LETTER FROM THE ADMINISTRATOR
2019—A year in review

2019 has been a very busy year for the Farmland Preservation Division. Currently we have 16,882 acres preserved on 204 farms. We closed nine farms in 2019 adding another 500 acres to our preserved totals. We continue to process the remaining 16 applications that are still open. Once completed, they will add another 740 acres to our totals. The 2020 applications went out in November and have since been ranked. There are 20 qualified applications. If all those landowners choose to move forward, we could preserve another 870 acres. The 2020 County funding allocation was $1,184,655. The Commonwealth allocation was $2,650,625 for a total allocation of funds for 2020 to be $3,835,280.

Since 2011, we have approached every eligible applicant who has applied for Farmland Preservation, therefore eliminating any backlog of applications. The same will apply to those who have applied in 2020. We anticipate approaching all 20 qualified applications! Per the Bureau of Farmland Preservation, the County Farmland Preservation Program is required to conduct a program recertification every seven years. This process consumed much of our year. There have been some program changes and updates. Please go to our website https://www.northamptoncounty.org/CTYADMN/FARMPRES/Pages/default.aspx for more information. There have been some changes to the programs Rural Enterprise as we try to be more accommodating to those landowners who are expanding their operations to include agritourism and agritainment enterprises. Those interested in creating, expanding or altering their agritourism or agritainment ventures on their farms will need to contact our office for an application.

We also adopted the Act 33 provision changes which address the language for the construction of the additional residential structure that may be permitted on preserved farms, to now include an immediate family member of the owner of the land. If you are needing more information, contact our office.

We reached two huge milestone in 2019! We celebrated the programs 30th Anniversary and we celebrated reaching our 200th preserved farm! For more on that, head over to page 2.

We continue to be available to help those preserved land owners with questions, concerns or anything else related to their preserved farms. If you know of anyone who is considering preserving their land, please pass along our contact information. Please contact our office at 610-829-6287 if we can be of assistance.
Northampton County Reaches Another Farmland Preservation Milestone

Pennsylvania is the national leader in farmland preservation.

On October 9 2019, with a swaying corn field in the background Northampton County celebrated preserving its 200th farm on land currently owned by Moore Township, formerly the Joseph Schiavone property located in Moore Township, Northampton County.

Moore Township purchased this property from Dr. Schiavone in 2017 using their municipal earned income tax (EIT) revenue. This EIT is specifically generated to be used for farmland preservation efforts, natural resource protection projects and also municipal park projects within the municipality.

There is much to celebrate regarding this venture. Not only is this going to be Northampton County’s 200th preserved farm in the County, it will be adding to a larger cluster in that area of preserved farmland totaling over 830 acres and bringing the countywide total to over 16,690 of preserved farmland.

But this property is planned to be much more than just preserved farmland. Moore Township had used their EIT to purchase the property, with the intent to make it benefit the community in multiple ways. This property will contain 61.03 acres of preserved farmland as well as an 11 acre passive recreational park.

Once the acquisition of the land was complete, Moore Township then applied to Northampton County Open Space for municipal park grant funds to make improvements on the park, which will include two ponds for catch and release fishing as well as picnic areas and passive recreation.

Spotted Lanternfly

On September 22, 2014, the Pennsylvania Department of Agriculture, in cooperation with the Pennsylvania Game Commission, confirmed the presence the Spotted Lanternfly (Lycorma delicatula) in Berks County, Pennsylvania, the first detection of this non-native species in the United States.

The Spotted Lanternfly is a plant hopper native to China, India and Vietnam. The Spotted Lanternfly is known to utilize more 25 species which occur in Pennsylvania, including cultivated grapes, fruit trees, and hardwood species. The Spotted Lanternfly has the potential to greatly impact the viticulture (grape), tree fruit, plant nursery and timber industries. Please be on the look-out. See the following website for more information [https://www.agriculture.pa.gov/Protect/PlantIndustry/spotted_lanternfly/](https://www.agriculture.pa.gov/Protect/PlantIndustry/spotted_lanternfly/)

Important Grant Links and Information:

**PA FARM BILL Programs:**
- “Farm Vitality Planning Grant” - [https://www.agriculture.pa.gov/Pages/Farm-Vitality-Planning-Program.aspx](https://www.agriculture.pa.gov/Pages/Farm-Vitality-Planning-Program.aspx)
- “Resource Enhancement & Protection Program” - [https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/REAP/Pages/default.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/REAP/Pages/default.aspx)
- “Specialty Crop Block Grant Program” - [https://www.agriculture.pa.gov/Pages/Specialty-Crop-Block-Grant-Program.aspx](https://www.agriculture.pa.gov/Pages/Specialty-Crop-Block-Grant-Program.aspx)
- “Farm to School Grant Program” - [https://www.agriculture.pa.gov/Pages/Farm-to-School-Grant-Program.aspx](https://www.agriculture.pa.gov/Pages/Farm-to-School-Grant-Program.aspx)

**USDA, NRCS 2018 FARM BILL Programs:**
Implications of Solar Energy on Farmland

Are you a farm owner considering a commercial solar lease?

Below are some questions to consider before leasing your farm for Solar.

1) Is the farm in an Agricultural Security Area (ASA)?
   A. There are no restrictions of limitations related to commercial solar development on a property that is simply enrolled in the ASA. However, the property will potentially be removed from the ASA when the township does a seven-year review if it no longer meets the evaluation criteria for inclusion in the ASA. There is no penalty for changing use or removing property. The landowner can also submit in writing that they no longer wish to be enrolled and be removed at any time.

2) Is the farm in an Agricultural Security Area and preserved through a permanent Agricultural Conservation Easement?
   A. ASA is a prerequisite for the state farmland preservation program. Unlike the ASA designation alone, if the farm is also subject to a permanent agricultural conservation easement, the landowner may NOT engage in commercial solar development. The deed of easement is in perpetuity and may not be extinguished.
   B. Energy primarily for use on the farm IS permitted under the county farmland preservation program’s rural enterprise criteria.

3) Is the farm enrolled in the Clean and Green preferential assessment program?
   A. If the farm is enrolled in Clean and Green, the landowner may not engage in commercial solar development without triggering rollback taxes on the entire enrolled acreage. However, unlike the Farmland Preservation Program, the landowner may break the covenant and pay rollback taxed and be removed. Any remaining eligible acreage after a rollback tax penalty is triggered is automatically re-enrolled unless the landowner wishes to be removed. 
   B. Like farmland preservation, energy primarily for use on the farm is permitted under the definitions of eligibility.

4) Is Zoning a consideration?
   A. Zoning is done locally by townships under the authority of the Municipalities Planning Code (MPC). It is possible a zoning ordinance will not identify commercial solar as a specific use. In that case, zoning will need to determine if solar may be permitted as another use expressly permitted. Farm owners should check with townships to make sure land is zoned appropriately prior to executing a lease agreement.

Benefits to Landowners Joining an Agricultural Security Area (ASA)

1. The local governments refrain from enacting ordinances and regulations which restrict farming operations and farm structures within an ASA.
2. When defining a public nuisance, the local government will provide exceptions for normal agricultural activities occurring within and ASA, unless the law protects public health and safety.
3. State agencies or programs, which could negatively affect farmers, shall act in a manner that will encourage the continuation of viable agriculture in the areas.
4. Limitations are placed on the use of land condemnation procedures - eminent domain - by State and Local agencies unless approval is obtained from the Agricultural Land Condemnation Approval Board (ALCAB).
5. The ASA designation does not restrict the use of the property by the landowner. The landowner or any subsequent owners may develop the property in any manner authorized by local zoning, subdivision and land development regulations.
6. The landowner has the opportunity to apply to the Agricultural Conservation Easement (ACE) Program once enrolled in an ASA.
The "Certification for Qualified Beginner Farmer for Act 13" form is available on our website. The process for obtaining written certification for "Qualified Beginner Farmer" status is as follows:

1.) When a qualified transfer of real estate subject to an agricultural conservation easement to a qualified beginner farmer occurs, the certification form will be obtained and completed.

2.) The completed form and any required supporting documents shall be forwarded to the Bureau of Farmland Preservation for review and approval.

3.) Bureau staff will review the completed form and documentation. They will a) ensure that the transferred real estate is in fact subject to an agricultural conservation easement (with the help of county administrators as necessary) and b) ensure that the form is properly completed and the applicant does in fact meet qualified beginner farmer status.

4.) The Bureau will sign the certification form where appropriate. The original signed form will be returned to the landowner, and a copy will be kept on file. The Bureau will keep track of qualified transfers and qualified beginner farmers as forms are submitted and reviewed.

Century and Bicentennial Farm Program

The Department of Agriculture recognizes Pennsylvania families who have been farming the same land for 100 and 200 years.

Criteria

The same family must own the farm for at least 100 (Century Farm) or 200 (Bicentennial Farm) consecutive years. A family member must live on the farm on a permanent basis; and the farm must consist of at least 10 acres of the original holding, OR gross more than $1,000 annually from the sale of farm products.

Application Process

Applications must be completed, notarized and mailed to the Department of Agriculture for review. Certificates are then either presented or mailed to the recipient. Applications can be found online at https://www.agriculture.pa.gov/Plants_Land_Water/farmland/cbfp/

Secretary of Agriculture Announces Availability of Realty Transfer Tax Exemption for Preserved Farm Owners through PA Farm Bill

In December of 2019 Secretary Russell Redding announced that Pennsylvania’s more than 5,600 preserved farm owners would now be eligible to apply for a new realty transfer tax exemption through Governor Wolf’s Pennsylvania Farm Bill.

We’re pleased to announce the availability of the PA Farm Bill’s Realty Transfer Tax Exemption for owners of preserved farms who transfer a farm to a qualified beginner farmer,” said Agriculture Secretary Russell Redding. “These farmers have said ‘yes’ to Pennsylvania agriculture for perpetuity, Pennsylvania is now meeting that commitment with investments and services through the PA Farm Bill to secure a stronger future.”

Earlier this year, Governor Tom Wolf signed the first-ever Pennsylvania Farm Bill which included Act 13, championed by State Senator Judy Schwank, which states that realty transfer tax will not be imposed on transfers of real estate that part of Pennsylvania’s Farmland Preservation Program if the transfer is to a qualified beginning farmer. Qualified beginning farmers are defined as:

- Someone who has demonstrated experience in the industry or a related field with transferrable skills;
- has not received federal gross income from agriculture production for more than ten years;
- intends to engage in agricultural production in Pennsylvania;
- and has obtained written certification, as a result of an application, from the Department of Agriculture confirmed qualified beginning farmer status.

“Access to land is one of the biggest roadblocks for new and beginning farmers,” said State Sen. Judy Schwank, minority chair of the Senate Agriculture and Rural Affairs Committee. “This bill helps remove a cost impediment and will be an incentive for these farmers to put more land under cultivation while also supporting our farmland preservation program.”

Pennsylvania Realty Transfer Tax Exemption Act 13 Process

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