



Eligibility for Farmland Preservation

6/10/2022



NEW JERSEY
State Agriculture Development Committee

APPLICATION ELIGIBILITY

- ☐ This application is not being considered in any other farmland preservation program at this time.
- ☐ The Municipality, Board, or County has not owned title to the land for more than three years.
- ☐ The landowner has not rejected an offer for an amount equal to or greater than the certified market value under any farmland preservation program within the past 2 years. (This provision applies only to an application from the same landowner for the same farm.)
- ☐ The application is located within an adopted Agricultural Development Area.
- ☐ The application is a targeted farm within the County's or Township's approved Planning Incentive Grant Project Area. **Project Area:** _____
- ☐ The subject farm is eligible for farmland assessment.

LANDOWNER ELIGIBILITY

Pursuant to N.J.A.C. 2:76-6.18(z) an applicant or the applicant's immediate family defined as applicant's spouse, child, parent, or sibling residing in the same household cannot be a current CADB board member or Municipal Agriculture Advisory Committee member at the time of application to sell their development easement.

1. Are you or anyone in your immediate family a current member of the CADB? ☐ **YES** ☐ **NO**
2. Are you or anyone in your immediate family a current member of a Municipal Agriculture Advisory Committee (AAC)? ☐ **YES** ☐ **NO**
3. Are you or anyone in your immediate a current member of the Township Committee or Board of Chosen Freeholders? ☐ **YES** ☐ **NO**

If Yes, Position _____ Term _____



MINIMUM ELIGIBILITY CRITERIA

Pursuant to [N.J.A.C. 2:76-6.20](#),

The land must exhibit development potential based on the following standards:

- (1) The municipal zoning ordinance for the land as it is being appraised must allow additional development, and in the case of residential zoning, at least one additional residential site beyond that which will potentially exist on the farm.
- (2) Where the purported development value of the land depends on the potential to provide access for additional development, the municipal zoning ordinances allowing further subdivision of the land must be verified. If access is only available pursuant to an easement, the easement must specify that further subdivision of the land is possible. To the extent that this potential access is subject to ordinances such as those governing allowable subdivisions, common driveways and shared access, these facts must be confirmed in writing by the municipal zoning officer or planner.
- (3) If the land is 25 acres or less, the land shall not contain more than 80 percent soils classified as freshwater or modified agricultural wetlands according to the NJDEP wetlands maps <https://njgis-newjersey.opendata.arcgis.com/datasets/njdep::wetlands-of-new-jersey-from-land-use-land-cover-2012-update/explore?location=40.236904%2C-74.442007%2C8.23> If the DEP wetlands maps are in dispute, further investigation and onsite analysis may be conducted by a certified licensed engineer or qualified wetlands consultant and/or a letter of interpretation issued by the NJDEP may be secured.
_____ % soils classified as freshwater or modified agricultural wetlands.
- (4) If the land is 25 acres or less, the land shall not contain more than 80% soils with slopes in excess of 15% as identified on a USDA NRCS SSURGO version 2.2 or newer soils map.
_____ % soils with slopes in excess of 15%.

If the land does not meet any of the standards above, is it eligible for allocation of development credits pursuant to a transfer of development potential program authorized and duly adopted by law? ☐ **YES** ☐ **NO**

☐ **FOR LANDS LESS THAN OR EQUAL TO 10 ACRES** the land also must meet the criteria below to be eligible for preservation with SADC funding:

- ☐ The land produces agricultural or horticultural products of at least \$2,500 annually. Supporting documentation must be provided (tax forms, receipts, etc.)
- ☐ At least 75% of the land is tillable or a minimum of 5 acres, whichever is less. _____% or _____ ac
- ☐ At least 75% of the land, or a minimum of 5 acres, whichever is less, consists of soils that can support agricultural or horticultural production. _____% or _____ ac

☐ **FOR LANDS GREATER THAN 10 ACRES** the land also must meet the criteria below to be eligible for preservation with SADC funding:

- ☐ At least 50% of the land or a minimum of 25 acres, whichever is less, is tillable. _____% or _____ ac
- ☐ At least 50% of the land or a minimum of 25 acres, whichever is less, consists of soils that can support agricultural or horticultural production. _____% or _____ ac



References



NEW JERSEY

State Agriculture Development Committee

CONTACTS

Please don't hesitate to contact the Regional Acquisition Coordinators with any questions

(609) 984-2504 or SADC emails are firstname.lastname@ag.nj.gov

- Atlantic, Burlington, Camden, Cape May, Cumberland & Gloucester: Cindy Roberts cindy.roberts@ag.nj.gov
- Bergen, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex & Warren: David Zaback david.zaback@ag.nj.gov
- Monmouth, Ocean & Salem: Katie Mazzella katie.mazzella@ag.nj.gov
- Hunterdon & Acquisition Program Manager: Stefanie Miller stefanie.miller@ag.nj.gov (609) 913-6572

REFERENCES

SADC REGULATIONS AND POLICIES <https://www.nj.gov/agriculture/sadc/rules/>

- Minimum Eligibility Criteria N.J.A.C. 2:76-6.20(c), -6.23 (a), 6.20(d), -17.4(a)
- Residual Dwelling Site Opportunities (RDSOs) N.J.A.C. 2:76-6.17
- SADC Policy: Exercising a Residual Dwelling Site Opportunity
 - <https://www.nj.gov/agriculture/sadc/documents/rules/p31RDSOpolicy.pdf>
- SADC Guidance Library: <http://www.nj.gov/agriculture/sadc/publications/guidance.html>

GUIDANCE DOCUMENTS

- Exception Areas: <https://www.nj.gov/agriculture/sadc/documents/publications/exceptionareas.pdf>
- Non-agricultural Uses:
<https://www.nj.gov/agriculture/sadc/documents/publications/nonagriculturaluses.pdf>
- Division of Preserved Land:
<https://www.nj.gov/agriculture/sadc/documents/publications/divisionofpremiseswithsignature.pdf>
- Septic Policy (P-49): <https://www.nj.gov/agriculture/sadc/documents/rules/pol49.pdf>
- Access to Exception Areas
<https://www.nj.gov/agriculture/sadc/documents/rules/p41accesstoexceptionareas.pdf>

MAPPING RESOURCES

<https://www.njmap2.com/>

<https://njdasadc.maps.arcgis.com/home/index.html>

APPRAISAL RESOURCES

<https://www.nj.gov/agriculture/sadc/appraisals/>