

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Memorializing 2025 State Acquisition Standards for determining Priority and Alternate Farms

WHEREAS, pursuant to N.J.A.C. 2:76-8.5(c) and N.J.A.C. 2:76-11.5 (c) the SADC is responsible for prioritizing farms for purposes of acquiring lands in fee simple title or acquiring development easements on eligible farms as a “Priority farm”, “Alternate farm” and “Other farm”; and

WHEREAS, The Right to Farm Act (Act), which also created the SADC, contains language at N.J.S.A. 4:1C-5e. enabling the Committee to “perform any act or thing necessary, convenient, or desirable for the purposes of the Committee to carry out any power expressly given” in the Act, which would include the authority to delegate certain actions to the Executive Director; and

WHEREAS, Part IV, Section 3 of the SADC By-Laws states that “The Executive Director shall have all the power and authority delegated to him/her in accordance with these By-Laws, actions of the Committee or otherwise pursuant to the “Right to Farm Act” and the “Agriculture Retention and Development Act”; and

WHEREAS, by resolution #FY2020R6(5), dated June 25, 2020, the SADC granted authority to the Executive Director to approve certain routine Acquisition Program-related actions including the minimum scores that applications must meet to qualify for the SADC Acquisition of Farmland Development Easements; and

WHEREAS, a “priority farm” means a farm that meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located; and

WHEREAS, an “alternate farm” means a farm that does not meet the criteria for “priority farm”, but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located; and

WHEREAS an “other farm” means a farm that does not meet the criteria for “priority” or “alternate” farms; and

WHEREAS, the average quality score in a county shall be based on the average quality score determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the SADC through the county planning incentive grant program within the previous three funding cycles, as determined by the SADC; and

WHEREAS, “Funding cycle” means the time period beginning on the date the Committee receives an appropriation for the County PIG program and ending on the date the Committee receives a subsequent appropriation for the County PIG program, which are herein defined, for the purpose of calculating eligible farm criteria, as FY2020, FY2021 and FY2022 funding cycles; and

WHEREAS, the applications considered to derive the county averages over the last three funding cycles received Green Light Approval between January 21, 2020 and August 15, 2024; and

WHEREAS, Atlantic, Bergen, Cape May, Morris, and Passaic Counties have not submitted applications which received preliminary "Green Light" approval during the past three funding cycles, therefore it is not possible to establish a 2025 average quality score for these counties; and

WHEREAS, because of the increased processing time and administrative burden associated with processing waivers it is recommended that the SADC utilize the average quality scores adopted for 2022 for Cape May and Morris Counties; and

WHEREAS, if applications are received from Atlantic, Bergen, or Passaic Counties, where there has been no quality score for at least five (5) years, the SADC will consider selecting the application for processing on an individual basis; and

WHEREAS, all other Counties have had sufficient activity to calculate an average quality score and minimum eligibility criteria (Schedule A); and

WHEREAS, the average farm size in a county shall be based on the average farm size of farms using the 2017 US Census of Agriculture data.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC adopts the Average Quality Scores for each county along with the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached (Schedule A) for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11.
3. This approval by the Executive Director is pursuant to the authority granted by resolution #FY2020R6(5).
4. The individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of January 1, 2025 and shall apply to an application for the sale of a development easement that is received by the SADC prior to December 31, 2025.

____8/26/2024____
Date

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Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

SADC State Acquisition - Minimum Quality Standards
Effective: January 1, 2025 - December 31, 2025

			<u>Priority</u>		<u>Alternate</u>		<u>Delegation of Other</u>
	FY2025 Average Quality Score	Average Acres 2022 Census	75% of Average Census Acres	90% of Average Quality Score	55% of Average Census Acres	70% of Average Quality Score	60% of average farm size
Atlantic	****	64	48	****	35	****	****
Bergen	****	11	8	****	6	****	****
Burlington	66.67	101	75	60	55	46	60
Camden	51.39	50	37	46	27	35	30
Cape May	<<<<<	46	34	59	25	46	27
Cumberland	63.76	127	95	57	69	44	76
Gloucester	65.18	77	57	58	42	45	46
Hunterdon	67.20	56	42	60	30	47	33
Mercer	64.76	64	48	58	35	45	38
Middlesex	53.48	64	48	48	35	37	38
Monmouth	72.01	48	36	64	26	50	28
Morris	<<<<<	31	23	55	17	43	18
Ocean	58.23	31	23	52	17	40	18
Passaic	****	18	13	****	9	****	10
Salem	67.23	125	93	60	68	47	75
Somerset	61.39	64	48	55	35	42	38
Sussex	49.55	68	51	44	37	34	40
Warren	65.01	77	57	58	42	45	46

** all numbers are rounded down to the nearest whole number

<<<<< to decrease processing time, the SADC utilize the average quality scores adopted in 2022

**** No Applications is over 5 years. Independent approval by SADC is required.

§ 2:76-11.5 Committee evaluation

(a) In determining the suitability of the purchase of development easements on farmland, the committee shall consider the criteria set forth in N.J.S.A. 4:1C-31 and any comments of the respective board and municipality.

(b) In addition to the factors set forth in (a) above, the committee shall utilize the same criteria utilized for the evaluation of applications for development easement purchase set forth in N.J.A.C. 2:76-6.16, the criteria contained in N.J.A.C. 2:76-6.20 and the prioritization criteria set forth in (c), (d) and (e) below.

(c) An application received by the Committee that satisfies the minimum eligibility criteria contained at N.J.A.C. 2:76-6.20 and evaluated pursuant to N.J.A.C. 2:76-6.16 shall be prioritized as follows:

1. "Priority farm": meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located.
2. "Alternate farm": does not meet the criteria for "priority" farm, but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located.
3. "Other farm": does not meet the criteria for "priority" or "alternate" farms.

(d) Average farm size in a county shall be determined based on the average farm size of farms using the 2002 US Census data, incorporated herein by reference, as amended and supplemented.

(e) Average quality score in a county shall be based on the average quality scores determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the Committee through the county easement purchase program and/or county planning incentive grant program within the previous three fiscal years, as determined by the Committee.

Pursuant to **Resolution FY2020R6(5)** Farms that meet the following criteria will be delegated to the Executive Director for approval, subject to availability of funding:

- > All "Priority" farms have been selected; and
- > Meets the County's 70% average quality score; or
- > Is over 60% of the County's average farm size and has a density score of at least 8 points and all "Alternate" farms have been selected; or
- > Is a unique and valuable agricultural resource to the surrounding community where development poses a threat to existing investment in preservation, and it has a reasonable opportunity to remain agriculturally viable.