

## RURAL ENTERPRISES AND AGRICULTURAL PRODUCTION

### A. CUSTOMARY PART-TIME OR OFF-SEASON MINOR OR RURAL ENTERPRISES

1. Pursuant to State Regulations, Subchapter I, Section 138e.241, the County Board (Board) intends that agricultural conservation easements shall not prevent “customary part-time or off-season minor or rural enterprises and activities”. This provision is retroactive to March 28, 1990, when the Dauphin County program was approved by the State Agricultural Land Preservation Board. For purposes of definition these are limited to the following:

- a. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes.
- b. Structures and facilities associated with irrigation, farm pond improvements, and 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.
- c. The State Agricultural Land Preservation Board approved and authorized on July 13, 2000 the use of any conservation practice 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 practices.
- d. Agriculture related services or activities associated with customary part-time or off-season minor or rural enterprises or activities incidental to agricultural production are permissible provided 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, individually or cumulatively, the productive capacity of the soils are permitted in connection to such activities. The Board reserves the right to review and approve these activities on a case-by-case basis. Such activities include, but are not limited to, the following:
  - i. Hayrides and Hay wagon tours
  - ii. Corn mazes
  - iii. Farm tours
  - iv. Pick your own crop
  - v. Pumpkin celebrations
  - vi. School farm tours
  - viii. Butchering and processing of game animals
  - ix. Taxidermy
  - x. Seed sales
  - xi. Tax collection
  - xii. Home occupations, such as beauty parlors, hair salons, arts and crafts, antique sales, direct marketing, appliance repair, electronics repair, small equipment and tool repair, tax return preparation, financial planning, plumbing, electrical, and enterprises similar in scope and nature to those listed. These activities are subject to the following restrictions:
    - a. The activities shall be limited to the interior of the existing or allowable residential structure or other structure which has as its primary use agricultural production.
    - b. Such activities shall not be the primary use of or primary activity conducted within the existing or allowable residence or other structure which has as its primary use agricultural production.
    - c. In no case shall additions to existing or allowable residential structures or other structure which has as its primary use agricultural production be constructed for purposes of conducting such allowable activities.
    - d. The Board reserves the right to review and approve the nature and scope of such activities on a case by case basis.

2. The following restrictions and requirements apply to all activities allowable under section A.

- a. Signs, seasonal or permanent, shall not have any adverse impact on the eased property's viability for agricultural production, as determined by the Board. Permanent signs shall be limited to two signs, each with a maximum width of 48 inches and a maximum height of 36 inches. The height of the sign above the ground shall not exceed 8 feet.
- b. No permanent parking facilities may be constructed for allowable customary part-time or off-season minor or rural enterprises activities or for vehicles related to allowable customary part-time or off-season minor or rural enterprises activities without Board approval. Such facilities, if approved, will be limited to size, location and construction as specified by the Board. Such facilities may not be located on crop or pasture land.
- c. Buildings may not be constructed for the sole purpose of conducting allowable customary part-time or off-season minor or rural enterprises. Existing residences or agricultural buildings, or allowable residences or buildings that are constructed with the primary intended use being for agricultural production, may be used to conduct customary part-time or off-season minor or rural enterprises provided that the activity complies with the following requirements.
  - i. The activity is limited to less than 50% of the floor space of such buildings.
  - ii. Such activities shall not be the primary use of or primary activity conducted within the existing or allowable residence or other structure which has as its primary use agricultural production.
  - iii. In no case shall additions to existing or allowable residential structures or other structure which has as its primary use agricultural production be constructed for the purpose of conducting allowable activities.
- d. The Board reserves the right to review and approve the nature and scope of activities on a case by case basis.
- e. It is the intent of this section and of the Dauphin County Agricultural Land Preservation Board to allow for income to farm owners without compromising the integrity of the deed of easement. All decisions and interpretations of this section shall be made within this context.

**B. AGRICULTURAL PRODUCTION**

1. Agricultural production is defined as production for commercial purposes of crops, equine, livestock and livestock products, including the processing or retail marketing of such crops, equine, livestock or livestock products. While agricultural production is specifically permitted by the deed of easement, the intent of this section is to ensure that activities and structures associated with such production do not significantly diminish the productive capacity of the land. In order to achieve this goal, the following requirements shall apply to agricultural production.

- a. The following are allowable activities:
  - i. Direct sale to the public of agricultural products or the processing or storage of such products, provided that at least 50% of such products are produced by the farm operator.
  - ii. Any and all structures contributing to the primary processing, direct sale to the public and storage of agricultural products provided that at least 50% of such products are produced by the farm operator.
  - iii. Other activities allowable under the deed of easement as agricultural production.
- b. Buildings constructed for direct sale to the public of agricultural products, or the processing or storage of such products, must adhere to the following:
  - i. The total floor space of all buildings constructed for the direct sale to the public of agricultural products, or the processing or storage of such products, shall not exceed 3,000 square feet unless permission to exceed 3,000 square feet is granted by the Board. If such permission is granted, the Board reserves the right to set a higher limit on a case by case basis.

- ii. Such structures and buildings shall be constructed in order to minimize, to the extent practical, the impact of the structure or building on the soil resources and agricultural viability of the subject land. Size, location, building access and other relevant factors shall be considered.
  - iii. Such facilities may not be located on crop or pasture land.
  - iv. The Board reserves the right to review and approve all such structures and buildings, parking facilities, driveways and all other related facilities on a case by case basis.
  - v. In order to preserve the inherent agricultural value of the land, coverage (the aggregate of all buildings, driveways, access roads, parking areas, landscaping and other associated areas) shall not exceed 10% of the contiguous eased farm area. For non-contiguous tracts submitted and eased under one application, coverage shall not exceed 10% on any single tract. This restriction specifically applies to coverage due to direct sale to the public of agricultural products or the processing or storage of such products.
- c. For the Board to review buildings constructed for direct sale to the public of agricultural products, or the processing or storage of such products, the following information must be submitted to the Board:
- i. A plan showing the location and dimensions of all existing and proposed structures and activities, including:
    - a. Buildings and structures and use of such buildings and structures
    - b. Parking
    - c. Paving
    - d. Signs
    - e. Lighting
    - f. Existing and proposed use of land
    - g. Soils
    - h. Other relevant information
  - ii. Narrative information
    - a. Detailed narrative of the nature and scope of the proposed activity including:
      - i. Description of the nature or type of activity
      - ii. Duration and times of the year when the activity will be conducted
      - iii. Origin of all products to be sold.
    - b. Detailed description of proposed buildings or structures including:
      - i. Proposed use of buildings or structures
      - ii. Dimensions and total floor area of all buildings
      - iii. Facilities within the buildings such as processing equipment, restrooms, storage areas, refrigeration units, sales areas and any other facilities or equipment.
    - c. Reason(s) for the structure to exceed 3000 square feet of floor space, if applicable.

C. Nothing in sections A or B above shall be construed as limiting structures allowable under the deed of easement necessary for production of crops, equine, livestock or livestock products such as, but not limited to, barns, milking facilities, structures for housing farm equipment, silos and livestock quarters.

D. Nothing in sections A or B above shall be construed as limiting any activities allowable under the deed of easement that are not specifically addressed in sections A or B above.