

## RESOLUTION # 15

### RIGHT TO FARM PROGRAM

1           **WHEREAS**, the Right to Farm Act provides eligible, responsible farmers with  
2 protection from restrictive local government ordinances, as well as public and private  
3 nuisance actions, and provides increased protection to those farmers who operate in  
4 accordance with agricultural management practices (AMPs) that have been adopted by  
5 the State Agriculture Development Committee (SADC); and

6           **WHEREAS**, the SADC, working with a group that included farmers and  
7 representatives from New Jersey Farm Bureau, Rutgers University, county agriculture  
8 development boards and the planning community, developed and adopted an AMP  
9 regarding On-Farm Direct Marketing facilities, activities and events, which became  
10 effective in April 2014; and

11           **WHEREAS**, that AMP does not specifically address, but legislation has enabled  
12 on a pilot-program basis, certain activities, known as “life-celebratory events,” such as  
13 weddings, and that such events can be an important tool in marketing and promoting the  
14 agricultural output of the farm and thus should be eligible, at some level, for Right to  
15 Farm protection; and

16           **WHEREAS**, while P.L. 2014, Ch. 16, was signed into law in July 2014 to allow  
17 wineries to hold special occasion events, including weddings and other life-celebratory  
18 events, on preserved farmland under certain conditions, such winery events are not  
19 eligible for Right to Farm protection under the Governor’s conditional veto of the bill; and

20           **WHEREAS**, there exists the possibility that the number of life-celebratory events  
21 on a given farm could reach a threshold where their main objective is not the marketing  
22 and promotion of the farm’s agricultural output, and thus would not be eligible for Right  
23 to Farm protection; and

24           **WHEREAS**, the Right to Farm Act gives primary jurisdiction in resolving  
25           complaints against agricultural operations to county agriculture development boards  
26           (CADB) and ultimately to the SADC if the decisions of the county boards are appealed,  
27           and the SADC offers a voluntary Agricultural Mediation Program as an alternative to that  
28           formal process, since mediation can help disputing parties quickly resolve their  
29           problems, thereby saving all parties both time and costly legal fees; and

30           **WHEREAS**, following up on its publication of an Agricultural Mediation  
31           Handbook, the SADC in 2015 featured mediation as a prominent topic in its ongoing  
32           Right to Farm outreach sessions, generating increased awareness of the program and  
33           the benefits it offers farmers and other parties; and

34           **WHEREAS**, the United States Department of Agriculture (USDA) Agricultural  
35           Mediation Program maintains that its grant funding for state agricultural mediation  
36           programs may be used only to support conflict resolution of disputes involving USDA  
37           agencies and agricultural credit matters; and

38           **WHEREAS**, the SADC in 2015 conducted several outreach sessions to explain  
39           the Right to Farm Act, in person and via webinar, for audiences that included county  
40           agriculture development boards, the League of Municipalities, planning and zoning  
41           administrators, and equine interests, and developed guidance documents that provide  
42           basic information on the Right to Farm Act and Agricultural Mediation Program; and

43           **WHEREAS**, the agricultural community continues to view Right to Farm as  
44           critically important, with Right to Farm consistently ranked first among the New Jersey  
45           Farm Bureau's annual ranking of its top 10 policy issues; and

46           **WHEREAS**, a bill (S-362) was introduced in January 2014 which would allow  
47           farmers to recover reasonable costs and attorney fees incurred in defense of bad-faith  
48           complaints against commercial agricultural operations; and

49           **WHEREAS**, experience shows that regular notice to all landowners that  
50 agriculture is a publicly endorsed land use greatly enhances the education of  
51 newcomers and longtime residents alike about the protections of the Right to Farm Act  
52 and can help municipalities head off conflicts between farmers and other residents  
53 before they become confrontational.

54           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 101<sup>st</sup>  
55 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-  
56 11, 2016, strongly support New Jersey’s Right to Farm Act to continue to provide  
57 responsible farmers with critical protection against public and private nuisance actions  
58 and against municipal regulations that constrain farming.

59           **BE IT FURTHER RESOLVED**, that we urge the SADC to continue developing,  
60 prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for  
61 certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment  
62 Station and Rutgers University and with direct farmer input.

63           **BE IT FURTHER RESOLVED**, that we recognize the SADC’s increased  
64 outreach and education efforts regarding the Right to Farm Act and to encourage  
65 mediation before Right-to-Farm complaints are filed, and urge the SADC to continue  
66 those efforts.

67           **BE IT FURTHER RESOLVED**, that while special occasion events permitted on  
68 preserved farmland as a result of P.L. 2014, Ch. 16, are not eligible for Right to Farm  
69 protection, the 44-month pilot program for wineries on preserved farms is an important  
70 opportunity to improve knowledge and understanding of such events so that, at the end  
71 of the pilot program, solid data will be available upon which future special occasion  
72 event/Right to Farm policy could be developed.

73           **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we  
74 support the County Agriculture Development Boards’ continued development and

75 recommendation of site-specific agricultural management practices, which provide a  
76 farmer with assurance that his or her specific operation or practices conform to generally  
77 accepted agricultural management practices.

78 **BE IT FURTHER RESOLVED**, that we call on the SADC to continue its efforts to  
79 provide the maximum protections under the Right to Farm Act.

80 **BE IT FURTHER RESOLVED**, that we call upon the County Agriculture  
81 Development Boards to continue education efforts with the general public, farmers and  
82 municipal, county and judicial officials with respect to the protections afforded  
83 commercial farm operators under the Right to Farm Act, including the use of regular  
84 notice via mail to all landowners that agriculture is a publicly endorsed land use.

85 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take  
86 the necessary steps to ensure that owners of deed-restricted farms enjoy the same  
87 flexibility in adapting their agricultural operations to achieve economic viability as do  
88 owners of non-deed-restricted farms under the Right to Farm Act, specifically in the  
89 areas of marketing and agri-tourism.

90 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation (S-362) to  
91 discourage repeated harassment suits against farmers, including requiring complainants  
92 to pay all reasonable legal fees and associated costs the farmer may incur to defend  
93 against complaints where the farmer is determined to be operating in compliance with all  
94 appropriate AMPs or is otherwise entitled to right-to-farm protection.

95 **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to  
96 appropriate a minimum of \$300,000 in the FY2017 state budget for the SADC and  
97 counties to adequately administer the Act.

98 **BE IT FURTHER RESOLVED**, that we call on the SADC and the New Jersey  
99 Department of Agriculture to work with the USDA Secretary of Agriculture to address  
100 federal Agricultural Mediation Program grant funding issues and enable the New Jersey

101        Agricultural Mediation Program to continue to use federal funding to support mediation  
102        and conflict resolution efforts for right-to-farm purposes.