Rural Enterprise Application

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Page 1

**LANDOWNER:**

**CURRENT LANDOWNER**

**PHONE (HOME/CELL)**

**LANDOWNER:**

**LANDOWNER:**

**MAILING ADDRESS:**

**MAILING ADDRESS:**

**TAX PARCEL ID NUMBER:**

**\_\_ \_\_ \_\_ - \_\_ \_\_ \_\_ - \_\_ \_\_ - \_\_ \_\_ - \_\_ \_\_ \_\_ \_\_ - \_\_**

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**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:**

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**TAX PARCEL ID NUMBER:**

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**PROPERTY INFORMATION**

**Rural Enterprise Application**

**Washington County Agricultural Land Preservation Board**

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***Refer to Washington County Agricultural Land Preservation Program Policies & Bylaws - Appendix E.***

***Permitted Associated Uses on Eased Land and Appendix L. Rural Enterprise Guidelines.***

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***Submit application and relevant materials at least one month prior to regularly scheduled meeting of the***

***Board. Board meetings are typically held the third Tuesday of the month.***

**Instructions for Submitting Application:**

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***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.***







Appendix L: Rural Enterprise Guidelines

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.
6. 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.