Pennsylvania’s Agricultural Security Area Law
(PA Act 43 of 1981)

What is an ASA?

Agricultural Security Areas (ASAs) are voluntary and are intended to promote more permanent and viable farming operations by strengthening the farming community’s sense of security in land use and the right to farm.
1. Limitation on Local Regulations
Local officials are encouraged to support agriculture by not enacting laws or ordinances that would unreasonably restrict normal farming operations.

An ASA provides 3 main benefits to landowners

However...

A farm operator must engage only in normal, acceptable farming practices. This does NOT take away a local government’s right to control nuisances when they bear directly on public health and safety.
An ASA provides 3 main benefits to landowners

2. Limitations on certain government actions

Participants receive the advantage of having additional reviews of any proposed condemnation proceedings.

When in an ASA, condemnation proceedings of any nature must be approved.
If the condemnation is a transportation issue, the State Agricultural Lands Condemnation Board is the only reviewing body.

Otherwise, the condemnation must be approved by the Township ASA Committee, the Township Supervisors, the County Commissioners and the State Agricultural Lands Condemnation Board.
If any one review body turns down the condemnation, it fails.

Condemnation “success” stories

• PA Department of Transportation (Chambersburg, PA)

• Abandoned Railroad and the “Muddy Creek Preservation Society” (York, PA)
An ASA provides 3 main benefits to landowners

3. Grants eligibility to the Agricultural Conservation Easement Program

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

What was the original intent of Act 43?

• To protect agriculture as a land use when there was no zoning, keeping in mind that in the early 80’s there were very few townships with zoning in PA;

• Landowners hoped that an ASA designation would give them additional protection from nuisance lawsuits brought on by their “new” neighbors. This wasn’t the case;
Right-to-Farm

• Right to Farm is a “defense” law. All 50 states have a Right to Farm law;

• Right-to-Farm defines “Normal Farming Activity”;

• ASA language came from the Right-to-Farm Law, so they cross over, or interact, but they are most definitely two very different laws;

What qualifies for an ASA?

• Land 10 acres or more qualifies for ASA designation. If a parcel is less than 10 acres, the anticipated value of the ag production must be at least $2,000 per year.

• A landowner may propose to include all, or part of, his land, regardless of zoning in an ASA;
ASA Facts

• You do not get paid to enroll your land in an ASA;

• There are no tax benefits associated with an ASA designation;

• ASA parcels do not need to be contiguous;

ASA Facts

• There are no land use restrictions placed on land as a result of being in an ASA;

• Low-level radioactive waste or hazardous waste sites may not be located on ASA lands;
ASAs and Land Use Decisions

• Should ASAs be taken into consideration when making land use decisions?

Yes! When our local municipalities begin putting together a comprehensive plan, and eventually zoning, ASAs and lands under conservation easements should help to direct these land use decisions.

Are there problems with PA’s ASA Law?

• The Law itself needs to be updated, and the process streamlined;

However, changes to the process must be made very carefully so as not to jeopardize the intent of the law. The process for a municipality to record an ASA is very cumbersome, and because of that could be done incorrectly.
ASAs

Of our 160,000 acres of farmland, Adams County has over 94,000 acres enrolled in an ASA.

We are only one of 3 County’s in PA with ASAs in all 21 of our Townships.

There are 879 Agricultural Security Areas in 64 of the 67 Pennsylvania Counties covering 3,493,967 acres.
Information on ASAs

- www.agriculture.state.pa.us
- www.dsl.psu.edu/centers/agpubs.cfm

Ellen Dayhoff, Director
Adams County Agricultural Land Preservation Program
670 Old Harrisburg Road – Suite 100
Gettysburg, PA 17325
(717)337-5859
agland@acc.pa.net