

## **Agricultural Security Areas**

### **Purpose**

The Agricultural Security Area program began in 1981 as a tool for strengthening and protecting agriculture in Pennsylvania. Farm landowners, working together, initiate the process of establishing such Areas in which agriculture is the primary activity. Participating farmers are entitled to special consideration from local and state government agencies, and other "nuisance" challenges, thus encouraging the continuing use of the land for productive agricultural purposes.

Agricultural security areas are intended to promote more permanent and viable farming operations over the long term by strengthening the farming community's sense of security in land use and the right to farm. Agricultural security areas are created by local municipalities in cooperation with individual landowners who agree to collectively place at least 250 acres in an agricultural security area.

### **Who Should Participate**

Landowners with the following eligible property:

1. Noncontiguous farm parcels must be at least 10 acres in size. The farm tracts needed to create a new 250 acre or larger agricultural security area do not have to be under the same ownership or even be located in the same municipality. The Agricultural Area Security Law (Act 43 of 1981) allows for the creation of joint municipality agricultural security areas.
2. The property should be viable agricultural land. Cropland, pasture, and woodland can all be included in an agricultural security area.
3. At least 50% of the land should be in Soil Capability Classes I-IV, as defined by the county soil survey.
4. The property must be zoned to permit agricultural uses.

### **Registration**

The process of establishing an Agricultural Security Area is initiated by petition of owner's productive farmland totaling at least 250 acres. The land to be included must have soils conducive to agriculture and be used for production of crops, livestock, livestock products, horticultural specialties and timber.

Contact your local agricultural land preservation office or township office to obtain agricultural security area application forms.

### **Additional Info**

For additional information on how the Pennsylvania Department of Agriculture oversees the Commonwealth's program to purchase agricultural easements and administers legislative programs designed to preserve farmland through the State Agricultural Preservation Board please contact the Bureau of Farmland Preservation at (717) 783-3167.

## **Benefits Of Having A Farm Designated An Agricultural Security Area (ASA)**

- In Counties that have established Farmland Preservation Programs pursuant to the Agricultural Area Security Law, farms located in an ASA consisting of at least 500 acres are eligible to apply for the purchase of an agricultural conservation easement by the Commonwealth. An ASA designation is a prerequisite for eligibility.
- Local governments are not permitted to enact local laws or ordinances, which would unreasonably restrict farm structures or farm practices within the area.
- Any municipal or political subdivision law or ordinance defining or prohibiting a public nuisance must exclude from the definition of nuisance any agricultural activity or operation conducted using normal farming operations within an agricultural security area.
- All Commonwealth agencies are to encourage the maintenance of viable farming in agricultural security areas and their administrative regulations and procedures shall be modified to do this.
- No agency of the Commonwealth having or exercising powers of eminent domain shall condemn for any purpose any land within any agricultural security area that is being used for productive agricultural purposes unless prior approval has been obtained from the Agricultural Lands Condemnation Approval Board.
- No political subdivision, authority, public utility or other body having or exercising powers of eminent domain shall condemn any land within any agricultural security area for any purpose, unless prior approval has been obtained from Agricultural Lands Condemnation Approval Board and from each of the following bodies: the governing bodies of the local government units encompassing the agricultural security area, the county governing body, and the Agricultural Security Area Advisory Committee.
- Farmers receiving loans through the Small Business First Program and the Machinery and Equipment Loan Fund may receive a 1% reduction in their interest rate if their property is located within an ASA.
- The ASA designation does not restrict the use of the property by the farmer. The farmer may sell or subdivide the property. The farmer or any subsequent owners may develop the property in any manor authorized by local zoning, subdivision and land development regulations.
- The farmer is obligated to maintain the ASA status of the farm for 7 years after the initial application. After the initial seven-year period the farmer may have the ASA designation removed at any time by submitting a written request to the local government.
- The ASA designation will stay with the property when it is sold or subdivided. The only way a property can be removed from an ASA is through the action of the property owner or through a process hearing formal process conducted by the local government.
- The Local Government may review ASA every 7 years or during the 7-year period if there has been significant change of use of the properties located within the ASA. The

property owners of the ASA designated property must be notified in writing of the local government review. If the local government fails to review the ASA at the 7-year interval, the ASA is automatically renewed for an additional 7-year period.

- This is a brief synopsis of the benefits of ASA designation. There are some exceptions and reservations that may apply in certain circumstances.