

Pennsylvania State Senate Agricultural Committee Listening Session  
Lake Ladore Conference Center, Wayne County  
April 4, 2007  
Subject: "Clean and Green"

My name is Bill Bryant. I am speaking today as a dairy farmer and Vice-Chair of the Wayne County Farmland Preservation Board. To give you some idea of my background—in the early 70's I worked as a land use specialist with Cornell University Professor Howard Conklin. Conklin was the "father" of New York's Agricultural District legislation and a nationally recognized authority on land use and farmland preservation. Use value assessment was a key provision of the agricultural district program in New York. In my capacity as a land use specialist I conducted research projects in Wayne and Columbia Counties in New York State and authored or co-authored several publications on farmland preservation. It is with this background and my more than 30 years of farming experience in Wayne County that I am addressing the group today.

My topic for discussion is "Clean and Green", Pennsylvania's use value assessment law.

Use value assessment has been used in the northeast states for over thirty years. The original intent of use value assessment was to slow the conversion of land, primarily large tracts of farmland, into residential and commercial development. Once land was assessed at its highest and best use (development value), farmers could then receive property tax relief by getting their assessment reduced to a farm use value.

In Pennsylvania, as well as in other northeast states, it is questionable how successful use value assessment has been in stopping the conversion of farmland to other uses. Just take a drive around the state and see what has been happened. In many areas such as Northampton, Lehigh Bucks, Berks, Chester, and Lancaster Counties, some of the best farmland in the state has been planted to houses.

Since we know that the legislature is not going to pass legislation to prohibit building on farmland and since there are not enough available funds to buy development rights on all the farmland in the state, we need to consider some changes to "clean and green" legislation.

1. **Regulations**---Certain sections of the Clean and Green regulations need to be clarified so county assessors have no problems properly administering the law. For example, the law states that farm buildings under Clean and Green are to be assessed at their contributory value. There is much confusion over what contributory value is. Contributory value of farm buildings is the difference between what a farm would sell for with farm buildings and what it would sell for without the farm buildings. In areas where land values are high and farms are no longer selling as working farms, contributory values are low. The Department of Agriculture is currently working with Penn State University to clarify the issue of contributory value.

2. **Enforcement**---The Department of Agriculture needs more authority to enforce the Clean and Green regulations if the county misinterprets or doesn't pay attention to the regulations. Currently there are no enforcement provisions in the legislation. Local property owners who feel that Clean and Green is not being properly administered must appeal their assessment to the county. Such appeals require detailed comparisons by certified appraisers and may cost thousands of dollars. If their appeal is denied they may challenge it through the courts which also may cost thousands of dollars.
3. **Qualifications**---The rules that determine what land qualifies for Clean and Green need to be changed.

- a. **Agricultural land**-An attempt should be made in this category to limit enrollment to land being used by bonafide farmers. This may require the farmer providing his Schedule F income tax form available in a manner similar to what is required to receive a farm license plate for a farm truck. The income requirement should definitely be higher than what is required by the current law. A conservation plan and/or a nutrient management plan should also be a requirement. Large tracts of agricultural land being rented by bonafide farmers could qualify in this category but, would need a written lease and conservation plans.
- b. **Forest land**-Large tracts of forest land would need to have a forest management plan, prepared by a professional forester, in place in order to receive use value assessment. New Jersey and other states already have such requirements for forest land.
- c. **Open space land (ag reserve and forest reserve)**-This is the catch-all category for all other land that is enrolled in Clean and Green. The acreage requirement probably needs to be increased in this category. If we have the whole countryside carved up into ten acre estates, I don't think we have really preserved farmland or open space. I think we have to look long and hard to see what land we want to include in this category and what the rules for qualifications are in this category.
- d. **Land that has been preserved under a county farmland preservation program** should automatically be enrolled in Clean and Green. Similarly, land under easement through other land preservation programs might want to be considered for automatic enrollment in Clean and Green.