



pennsylvania
DEPARTMENT OF AGRICULTURE

Farmland Preservation

Pennsylvania Leads the Nation

A Publication of the Pennsylvania Department of Agriculture
Tom Corbett, Governor | George Greig, Secretary

Pennsylvania leads the nation in the number of farms and acres permanently preserved for agricultural production. The program guarantees a future food supply and contributes to a healthier economy. It also assures a way of life Pennsylvanian's cherish will continue for generations to come. The program is a partnership between all levels of government and non-profit organizations – with a common goal of saving prime farmland.

EASEMENT PURCHASE PROGRAM

The Pennsylvania Agricultural Conservation Easement Purchase Program was developed to strengthen Pennsylvania's agricultural economy and protect prime farmland. This program enables state and county governments to purchase conservation easements from farmers. The program was approved in 1988 and the first easement was purchased in December of 1989. Now, more than 4,100 farms have been approved for easement purchases totaling more than 450,000 acres.

HOW IS AN EASEMENT CHOSEN FOR PURCHASE?

In addition to being a part of an Agricultural Security Area (ASA), the parcel of land is ranked against other eligible parcels according to several criteria.

QUALITY OF FARMLAND

Guidelines require that easements be purchased on farms of at least 50 acres in size, or 35 acres if the county program elects. Parcels as small as 10 acres may be preserved if adjacent to existing preserved farmland. At least half of the tract must be harvested cropland, pasture or grazing land, and contain 50 percent land capability classes I-IV.

STEWARDSHIP

Farms are ranked on the use of conservation and nutrient management.

LIKELIHOOD OF CONVERSION

The farmland is scored and ranked for possible uses other than agriculture based upon a variety of factors such as: proximity of farm to water and sewer lines, extent and type of non-farm development nearby, amount and type of agricultural use in the vicinity and the amount of other preserved farmland in close proximity.

DETERMINATION OF VALUE

An independent licensed real estate appraiser is selected by the county board to determine the market value and agricultural value of the land. The difference between these two values is the maximum value of the perpetual conservation easement. The county board has the option to offer a purchase price less than the appraised value of the easement.

CONSERVING OUR FARMLAND

The long term goal of the program is to permanently preserve farmland. The holder of the easement has the right to prevent development or improvements of the land for purposes other than agricultural production. Local, county or state government or any combination of the three

may purchase easements. Counties that decide to have an Easement Purchase Program must create an agricultural land preservation board. The law provides for a mix of persons to serve on the board.

Presently, 57 counties have established boards. In addition to the county board, the 17-member State Agricultural Land Preservation Board provides statewide governance of the program. This board is responsible for the distribution of funds, approval and monitoring of the county programs and specific easement purchases. The Department of Agriculture Bureau of Farmland Preservation is responsible for administration of the statewide program.

RECENT PROGRAM CHANGES

In 2011, the law was amended to strengthen the program by removing a provision that would enable an easement to be extinguished after 25 years under certain conditions. In addition, lands divided by railroads are now considered contiguous for purposes of determining eligibility. The provision allowing for underground mining of coal was also expanded to include underground mining of other minerals in addition to coal.

AGRICULTURAL SECURITY AREAS

Agricultural Security Areas are a tool for protecting our farms and farmland from of non-agricultural uses. To establish an ASA, a petition is submitted to the township supervisors by the farmers. These security areas are reevaluated every seven years; however, new parcels of farmland may be added to an established ASA at any time. A combined minimum of 250 acres is required for the establishment of an ASA.

An ASA may include non-adjacent farmland parcels of at least 10 acres or be able to produce \$2,000 annually from the sale of agricultural products.

Participants receive special consideration regarding:

- Protection from local ordinances and nuisance lawsuits affecting normal farming activities.
- Review of farmland condemnation by state and local government agencies.

An ASA qualifies land for consideration under the farmland preservation program at the owner's request, if the ASA has at least 500 acres enrolled.

THE CLEAN AND GREEN ACT

The Clean and Green Act, established in 1974, is designed to preserve farmland, forest land and open space by taxing land according to its use as farmland rather than its market value and its potential use for activities other than agriculture.

This program is voluntary and requires that a minimum of 10 acres capable of producing \$2,000 annually in agricultural sales, and continues to remain in agricultural use, agricultural reserve, or forest reserve. Land taken out of agricultural use becomes subject to a roll-back tax, imposed for up to seven years, plus six percent interest. Certain split-off or separated lands are exempted from roll-back penalties provided the original use of the land does not change.

YOU CAN HELP LEAD THE WAY

If you want to become part of Pennsylvania's nation-leading farmland preservation program, contact:

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