

SECTION 6 – RURAL ENTERPRISE

The Agricultural Area Security Law, 3 P.S. § 901 requires 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 easement purchase program approved by the State Board. The following guidelines are applicable to all Agricultural Conservation Easements acquired under the Agricultural Area Security Law.

It is the intent of this section and of the Wayne County Agricultural Land Preservation Board to allow for income to farm owners without comprising the integrity of the Deed or the agricultural viability of the farm. All decisions and interpretations of this section shall be made within this context.

Section A – General Provisions

In all cases, a Rural Enterprise shall not detract from the required primary use of the preserved land, which primary use is agricultural production and agricultural use as otherwise defined by the Agricultural Area Security Law.

In all cases, the Rural Enterprise shall be owned or operated by the Owner of the preserved land or farmer in residence on the preserved land. The owner is ultimately responsible for any rural enterprise activity occurring on the preserved land.

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 agricultural conservation easement, zoning ordinance requirements, and other applicable law. If a landowner does not offer sufficient credible evidence of meeting such criteria to persuade the County Board that all such requirements have been met, the County board has the right to reject the request.

The landowner of the preserved land shall provide written confirmation that the proposed Rural Enterprise is permitted according to applicable local municipal zoning ordinance requirements.

A landowner requesting to implement rural enterprise activities must complete a Rural Enterprise application for consideration by the Wayne County Agricultural Land Preservation Board prior to commencing any rural enterprise activities. Applications must be received one week prior to a regular scheduled meeting to be considered at that meeting.

The Board reserves the right to review and approve the nature and scope of rural enterprises on a case by case basis. The Board has the discretion and authority to disapprove any rural enterprise where the Board believes that the activity is not in compliance with this section or with the terms of the Deed of that the rural enterprises will compromise the agricultural viability of the farm.

Section B – Permitted Rural Enterprise Activities

The following customary part-time or off-season minor or rural enterprises and activities are eligible for approval by the Wayne County Agricultural Land Preservation Board and by the State Board. The agricultural conservation easement (ACE) does allow these enterprises and activities on the subject land:

1. 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.
2. Any 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 on the farm, and must adhere to the following:
 - a. 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.
 - b. 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.
 - c. Such facilities may not be located on crop or pasture land, if at all possible.
 - d. The Board will review and approve all such structures and buildings, driveways and all other related facilities on a case-by-case basis.
3. Structures and facilities associated with irrigation, farm pond improvement, and soil and water conservation practices.
4. Structures associated with the production of energy for use 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.
5. The provision of services or production and sale, by persons in residence, of incidental 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 residential and/or principally agricultural structures on the property; limited in site coverage to one half of one percent of the area of the property.
6. The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the 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 property.

Section C – Restrictions & Requirements

The following restrictions and requirements apply to ALL activities allowable under Section B.

1. Total site coverage of the Rural Enterprise shall be limited to one half of one percent of the area of the restricted land.
2. If the allowable rural enterprise will require construction, grading, signs, building modifications or any other alterations to the land or exterior of any building, the Landowner must submit an application for approval of such modification to the Board.
3. Signs, seasonal or permanent, shall not have any adverse impact on the eased property's agricultural viability, as determined by the Board. Signs shall be limited to two signs, each with a maximum width of 48 inches and a maximum height of 36 inches, unless limited by municipal ordinances relating to signs. The height of the sign above the ground shall not

exceed eight (8) feet.

4. No permanent parking facilities may be constructed for rural enterprise activities or for vehicles related to rural enterprise activities.
5. No driveways, lanes or access roads may be constructed on crop or pasture land for rural enterprises. Existing driveways, lanes or access roads located on crop or pasture land may be improved, provided the improvements do not increase the width or length of the existing driveways, lanes or access roads.
6. Buildings may not be constructed for the purpose of conducting rural enterprise. Existing residences or agricultural buildings, or allowable residence, may be used to conduct rural enterprises. Only if the easement owner uses his or her residential building right under 914.1 (c)(6)(iv) may an ag building be converted to a residential structure.
7. On-site sewage facilities or septic systems including drain fields shall not be permitted.

Wayne County ALP Board approval – November 12, 2025

State Ag Land Board approval – December 11, 2025