



# AGRICULTURAL DEVELOPMENT BOARD

## MERCER COUNTY AGRICULTURE DEVELOPMENT BOARD

### POLICY FOR DIVISION OF PERMANENTLY PRESERVED PREMISES

#### PURPOSE AND BACKGROUND:

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

The Board’s objective is to retain large masses of agricultural land, and thus, protect the viability of large farm operations. Therefore, the division of preserved farmland is strongly discouraged. The Board believes it is important to establish a procedure by which a farm owner can request approval for such a division, as well as guidelines for careful review by the Board of the application. Approval from the Board is required for both farmland preserved with State funds as well as farmland preserved exclusively with County funds. Guidelines are necessary to provide consistency in the consideration of such requests and to ensure that the proposed division meets two key tests. First, the division must be for an **agricultural purpose** such as expansion, diversification, or intensification of production activities. Second, the resulting parcels must remain **agriculturally viable**, meaning each remaining parcel is capable of sustaining a variety of agricultural operations that produce a reasonable economic return under normal conditions.

Specific language regarding division of premises is included in some of the Deed of Easements held by the County. As part of their review, the Board should review the Deed of Easement for the specific property applying for division of premises.

#### POLICY:

The Board adopts the following policy with respect to the division of premises on permanently preserved farmland.

1. Application must be made by the property owner or legally authorized person directly to the Board on the DIVPP-2 application annexed hereto as Exhibit B. SADC policy dictates that form DIVPP-2 be used. If the applicant is not the property owner, proof of authorization by the owner must be provided (officer, trustee, executor, etc.).
2. The applicant shall submit the documents as per the annexed Exhibit A.
3. The applicant may request a review meeting with County staff prior to submitting an application, however, the review meeting is non-binding.
4. County staff shall review all submissions and determine the completeness of the application. Upon determination that the application is complete and in compliance with the provisions in the Deed of Easement, County staff and a non-quorum of Board members shall conduct a site inspection. The Board may, in its sole discretion, direct staff to conduct the site inspection and provide the Board with a written report detailing its findings. It is recommended the applicant is present during a site visit, and in some cases, their presence may be required by County staff.
5. 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.
6. In order to issue an approval, the Board must find that the division of the Premises is for an agricultural purpose and will result in agriculturally viable parcels.
7. The Board reserves the right to require further information it deems necessary to reach a decision.

8. The Board may consider imposing restrictions limiting or prohibiting future division of the Premises including limitations or prohibitions on construction of future residential units.
9. The Board may withhold approval if it finds that the division of Premises will negatively impact the agricultural viability of the farm or is for a non-agricultural purpose.
10. 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.
11. The Board shall inform the SADC of its decision; however, it shall be the landowner's responsibility to make a request to the SADC for its approval.
12. All costs and fees associated with the division of Premises, including surveys, descriptions, corrective deeds and title searches, shall be borne by the applicant.

**EXHIBIT A**  
**PROCEDURE & SUBMISSION REQUIREMENTS**

1. At least three weeks prior to the next CADB meeting, applicant submits the following:
  - a. Official SADC Application (Exhibit B)
  - b. 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
  - c. A current municipal tax map with the property outlined
  - d. An aerial image map (an image from Google maps satellite view is sufficient)
  - e. A map that includes the below details. The aerial image or a survey map may serve as the base, with details and measurements drawn in
    - i. Location of the proposed division boundaries
    - ii. Driveways: The location of all existing and proposed driveways. The proposed driveway material and width should be included
    - iii. Location and identification of all existing structures
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, or may be required to attend to answer questions
3. Once the application is deemed complete by staff and a site visit has been conducted, the division of premises 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 and final surveys shall be provided to County staff for final review

EXHIBIT B

DIVPP-2  
(Attachment Policy P-30-A)  
STATE AGRICULTURE DEVELOPMENT COMMITTEE

**APPLICATION FORM**

**DIVISION OF PERMANENTLY PRESERVED FARMLAND**

Applicant's Name (If not the Deed Owner): \_\_\_\_\_

Deed Owner(s) Name: \_\_\_\_\_

Farm Name (if any) : \_\_\_\_\_

Address of Farm: \_\_\_\_\_

Block(s) and Lot(s): \_\_\_\_\_

Township: \_\_\_\_\_

County: \_\_\_\_\_

DOCUMENTS TO BE SUBMITTED BY APPLICANT:

- a. Completed SADC/CADB Application Form
- b. Current municipal tax map of the Premises
- c. Soil survey map of the Premises
- d. Any other maps or graphic representations needed to address the questions. (tax map may be used as the base map.)

A. Division Request

Specify the type(s) of division being proposed.

- 1. Division along pre-existing lot lines.
- 2. A new division of Premises.
- 3. Combination of creating new lot lines and division along pre-existing lot lines.

B. Use of the Premises

Questions: (Note: Please provide a detailed response for each question.  
Use additional space if necessary and attach to this form.)

- 1. Describe the current agricultural use of the Premises. Describe the agricultural use of the Premises for the previous two years if it is different from the current use. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a. Do you farm the land or do you lease the land to someone else?  
\_\_\_\_\_
- b. Do you currently reside on the farm? If so, for what portion of the year? \_\_\_\_\_  
\_\_\_\_\_

C. Agricultural Purpose  
Questions:

- 1. Why are you requesting a division of the Premises?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- a. What is the “Agricultural Purpose” for the division of the Premises? \_\_\_\_\_  
\_\_\_\_\_
- 2. How is the agricultural use of the farm preserved by the division of the Premises? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- a. Explain why you would rather divide the Premises instead of maintaining the existing boundaries. \_\_\_\_\_  
\_\_\_\_\_
- b. Do you intend to reside on any of the farms? Will you farm the land or would you lease the farm to someone else? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3. How would the division of the Premises affect the current and future agricultural operation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- a. Have any soil and water conservation projects been installed on the Premises which would be impacted by the division? If so, which practices and how? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Are there any water rights or other water access points which are impacted by the division? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. Have any State funds been obligated or expended for soil and water conservation projects approved on the Premises as authorized under the NJ Farmland Preservation Program? \_\_\_\_\_  
\_\_\_\_\_
- d. How would the existing farm structures, barns and infrastructure be partitioned and contribute to the respective farms? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e. What types of agricultural uses are proposed for the new or existing farms? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Could the existing agricultural operation be continued if the division were denied? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Have any Residual Dwelling Site Opportunity(ies) (RDSO) been allocated to the Premises? \_\_\_\_\_
- a. How do you intend to reallocate the RDSO(s) to the respective farms? \_\_\_\_\_  
\_\_\_\_\_

- b. Do you intend to apply to exercise an RDSO? If so, what is your estimated time frame? \_\_\_\_\_  
\_\_\_\_\_

D. Agricultural Viability: Measured with criteria used in the Easement Purchase Program. (Policy P-14-B)

Questions:

- 1. How will access be provided to the new farms? Identify all of the proposed and existing access drives on the tax map. \_\_\_\_\_  
\_\_\_\_\_

2. Soils:

- a. Identify the boundaries of the proposed division(s) on the USDA, SCS soil map.
- b. What is the acreage and percent of Prime and Statewide Importance soils on each of the respective farms? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Boundaries:

- a. Identify the boundaries of the proposed division(s) on the tax map.
- b. Identify the adjacent land use on each of the boundaries of the proposed divisions. (List on the Tax Map.)
- c. Identify any hedgerows, streams, water bodies or other features which exist on the boundaries or interior of the Premises.

4. Size:

- a. What is the acreage on each of the proposed parcels? \_\_\_\_\_  
\_\_\_\_\_
- b. How many acres would be taken out of production to provide access systems as identified in #1 above? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. On each of the proposed farms, identify the proposed agricultural use and extent. (Provide a general sketch of the uses and extent on a map.)

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- d. Other information requested by the CADB. (Attached Schedule A.)
- e. Any other information that the applicant deems appropriate. (Attached Schedule B.)

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