



# BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center  
1238 County Welfare Road, Suite #260  
Leesport, PA 19533 - 9199  
(610) 378-1844 Fax (610) 378-7983  
www.countyofberks.com/departments

## EASEMENT MODIFICATION REQUEST

### Rural Enterprise

#### **GENERAL INFORMATION:**

ACE Farm Owner(s): \_\_\_\_\_

Easement Address: \_\_\_\_\_

Mailing Address : \_\_\_\_\_ (same)

Phone : \_\_\_\_\_ Email: \_\_\_\_\_

#### **MUNICIPAL APPROVAL INFORMATION**

Municipality : \_\_\_\_\_

Municipal Approval :

Zoning Permit Required                      YES              NO              Date Issued : \_\_\_\_\_

Building Permit Required                    YES              NO              Date Issued: \_\_\_\_\_

Land Development Plan Required        YES              NO              Date Issued: \_\_\_\_\_

Municipal Engineer/Zoning Officer: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Was the Municipality informed that this activity is planned on an BCALP ACE Farm?              YES              NO

Projected Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

\*Signature: \_\_\_\_\_

\*Title: \_\_\_\_\_

*\*Proof of municipal approval/acknowledgement for project may be required for Board action. (Letter, Meeting Minutes or Signature)*

**PROJECT SPECIFICS INFORMATION**

*(NEW STRUCTURES FOR A RURAL ENTERPRISE ARE NOT PERMITTED )*

Location of proposed activity noted on Aerial: YES NO

Previous use of building or location: \_\_\_\_\_

Total square feet/acreage to be impacted by project: \_\_\_\_\_

Is ACE Farm Owner also owner/operator of Rural Enterprise? YES NO

Provide a description of the Rural Enterprise including the following details: (attach additional sheets as needed)

Existing use of area for proposed Rural Enterprise  
Description of Rural Enterprise  
Hours/Season of Operation

Proposed Parking Areas  
Proposed Lavatory Facilities  
Number of Employees

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**SIGNATURES— ( All owners of the parcel must sign the request )**

\_\_\_\_\_  
*Landowner Signature*

\_\_\_\_\_  
*Landowner Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

*Easement Modification Requests to be brought before the BCALP Board shall be received by 12:00 noon two (2) weeks prior to the regular board meeting unless an exception is approved by the Executive Director or board officer.*

BCALPB meetings are the last Wednesday of every month, except July, November & December.

**FOR ADDITIONAL INFORMATION REFER TO  
“CUSTOMARY PART-TIME, OFF-SEASON MINOR AND/OR RURAL ENTERPRISES  
STEPS AND DETAILS**

## **BCALP Guideline Language - Rural Enterprise**

State regulations for Agricultural Conservation Easement (ACE) program 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 and County Board.

- ◆ **The construction of new buildings for the purpose of “Customary Part-Time, Off-Season Minor and/or Rural Enterprises” is prohibited.**
- ◆ **Agriculture-related products, services and activities associated with customary part-time or off-season minor or rural enterprises are permissible, provided that they remain incidental to the plant and animal production.**
- ◆ **The Berks County Agricultural Land Preservation Board (BCALPB), or its staff, will review and approve or disapprove all customary part-time or off-season minor or rural enterprises on a case-by-case basis.**
- ◆ **Structures and/or buildings existing on the eased land and/or subsequent recognized structures are intended to be used for agriculture. When agricultural opportunities are exhausted, those buildings to be utilized for “Customary Part-Time, Off-Season Minor and/or Rural Enterprises” must comply with the following:**
  1. **The direct sale of agricultural products to the public 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 production and sale of home occupation services, goods, and arts and crafts, so long as (i) these uses remain incidental to the plant and animal production of the preserved farm; and (ii) at least 50% of the items for sale are produced on the preserved farm.**
  3. **The provision of agricultural services, supplies, and repairs on the farm, as long as these provisions remain incidental to the plant and animal production on the preserved farm.**
  4. **The accommodation of tourists and visitors at the property is permitted in accordance with applicable law as long as the accommodation of such tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise, is incidental to the agricultural production and does not diminish the productive capacity of the soils in connection with such activities.**

The BCALPB and/or its staff reserve the right to consider other similar “Customary Part-Time or Off-Season Minor or Rural Enterprises” that support the local agricultural economy and economic viability of preserved farms. Approval of rural enterprise(s) by the BCALPB does not constitute an automatic approval of future requests nor set a precedent for any future requests.

During inspections of a preserved farm, the rural enterprise(s) will be evaluated based on the facts and information included with in the approved application. 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, BCALPB will initiate violation procedures.

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## **Rural Enterprises**

### **STEPS REQUIRED**

- ⇒ Determine if at least 50% of proposed product to be sold is produced on the preserved farm.
- ⇒ Request a Modification Form
- ⇒ Use aerial photo to identify personal use and agriculture structures, and location of the proposed business.
- ⇒ Provide Township acknowledgement and/or approval.
- ⇒ Submit the Easement Modification form with drawings and supporting documents to the Berks County Department of Agriculture Office for review and BCALP Board Approval.