

Lancaster County Agricultural Preserve Board Rural Enterprises Guidelines

A. Statutory Authority

The Agricultural Area Security Law, 3 P.S. § 901 et seq., requires that an Agricultural Conservation Easement shall not prevent customary part-time or off-season minor or Rural Enterprises and activities which are provided for in the county Agricultural Conservation Easement Purchase Program approved by the State Board. 3 P.S. § 914(c)(6)(v). The following guidelines are applicable to all Agricultural Conservation Easements acquired under the Agricultural Area Security Law.

B. Purpose

It is the intent of this section to establish guidelines in conformance with statutory authority to permit certain Rural Enterprises. Permitted Rural Enterprises are intended to supplement farm incomes in a manner which will not adversely affect the use of preserved farmland for agricultural production and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life.

C. General Provisions

A landowner undertaking or proposing to undertake a Rural Enterprise(s) shall be subject to all of the following:

1. In all cases, a Rural Enterprise shall not detract from the required primary use of the restricted land, which primary use is agricultural production and agricultural use as otherwise defined by the Agricultural Area Security Law (“Act”) and in a given Agricultural Conservation Easement (“ACE”).
2. The primary use of the restricted land shall be agricultural production, as defined by the Act as the production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator. The term includes use of land which is devoted to and meets the requirements of and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.
3. In all cases, the Rural Enterprise shall be owned or operated by the owner of the restricted land or farmer in residence on the restricted land.

4. In all cases, a Rural Enterprise may not harm the economic viability of the restricted land or adjacent restricted land for agricultural production, or negatively impact or limit the use of the restricted land or adjacent restricted land for agricultural production. At all times, the restricted land must remain viable agricultural land that is used for agricultural production and normal farming operations.
5. In all cases, the burden of proof shall be with the landowner of the restricted land to prove their proposed Rural Enterprise meets all applicable Rural Enterprise criteria, including that set forth herein and in the Act, its regulations, the governing ACE, zoning ordinance requirements, and other applicable law. If a landowner does not offer sufficient credible evidence of meeting such criteria and otherwise persuade the County Board that all such requirements have been met, the County Board may reject a landowner's application for Rural Enterprise.
6. In all cases, the landowner of the restricted land shall provide written confirmation that the proposed Rural Enterprise is permitted according to applicable township zoning ordinance requirements, for example: zoning permit, Zoning Hearing Board decision, letter from Zoning Officer.

D. Application Procedures

For the Rural Enterprises herein specified, the following application procedure shall govern:

The landowner shall submit an Application for Rural Enterprise on the customary County Board form, accompanied by any applicable review fee, as prescribed by the County Board. The County Board shall reply to such Application, request any needed additional information, and when all information has been submitted deem such Application to be administratively complete. If the requested Rural Enterprise is one meeting the criteria for County Board Staff Approval, County Board Staff shall act on the Application and send the landowner a written decision on the same. If the requested Rural Enterprise is one requiring County Board action, County Board Staff shall place the matter on the next available Rural Enterprise Committee agenda for review and recommendation to the County Board. Following review and recommendation by the Rural Enterprise Committee, County Board Staff shall place the matter on the next available County Board agenda for its consideration by the County Board at a hearing. Following the County Board hearing, County Board Staff shall give written notice to the landowner of the decision of the County Board.

At all times and for all applications, the following shall apply: (1) the landowner shall submit a site plan depicting all structures; (2) the landowner shall present credible evidence and persuade the County Board (or County Board Staff, as applicable) that issues relating to township approval, traffic, sewage, noise, hours of operation, parking, road use, non-impact on agricultural production, viable agricultural land preservation and similar issues have all been credibly addressed; (3) all other criteria herein specified (specific and general) shall

have been met; (4) approval is required for all landowner requests for Rural Enterprises prior to their commencement on the restricted land; (5) the County Board or County Board Staff may make the approval conditional in order to protect farmland and otherwise allowed under applicable law, including without limitation the Agricultural Area Security Law, its regulations, the governing agricultural conservation easement, zoning ordinance requirements, and other applicable law; and (6) when more than one Rural Enterprise subject to a limitation of one-half of one percent site coverage exist on the restricted land, the total site coverage of all such Rural Enterprises shall be limited to one-half of one percent of the area of the restricted land.

E. Rural Enterprise Subject to County Board Staff Approval

The following is a list of Rural Enterprises approved by the County Board which can be approved the County Board Staff (and not the County Board itself) provided all requirements herein are met:

1. Energy Enterprises. The production of energy from renewable sources (for example: wind, solar, hydropower, geothermal, biomass or animal waste) and equipment and structures associated with the production of energy, so long as the landowner complies with all of the following: (1) Energy Enterprises shall remain incidental to the agricultural use and character of the farm; (2) energy generated by Energy Enterprises shall be available for use on the farm; (3) the retail sale of energy generated by Energy Enterprises is permitted; (4) the construction of any permanent equipment or structures associated with the production of energy shall be located within the curtilage of existing farm buildings; (5) the total site coverage of all Energy Enterprises on the restricted land, including all parking, loading and other areas necessary for such Energy Enterprises, shall be limited to two percent of the area of the restricted land (Energy Enterprises located on existing structures shall not be included in the two percent site coverage limitation);
2. Soil and Water Conservation, etc. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation, including, but not limited to, wetland development or restoration, wildlife wetland habitat management, wildlife upland habitat management, and riparian forest buffer management used for erosion and sediment control and water quality improvement. The State Board approved and authorized on July 13, 2000, the use of any conservation practices under CRP/CREP as not violating the deed of Agricultural Conservation Easement with respect to the restricted land provided the conservation plan as revised allows for the implementation of any such conservation practice;
3. Communication Facilities. The installation of communication antennae structures along with associated equipment and structures shall be permitted so long as the landowner complies with all of the following: (1) the Rural Enterprise shall remain

- incidental to the agricultural use and character of the farm; (2) the communication antennae is located on an existing structure; (3) the installation or construction of any permanent non-agricultural equipment or structures associated with such communication antennae shall be located at the base and within the curtilage of the existing structure supporting the communication antennae.
4. No-Impact Farm-Based Businesses. For this purpose, a No-Impact Farm-Based Business shall be defined as follows: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling or agricultural structure and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with agricultural use. The business or commercial activity must satisfy the following requirements: (1) the business activity shall be compatible with the agricultural use of the restricted land and surrounding agricultural uses; (2) the business shall employ no employees other than family member residing in the dwelling; (3) there shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature; (4) there shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights; (5) the business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including with radio or television reception, which is not normally associated with agricultural use in the neighborhood; (6) the business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood; (7) the business activity shall be conducted only within a dwelling or agricultural structure and may not occupy more than 25% of the floor area; and (8) the business may not involve any illegal activity.
 5. Home Occupations. The production and sale by persons in residence of agricultural and/or home occupation goods (for example, flowers/plants, jellies/jams, juices/beverages, bakery items, cheese products, gift items, meats, arts/crafts, bulk foods), so long as the landowner complies with all of the following: (1) the Rural Enterprise shall remain incidental to the agricultural use and character of the farm; (2) the total site coverage of the Rural Enterprise, including all parking, loading and other areas necessary for such Rural Enterprise, shall be limited to one-half of one percent of the area of the restricted land.

F. Rural Enterprises Requiring County Board Approval

The following Rural Enterprises must be approved by the County Board:

1. Agritourism and Agritainment Enterprises. Farm-related tourism or farm-related entertainment activities, which are permitted or authorized by a landowner, sometimes in return for a fee, for recreational or educational purposes and which are

incidental to agricultural production, with ongoing agricultural production at all times required on the restricted land.

The Agritourism and Agritainment Enterprises set forth below are permissible so long as the landowner demonstrates compliance with all of the requirements herein, including all of the following:

- a) The Agritourism or Agritainment Enterprise shall remain incidental to the agricultural use and character of the farm;
- b) The Agritourism or Agritainment Enterprise does not render any portion of the land incapable of being immediately converted to agricultural use;
- c) The Agritourism or Agritainment Enterprise shall, unless the nature of the proposed Agritourism or Agritainment Enterprise is such that this criteria does not apply, be located within the curtilage of the existing residential or agricultural structures; and,
- d) No excavation, paving, graveling, construction of permanent nonagricultural structures or other activity that would diminish the productive capacity of the soils is permitted in connection with such activities.

The following are examples of such Rural Enterprises that the County Board may deem appropriate for the restricted land:

- Hunting
- Fishing
- Swimming in existing ponds or impoundments
- Access for boating
- Animal riding
- Picnicking
- Hiking
- Operation of nonmotorized vehicles
- Corn mazes
- Farm tours
- Hay rides
- Petting zoos
- Participation in farming or harvesting activities
- Bed and breakfast accommodations or similar farm lodging
- Wedding receptions
- Family dining
- Activities in conjunction with local seasonal festivals to promote the local availability of agricultural products.
- Others that may be determined on a case by case basis to be an agritourism or agritainment enterprise by the County Board.

2. Customary Ag-Compatible Enterprises. Agricultural-related services or activities associated with customary part-time or off-season minor or Rural Enterprises and activities which are incidental to agricultural production, with ongoing agricultural production at all times required on the restricted land.

The agricultural-related services or activities set forth below are permissible Customary Ag-Compatible Enterprises so long as the landowner demonstrates compliance with all of the requirements herein, including all of the following:

- a) The Customary Ag-Compatible Enterprise shall remain incidental to the agricultural use and character of the farm;
- b) The Customary Ag-Compatible Enterprise shall be located within the curtilage of the existing residential or agricultural structures;
- c) The total site coverage of the Customary Ag-Compatible Enterprise, including all parking, loading and other areas necessary for such Customary Ag-Compatible Enterprise, shall be limited to one-half of one percent of the area of the restricted land; and
- d) No excavation, paving, graveling, construction of permanent nonagricultural structures or other activity that would diminish the productive capacity of the soils is permitted in connection with such activities.

The following are examples of such Customary Ag-Compatible Enterprises that the County Board may deem appropriate for restricted land:

- Woodworking
- Welding
- Harness shops
- Kennels
- Light manufacturing
- Processing, storage and retail marketing of crops, livestock and livestock products and agricultural supplies and equipment

3. General/Other. Other similar uses that support the local agricultural economy and the economic viability of preserved farms, upon approval by the County Board who may make the approval conditional in order to protect farmland and otherwise allowed under applicable law, including without limitation the Agricultural Area Security Law, its regulations the governing agricultural conservation easement, zoning ordinance requirements, and other applicable law.

Approved by the Lancaster County Agricultural Preserve Board on May 22, 2014.

Approved by the Pennsylvania Agricultural Lands Preservation Board on August 22, 2013.