

## How is an easement chosen for purchase?

Aside from being a part of an ASA, the parcel of land is rated against other eligible parcels according to the following criteria:

### **\*Quality of Farmland**

State guidelines require that easements be purchased on farms of a minimum of 50 acres in size. County guidelines allow for minimum purchases of 25 acres. Parcels as small as ten acres may be preserved if adjacent to existing preserved farmland. At least half of the tract must be either harvested cropland, pasture or grazing land, and it must contain 50% soil capability classes I-IV.

### **\*Stewardship**

Farms are rated on the use of conservation practices and best management practices of nutrient management and control of soil erosion and sedimentation.

### **\*Likelihood of Conversion**

Easements offered for sale to counties will be scored and ranked for possible acquisition on 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 Easement Value**

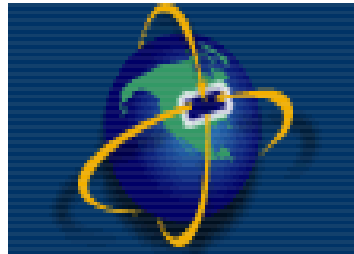
An independent licensed real estate appraiser is selected by the county board to determine the market value of the land. The difference between these two values is the maximum value of the conservation easement for a perpetual easement. The county board has the option to offer a purchase price less than the appraised value of the easement. The land owner also may obtain his or her own appraiser if they do not agree with the county's appraisal.

For more information:



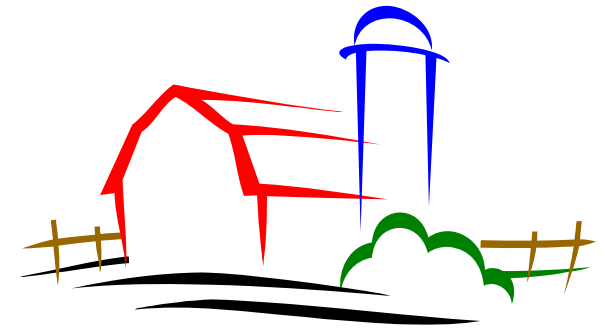
Lackawanna County  
Farmland Preservation Program

c/o Lackawanna County  
Conservation District  
1038 Montdale Road  
Scott Twp, PA 18447  
570-382-3086



Bureau of Farmland Protection, Room 404  
Agriculture Building  
2301 North Cameron Street  
Harrisburg, PA 17110-3167  
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# LACKAWANNA COUNTY FARMLAND PRESERVATION



FOR LACKAWANNA  
COUNTY,  
FOR PENNSYLVANIA,  
FOR OUR FUTURE

## Agricultural Security

### Areas

Agricultural Security Areas (ASAs) are a tool for strengthening and protecting our quality farmland from the urbanization of our rural areas. The key features of the program are:

▣ A petition is submitted to the township supervisors by the farmers to create an ASA. (These security areas are re-evaluated every seven years; however new parcels of farmland may be added to an established ASA at any time.)

▣ A minimum of 250 acres among all the farms is required.

▣ 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:

\*Local ordinances affecting farming activities and nuisance complaints.

\*Review of farmland condemnation by state and local government agencies.

\*Review of state funded development projects.

Hazardous waste and low-level radioactive waste disposal areas cannot be sited in an ASA.

An ASA qualifies land for consideration under the Easement Purchase Program at the owners' request, if the ASA has at least 500 acres enrolled.



## Conserving Our Farmland

Pennsylvania voters originally approved a \$100 million bond issue for funding the program. Since July 1993, a two-cent per pack cigarette tax has provided about \$21 million per year for the Easement Purchase Program. Over \$1.8 million in federal funds have been allocated toward the purchase of easements in PA under the 1996 Federal Farm Bill.

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. County or state government or a combination of both may purchase easements. Counties that decide to have an Easement Purchase Program must create an agricultural land preservation board, with one less than the majority being farmers. A developer and a member of a local government unit must also be members of the board.

In addition to the county board, a 17 member State Agricultural Land Preservation Board was created to oversee this program. This board is responsible for the distribution of funds, approval and monitoring of the county programs and specific easement purchases. The Bureau of Farmland Protection within the Dept. of Agriculture handles the administration of the program for the state board.

To date, over 4200 farms were approved for easement purchases in Pennsylvania, totaling over 460,000 acres. Pennsylvania currently leads the nation in farmland preservation.

## The Clean and Green Act

The Clean and Green Act is another program designed to help preserve Pennsylvania's farmland. It was established in 1973, when Pennsylvania passed a Constitutional Amendment permitting special assessment of farmland and forest land. The PA Farmland & Forest Land Assessment Act, Act 319 (commonly known as Clean and Green Act), was signed into law in 1974.

This Act is designed to preserve farmland, forestland and open space by taxing land according to its use value rather than the prevailing market value.

The program is voluntary and generally requires that a minimum of ten acres remain in the designated use (agricultural use, agricultural reserve, and forest reserve). Parcels less than ten acres and capable of producing \$2,000 annually from the sale of agricultural products are eligible for the agricultural use designation. Land taken out of the permitted use become 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 in the law as long as the original use of the land does not change. As of 2002, 7.3 million acres have been enrolled in the Clean and Green Program.

Tax bodies are allowed to forgive roll-back taxes when landowners donate land to a school district, municipality, volunteer fire or ambulance service or a cemetery.

The County Assessment Office administers Act 319. The Pennsylvania Department of Agriculture provides rules and regulations governing the act.