



*Richard & Betty Thomas were the first farm owners to preserve their farm.*

**Annual Inspections:**

Inspections on the farm are conducted annually by the County Administrator to ensure that the regulations of the conservation easement are being followed.

**Comments from Farmers Regarding Their Reasons for Preserving Their Farms:**

**Leonard Burger, Jr., Farm Preserved November 10, 2008:**

“I think farmland should be there for the next generation to make a living and feed other people. When my parents turned the farm over to us, I don’t think they did so for us to turn it into houses. I feel more comfortable knowing that the farm will be here for my sons when I’m gone. Now, it will be farmland forever.”



*Leonard Burger and son, Lenny, in front of new corn planter.*

**The Turnbach Family, Farm Preserved September 19, 2007:**

“My late husband wanted to keep it preserved for farming and not development. The farm has been in our family since 1855 and it was important to him. The main reason we preserved the farm was to keep the houses away. Places where my son rode horses all his life are now sidewalks and houses. We used to raise a variety of crops, but with all the development, it’s making it hard for a farmer. Once you plant a house, it’s there forever.”

**Dennis & Debbie Zehner, Farms Preserved in 2004, 2006, and 2007:**

“The approval to preserve this farm came at a perfect time. Things were tough financially after my father died. Getting the farm preserved saved our farm. We had offers from developers to sell parcels of land, but we refused. If my father and grandfather were here, they would agree that the farms should be preserved forever.”

**Wolk Brothers, Farms Preserved in 2004, 2006, 2008 and 2009:**

“Why did we preserve our farms? It’s strictly for the love of farming that we protect farms from development. Someone who doesn’t farm may find it hard to believe that farmers are so attached to the land, but it’s in our blood and we love what we do.”

**Ransom Young, son of Clyde & Joanne Young, Farm Preserved August 27, 2001:**

“I think we have to save some of these areas because it’s getting built up all the time. As a supervisor, I like to see the farmland saved because it costs a lot less money to provide services to a rural area.”

**Carol Billheimer, Farm Preserved July 8, 2005:**

“The land has been in the Billheimer Family since 1934. We were happy to be able to join a program that will keep it from being developed. The money we received is going toward a new home. We hope that any landowners not in the program will decide to join, so we can preserve more farmland in Pennsylvania.”

**Keith & Gina Hilliard, Farm Preserved January 29, 2008:**

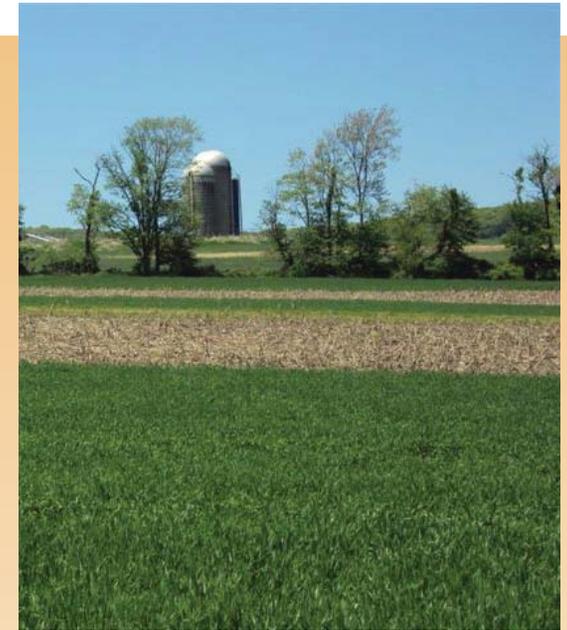
“The Farmland Preservation Program has been a vital program for farmers like ourselves. It enabled us to purchase the ever-disappearing land we need to maintain a way of life and sustain our livelihood. We never could have even considered the purchase of the 159 acres in Sugarloaf without this program. It also gives us peace of mind knowing a beautiful farm will remain undeveloped.”

**Contact Information:**

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# Luzerne County Agricultural Preservation Program



**Luzerne County  
 Board of Commissioners**

## Introduction:

In 1989, the Commonwealth of Pennsylvania established a farm preservation program in an effort to reduce the number of farmland acres being taken out of production. According to the Bureau for Farmland Preservation, agriculture is the leading industry in Pennsylvania which contributes approximately \$6 billion to the economy every year. 1 in every 7 jobs (14%) in the Commonwealth is related to agriculture. As of April, 2009, the Commonwealth has preserved 3,782 farms totaling 414,720 acres. In July of 1999, the Luzerne County Board of Commissioners formed a seven-member Board to oversee the Luzerne County Farmland Preservation Program and appointed a County Administrator to manage the program. In 2000, the Luzerne County Farmland Preservation Program became a reality. Since then, 21 farms totaling 2,130 acres have been preserved.

## Purpose:

The purpose of the Luzerne County Agricultural Preservation Program is to preserve farms forever through the purchase of conservation easements, or development rights, which prevent the farm from ever being developed or used for any purpose other than agriculture and agricultural-related activities.

## Why Is The Program Important?

Through the Luzerne County Farmland Preservation Program, the farms with the best soils will be used to grow crops rather than houses or other kinds of development. Once a farm with Capability Class Soils I-IV has been paved over to build homes, those high quality soils are lost forever. Agriculture has always been vital to the economy of the County, and it supports a solid infrastructure of related agribusinesses in Luzerne and surrounding counties. The inherent value of farmland goes beyond its economic value



*Wolk's Tree Farm, Sugarloaf Township*

by providing habitat for wildlife, groundwater recharge areas, stormwater runoff management and open space in an increasingly urbanized area.

## Agricultural Security Areas (ASAs):

Agricultural Security Areas are established by municipal governments at the request of farmers who want to have some protection against nuisance ordinances or laws that would restrict farm structures or farm practices, unless those structures or practices have a direct effect on the public health or safety. ASAs must consist of 250 acres at a minimum, but if the farmer wants to apply to the Luzerne County Farmland Preservation Program, the ASA must consist of 500 acres. Belonging to an ASA does not restrict farmers from developing their land, but it does offer some safeguards against condemnation by the State and the placement of hazardous waste sites.

## Criteria to Apply:

In order to apply to the Luzerne County Farmland Preservation Program, a farm must meet the following requirements:

- Membership in a 500-acre ASA;
- Farm must consist of at least 50 acres;
- 50% of acres submitted for easement purchase must consist of cropland, pasture, or grazing;
- 50% of the soils on the farm must belong to Capability Classes I-IV.

## How Easement Value is Determined:

The easement value of a farm is determined through an appraisal by a state-certified appraiser chosen by the County Farmland Preservation Board. The appraisal looks at the fair market value and the farm value. The difference between these two is the easement value. Farmers have the right to have an independent appraisal done at their own expense



*Carol Billheimer with the sign presented by the Luzerne County Farmland Preservation Board on her farm in Sugarloaf Township.*

if they are not satisfied with the Board's appraisal results. In this case, the formula value (described in the program document) determines the easement value.

## Title Search/Title Insurance:

Once the Board makes an offer to the farmer and the farmer accepts, the County Administrator has a title search done on the farm to identify the legal owner(s) with fee simple ownership, to ensure that the farm belongs to an ASA and that there are no liens or other encumbrances such as mortgages, judgments, bankruptcy actions, and outstanding back taxes. Once the title search is completed, a title insurance policy is developed to ensure the easement is free and clear of all encumbrances.

## Survey:

The County Administrator determines if the deed for the farm meets the required closure error greater than one foot per 200 linear feet of survey. If it does not meet the requirements, the Board has a new survey done by a professional land surveyor.

## Submission to State Farmland Preservation Bureau:

Once an agreed-upon offer has been made by the Board and accepted by the applicant, the title search/title insurance has been prepared and survey, if necessary, has been done, the County Administrator gathers all of the required materials for submission to the State Farmland Preservation Bureau to be brought before the next scheduled State Farmland Preservation Board meeting for approval.



*Baled hay on the Keith & Gina Hilliard Farm.*

## Closing/Check Presentation:

After approval by the State Board, the checks are sent to the County Administrator in about 8-10 weeks. Once the County Administrator receives the checks, he/she sets up the closing and check presentation. The firm that prepared the title search/title insurance serves as the closing agent.