

# **NOTICE**

## **AGRICULTURAL SECURITY AREA 7-YEAR REVIEW**

The Mt Pleasant Township Board of Supervisors will conduct a review of the Township's Agricultural Security Area (ASA) pursuant to the Agricultural Area Security Law, Act 43 of 1981. Applications for proposed additions and/or modifications will also be accepted at this time.

Said proposal will be available for public inspection at the municipal building, 1035 Beck Road, Gettysburg, PA, Monday-Friday 8:00am and 3:00pm. Any affected municipality and any landowners who own land which is within, adjacent to, or near the area proposed to be continued in the ASA may propose changes to the ASA within 30 days of the date this notice is published. Such proposed changes must be submitted at the Township's municipal building on or before September 4, 2026.

Upon expiration of the aforementioned 30-day period, the existing ASA and any proposed changes will be submitted to the Township ASA Advisory Committee and the Township and County Planning Commissions for review and recommendation.

Thereafter, a public hearing will be held by the Board of Supervisors to consider the continuation/proposed modifications and recommendations of the Planning Commissions and the ASA Advisory Committee.

A copy of this notice is also available on the Township website:  
<https://mtpleasant.adamscountypa.gov/>.

Jennifer Day, Secretary

## **FREQUENTLY ASKED QUESTIONS**

### **1. What is an agricultural security area?**

Act 43 of 1981 allows any owner or owners of land used for agricultural production to submit a petition to their township supervisor for creation of an agricultural security area (ASA). Two hundred and fifty or more acres of viable agricultural land must be involved. Approval authority for the ASA petition is in the hands of the township supervisors. If the petition is approved, participating landowners agree to keep their land for agriculture use in return for certain benefits that the township will give. The term of an ASA is seven years followed by a re-certification process.

### **2. Will I be penalized if I change land uses while in an ASA?**

Participation in an ASA is purely voluntary. There are no penalty provisions for an individual who changes land use while in an ASA.

### **3. Is the creation of an ASA the same as zoning?**

An ASA designation is NOT zoning.

### **4. Can an ASA be in more than one township?**

Yes, but approval must be given by each township. If one of the townships involved rejects the petition, the acreage in that township must be subtracted from the total acreage. If this lowers the acreage below the prescribed 250 acres, then the petition must be withdrawn.

Land that is transected by the dividing line between two local government units shall automatically become part of the ASA if the majority of the viable agricultural land of the parcel is located within the proposed agricultural security are; AND the local government unit in which the minority of the viable agricultural land of the parcel is located has not approved an agricultural security area.

### **5. Can I participate in an ASA even if my land does not connect with the proposed area's boundaries?**

Non-connecting parcels are permitted in an ASA designation. Non-connecting areas can be made up of one or more parcels and must be at least ten acres in size or the parcel must be able to generate a yearly gross income of at least \$2,000 from the agricultural production of crops, livestock, and/or livestock products.

### **6. Will I have to have my land surveyed if I join an ASA?**

Act 43 does not require the surveying of any parcels except for when an individual puts a portion and not his/her entire acreage into an ASA.

### **7. Can forestland be in an ASA?**

Yes, forestland is included under the definition of “crops, livestock and livestock products” in Act 43.

## **8. What are the benefits of being in an ASA?**

Under Act 43, local officials are encouraged to support agriculture by not passing nuisance laws that would restrict normal farming operations.

While benefiting from participation in an ASA, a farm operator shall nonetheless engage only in normal acceptable farming practices. The act does not take away a local government’s right to control nuisances when they bear directly on public health and safety.

The act also protects farm operators by discouraging condemnation of agricultural land through eminent domain. Participants receive the advantage of having additional reviews of the proposed condemnation.

Low-level radioactive waste or hazardous waste sites may not be located on agricultural land established under the Agricultural Security Area Law (PA Code Title 25, Chapter 236, Article 236-128 and Chapter 269a, Article 269a-12 citing criteria).

Landowners in an ASA are eligible to voluntarily apply to sell an agricultural conservation easement to the Commonwealth, county, and/or township.

## **9. Are there any restrictions on land use within an ASA?**

There are no restrictions placed on land use as a result of being in an ASA. A landowner retains the right to subdivide, sell, or change the use of his/her land regardless of his/her participation in an ASA. However, landowners are not exempt from laws such as zoning ordinances, deed restrictions, or current state environmental laws.

## **10. Is the ASA designation permanent?**

The ASA designation should be reviewed every seven years after its establishment, or it continues as it exists. Also, the areas may be reviewed at any time if 10% of the land is converted to non-agricultural uses. The review process includes the same steps as the initial designation process: a report from the ASAAC and the local and county planning commissions, and a public hearing. The public hearing is arranged the same as the first hearing, except that it is held in a 60-day period starting 180 days before the end of every seven years.

Landowners who want their land excluded from an ASA must notify the local government unit of their intent at least 120 days before the end of the seven-year review process.

## **11. Do I have to conduct a seven-year review for each addition to an ASA?**

NO. Seven-year reviews should be conducted every seven years on the anniversary of the creation of an ASA. Land added to an ASA during any seven-year period should be reviewed at the same time as all other land in the ASA The purpose of the seven-year review is to update the ASA’s records. Any modifications to the ASA or deletions from the ASA should be made at this time.

**12. If the township has an existing ASA, should new properties wishing to become part of an ASA be included in the existing ASA or should the township create a new ASA?**

If a township has an existing ASA, any future proposals are considered to be additions to the original ASA.

**13. Is it required that townships perform a seven-year review? What is the penalty for not conducting a review?**

If a township does not conduct a seven-year review, the ASA is considered to be readopted, without modification, for another seven years. The Agricultural Security Area Law does not provide for a specific “penalty” if a township does not take action to conduct a seven-year review. However, it is in the best interest of landowners, local government units, county land preservation boards, and the Pennsylvania Department of Agriculture that a review be conducted. Failure to conduct a review could result in the following ramifications: (1) Land withdrawn from an ASA may not be properly documented in local/state records, (2) Land added to an ASA may not be properly documented in local/state records.

**14. Can a landowner put under 10 acres in an ASA (for example, a 2.5-acre vegetable garden that produces \$2,000 of agricultural production)?**

YES, if the agricultural production is for commercial purposes, and the anticipated value of the production is at least \$2,000, the tax parcel that includes the garden meets the requirements of the law.

**15. Is it required that all farms in an ASA be in current operation?**

NO. As long as the farms consist of viable land, are at least 10 acres in size (or meet the \$2000 anticipated production value criterion), and have not been diverted to residential or nonagricultural commercial use, the farms do not need to be currently operating to remain in the ASA.

**16. Should individual parcels be listed if they are part of one account (landowner’s name)?**

YES. The tax parcel number or account number of each parcel and the number of acres (including partial acres, to the nearest thousandth) contained in each parcel must be listed with the owner’s name(s) for each parcel of land to be included in an ASA.

**17. What is “viable agriculture” and how is it determined if \$2,000 worth of production is possible?**

*Viable agricultural land* is “land suitable for agricultural production and which will continue to be economically feasible for such use if real estate taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development.” It is the responsibility of the Township, and therefore the ASAAC, to determine if a parcel’s anticipated yearly gross income is at least \$2,000 worth of agricultural production. See section titled “ASAAC Responsibilities” on page 73 for more information.

## **18. Can farms in an ASA be subdivided?**

The law does not specifically address this question. However, farms in an ASA can be subdivided and remain in the ASA if each subdivision meets the requirements for participation and the tax parcel ownership changes are properly recorded and documented during an interim or a seven-year review.

## **19. Does a subdivision have to be recorded as an amendment?**

The law does not specifically address this question. However, proper recording should be done and reflected in a seven-year or interim review. This will protect subdivision owners from zoning restrictions, condemnation proceedings, etc, and will protect their eligibility to enter the agricultural easement program.

## **20. If a proper proposal is made to the local government unit, and after the 180 days the local governing body refuses to act, who records the ASA at the recorder of deeds office? What are the legal steps that follow?**

The law states “failure by the governing body to act within the 180-day period shall be deemed adoption of the proposal without modification.” The ASA becomes effective upon expiration of the 180-day period if the proposal is not acted upon beforehand.

The law also states that it is the responsibility of the local governing body to file a description of the ASA with the recorder of deeds office within ten days of creation.

The steps that follow the recording include filing a description of the ASA with the local and county planning commissions (the description should also be sent to the County Agricultural Land Preservation Board, if one exists in the county), and sending notification to the Secretary of Agriculture of the creation, modification, or termination of the ASA.

**NOTE:** During the 180-day period, the applicant may bring an action in mandamus to complete compliance with the section of the law requiring the governing body to provide public notice of the proposal to create an ASA. There may also be grounds to appeal to the court of common pleas for persons aggrieved by an action or decision of the governing body.

## **21. Exactly when and to what extent does the State have jurisdiction over decisions and procedures for ASAs, and when is it the Townships’ responsibility?**

The law does not give the Commonwealth the power to tell local government units what decisions to make. However, the law does specify procedures for the ASA creation, modification, and termination processes. And, it makes some provisions for “automatic” creation or readoption if the local governing unit does not act. The Department of Agriculture also has the power to promulgate regulations pertaining to the Agricultural Area Security Law.

**The law specifies what the townships are supposed to do and when; however, there are not provisions for any sanctions against responsible parties if procedures are not followed.**