

## Request & Review Procedure for a New Residence

### As Permitted in the Deed of Agricultural Conservation Easement Sterling Raber Agricultural Land Preservation Board of Lehigh County

#### UNLESS

#### Relinquished and Extinguished in accordance with subsection (c)(6)(iv) of Act 33 of 2019.

Act 33 of 2019 amends the Agricultural Area Security Law including the following:

- Allows the landowner to relinquish the right to the additional residential structure by recording an affidavit.
- Allows for the existing residential structure to be subdivided *in lieu of* the additional residential structure (still limited to 2 acres or less).

The construction of one additional residential structure is permitted for the landowner's or immediate family member's principal residence, or for the purpose of providing housing for persons employed in farming the subject land on a seasonal or full-time basis. An immediate family member is a brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father, or mother of the landowner.

1. Landowner(s) shall submit an application for the construction of a new residence to the County Board (landowners must also follow all municipal ordinances and procedures relating to the construction of a new residence).
2. If permitted by the municipality, a landowner may choose to subdivide a tract of land of two acres or less for the purpose of building the one new residential structure as permitted in the Deed of Agricultural Conservation Easement and the County and municipal Subdivision Guidelines. **If the landowner plans to subdivide, he/she must follow both the Lehigh County Subdivision Guideline procedures, municipal procedures, and consult with the Lehigh County Tax Assessment Office for any Act 319/515 preferential tax assessment program implications.**
3. The following statements shall be included on the subdivision plan:
  - a. Both lots are subject to the Deed of Agricultural Conservation Easement signed on insert date of easement by and between insert landowner's names, (hereinafter "Grantor") and the insert grantee (hereinafter "Grantee") made pursuant to the Agricultural Area Security Law (P.L. 128, No. 43) as amended (hereinafter "Act"), as recorded in insert Document ID# and date of recording.
  - b. The residence to be built on Lot No. 1 shall be used by either the owner of Lot No. 2, an immediate family member of the owner of Lot No. 2, or for persons employed in farming Lot No. 2 on a full or part-time basis.
  - c. No additional residential structure shall be permitted on Lot No. 2.

4. The new residence application shall include the following information:
  - a. A map or sketch, at a scale sufficient to clearly show the following:
    - (1) Location of cropland, pasture, woodland and other lands.
    - (2) Roads, streets, driveways, utility rights-of-ways, streams, and ponds.
    - (3) Location of existing buildings, sheds, barns, dwellings, and other structures.
    - (4) Location of the proposed new residence, yard area, and driveway.
  - b. Soil map showing the current property boundary and the location of the proposed new residence, yard area, and driveway.
  - c. Aerial photograph indicating the current property boundary and the proposed location of the new residence, yard area and driveway.
  - d. Applicant's name, address, and phone number.
  - e. Tax parcel number and the deed reference for the tract of land where the new residence is proposed.
  - f. Narrative describing who will be housed in the new residence. This narrative shall include evidence that the agricultural economic viability of the farm tract will not be diminished as a result of the construction of a new residence. Specifically, the narrative should address the following:
    - (1) Impact of the proposed residence on prime and statewide importance soils.
    - (2) Impact of the proposed residence on existing soil and water conservation practices and structures.
    - (3) Impact of the proposed residence on water rights and water access points.
    - (4) Impact of the proposed residence on the utilization and availability of farm structures, barns and infrastructure.
    - (5) Impact of the proposed residence on the existing layout of crop fields and pastures.
  - g. If the applicant proposes to construct a new residence and also proposes to significantly change the existing agricultural enterprise or operation, the landowner shall provide a viable business plan for the new agricultural enterprise or operation and show how the location of the proposed new residence is compatible with the business plan.

h. The building footprint square footage for the proposed new residence

**The total area of current building coverage and proposed new coverage area for the proposed new residence shall not be more than 10% of the total conservation easement area. See Addendum 1 of Deed of Easement and Section X in the County Program.**

4. Upon receipt of the application, the Lehigh County Farmland Preservation Office shall have up to **60 days** to review, provide comment and make recommendations on the residential structure proposal to the County Board.
5. The County Board shall review the application, comments, and recommendations submitted by the Farmland Preservation Office. A determination shall be made as to whether or not the construction of the residence, as proposed, would significantly harm the economic viability of the subject land for agricultural production. The County Board shall approve or reject the proposed residence application within **90 days** after the date that the application was initially filed with the County Board.
6. The County Board shall notify the applicant in writing of its decision. If a residential structure proposal is rejected, a written explanation for the rejection shall be provided to the applicant.