at Section 7 0. As [redacted] tates in his letter, this driveway will be used for buyers who are picking up eggs at the 4,000-hen layer facility. Customers using a driveway to pick up products purchased from this new facility fits directly within the purpose and scope of commercial development.

Because this proposed development meets the definition of a "commercial development," the driveway must meet the requirements of Section 4.1, specifically, Section 4.13(B) which requires a turnaround every 500 feet for driveways more than 1,000 feet in length

There are no provisions within the County's SALDO or within the MPC which makes any "agricultural" use per se exempt from land development. Additionally [redacted] has shown no undue burden on normal agricultural operations that is not justified by the health, safety, and welfare benefits of the SALDO.

Specifically, there is no undue burden because it is [redacted] who proposes building the driveway at this location and in this manner while the County had previously advised him that he could request the use of his current driveway to access this facility through a waiver process.

Lycoming County's Subdivision and Land Development Ordinance is designed to protect the health, safety, and welfare of County residents. It is designed in a way that is consistent with the MPC and applicable agricultural laws and it does not place an undue burden on normal agricultural operations. The County's SALDO, which requires turnarounds on a 1,400-foot commercial driveway and land development on a new principal 4,000-hen egg laying building, has been properly applied to [redacted]

Very Truly Yours,

[redacted]

[redacted]