



# MUNICIPAL PLANNING FOR AGRICULTURAL SECURITY AREAS

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## **ACT 43 of 1981**

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# STATE OF AGRICULTURE

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- 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 8<sup>th</sup> in state for crops
  - Cumberland 6<sup>th</sup> 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

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

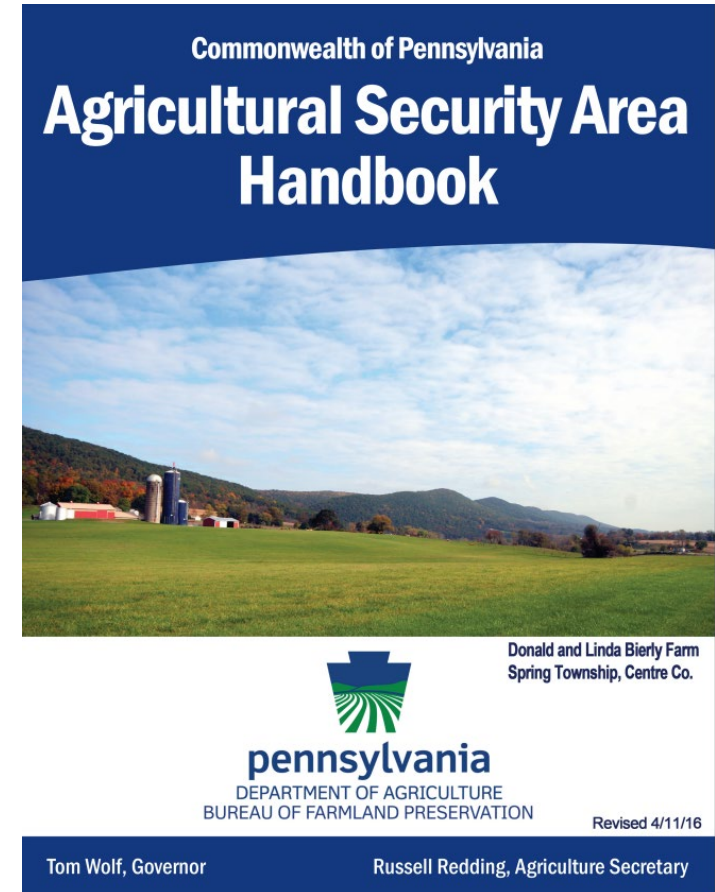


# THE FACTS ON AGRICULTURAL SECURITY AREAS

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- 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\\_Land\\_Water/farmland/asa/Documents/ASA%20Handbook%2004.06.16%20single%20sider%20full.pdf](https://www.agriculture.pa.gov/Plants_Land_Water/farmland/asa/Documents/ASA%20Handbook%2004.06.16%20single%20sider%20full.pdf)



# WHAT AN ASA IS...

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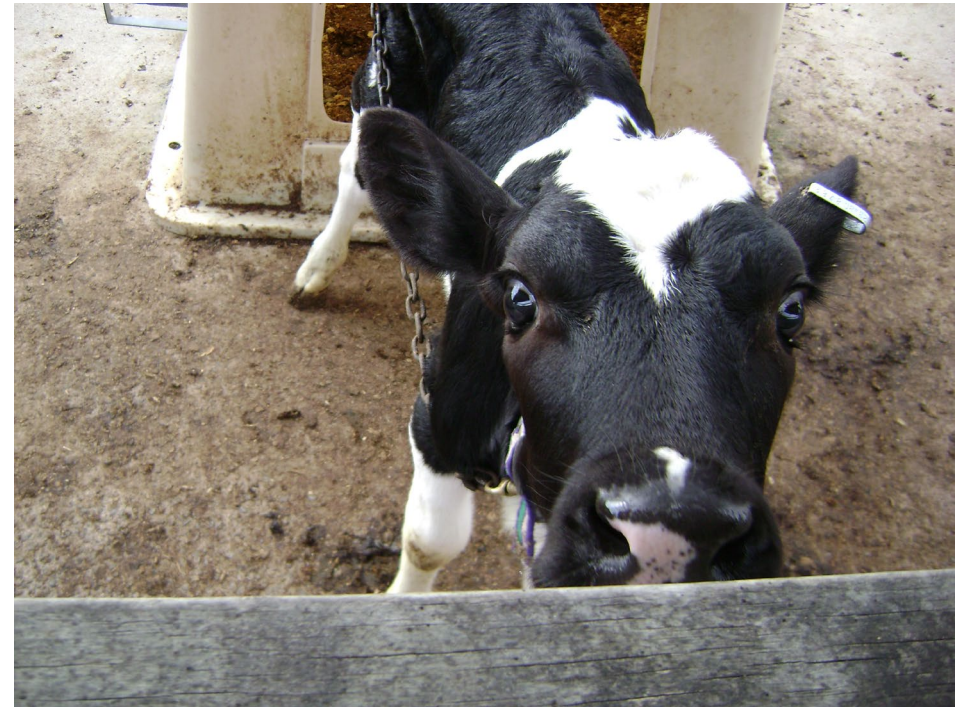
- A Municipal Land Use Planning Tool
- Required step towards state/county land preservation through Agricultural Conservation Easement Program
- Landowners receive protections which support continued agricultural operations
- Voluntary to participate and landowners can request to be removed after the 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...

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- 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

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- 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

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- 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.



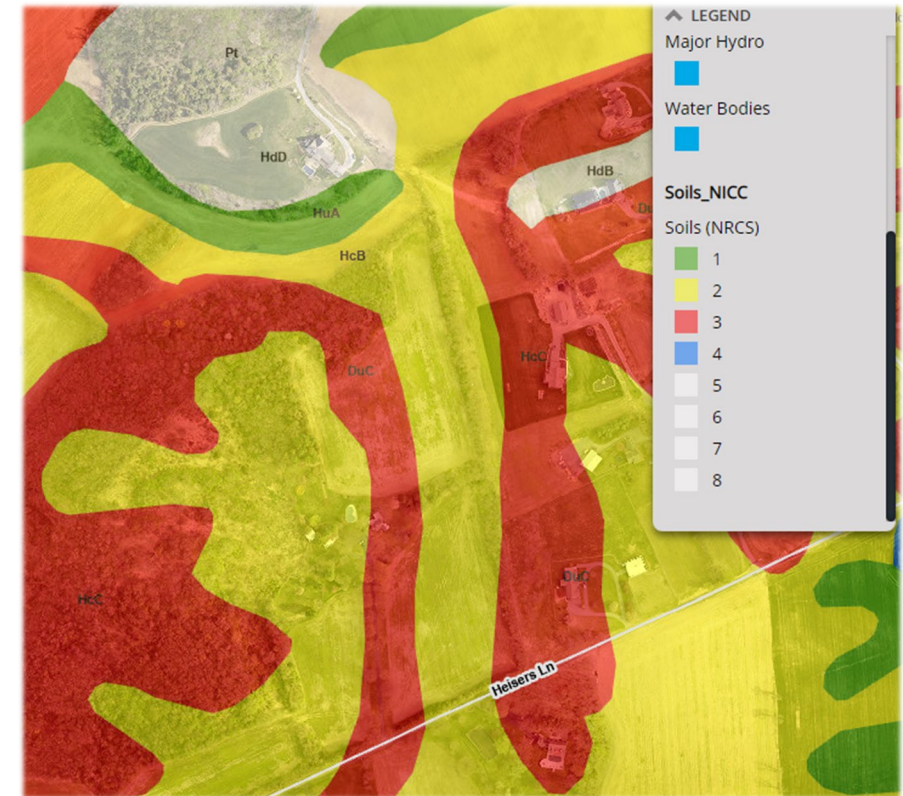


# HOW DOES LAND QUALIFY FOR ENROLLMENT?

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*)

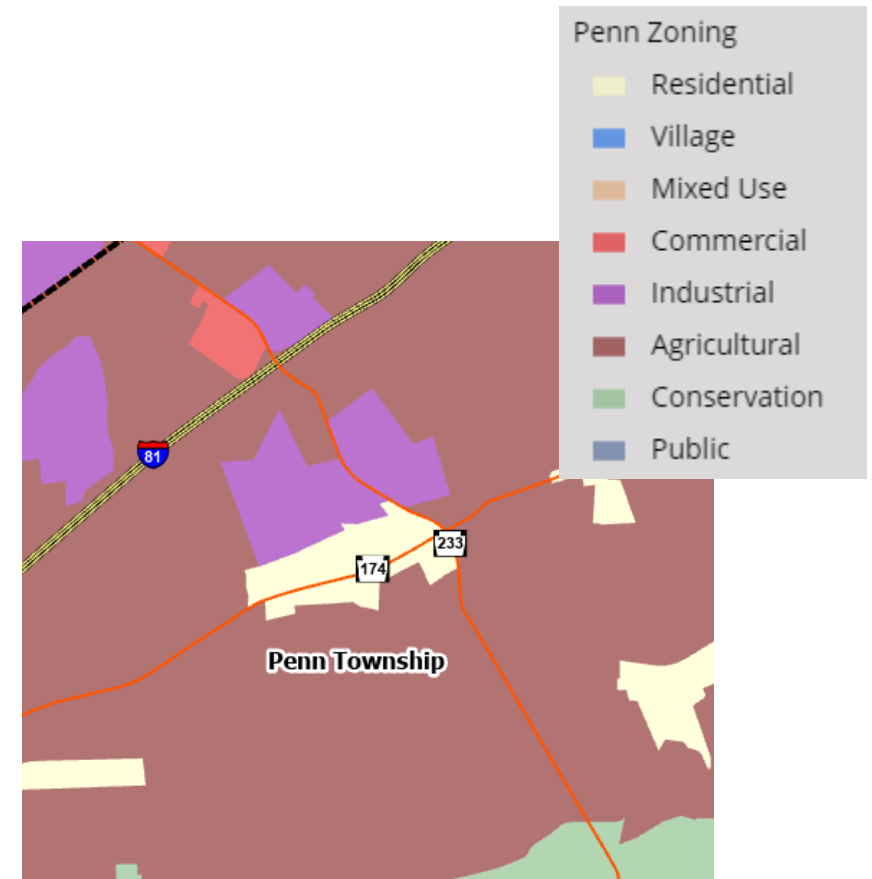


# HOW DOES LAND QUALIFY FOR ENROLLMENT?

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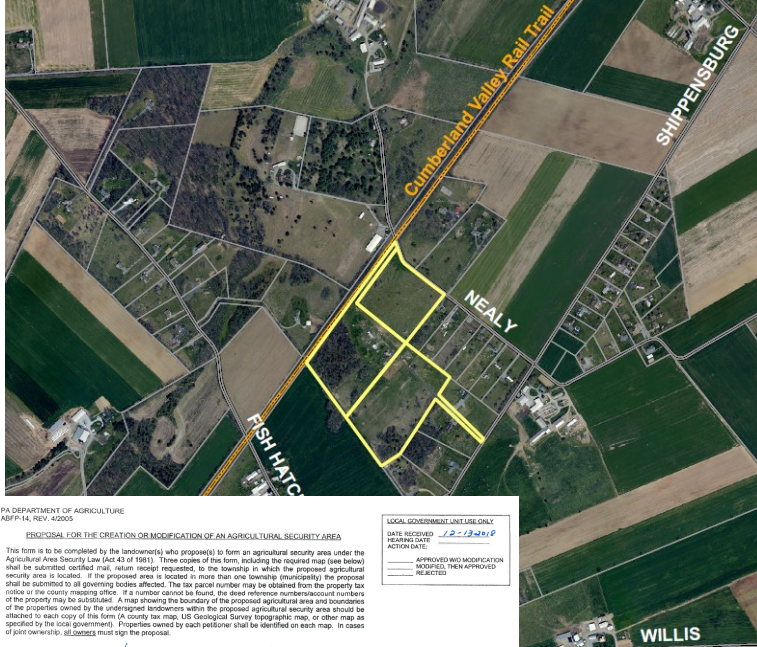
## More Review Criteria:

- ✓ 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



PA DEPARTMENT OF AGRICULTURE  
ASFP-14, REV. 4/2005

**PROPOSAL FOR THE CREATION OR MODIFICATION OF AN AGRICULTURAL SECURITY AREA**

This form is to be completed by the landowner(s) who propose(s) to form an agricultural security area under the Agricultural Area Security Law (Act 41 of 1981). Three copies of this form, including the required map (see below), shall be submitted certified mail, return receipt requested, to the township in which the proposed agricultural security area is located. If the proposed area is located in more than one township (municipality) the proposal shall be submitted to all governing bodies affected. The fee parcel number may be obtained from the property tax notice or the county mapping office. If a number cannot be found, the deed reference number/account number of the property owned by the undersigned landowners within the proposed agricultural security area should be obtained to each copy of the form (A county tax map, US Geological Survey topographic map, or other map as specified by the local government). Properties owned by each petitioner shall be identified on each map. In cases of joint ownership, all parties must sign the proposal.


**LOCAL GOVERNMENT USE ONLY**  
DATE RECEIVED: 12-13-2019  
RECEIVED DATE: \_\_\_\_\_  
APPROVED W/O MODIFICATION: \_\_\_\_\_  
MODIFIED THEN APPROVED: \_\_\_\_\_  
REJECTED: \_\_\_\_\_

1. Location of the proposed area: Neely Township, Cumberland County  
(Township, Borough or City)

2. Total acreage in area: 33.63

3. Names and addresses of landowners proposing the area. Use additional paper with last column if needed. Signers to this proposal give their consent to include the described land in the agricultural security area once it is approved.

Landowner's Name (PRINTED) and Signature (BELOW LINE)	Address (PRINT)	County Tax Parcel ID Number (PIN) & Account Number	Acreage
<u>Matthew T. Neely</u>	<u>752 Shippensburg Rd</u>	<u>30-09-0518-002</u>	<u>12.43</u>
<u>Michael S. Neely</u>	<u>Neaville Pa 17241</u>		
<u>Stephen W. Neely</u>	<u>Shippensburg Pa</u>	<u>30-09-0513-001</u>	<u>13.94</u>
<u>Thomas H. Neely</u>	<u>Neaville Pa 17241</u>		
<u>Thomas H. Neely</u>	<u>Neaville Pa</u>	<u>30-09-0513-002</u>	<u>7.76</u>
<u>Thomas P. Neely</u>	<u>Neaville Pa 17241</u>		
<u>Thomas P. Neely</u>			

**Legend**  
 Nealy ASA  
 Trails  
 Parcel Boundary

# MUNICIPAL RESPONSIBILITIES

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- 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)

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- 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)

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- 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)

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- 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

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- 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



# REMOVING LAND FROM ASA

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- *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.

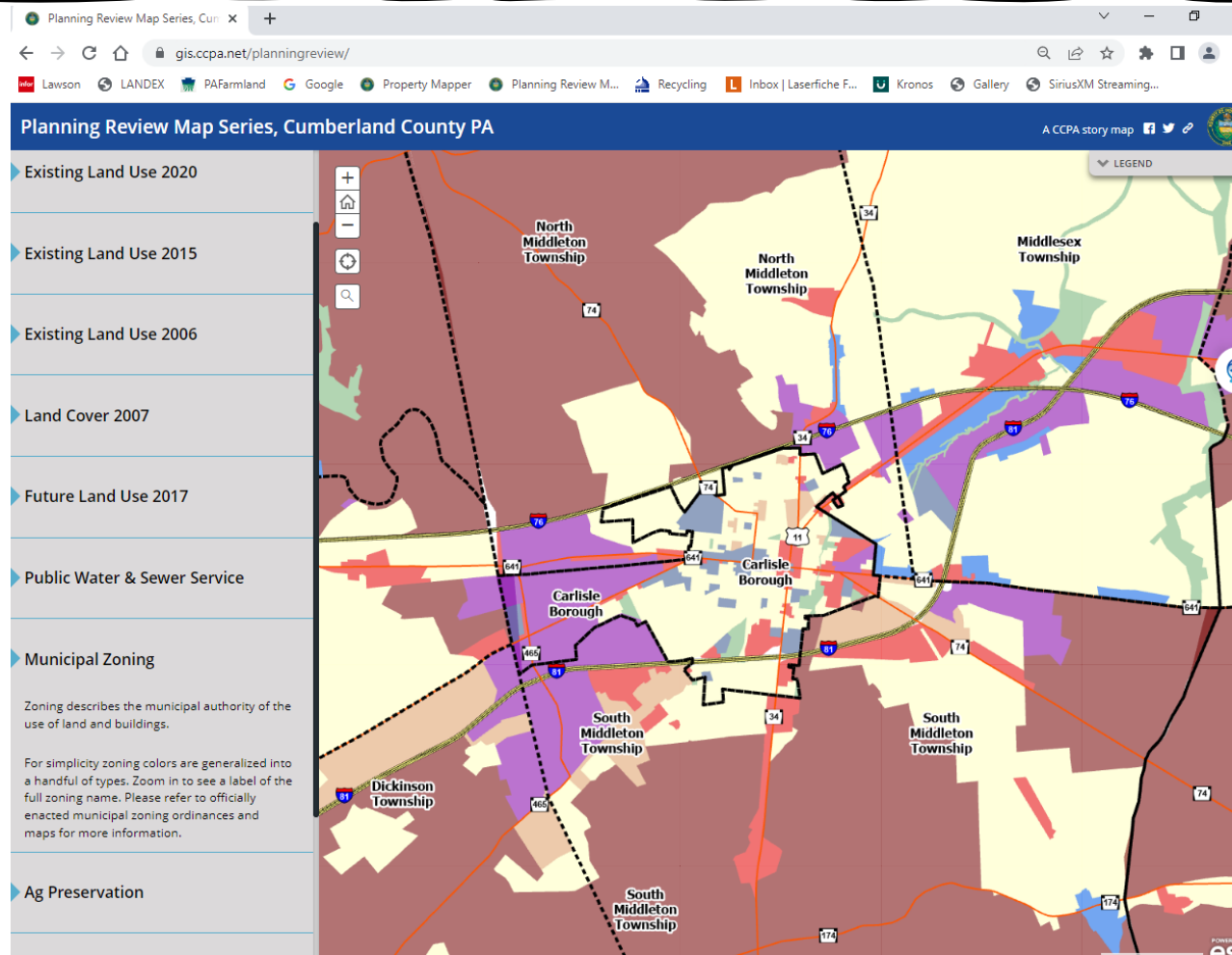
# ROLE OF COUNTY PLANNING DEPARTMENT

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- 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

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- 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)

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- 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

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- 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

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- 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

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- 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)

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- 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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Stephanie Williams	717-240-5383

Our Emails and website have changed!

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[sjwilliams@cumberlandcountypa.gov](mailto:sjwilliams@cumberlandcountypa.gov)

[www.cumberlandcountypa.gov](http://www.cumberlandcountypa.gov)