

RESOLUTION # 12

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 law that was enacted; 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**, some agri-tourism operators are seeking to have established AMP
25 guidelines or Site Specific Agricultural Management Practices (SSAMP) that address
26 temporary off-farm customer parking on public streets, and in underutilized public and
27 privately owned non-farm parking areas, when a farm demonstrates the need for such
28 parking because attendance at an event will exceed the capacity of the “on-site parking”
29 of the commercial farm; and

30 **WHEREAS**, it is hoped that these guidelines or SSAMP authority would provide
31 a basis for determining reasonable and appropriate dates and times for off-farm parking,
32 and authorize CADBs or the SADC to ensure that adequate protections are utilized to
33 prevent off-farm parking from posing a threat to public health and safety; and

34 **WHEREAS**, the Right to Farm Act gives primary jurisdiction in resolving
35 complaints against agricultural operations to CADBs and ultimately to the SADC if the
36 decisions of the county boards are appealed, and the SADC offers a voluntary
37 Agricultural Mediation Program as an alternative to that formal process, since mediation
38 can help disputing parties quickly resolve their problems, thereby saving all parties both
39 time and costly legal fees; and

40 **WHEREAS**, the SADC in 2016 continued its development of Right to Farm-
41 related outreach and educational materials, publishing a Right to Farm Guidebook and
42 collaborating with Rutgers Cooperative Extension to publish fact sheets on the Right to
43 Farm Act and Agricultural Mediation; and

44 **WHEREAS**, the Right to Farm Guidebook was widely distributed throughout the
45 agricultural community and also made available to other interests, including attorneys,
46 CADB members, municipalities and the general public; and

47 **WHEREAS**, the United States Department of Agriculture (USDA) Agricultural
48 Mediation Program maintains that its grant funding for state agricultural mediation

49 programs may be used only to support conflict resolution of disputes involving USDA
50 agencies and agricultural credit matters; and

51 **WHEREAS**, the SADC in 2016 continued to make outreach presentations for the
52 agricultural community on Agricultural Mediation and the Right to Farm Act; and

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

56 **WHEREAS**, a bill was introduced in January 2014 which would allow farmers to
57 recover reasonable costs and attorney fees incurred in defense of bad-faith complaints
58 against commercial agricultural operations, much the way Wisconsin's Right to Farm
59 Law recently helped a farmer recover legal fees after multi-year litigation found that his
60 practices did not, as litigants had claimed, deprive the public of recreational use of a
61 waterway; and

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

67 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 102nd
68 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9,
69 2017, strongly support New Jersey's Right to Farm Act to continue to provide
70 responsible farmers with critical protection against public and private nuisance actions
71 and against municipal regulations that constrain farming.

72 **BE IT FURTHER RESOLVED**, that we urge the SADC to continue developing,
73 prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for

74 certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment
75 Station and Rutgers University and with direct farmer input.

76 **BE IT FURTHER RESOLVED**, that we recognize the SADC's increased
77 outreach and education efforts regarding the Right to Farm Act and to encourage
78 mediation before Right-to-Farm complaints are filed, and urge the SADC to continue
79 those efforts.

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

86 **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we
87 support the County Agriculture Development Boards' continued development and
88 recommendation of site-specific agricultural management practices, which provide a
89 farmer with assurance that his or her specific operation or practices conform to generally
90 accepted agricultural management practices.

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

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

98 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take
99 the necessary steps to ensure that owners of deed-restricted farms enjoy the same

100 flexibility in adapting their agricultural operations to achieve economic viability as do
101 owners of non-deed-restricted farms under the Right to Farm Act, specifically in the
102 areas of marketing and agri-tourism.

103 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation to
104 discourage repeated harassment suits against farmers, including requiring complainants
105 to pay all reasonable legal fees and associated costs the farmer may incur to defend
106 against complaints where the farmer is determined to be operating in compliance with all
107 appropriate AMPs or is otherwise entitled to right-to-farm protection.

108 **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to
109 appropriate a minimum of \$300,000 in the FY2018 state budget for the SADC and
110 counties to adequately administer the Act.

111 **BE IT FURTHER RESOLVED**, that we call on the SADC and the New Jersey
112 Department of Agriculture to work with the USDA Secretary of Agriculture to address
113 federal Agricultural Mediation Program grant funding issues and enable the New Jersey
114 Agricultural Mediation Program to use federal funding to support mediation and conflict
115 resolution efforts for right-to-farm purposes.

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