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Municipality:	N/A
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Community Type - applicable to:	Urban; Suburban; Rural
Title:	State of Pennsylvania Agricultural Security Areas Ordinance
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Abstract

This statute provides the authority for cities and counties to establish agricultural preserves to protect agricultural land uses. The statute sets a general minimum acreage requirement of 250 acres but allows such districts to be composed of “any number of noncontiguous tax parcels or accounts.” The statute also describes fees, notice requirements, and duties of the reviewing board.

Resource

§ 905. Agricultural security areas

(a) PROPOSALS FOR CREATION.-- Any owner or owners of land used for agricultural production may submit a proposal to the governing body for the creation of an agricultural security area within such local government unit, provided that such owner or owners own at least 250 acres of viable agricultural land proposed to be included in the area. The proposed area may also consist of any number of noncontiguous tax parcels or accounts: Provided, That each tax parcel or account is at least ten acres or has an anticipated yearly gross income of at least \$ 2,000 from the agricultural production of crops, livestock and livestock products on such parcel or account.

(A.1) SUBMITTING THE PROPOSAL.-- Such proposal for creation of an agricultural security area shall be submitted in such manner and form as may be prescribed by the governing body of the local government unit wherein the proposed area is situated and shall include a description of the proposed area, including the boundaries thereof. Such proposal to the governing body shall be submitted by certified mail with return receipt requested. The return receipt shall serve as notice of the official receipt of the proposal by the governing body and shall verify the official submission date.

(A.2) PROPOSALS FOR AGRICULTURAL SECURITY AREAS IN MORE THAN ONE LOCAL GOVERNMENT UNIT.—

(1) Except as provided in paragraph (2), if the land included in a proposal for an agricultural security area is situated in more than one local government unit, the following shall apply:

(i) The proposal shall be submitted to, and approval of the proposal shall be sought from, the governing body of each such local government unit affected.

(ii) The governing bodies may cooperate in the review of a proposed agricultural security area and may provide joint public notices, a joint agricultural security area advisory committee and a joint public hearing on the security area.

(iii) A rejection by a governing body shall exclude that portion of the proposal which is situated within the local government unit. However, such rejection shall not preclude the approval of the remaining portion of the proposal, including land subject to paragraph (2), as an agricultural security area by the governing body of the other affected local government units, provided that the total acreage approved is at least 250 acres and that such approved portion meets all other requirements imposed under this act for agricultural security areas.

(2) Automatic inclusion shall be as follows:

(i) All land which is part of a parcel of farmland included in the proposal and transected by the dividing line between two local government units shall automatically become part of the agricultural security area if:

(A) the majority of the viable agricultural land of the parcel is located within the proposed agricultural security area; and

(B) 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.

(ii) The governing body which approves the agricultural security area containing the land under subparagraph (i)(A) is responsible for recording, filing and notification under section 8 for the land added under this paragraph.

(A.3) FEES.-- Except as provided in this subsection, a governing body shall not require landowners included in a proposed agricultural security area to pay any fees in connection with the application for or the review of agricultural security areas as required in this section and sections 6, 7, 8 and 9. A governing body may by resolution impose reasonable filing fees in connection with the administration and review of an agricultural security area application that proposes to include substantially the same lands as proposed in a previously submitted application that the governing body had rejected within the last 36 months based on the recommendations of the Agricultural Security Area Advisory Committee and the planning commission.

(b) NOTICE.-- Upon the receipt of such a proposal, the governing body shall acknowledge receipt of the proposal at the next regular or special meeting and shall thereupon provide notice of such proposal by publishing a notice in a newspaper having general circulation within the proposed agricultural security area and by posting such notice in five conspicuous places within, adjacent or near to the proposed area. If the governing body fails to provide the required notice within 15 days of receiving a proposal as provided in this subsection, a person who is adversely affected

by this inaction may bring an action in mandamus to compel compliance. The notice shall contain the following information:

(1) A statement that a proposal for an agricultural security area has been filed with the governing body pursuant to this act.

(2) A statement that the proposal will be on file open to public inspection in the office of the local government unit.

(3) A statement that any local government unit encompassing or adjacent to the proposed area, or any landowner who owns the land proposed to be included within the proposed area, or any landowner with lands adjacent or near to the proposed area who wishes such lands to be included or not included therein, may propose modifications of the proposed area in such form and manner as may be prescribed by the governing body. The statement shall indicate that objections to the proposal, and proposed modifications to the proposal must be filed with the governing body and the planning commission within 15 days of the date of publication of the notice.

(4) A statement that at the termination of the 15-day period under paragraph (3), the proposal and proposed modifications will be submitted to the planning commission and the advisory committee, and that thereafter a public hearing will be held on the proposal, proposed modifications and recommendations of the planning commission and advisory committee.

(c) MODIFICATION PROPOSALS.-- The governing body shall receive any proposals for modifications of such proposal which may be submitted by such landowners or local government units up to seven days prior to advertisement of public hearing as provided in section 6(a).

(d) REPORT BY PLANNING COMMISSION.—

(1) For a planning commission which is not a county planning commission, the following shall apply:

(i) The governing body shall, upon the termination of the 15-day period provided in subsection (b)(3), refer such proposal and proposed modifications to the planning commission.

(ii) The planning commission shall have up to 45 days to review the proposal and proposed modifications and report to the governing body the potential effect of such proposal and proposed modifications upon the local government's planning policies and objectives.

(iii) The failure of the planning commission to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the planning commission.

(2) For a county planning commission, the following shall apply:

(i) The governing body shall, upon the termination of the 15-day period provided in subsection (b)(3), refer such proposal and proposed modifications to the county planning commission.

(ii) The county planning commission shall have up to 45 days to review the proposal and proposed modifications and report to the governing body its recommendations concerning the proposal and proposed modifications.

(iii) The failure of the county planning commission to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the county planning commission.

(e) REFERRAL TO ADVISORY COMMITTEE.-- The governing body shall also, upon the termination of such 15-day period, refer such proposal and proposed modifications to the Agricultural Security Area Advisory Committee. The committee shall have up to 45 days to review the proposal and proposed modifications and report to the governing body its recommendations concerning the proposal and proposed modifications. The failure of the advisory committee to submit a report within 45 days shall be deemed to constitute approval of the proposed agricultural security area by the advisory committee.