

PERMITTED ACTS and RURAL ENTERPRISES

Pennsylvania's "Agricultural Area Security Law", known as Act 43, 3 P.S. §§901. *et seq.*, and the Regulations promulgated thereunder by the Pennsylvania Department of Agriculture [See: Subchapter I, §138e.241] require that an Agricultural Conservation Easement shall not prevent customary part-time or off-season minor or rural enterprises which are provided for in the County Agricultural Conservation Easement Program approved by the State Board [See: 3 P.S. §914.(c)(6)(v)].

Agriculture-related products, services and activities associated with customary part-time or off-season minor or rural enterprises incidental to agricultural production are permissible, provided that they remain incidental to the agricultural and open space character of the farm.

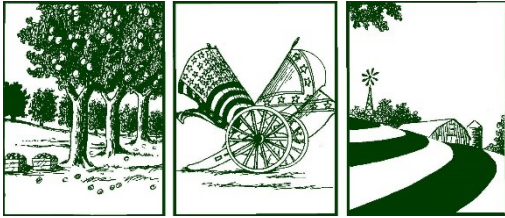
The Adams County Agricultural Land Preservation Board reserves the right to review and approve or disapprove these customary part-time or off-season minor or rural enterprises on a case-by-case basis. In order to obtain approval for a Rural Enterprise, an application form [See: Appendix E-7] must be submitted to the Director at least two (2) weeks prior to a regularly-scheduled meeting of the County Board. Permissible customary part-time or off-season minor or rural enterprises include, but are not necessarily limited to, the following:

1. The direct sale to the public of agricultural products, including compost, provided that at least fifty percent (50%) of such products are produced on the preserved farm by the farm operator [which may be the farm owner(s) or tenant(s)].
2. The provision of services or production and sale, principally by persons in residence, of agricultural goods, services and supplies, and repairs and/or 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, and are limited in site coverage to one percent (1%) of the total acreage of the Easement area.
3. An "Energy Rural Enterprise" is defined as the production of energy from renewable sources, such as, but not limited to, wind, solar, hydroelectric, methane, wood, geothermal, alcohol fuel and fossil fuel systems, and structures and facilities for the storage and treatment of animal wastes and equipment, and structures associated with the production of energy, so long as the landowner complies with all of the following:
 - (a) "Energy Rural Enterprises" shall remain incidental to the agricultural use and open space character of the farm; and
 - (b) energy generated by "Energy Rural Enterprises" shall be available for use on the farm; and
 - (c) the retail sale of energy generated by "Energy Rural Enterprises" is permitted; and
 - (d) the construction of any permanent equipment or structures associated with the production of renewable energy shall be located within the curtilage of existing farm buildings; and
 - (e) the total site coverage of all "Energy Rural Enterprise" on the property, including all parking, loading and other areas necessary for such use, shall be limited to two percent (2%) of the of the total acreage of the Easement area.
4. When more than one (1) Rural Enterprise permitted under Paragraphs 1. or 2. hereinabove exist on the Property, the total site coverage of all of such Rural Enterprises, except those permitted under Paragraph

3. hereinabove relating to “Energy Rural Enterprise”, shall be limited to one-half of one percent (0.5%) of the Easement area.
5. The accommodation of tourists and visitors within principally family residential and/or agricultural structures of the Property otherwise permitted by law, so long as the accommodation of tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the farm.
 6. Regulated hunting operations and the production and stocking of game birds is permitted, so long as these uses remain incidental to the agricultural and open space character of the farm.
 7. No more than the greater of ten percent (10%) or fifteen (15) acres of the total Easement area shall be covered by permanent structures for any purpose (a permanent structure is defined as any structure which, in order to be constructed, must break the contour of the ground; this would include any type of cement pad for any use, such as storage of compost, mulch, etc.). Temporary structures will not be considered when calculating this coverage area. Seasonal Farm Labor Camp Housing Unit(s) and their curtilage shall be calculated as part of this coverage area. The spaces between structures, such as yard areas, driveways, parking areas, waste storage and handling areas and their necessary structures shall be included in the calculation of structure coverage. Personal use structures (for example, swimming pools, garages, tennis courts, ponds) are allowed under these provisions and will be included in the total structure coverage area. Structures and associated areas as listed above, which were present in and upon the Easement area on the date of the granting of the Easement, shall be included in the calculation of structure coverage.
 8. Constructed structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation are permitted. [**See: Appendix E-6, page 5 for Notification for Pond Construction request form**].
 9. Soil and water conservation practices, including, but not limited to, Wetland Development or Restoration, 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.
 10. CRP and CREP practices are permitted on a preserved farm, provided that these practices do not harm the economic viability of the subject tract for the term of the Easement, and, provided further, that, upon the termination of the CRP or CREP Contract, the subject land’s use for the production for commercial purposes of crops, livestock and livestock products [**See: §138e.241**] is restored. Any farm that is enrolled in the Agricultural Conservation Easement Program must have a Conservation Plan approved by the Adams County NRCS District Conservationist or a qualified PA NRCS Certified Conservation Planner prior to signing a CRP or CREP Contract.
 11. Planting of hardwood trees for eventual harvest is permitted. It is noted that timber is not considered ‘harvested cropland’ for purposes of eligibility, but is considered as ‘ag production’ for purposes of compliance with the Deed of Easement.
 12. 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:
 - (a) the Rural Enterprise shall remain incidental to the agricultural use and character of the farm;
 - (b) the communication antennae is located on an existing structure;

- (c) the installation or construction of any permanent non-agricultural equipment or structures associated with such communications antennae shall be located at the base and within the curtilage of the existing structure supporting the communications antennae.
13. Billboards existing at the time of Easement purchase are permitted. New Billboards are not permitted, and easements and right-of-way agreements may not be granted for this purpose. Signs, seasonal or permanent, used specifically for a Permitted Act or approved Rural Enterprise, must not have any adverse impact on the preserved Property's viability for agricultural production, as determined by the County Board on a case-by-case basis. Permanent signs shall be limited to two (2) signs, each with a maximum width of forty-eight (48") inches and a maximum height of thirty-six (36") inches. The height of the sign above the ground shall not exceed eight (8') feet.
 14. The beneficial use of sewage sludge is permitted on preserved farms, provided that the generator and/or land applicator of the said sludge maintains the required Permits and follows the Regulations as promulgated by the Pennsylvania Department of Environmental Protection (PaDEP) as specified in the Pennsylvania Code - Chapter 271 Municipal Waste Management and Chapter 275 Land Application of Sewage Sludge. The temporary storage of sewage sludge is also permitted on a preserved farm, provided that the sewage sludge storage has written approval from the PaDEP and complies with the Pennsylvania Code-Chapter 285 Storage, Collection and Transportation of Municipal Waste. In addition to complying with the foregoing Permits and PaDEP Regulations requirements, one-hundred percent (100%) of stored sewage sludge must be applied to land over which the owner or operator of said preserved farm has management control.
 15. Other similar uses that support the local agricultural economy and the economic viability of preserved farms, upon approval on a case-by-case basis by the Board and the State Board, which may make the approval conditional in order to protect farmland and as otherwise allowed under applicable law, including, without limitation, the Agricultural Security Area Law, its Regulations, the provisions of the Easement, Zoning Ordinance requirements, and other applicable laws, rules and regulations.

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Adams County Agricultural Land Preservation Board Notification for Pond Construction

For Office Use Only

Easement Grantor (Original Owner): _____ File Number: _____

Easement Acres: _____ Easement Date: _____

Conservation Plan Updated: _____ Date Received: _____

Property Owner: _____

Owner Address: _____

Property Address: _____

Municipality: _____ Parcel Number: ____/____/____

Deed Acres: _____ Deed Book Pg: _____

Easement Acres: _____ Easement Book Pg: _____

Proposed Pond Construction Information

1. The proposed pond will occupy approximately _____ acres of lot area. _____
2. Existing land use of proposed site of enterprise (cropland/woodland/wasteland): _____

3. Attach sketch map identifying the location of the proposed pond.

I/We, _____, do hereby verify that I/we have reviewed the Pond Information Packed provided by the Adams County Conservation District and acknowledge that I/We are solely responsible for any and all permits that may be required to construct said pond. I/We further verify that the notification correctly and accurately depicts the condition of the land prior to the construction and that such statements are true and correct to the best of my/our knowledge, information and belief. These statements are being given by me/us to induce official action on the part of the Adams 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. Section 4904 relating to unsworn falsification to authorities.

Landowner

Date

Landowner

Date