

Agricultural Security Areas

7th Year Review Fact Sheet

A significant feature of the Agricultural Security Area Program for preserving farmland is the review of areas every seven years. The law requires that a governing body which has created an agricultural security area review the area seven years after the date of its creation, and every seven years thereafter (Agricultural Area Security Law, Act of 1981, as amended, Section 9.)

The seventh year review serves at least two important purposes. First, it is a good way to check whether the agricultural security area has made a contribution to the preservation of agriculture in the community. Does the area continue to be predominantly agricultural and thereby contributes to the economic and environmental well-being of the community, or has there been significant conversion of productive farmland to other uses? This is an excellent time for local officials to review their comprehensive plans and zoning ordinance as it pertains to agriculture and update them if needed.

Second, for landowners who are in the agricultural security area, the review procedure is the only way to “officially” withdraw land from the description of the area which has been recorded by the county recorder of deeds. [It should be noted that Section 9 (b) of the Agricultural Security Area Law also provides for interim review of agricultural security areas. Procedures for interim reviews are not included in this fact sheet.]

Review Procedures

The requirements for conducting a seventh year review found in Section 9(a) of the Act are not very clear. However, the principal requirement is for the governing body to hold a public hearing between 120 and 180 days (approximately four to six months) before the end of the seventh year. In order to provide adequate public notice, conduct required agency reviews, hold a public hearing, and complete final decision making, it is necessary to start the suggested seven step review process seven months before the agricultural security area’s seventh year anniversary date. If the procedures in this fact sheet are followed, the governing body will have sufficient time to decide whether to continue, to modify, or to terminate the agricultural security area.

Step 1 – Determination of Date

Determine the date the agricultural security area was created by vote of the governing body. This should be in the official minutes. (Alternatively, some areas have been created “automatically” 180 days after the petition was presented to the governing body, but they failed to act on it. If this is the case, it may be necessary to research the date of the governing body meeting at which the petition was presented.) The date of filing with the county recorder of deeds is *not* the date the area was created.

Step 2 – Review Timetable

Calculate back from the anniversary date of creation 210 days (seven months). That will provide seven months to completion of all necessary steps and comply with the requirements set in Section 9, Review of Area, of the Agricultural Area Security Law.

Step 3 – Notification

Notice must be provided in a variety of ways to inform the community that the seventh year review will begin in thirty (30) days

- In writing to all landowners in the agricultural security area
- In a newspaper of general circulation within the area
- Notice posted in five conspicuous places within, adjacent to, or near the agricultural security area

Step 4 – Modifications

The notification period is followed by a thirty (30) day period in which landowners are invited to “modify” the agricultural security area, either by indicating they wish to be added to the area, or that they would like to withdraw their land from the area. (Participating landowners who do not submit a modification may be presumed to be willing to continue in the area, although this should be made clear in the written notice.)

Step 5 – Review Period

After the thirty (30) day modification period the modifications are reviewed by the

- Local agricultural security area committee
- Local planning commission
- County planning commission

Each group has forty-five (45) days to recommend to the governing body whether the modifications should be accepted. Failure to provide a recommendation within this period is considered a “deemed consent” of the modification.

Step 6 – Public Hearing

A public hearing must be held sometime between 120 and 180 days (four to six months) before the seventh year anniversary date of the agricultural security area. The hearing should be held either within the area, or at a place otherwise accessible to the area.

Step 7– Decision

After the public hearing the governing body will decide to terminate the area, modify it, or continue it unchanged. If the governing body fails to act, the agricultural security area is deemed to be readopted for another seven years, without modification. If the governing body modifies or terminates the area, it is required within ten (10) days to file a notice of termination or modification with the county recorder of deeds, and both the local and county planning commissions.

Consult the Agricultural Area Security Law for specific provisions concerning the 7th year review of agricultural security areas. Additional information can be obtained from your County Cooperative Extension Office or from the Pennsylvania Department of Agriculture’s Bureau of Farmland Protection (717) 783-3167. Copies of the Act may be obtained from your state legislator.