



MUNICIPAL PLANNING FOR AGRICULTURAL SECURITY AREAS

ACT 43 of 1981

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STATE OF AGRICULTURE

- Agriculture remains the largest land use in the County at 43% of the land base
- Agriculture is an important economic driver for the County and PA
 - Cumberland 8th in state for crops
 - Cumberland 6th in state for livestock and poultry
- PA = \$7.8 billion in ag products sold
- Access to local food/food security trends growing
- Public opinion surveys repeatedly indicate that loss of farmland and open space is an important issue

ASA STATS

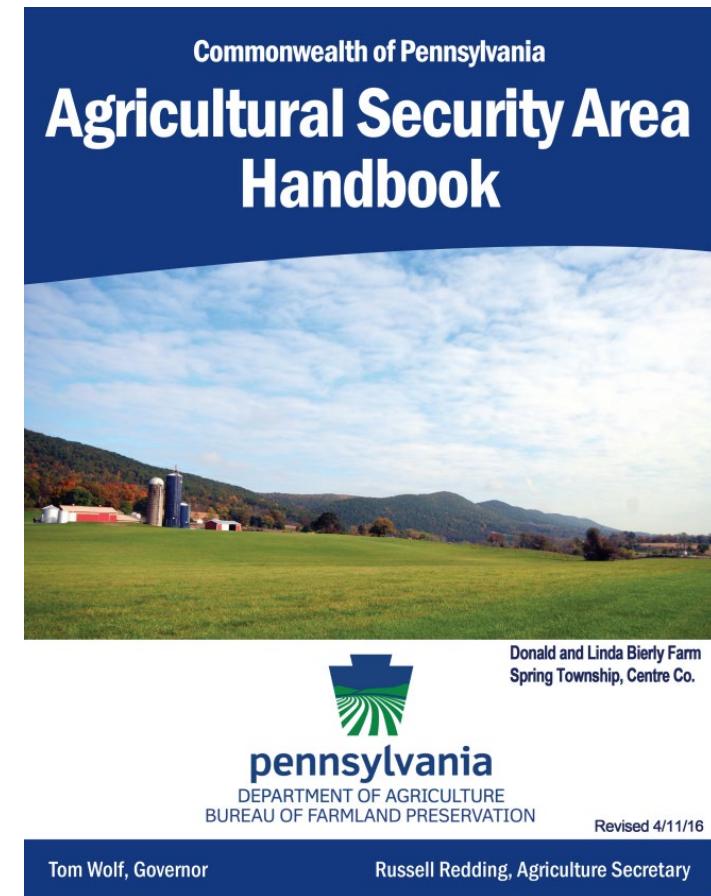
- Approximately 73,000 acres countywide
- 18 of 21 Townships
- *Pop Quiz – Which municipality has the most land in ASA ?*



THE FACTS ON AGRICULTURAL SECURITY AREAS

- Governed by State Act 43 of 1981
- Tool to strengthen and protect agriculture
- Program Administration is guided by ASA Handbook:

[https://www.agriculture.pa.gov/Plants_Lan
d_Water/farmland/asa/Documents/ASA%
20Handbook%2004.06.16%20single%20sid
er%20full.pdf](https://www.agriculture.pa.gov/Plants_Land_Water/farmland/asa/Documents/ASA%20Handbook%2004.06.16%20single%20sid.er%20full.pdf)

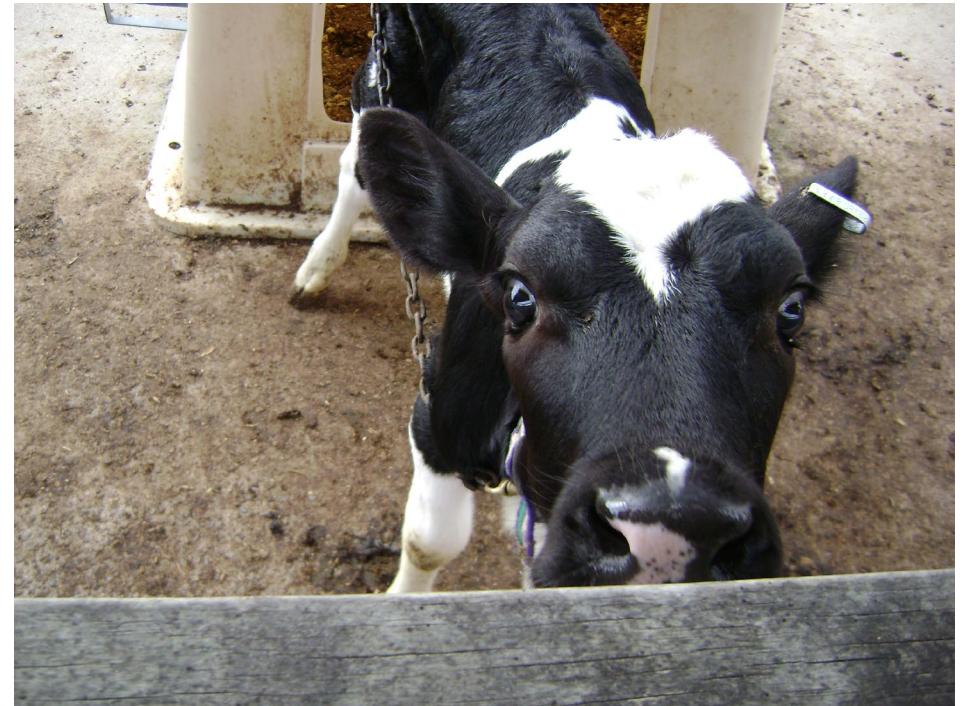


WHAT AN ASA IS...

- A Municipal Land Use Planning Tool
- Required step towards state/county land preservation through Agricultural Conservation Easement Program
- Landowners receive protections which support continued agricultural operations
- Voluntary to participate and landowners can request to be removed after the initial 7-year period
- ASA does NOT restrict the use of the property, no penalty for change in use
- ASA designation stays with the property when sold or subdivided

WHAT AN ASA IS NOT...

- Clean and Green
- Agricultural Conservation Easement Program (Farmland Preservation)
- PA Right to Farm Act or ACRE (*some overlap*)
- Landowners do not receive payments or tax benefits
- Required by DEP or other agencies
- Permanent



ASA AS A MUNICIPAL PLANNING TOOL

- ASA must be consistent with local land use planning
- Strong connection between location of land in ASA and
 - Zoning Ordinance – permits agricultural use
 - Comprehensive Plan –
 - Goals for Agriculture
 - Map of the ASA
 - Map of soils
 - Future land use map and plan – designate agricultural priority areas

LANDOWNER BENEFITS OF ENTERING THE ASA

- Municipality may not enact ordinances that unreasonably restrict normal farming activities or farm structures
- Any proposed projects that would require eminent domain must go before state Agricultural Lands Condemnation Advisory Board (ALCAB)
- Pre-requisite for applying to the State/County Farmland Preservation Program.



HOW DOES LAND QUALIFY FOR ENROLLMENT?

To start an ASA, a municipality must have at least 250 acres proposed for inclusion

Review Criteria:

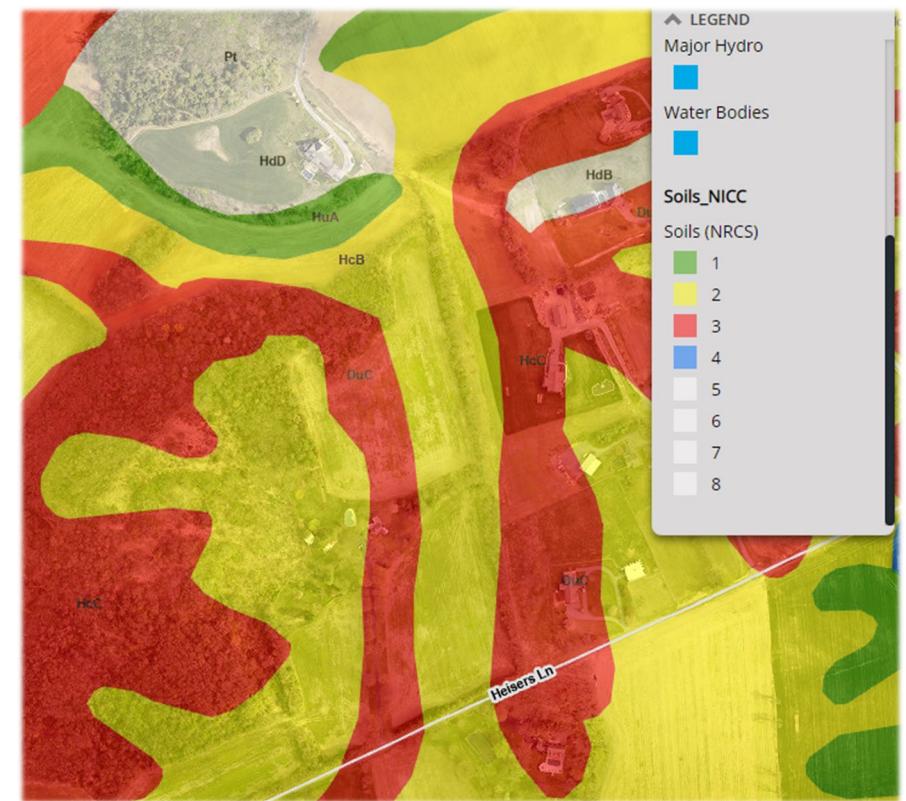
✓ Land Area

- 10 acre minimum OR
- \$2,000 in yearly gross income from agriculture

✓ Soils

- 50% minimum in Land Capability Class I-IV OR
- Actively farmed in accordance with an Ag E&S Plan

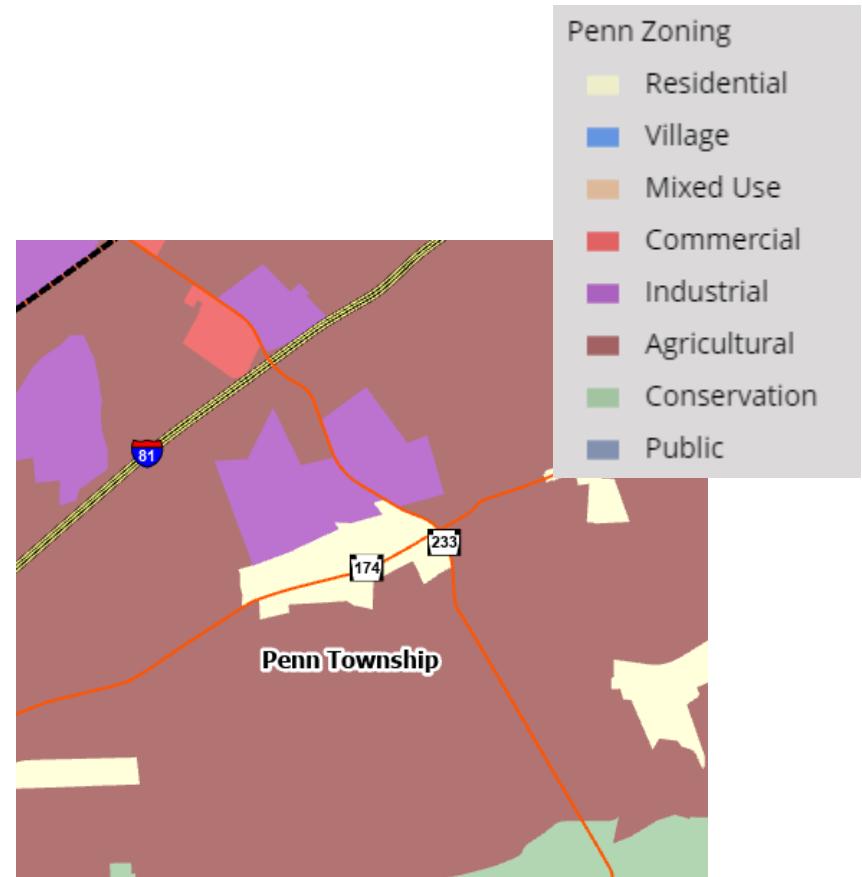
✓ Viability for agriculture (*defined in ASA Law*)



HOW DOES LAND QUALIFY FOR ENROLLMENT?

More Review Criteria:

- ✓ Planning Documents
 - Compatible with municipal/county comprehensive plans
 - Zoning must permit agriculture
- ✓ Other relevant factors
 - Extent and nature of farm improvements
 - Trend in agricultural economics
 - Trends in agricultural technology
 - Other land in ASA or ACE in area
 - Surrounding land use/zoning
 - Availability of public water/sewer



PROCESS TO ENROLL LAND IN AN ASA

- Landowner submits application to municipality for inclusion (certified mail)
 - Name, acreage proposed for inclusion, location of farm(s), parcel identification number(s)
 - Map – County tax map, US Geological survey map, or other map showing boundary of proposed ASA
- If land area is in multiple municipalities, must apply to each governing body
- If multiple owners, form must be signed by each owner
- Municipalities cannot charge a fee



MUNICIPAL RESPONSIBILITIES

- The governing body shall appoint an Agricultural Security Area Advisory Committee including the following:
 - ✓ Three active farmers
 - ✓ One citizen representative
 - ✓ One member of the Township governing body, serving as Chair (Township Supervisor)
- Suggest appointing annually, do not wait until a proposal is received



MUNICIPAL RESPONSIBILITIES (CONTINUED)

- ASA Addition Proposal received (**day 1**)
- Acknowledge proposal at next public meeting
- Publish “ASA Addition Public Notice” (**within 15 days**)
 - ✓ Notice posted in 5 conspicuous places in Twp and published in newspaper
- Window for objections or modifications may be proposed (**15 days from Notice**)
- Submit proposal to 3 reviewing bodies (**on or before day 30**)
- Review and report by ASA Advisory Committee, Township Planning Commission, County Planning Commission (**45-day review period**)

MUNICIPAL RESPONSIBILITIES (CONTINUED)

- Publish “ASA Addition Public Hearing Notice” after 45-day review period is completed
 - ✓ Notice posted in 5 conspicuous places in Twp and published in newspaper
- Public Hearing/Local Government decision (**within 180 days**)
- Following Public Hearing (**within 10 days**):
 - ✓ Mail Notice of Decision to each affected landowner
 - ✓ Record the ASA at County Recorder of Deeds
 - ✓ Notify the PA Department of Agriculture
 - ✓ Notify the County Planning Department

MUNICIPAL RESPONSIBILITIES (CONTINUED)

- An ASA proposal is automatically approved if no action is taken by the municipality in 180 days
- **NOT RECOMMENDED!**
- A resolution must still be filed at the Recorder of Deeds Office.



HOUSEKEEPING FOR YOUR ASA

- Addition of land can occur at any time
- 7-Year Review
 - Review of all parcels recorded in your ASA
 - Two notice periods required – Commencement of 7-Year Review and Public Hearing
 - Mailing to all Landowners in the ASA
 - May opt to be deleted from the ASA
 - New proposals may be accepted during the 7-Year Review
 - If review not completed, ASA automatically renews for another 7-year period
- Interim Review
 - Enabled whenever there is a minimum 10% land use change within the ASA

MOVING LAND FROM ASA

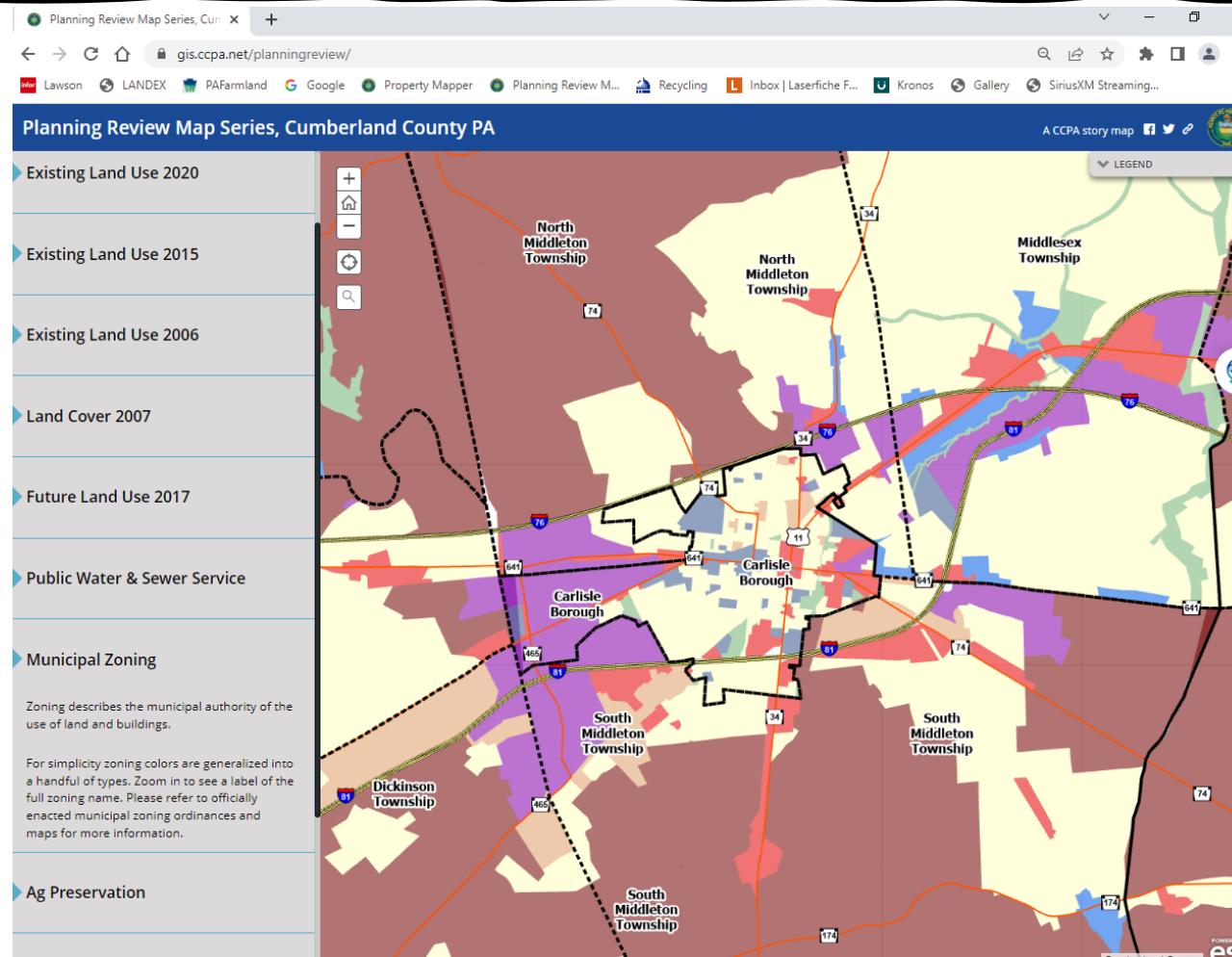
- *After the initial 7-year period*, a landowner may request to remove his/her land from ASA at any time. Municipality required to record deletion form at County Recorder of Deeds Office within 10 days.
- 7 Year Review
- Interim Review
- If deletion of land causes the ASA to no longer meet the minimum requirement of 250 acres, the whole ASA shall terminate.

ROLE OF COUNTY PLANNING DEPARTMENT

- Review of ASA proposals
- Maintain record of countywide ASA
- Technical Assistance for ASA Processing and 7-Year Reviews
- NEW - Incorporate ASA comments in County SALDO reviews



PLANNING REVIEW TOOL



[https://gis.ccpa.net/
planningreview/](https://gis.ccpa.net/planningreview/)

CLEAN & GREEN PROGRAM

- Preferential property tax program administered by the County Tax Assessment Office
- Taxes properties based on *actual use* versus *development potential*
- Strict rules for enrollment
- Penalties for violations



AGRICULTURE CONSERVATION EASEMENT PROGRAM (AKA FARMLAND PRESERVATION)

- Program Goal... ”*to preserve working farmland by purchasing conservation easements which prevent development of the land for any other purpose than agricultural production.*”
- Conservation Easement = Voluntary, legal agreement which limits the use of the property
- Landowners are paid to place restrictions on the use of their property
- Restrictions of the easement are permanent and transfer from owner to owner

FARMLAND PRESERVATION STATS

- State program administered locally by Cumberland County Agricultural Land Preservation Board
- PA Stats: 600,000+ acres / 6,000+ farms preserved
- Cumberland County Stats:
 - 23,000+ acres / 200+ farms preserved
 - 12% of all farmland preserved
 - #7 in the State for total acres preserved
 - Goal: 30,000 acres preserved by 2030



MUNICIPAL ROLE IN FARMLAND PRESERVATION

- ASA Creation & Maintenance
- Ensure alignment between ASA/Comprehensive Plan/Land Use Regulations
- Program Promotion
 - Application for 2023 Program due Dec 31
 - Workshop November 1 @ 6:30 pm
- Funding Partner
- Stewardship Partner

PA RIGHT TO FARM ACT

- Municipalities shall encourage the continuity, development and viability of agricultural operations
- If there is a municipal definition of public nuisance, normal farming operations are to be specifically excluded unless there is a direct adverse effect on public health and safety
- Direct commercial sales of agricultural products shall not be prohibited by the zoning ordinance as long as 50% of such products are produced on the farm
- No public nuisance lawsuit (by a private citizen) may be brought against lawfully operating farms unless a direct adverse effect to public health and safety is shown

“ACRE” (ACT 38 - AGRICULTURE, COMMUNITIES AND RURAL ENVIRONMENT)

- Purpose - to ensure that municipal ordinances which regulate normal agricultural operations do not exceed, duplicate or conflict with state law
- An “unauthorized local ordinance” is an ordinance which does either of the following:
 - ✓ Prohibits or limits a normal agricultural operation unless the local government unit has authority under state law to adopt the ordinance and it is not prohibited or preempted under state law
 - ✓ Restricts or limits the ownership structure of a normal agricultural operation
- Under ACRE, a landowner may request that the PA Office of Attorney General review a local ordinance.
- If determined to be an “unauthorized local ordinance” the OAG will attend to work with the municipality to bring the ordinance into compliance

NEED HELP - CALL US!

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Our Emails and website have changed !

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