

Section 1.1 – Introduction

The Agricultural Security Area program was established in 1981 as a tool for strengthening and protecting agriculture in Pennsylvania. In this program, farm owners can help preserve the viability of Pennsylvania farms by working together to establish such Areas. There are multiple benefits to establishing an Agricultural Security Area (ASA): participating farmers are entitled to special consideration from local and state government agencies if a farm is proposed for condemnation, and participating farmers are protected from some "nuisance" challenges, which help to encourage the continued use of farmland for productive agricultural purposes. In addition, the program is an important tool in the Commonwealth's "farmland preservation toolbox." At the time of this publishing, roughly four million acres of land are enrolled in Agricultural Security Areas statewide.

Agricultural Security Areas 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. 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.

Section 1.2 – Who Can Participate?

Landowners with property that meets the following conditions may apply to be in an Agricultural Security Area:

1. Noncontiguous farm parcels must be comprised of 10 acres in size or more, or have an anticipated yearly gross income of at least \$2,000 from agricultural production. The farm tracts that are required in order 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.
2. The property must be viable agricultural land. Cropland, pasture, and woodland can all be included in an Agricultural Security Area.
3. Land proposed must have soils that are conducive to agriculture. This factor will be automatically satisfied if at least 50% of the soils are classified in Classes I-IV or if the soil is currently in active farm use and is being maintained in accordance with a soil erosion and sedimentation plan.
4. The property must be zoned to permit agricultural uses, but does not need to be zoned to exclude other uses.
5. Additional factors to be considered are the extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions, and any other relevant factors.

Section 1.3 – 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 must be used for production of crops, livestock, livestock products, horticultural specialties, and/or timber.

Section 1.4 – Participation

Participation in the Agricultural Security Area is available on a voluntary basis to landowners within the jurisdiction of the governing body. If a landowner wishes to enroll in the Agricultural Security Area after the Area is originally established, he or she may still enroll.

Section 1.5 – Benefits of Enrolling Land

There are many benefits to enrolling land in an ASA:

- An ASA designation is a prerequisite for eligibility in a county farmland preservation program. In counties that have established farmland preservation programs under the Agricultural Area Security Law, farms located in an ASA consisting of at least 500 acres may apply for the purchase of an agricultural conservation easement by the Commonwealth.
- Municipalities are not permitted to enact local laws or ordinances that would unreasonably restrict farm structures or farm practices within the ASA.
- Any municipal law or ordinance which defines or prohibits a public nuisance must exclude any agricultural activity or operation that uses normal farming practices within an ASA. This serves as a check against municipal ordinances that may unreasonably restrict agriculture.
- All Commonwealth agencies must encourage the maintenance of viable farming in ASAs.
- Generally, no Commonwealth agency which has powers of eminent domain may condemn land within an Agricultural Security Area that is being used for productive agricultural purposes (not including the growing of timber) unless prior approval has been obtained from the Agricultural Lands Condemnation Approval Board (ALCAB).
- The ASA designation does not restrict the use of the property by the farmer. The farmer or any subsequent owners may develop, sell, or subdivide the property in any manner authorized by local zoning and subdivision and land development regulations.
- The farmer is obligated to maintain the ASA status of the farm for seven 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 municipality.
- 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 formal hearing process conducted by the municipality.
- The municipality may review the ASA every seven years or during the seven 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 review. If the municipality fails to review the ASA at the seven year interval, the ASA is automatically renewed for an additional seven years.