

Appendix E: Permitted Associated Uses on Eased Land

In all cases, those landowners requesting to implement rural enterprise activities must complete a Rural Enterprise Application prior to commencing any rural enterprise activities. Directly associated uses are defined as customary, supportive and agriculturally compatible uses of farm properties in Washington County and are limited to the following:

- (a) The direct sale to the public of agricultural products produced principally on the farm. At least 50% of products sold must be produced on the property.
- (b) Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm.
- (c) Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel, fossil, fuel systems and facilities for the storage and treatment of animal waste.
- (d) The provision of services or production and sale, principally by persons in residence, of agricultural goods, services, supplies and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying or adjoining residential and/or principally agricultural structures of the property. These activities must be limited in site coverage to one-half of one percent of the total area of the property.
- (e) Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation practices, including but not limited to, wetland development or restorations, wildlife wetland habitat management, wildlife upland habitat management and riparian forest buffer resource management systems used for erosion and sediment control and water quality improvement.
- (f) The accommodation of tourists and visitors within the principally family residential and/or agricultural structures otherwise permitted under the easement so long as the accommodation of tourists and visitors is taken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
- (g) Other similar uses upon written approval from the Washington County Agricultural Land Preservation Board. Such approval of an activity is not transferable from owner to owner, but must be requested by submitting a Rural Enterprise Application, or pre-application if ownership transfer not complete. The rural enterprise is subject to inspection one year after sale of eased tract for consistency of application.

- (h) Agriculture-related services or activities associated with customary part-time or off-season minor rural enterprises or activities incidental to agricultural production. These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. No excavating, paving, gravelling, construction of permanent structures or other activities that would diminish the productive capacity of the soils is permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis.

****The State Agricultural Land Preservation Board approved and authorized on 7/13/00 the use of any conservation practice under CRP/CREP as not violating the deed of agricultural easement with respect to the restricted land provided the conservation plan as revised allows for the implementation of any such conservation practices.**

PERMITTED ASSOCIATED USES ON EASED LAND AMENDMENT

Washington County Agricultural Land Preservation Board

Rural Enterprise Application

Instructions for Submitting Application:

◆ Refer to *Washington County Agricultural Land Preservation Program Policies & Bylaws - Appendix E. Permitted Associated Uses on Eased Land.*

◆ Submit application and relevant materials at least one month prior to regularly scheduled meeting of the Board. Board meetings are typically held the third Wednesday of the month.

◆ Please attach additional paper if more space is needed.

◆ Applications for rural enterprises shall be evaluated on the following criteria:

- ◆ *The rural enterprise shall remain incidental to the agricultural use and open space character of the farm.*
- ◆ *The location of the rural enterprise and improvements will not harm the economic viability of the preserved farm for agricultural production.*
- ◆ *The location of the rural enterprise and improvements shall be sited in a manner that protects the prime, unique, and important soils of the tract to the greatest extent practicable.*

PROPERTY INFORMATION

CURRENT LANDOWNER		PHONE (HOME/CELL)
LANDOWNER:		
MAILING ADDRESS:		
LANDOWNER:		
MAILING ADDRESS:		
LANDOWNER:		
MAILING ADDRESS:		
FARM ADDRESS: (IF DIFFERS FROM MAILING ADDRESS)		
EASEMENT CONSISTS OF THE FOLLOWING TAX PARCEL ID NUMBERS:	DEEDED ACRES:	EASEMENT ACRES:
	_____	_____
TAX PARCEL ID NUMBER:	_____ - _____ - _____ - _____ - _____	
TAX PARCEL ID NUMBER:	_____ - _____ - _____ - _____ - _____	
TAX PARCEL ID NUMBER:	_____ - _____ - _____ - _____ - _____	

Washington County Agricultural Land Preservation Board		
Rural Enterprise Application		
TYPE OF RURAL ENTERPRISE?		
WHO WILL BE THE OWNER / OPERATOR OF THE ENTERPRISE?		
IF NOT PROPERTY OWNER, WHAT IS THEIR RELATIONSHIP TO THE PROPERTY OWNER?		
WILL THE ENTERPRISE EMPLOY ANYONE OTHER THAN OWNER / OPERATOR?	YES	NO
IF YES, HOW MANY EMPLOYEES?		
WHAT IS THEIR RELATIONSHIP TO THE PROPERTY OWNER?		
WILL THE EMPLOYEES BE FULL-TIME OR PART-TIME?		
WHAT SEASON WILL THE PROPOSED RURAL ENTERPRISE OPERATE?		
OPERATING HOURS OF THE PROPOSED RURAL ENTERPRISE?		
HOW MANY DAYS PER YEAR WILL THE RURAL ENTERPRISE OPERATE?		
DESCRIBE HOW THIS RURAL ENTERPRISE IS INCIDENTAL TO THE AGRICULTURAL AND OPEN SPACE CHARACTER OF THE FARM PRESERVED FOR AGRICULTURAL USE:		

Washington County Agricultural Land Preservation Board	
Rural Enterprise Application	
DESCRIBE HOW THIS RURAL ENTERPRISE PROMOTES THE VIABILITY OF, AND IS COMPATIBLE WITH, THE FARMLAND PRESERVED FOR AGRICULTURAL USE:	
WILL THE PROPOSED ENTERPRISE BE CONDUCTED WITHIN A STRUCTURE?	YES NO
IS THIS AN EXISTING STRUCTURE OR NEW CONSTRUCTION?	
REMINDER:	
NO EXCAVATION, PAVING, GRAVELING, CONSTRUCTION OR PERMANENT NONAGRICULTURAL STRUCTURES OR OTHER ACTIVITY THAT WOULD DIMINISH THE PRODUCTIVE CAPACITY OF THE SOILS IS PERMITTED IN CONNECTION WITH SUCH ACTIVITIES.	
ATTACH A SKETCH, MAP, OR OTHER DOCUMENTATION IDENTIFYING:	
1. Location of the proposed rural enterprise including existing structures to be utilized.	
2. Total area of rural enterprise including square footage of building space.	
3. Access to rural enterprise from public road.	
4. Parking accommodations for proposed rural enterprise.	
5. Location of public utilities/on-site septic.	
EXISTING USE OF SITE FOR PROPOSED FOR RURAL ENTERPRISE (CROP · PASTURE · WOODLAND · BARNYARD · HOMESTEAD)	
HAVE YOU CONTACTED WASHINGTON COUNTY TAX ASSESSMENT OFFICE TO INQUIRE IF PROPOSED RURAL ENTERPRISE AFFECTS CLEAN & GREEN? Rural enterprise activity may impact Clean & Green status if the proposed area exceeds two acres. The two acres on which this enterprise is conducted would be removed from the preferential assessment and rollback taxes would be due with respect to those two acres.	YES NO
PROVIDE WRITTEN CONFIRMATION THE PROPOSED RURAL ENTERPRISE IS PERMITTED ACCORDING TO APPLICABLE LOCAL MUNICIPAL ZONING ORDINANCE REQUIREMENTS. Examples include zoning permit, Zoning Hearing Board decision, or letter from Zoning Officer.	
WRITTEN CONFIRMATION ATTACHED?	YES NO

Washington County Agricultural Land Preservation Board

Rural Enterprise Application

I/We, _____, do hereby verify that I/we have reviewed the application. I/We further verify that the application correctly and accurately depicts the condition of the land and that such statements are true and correct to the best of my/our knowledge, information, and belief. The statements are being given by me/us to induce official action on the part of the Washington County Agricultural Land Preservation Board, its agents, officers, servants, and employees. I/We understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities. All deeded owners must sign below.

Property Owner (Signature)	Date
Property Owner (Signature)	Date
Property Owner (Signature)	Date
Property Owner (Signature)	Date

For Office Use Only

Easement Grantor (Original Owner):		
Easement Acres:	Date Received: _____	
Subject to Subdivision Guidelines?	YES	NO

Comments:

Washington 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 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.
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. The owner is ultimately responsible for any rural enterprise activity occurring on the preserved land.
4. In all cases, the burden of proof shall be with the landowner of the preserved 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 Washington County Agricultural Land Board (WCALPB) that all such requirements have been met, the WCALPB has the right to reject the request.

5. Any Rural Enterprise activity that occurs within the detailed and recorded exclusion area of the easement property (refer to your formal survey map), is not subject to the regulation or easement law and therefore not subject to the easement rules, regulations, or law. However, that does not exonerate the landowner from any responsibility to abide by local laws, zoning regulations, and other municipal restrictions.
6. In all cases, those landowners requesting to implement rural enterprise activities, must complete a Rural Enterprise Application for consideration by the Washington County Farmland Preservation Board prior to commencing any rural enterprise activities (**Appendix E**). Any change or expansion of such rural activities will be subject to board review.
7. During inspections of a preserved farm, the rural enterprise(s) will be evaluated based on the facts and information included within the approved application or preapplication. If the rural enterprise is not in conformity with said application, the landowner/tenant will be given 60 days to comply with the original approved application. If the rural enterprise remains out of compliance, WCALPB will initiate violation procedures.

D. Application Procedure

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

1. The landowner shall submit Rural Enterprise Application on the customary County Board form.
2. 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.
3. If the requested Rural Enterprise meets 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.
4. If the requested Rural Enterprise requires County Board action, County Board Staff shall place the matter on the next available County Board agenda for its consideration by the County Board.
- 5.

Following the County Board meeting, 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 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.