



# AGRICULTURAL DEVELOPMENT BOARD

## MERCER COUNTY AGRICULTURE DEVELOPMENT BOARD

### POLICY FOR REPLACEMENT OF A RESIDENCE IN A NON-EXCEPTION AREA

#### PURPOSE AND BACKGROUND:

To provide the procedure for requesting a replacement of a residence on preserved farmland and provide the Mercer County Agriculture Development Board (“Board”) and County staff with guidelines for reviewing such requests.

The Board believes it is important to establish a procedure by which a farm owner can request approval for the replacement of a residence on preserved farmland (i.e. not in an exception area) as well as guidelines for review by the Board of the application. Such approval from the Board is required by the State Agriculture Development Committee (“SADC”). Guidelines are necessary to provide consistency in the consideration of such requests and to ensure that the replacement residence has as minimal an impact on the agricultural operation as possible.

House replacement within an exception area does not require approval by the Board or SADC. However, in those cases, a landowner should work directly with County staff to assess whether other Board policies (for example, those pertaining to exception areas, house size or access) may apply.

#### POLICY:

The Board adopts the following policy with respect to replacements of residences on preserved farmland (i.e. not in an exception area):

1. No construction of a replacement residence on permanently preserved deed restricted farmland (i.e. not in an exception area) shall commence until the farm owner has received written approval from the Board and the SADC.
2. The farm owner (i.e. record owner of the premises) may assign a representative, in writing, to submit a request on their behalf to the County staff for Board approval (hereafter either is referred to as “applicant”).
3. The applicant shall review Mercer County’s House Size Limitations on Preserved Farm Policy and discuss with County staff to ensure proposed plans are not in violation of the policy.
4. The applicant may ask for a review meeting with County staff prior to submitting a request. The review meeting is non-binding.
5. The applicant shall submit the documents as per the annexed Exhibit A.
6. County staff shall review all submissions and determine the completeness of the application. Upon determination that the application is complete, the County staff and a non-quorum of Board members shall conduct a site inspection. It is recommended the applicant is present during a site visit, and in some cases, their presence may be required

7. by County staff. The Board may decide to delegate the site inspection to County staff in which case staff shall provide the Board with a written report detailing the site inspection. Staff or Board Chair may choose to waive the site inspection or postpone it until after the house replacement request is presented to the Board.
8. It is the preference of the Board that a replacement residence stays within the disturbed area of the original residence. If this is not possible, the applicant shall submit their reasons for relocation in writing for the Board's review. Any new disturbance should be designed to minimize impact on agriculturally viable areas.
9. Access to the replacement residence and the landscaping of access shall not interfere with the agricultural operation (e.g. impede the passage of agricultural vehicles, impede livestock, or decrease agriculturally viable acres). In deciding whether to grant approval, the Board shall consider how much agricultural land will be displaced by access, and whether the access interferes with or acts as a barrier to the agricultural operation.
10. A new septic system location (and secondary location, if required by the municipality) must also minimize displacement of agriculturally viable land.
11. The Board shall provide the applicant with the opportunity to answer questions regarding their request before the Board at a regularly scheduled meeting and submit testimony and/or proofs in support of the request.
12. The Board may withhold approval if it finds that the replacement of the residence will negatively impact the agricultural viability of the farm.
13. The Board shall thereafter render a decision on the application and present the decision in writing to the applicant. If the request is denied the Board shall provide an explanation for the denial. If the request is approved, it shall be conditioned upon SADC approval of the application.
14. The Board shall inform the SADC of its decision; however, it is the responsibility of the applicant to make a request to the SADC for approval.
15. All costs and fees associated with the replacement of the residence shall be borne by the applicant.
16. A residence replacement approval expires after three years and is not transferable to a new farm owner, unless the new farm owner is a member of the applicant's family, either as a descendent or by marriage.
17. The existing residence shall be removed within 60 days of receipt of certificate of occupancy for new residence. If a new well is required, the landowner must also decommission the old well for safety and to protect against groundwater contamination.
18. The applicant is required to obtain any and all other permits and approvals as may be required to construct the replacement residence.
19. It is the Board's preference that Board approval be obtained prior to applying to the municipality for approvals. Once the applicant obtains its municipal approvals for the replacement residence, same shall be provided to the County staff to ensure consistency with the CADB approval.

#### REFERENCES:

- "House Replacement Guidance Video" – This video provides context for SADC approval of house replacement. [https://www.youtube.com/watch?v=tf2Cw\\_RICn8](https://www.youtube.com/watch?v=tf2Cw_RICn8).

**EXHIBIT A**

**PROCEDURE & SUBMISSION REQUIREMENTS**

1. At least three weeks prior to the next CADB meeting, applicant submits the “who, what, where, why” house replacement details to County staff. This includes:
  - a. If the request is made by a representative of the farm owner, written verification of authorization to act on behalf of the owner is required.
  - b. A written request explaining the reason for replacement (uninhabitable, design issue, damage, etc.) and reason for relocation (if applicable).
  - c. A map that includes the below details. An aerial image or survey may serve as the base of the map, with details and measurements drawn in.
    - Structures: The square footage of all existing and proposed structures on the farm
    - Driveways: The location of all existing and proposed driveways. The proposed driveway material and width should be included.
    - Landscaping: All proposed landscaping.
    - A sketch, photo, or architectural drawing of the new house that includes footprint dimensions and total living space dimensions.
    - Location of septic system and location of secondary system if required by the municipality.
2. Staff (and/or a non-quorum of Board members) conduct a site visit to confirm the accuracy of the application and gather additional information. Applicant is encouraged to attend to answer questions.
3. Once deemed complete by staff, the housing replacement request will be added to the next regular Board meeting agenda.
4. Staff presents the request at the Board meeting. Applicant is encouraged to attend to answer questions.
5. Action for Resolution of approval or denial may be taken the night of the Board meeting.
6. Staff will send Resolution of approval or denial to the SADC.
7. Copies of all approvals issued by the Municipality shall be provided to County staff for final review.

Adopted:	Effective:	Revision #:	Last Revised:
02-05-24	02-05-24		