



Keeping the Garden in the Garden State:

Farmland Preservation, Agricultural Development &
Stewardship Of Preserved Farmland in Your Municipality

Day 1



Presented by:

Center for Government Services at Rutgers and
The State Agriculture Development Committee (SADC)



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Division of Continuing Studies
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The Center for Government Services provides timely and relevant training for New Jersey state, county and municipal employees.

Laura Flagg – Senior Program Coordinator,
Rutgers Continuing Studies





Have a
Question?
Use the
Chat Box



The Presenters



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& Resource Manager

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Chief of Legal Affairs

SADC– 609-984-2504 or
our
website www.nj.gov/agriculture/sadc/



Getting to Know You

What are you hoping to learn today? Your background matters...

- Do you work for a municipality with a farmland preservation program?
- Are there preserved farms in your municipality?
- Is your municipality interested in expanding its farmland preservation efforts?
- Is your municipality interested in helping to support the farming industry?





Workshop Goals

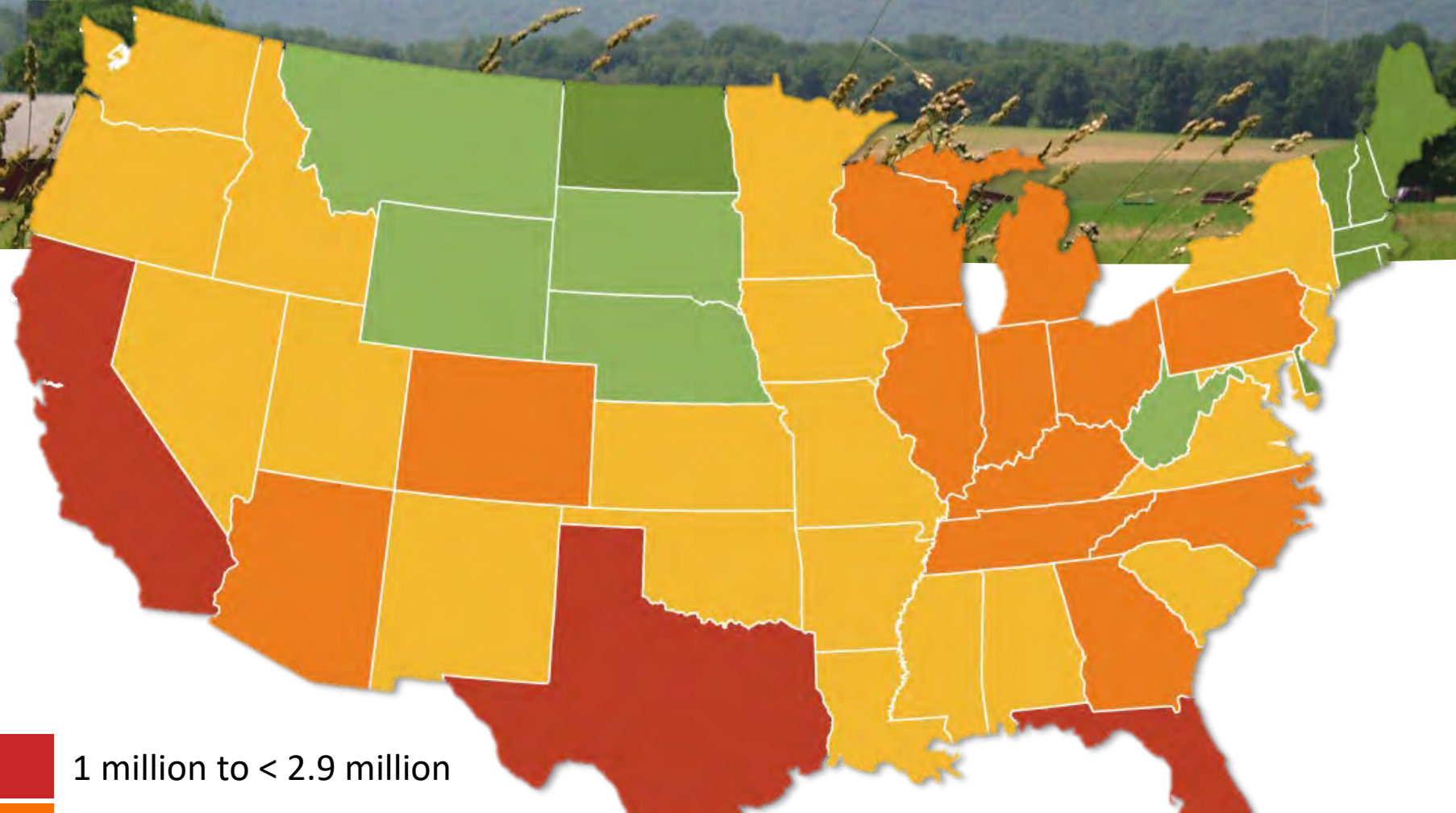
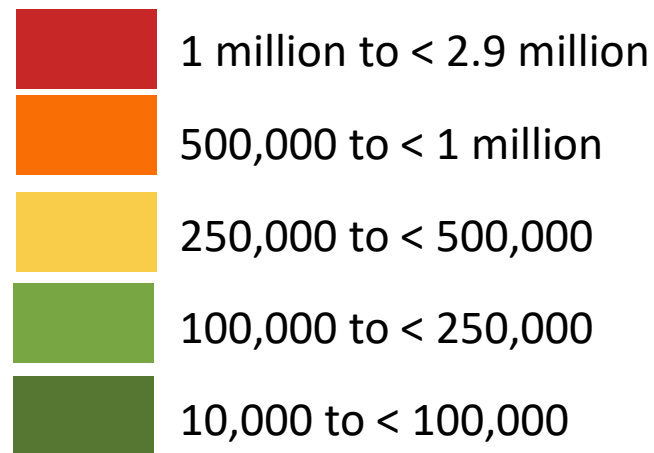
Participants Will:

1. Gain a better understanding of The State Agriculture Development Committee (SADC) & New Jersey's Farmland Preservation Program
2. Learn how to identify if a farm is preserved and what is or isn't permitted on the farm
3. Foster partnerships between municipal officials and the SADC to support preserved and unpreserved farmland owners
4. Know where to find help when you have questions about assisting a preserved farmland owner

Next week you'll learn more about the relationship between the Right to Farm Act and local ordinances

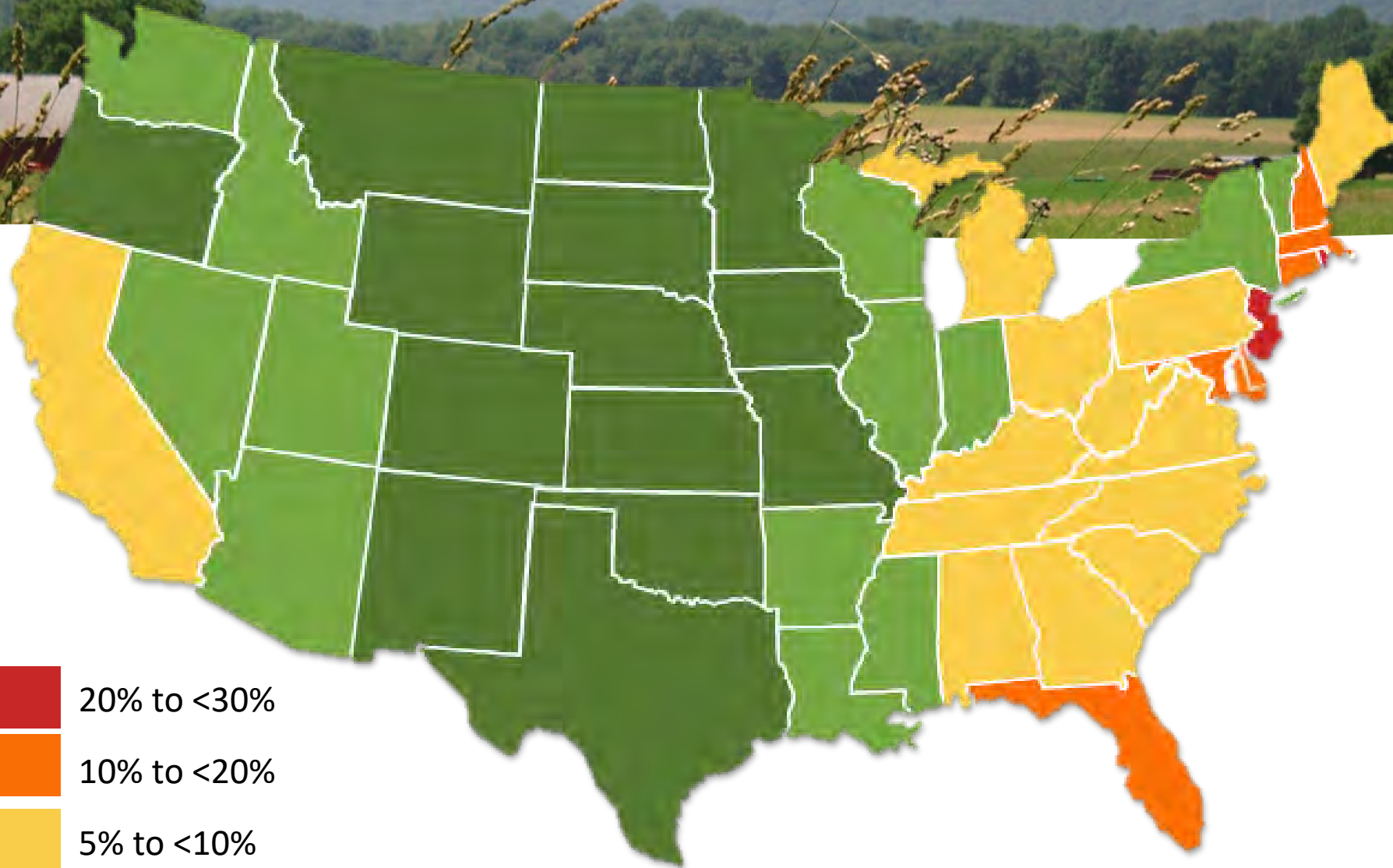


Loss of Farmland (acres) 1982 - 2007





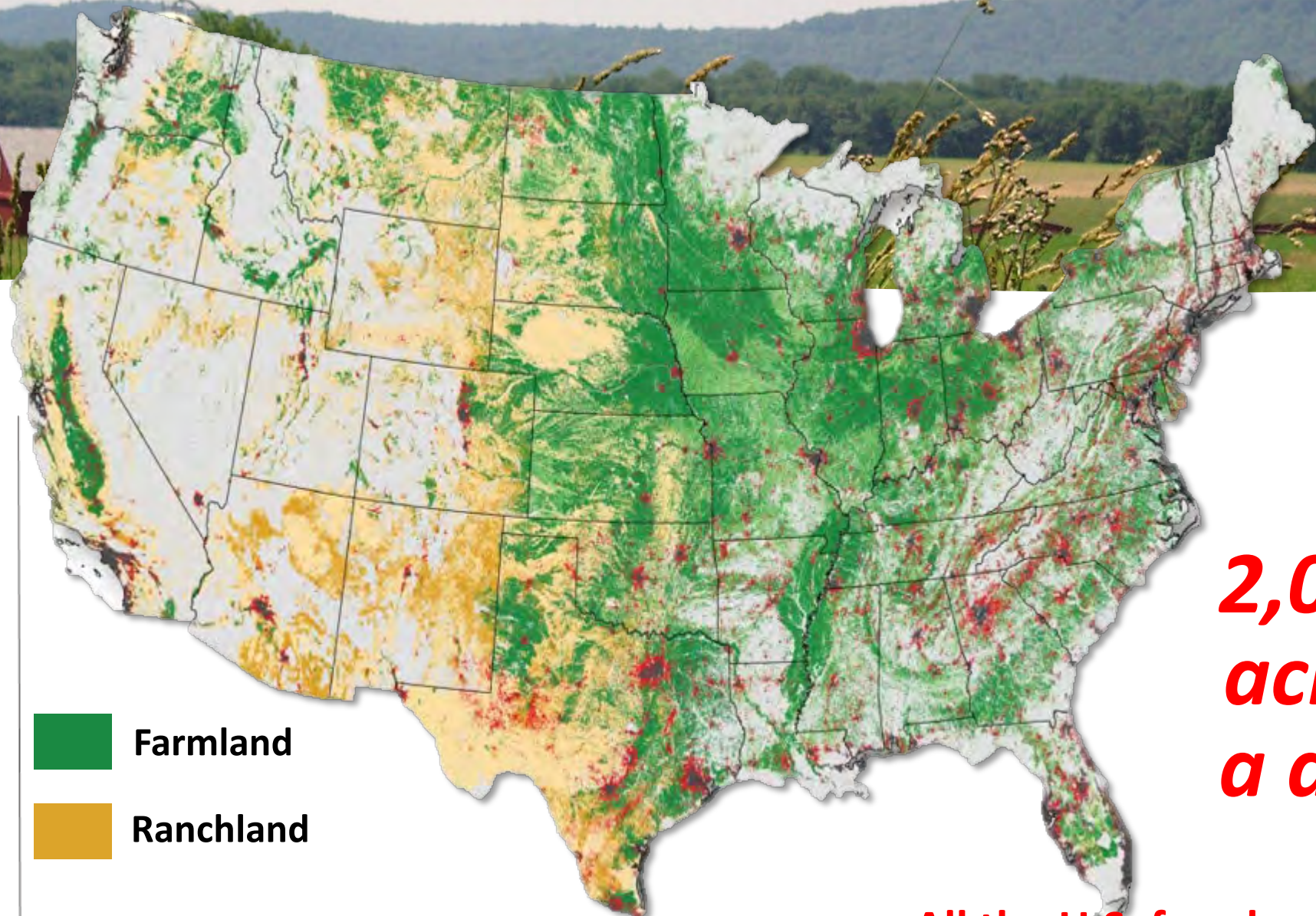
Farmland Rate of Loss 1982 - 2007





AFT's "Farms Under Threat Report"

Between 2001 and 2016



 **Farmland**

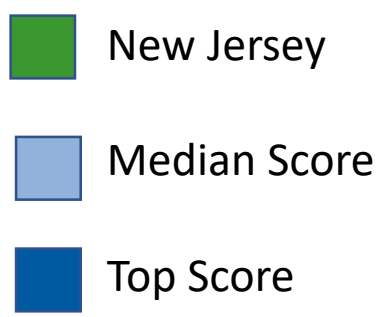
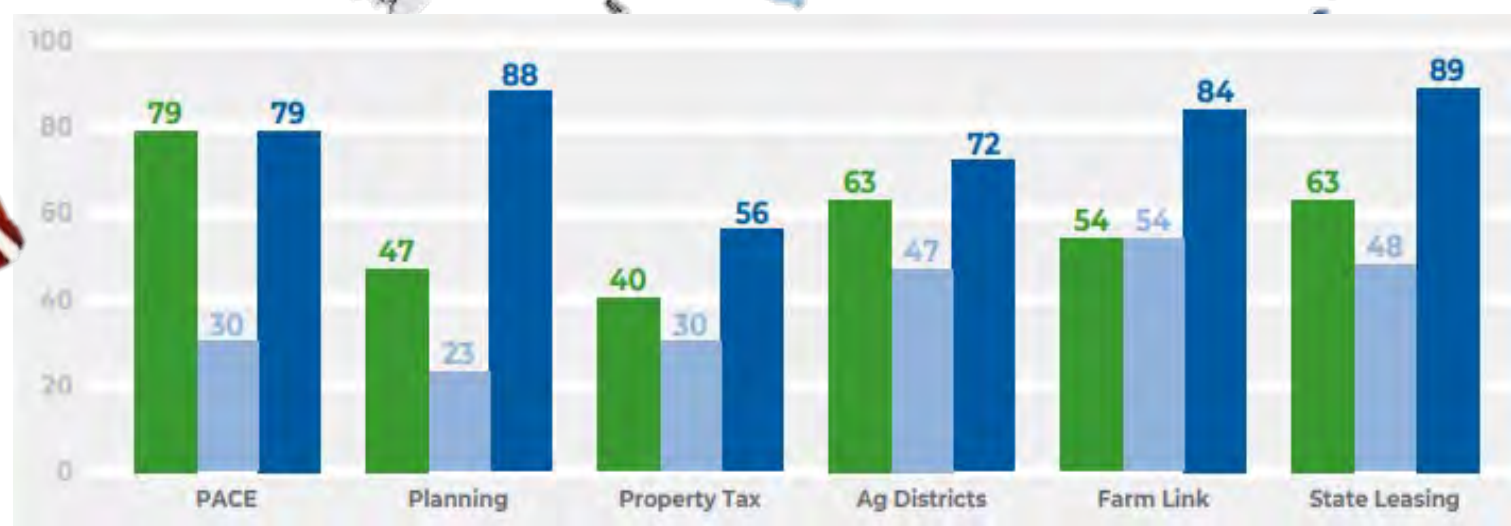
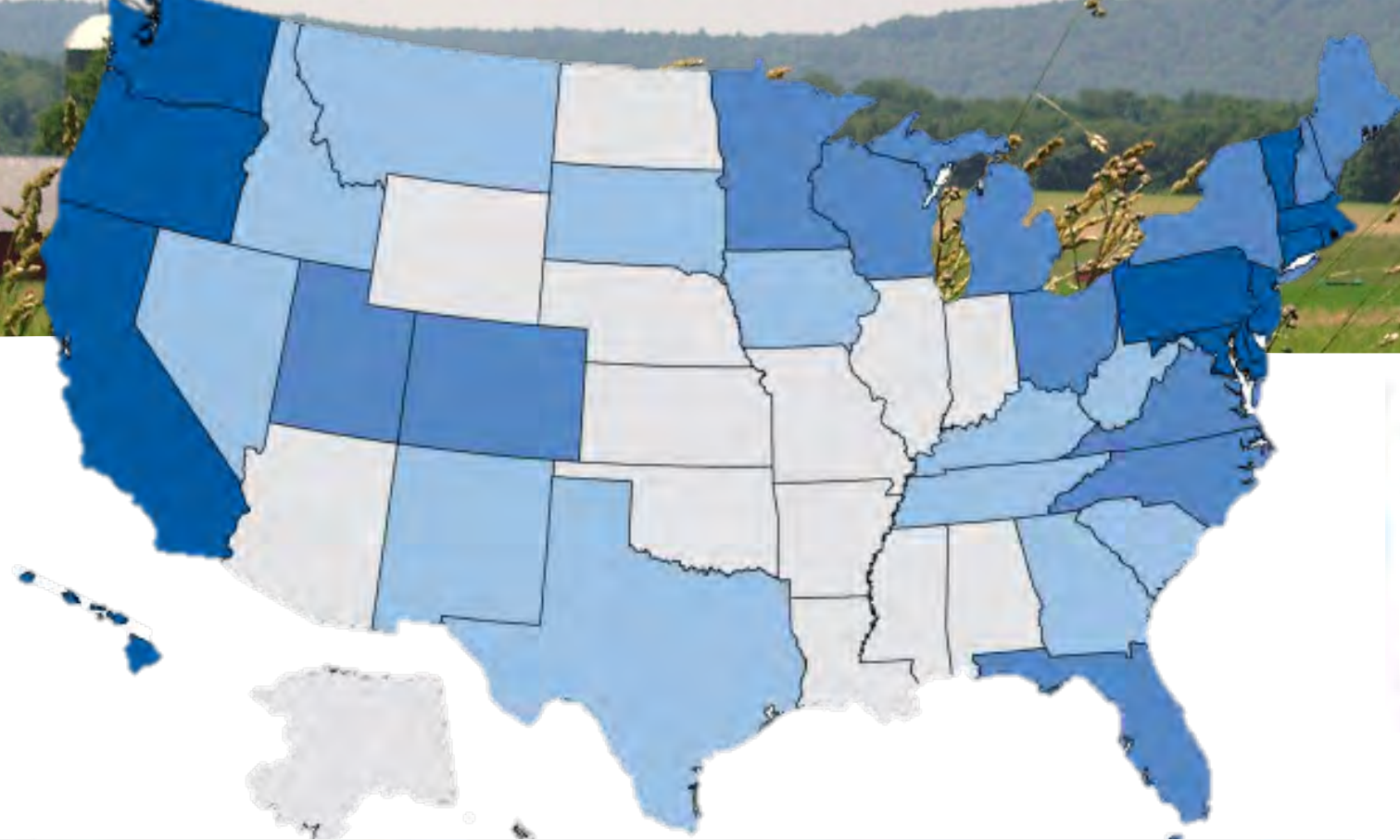
 **Ranchland**

 **Farmland and Ranchland Converted to urban and highly developed (UHD) land use (4.1 million acres) or low-density residential (LDR) land use (nearly 7 million acres).**



All the U.S. farmland devoted to fruit, nut, and vegetable production in 2017

***2,000
acres
a day***





Time Has
Always
Been The
Enemy

- Most densely populated state in the U.S.
- ~1.7 million acres of unpreserved/undeveloped land
- “Home Rule” Zoning

- **Farmland Loss**

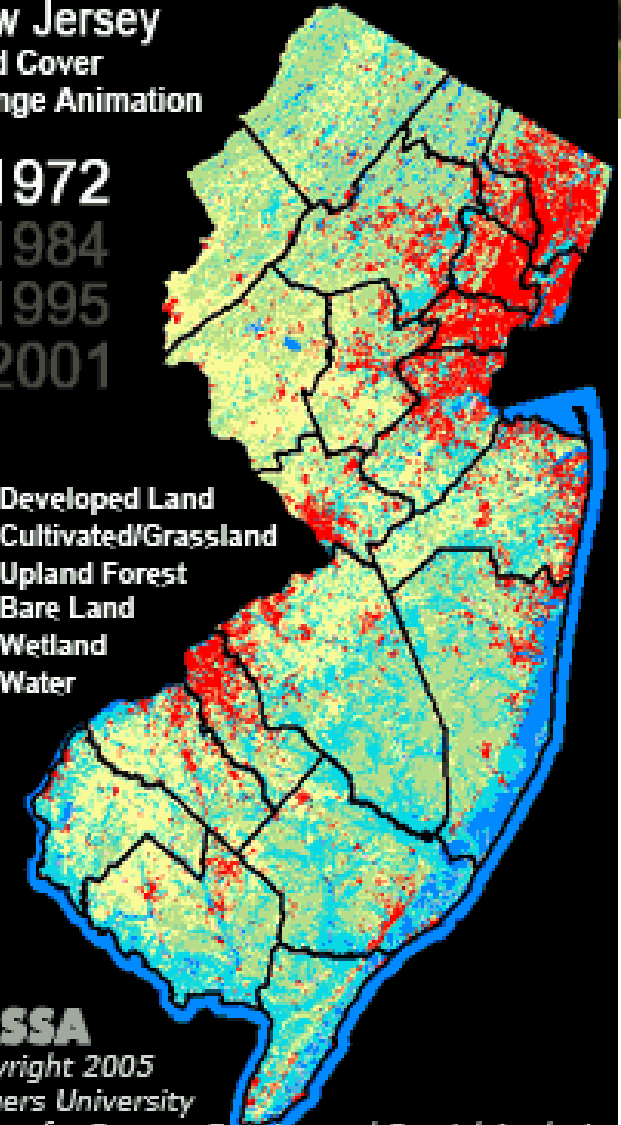
1997-2002	10,000+ acres/year
2002-2007	14,000+ acres/year
2007-2012	~4,000 acres/year
2012-2020	Minimal

New Jersey Land Cover Change Animation

>1972
>1984
>1995
>2001

■ Developed Land
■ Cultivated/Grassland
■ Upland Forest
■ Bare Land
■ Wetland
■ Water

CRSSA
Copyright 2005
Rutgers University
Center for Remote Sensing and Spatial Analysis





2021 Planning Incentive Grant Programs

9,800 farms on 734,000 acres

(~15% of NJ Land Area)

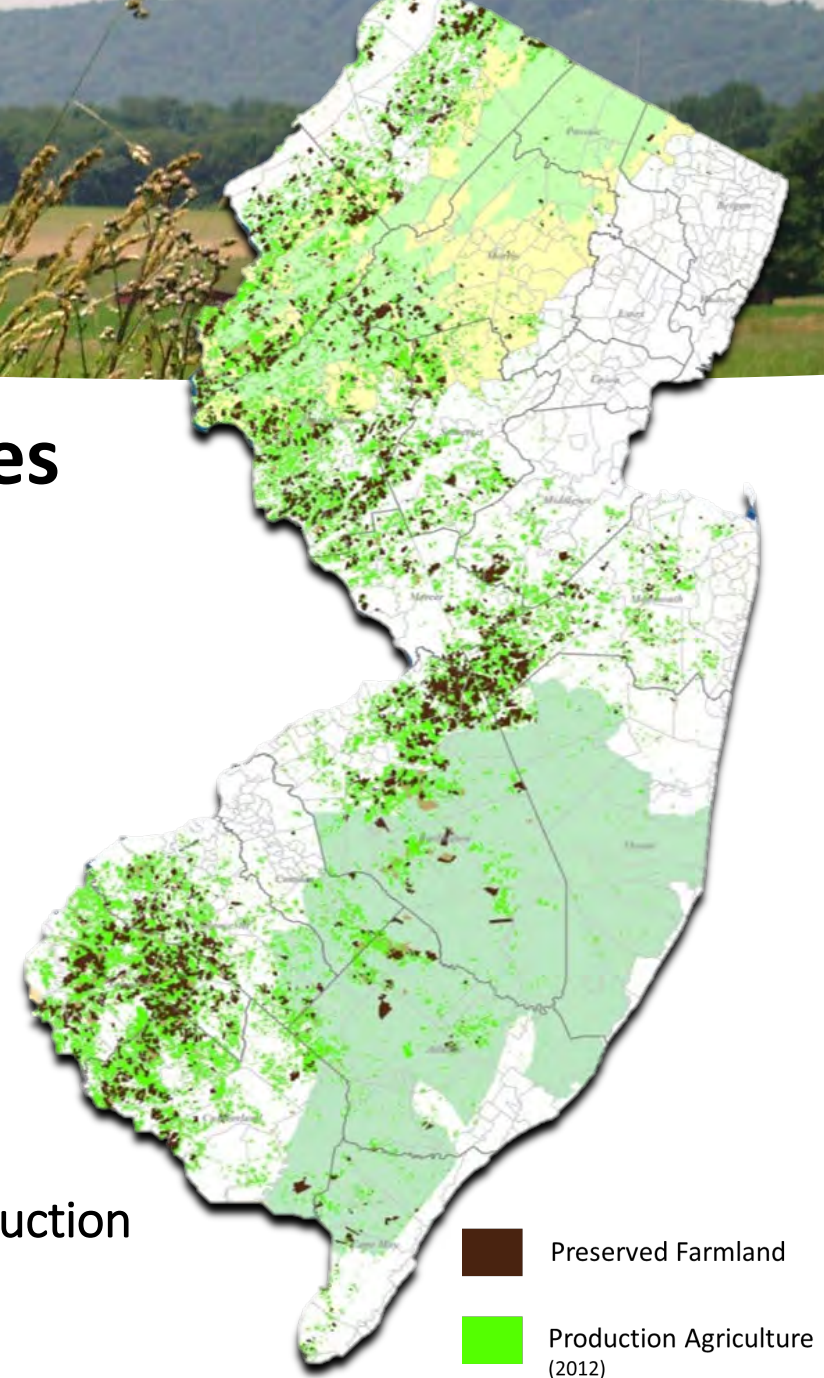
Average Farm Size= 74 acres

#1 Rank Average Ag. Land Value in U.S.
\$13,700/acre

#2 Rank Net Farm Income per acre \$531
(California is #1)
Blueberry Production

#3 Rank Peaches, Spinach & Bell Pepper Production

#4 Rank Cranberry Production





Why
Preserve
New Jersey's
Farmland?

- Sustain the Agricultural Industry
- Land Use Benefits
- Fiscal Impacts
- Quality of Life





What
Governs
our
Program

Statutes

- 1983 Right to Farm Act
created the SADC (4:1C-1)
- 1983 Agricultural Retention &
Development Act “ARDA”
(4:1C-11) – created the Farmland
Preservation Program

Rules (NJAC 2:76)

Policies





What is the
State
Agriculture
Development
Committee
(SADC)?

A Committee of 11 members

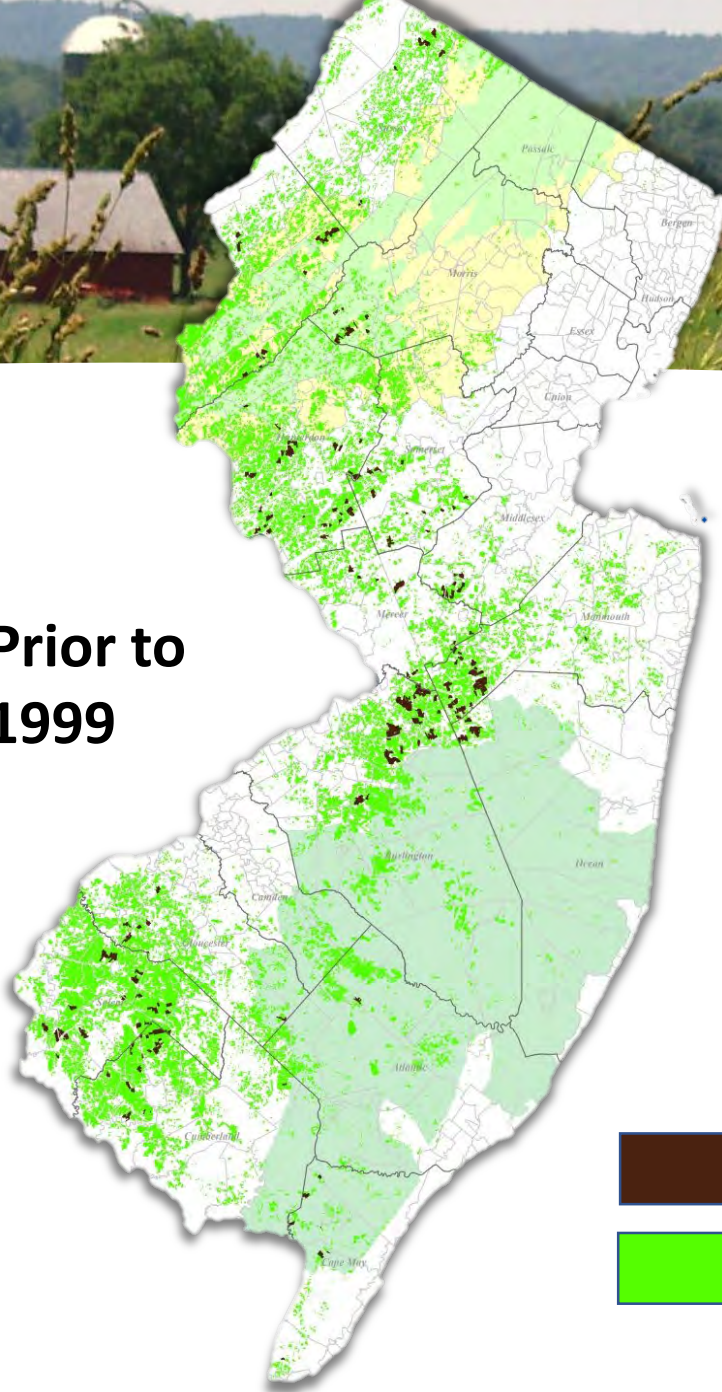
- Representatives from 5 State Agencies:
 - NJ Department of Agriculture
 - NJ Department of Environmental Protection
 - NJ Department of Community Affairs
 - NJ State Treasurer
 - The Dean of Cook College -Rutgers University
- Two public members
- Four farmer members

Monthly Public Meetings

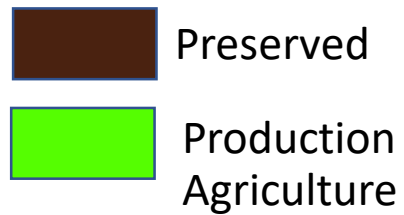
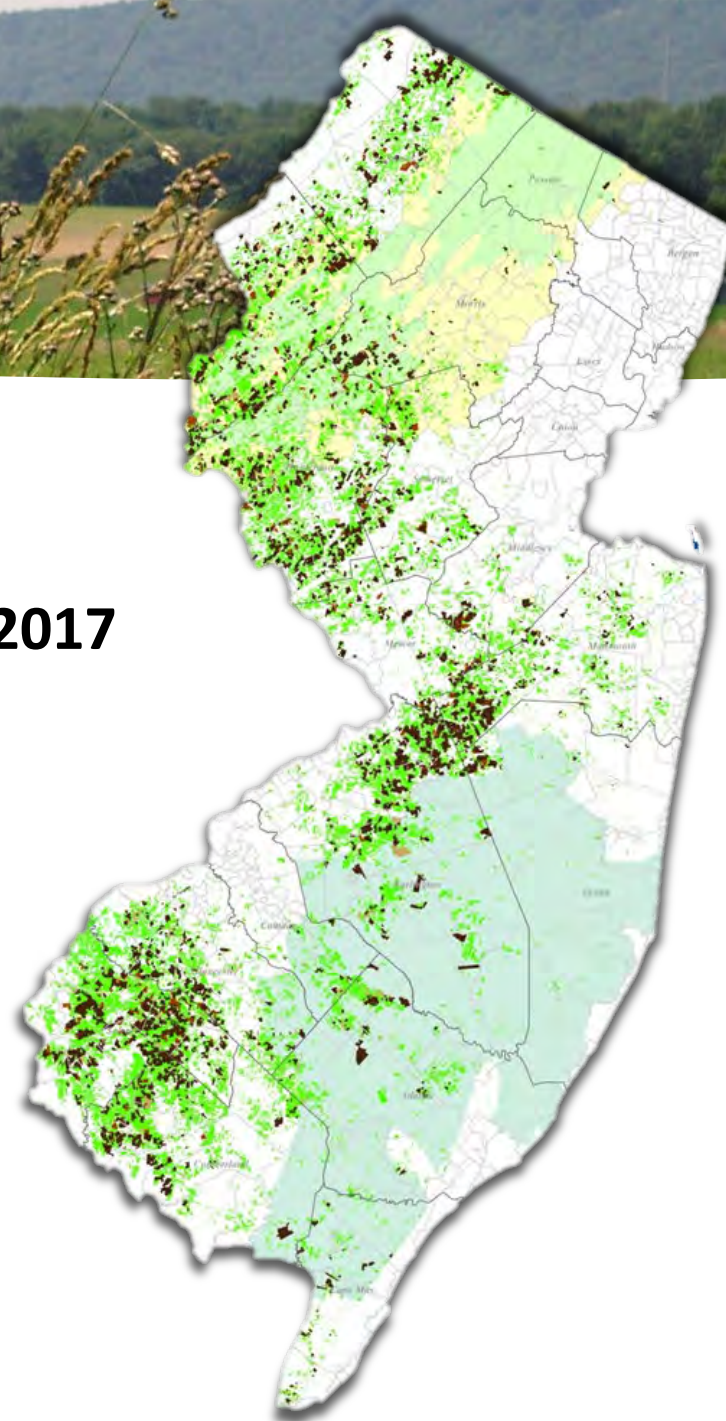


Where We
Started &
Where We
Are Today

**Prior to
1999**



2017





Farmland Preservation Progress

~ 734,000 acres in farms
(2017 U.S. Census of Agriculture)

~ 240,000 acres preserved
(2,683 farms)
18 counties and 182 municipalities

~ 32.5% preserved
(highest % in the U.S.)

Goal
~ 550,000 acres

**43% of
goal
achieved**





Preserved Farms by County

County	# Farms	Acres
Atlantic	48	5,105
Bergen	8	335
Burlington	235	28,943
Camden	14	1,011
Cape May	50	2,785
Cumberland	220	21,022
Gloucester	217	15,865
Hunterdon	437	34,068
Mercer	114	8,331
Middlesex	54	4,845
Monmouth	209	15,470
Morris	115	7,323
Ocean	48	3,249
Passaic	2	56
Salem	366	40,450
Somerset	108	8,071
Sussex	152	16,169
Warren	286	25,593



How Are Farms Preserved?

- Appraise the value of the land (highest and best use”) – the “BEFORE” value
- Appraise the value for farming – the “AFTER” value
- Before value – after value = Easement Value
- Example:
 - \$15,000 / acre before value
 - \$ 5,000 / acre after value
 - = \$10,000 / acre EASEMENT value
- Record permanent restriction against deed (DOE)



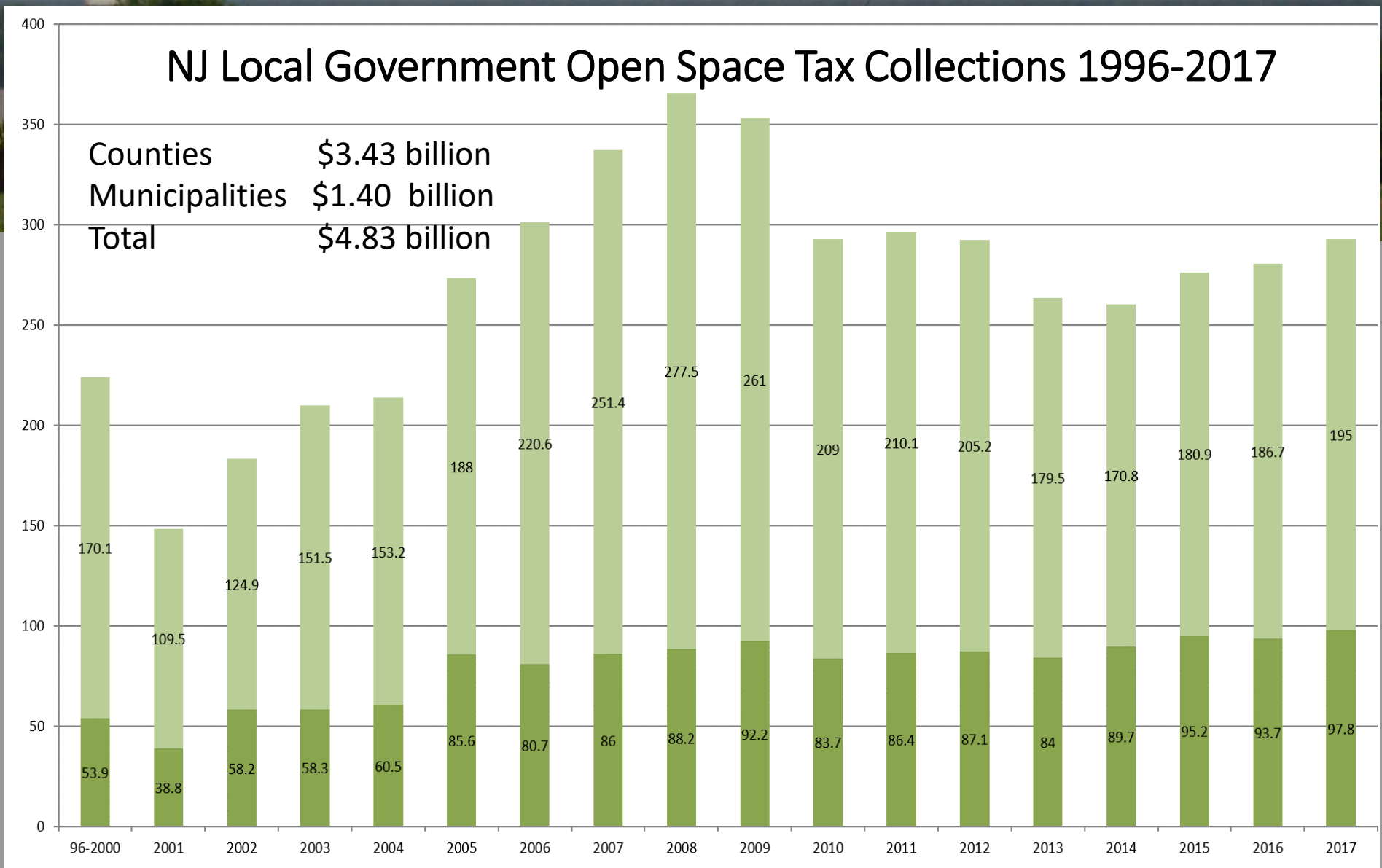
Farmland Preservation Funding

Conservation without Funding is just Conversation

- 1983 -1998 Public Bond Questions
 - 1998-2008 Dedicated Sales Tax -Garden State Preservation Trust (GSPT)
 - 2009- 2014 Public Bond Questions
 - Preserve NJ Act - 2015 – Present **PERMANENT** dedication of corporate business tax
- ~ \$50M / year available for NJ State's Farmland Preservation Program (FPP)



Local Financial Infrastructure



County
 Municipal

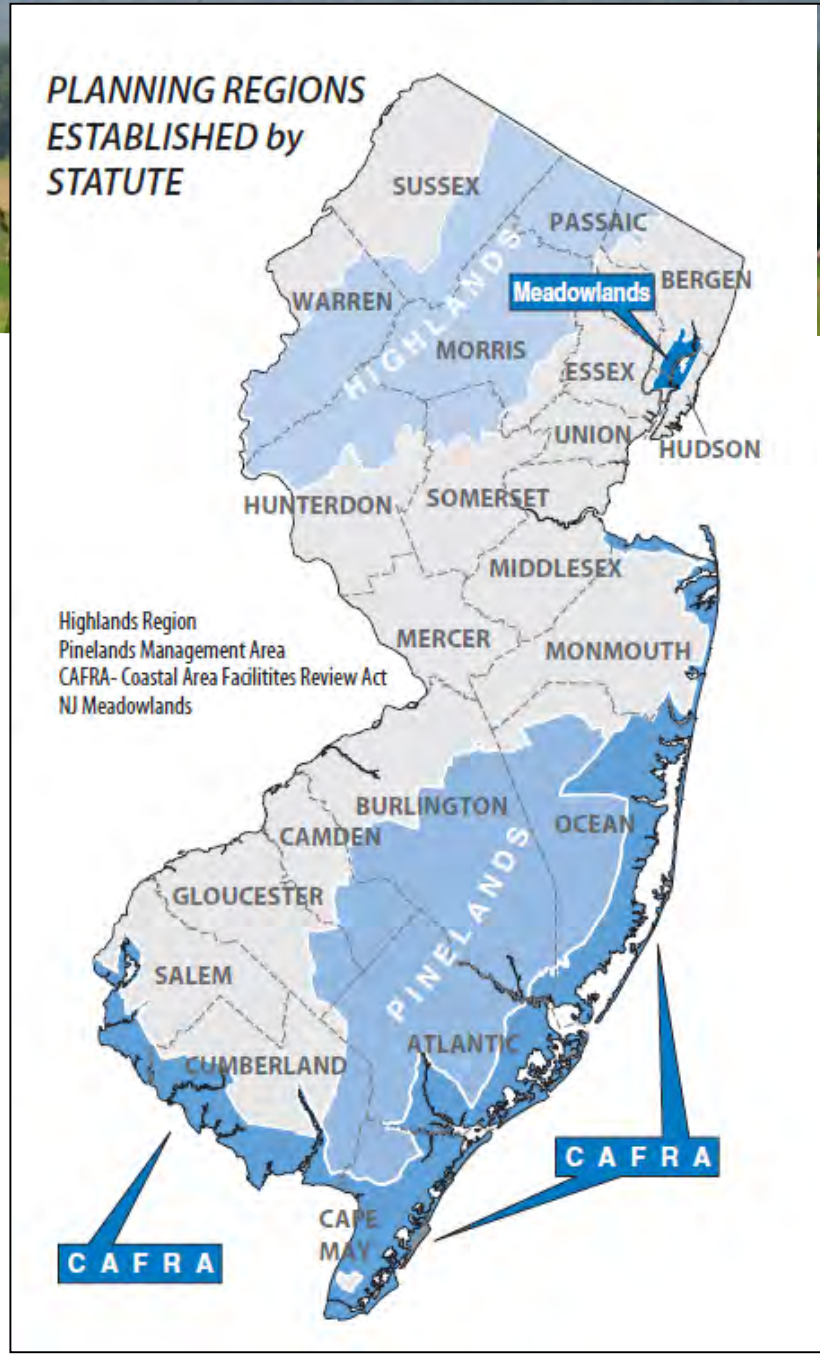
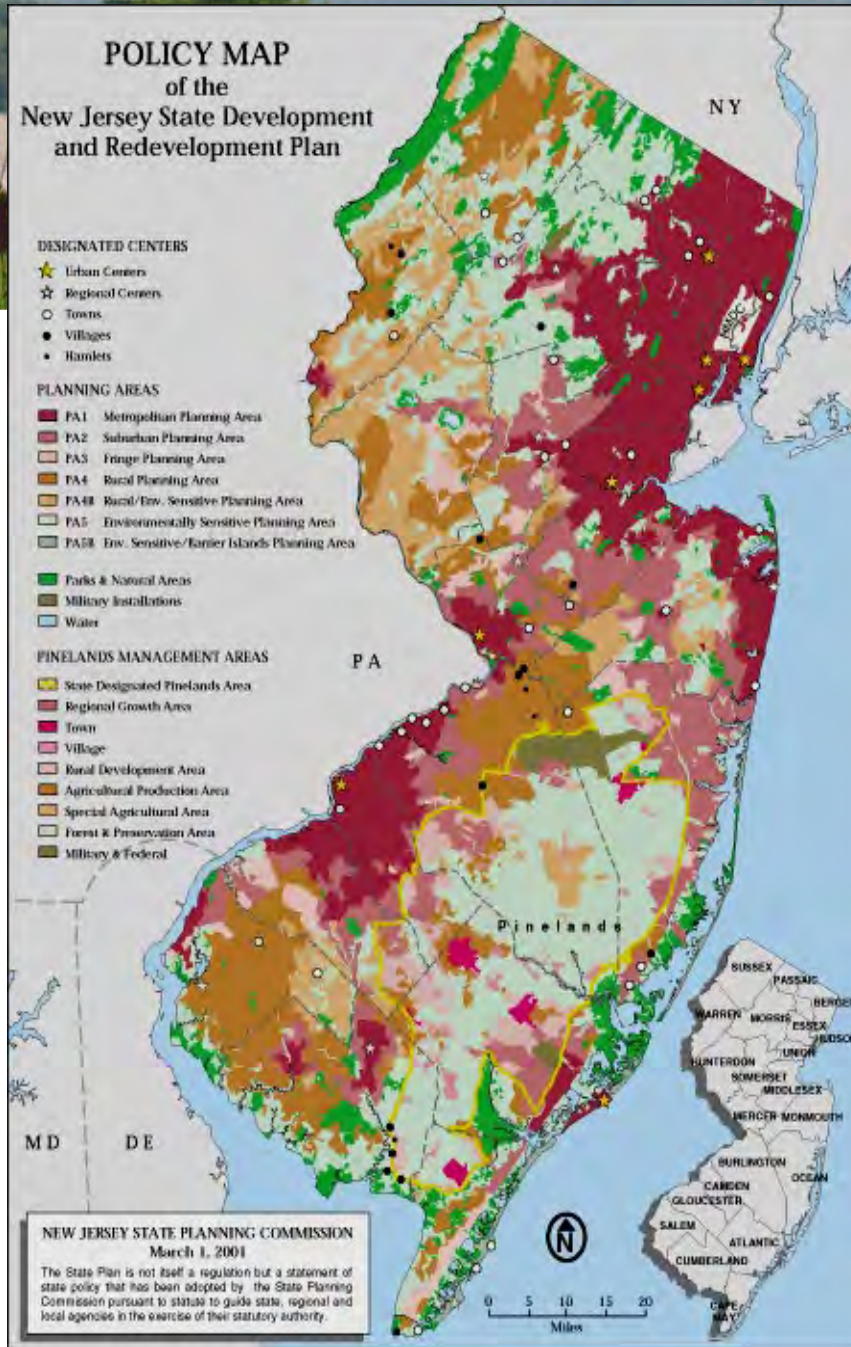


SADC Preservation Programs

1. County Planning Incentive Grant (“PIG”)
2. Municipal Planning Incentive Grant (“PIG”)
3. SADC “Direct” Easement
4. Nonprofit
5. Term Preservation (non-permanent)

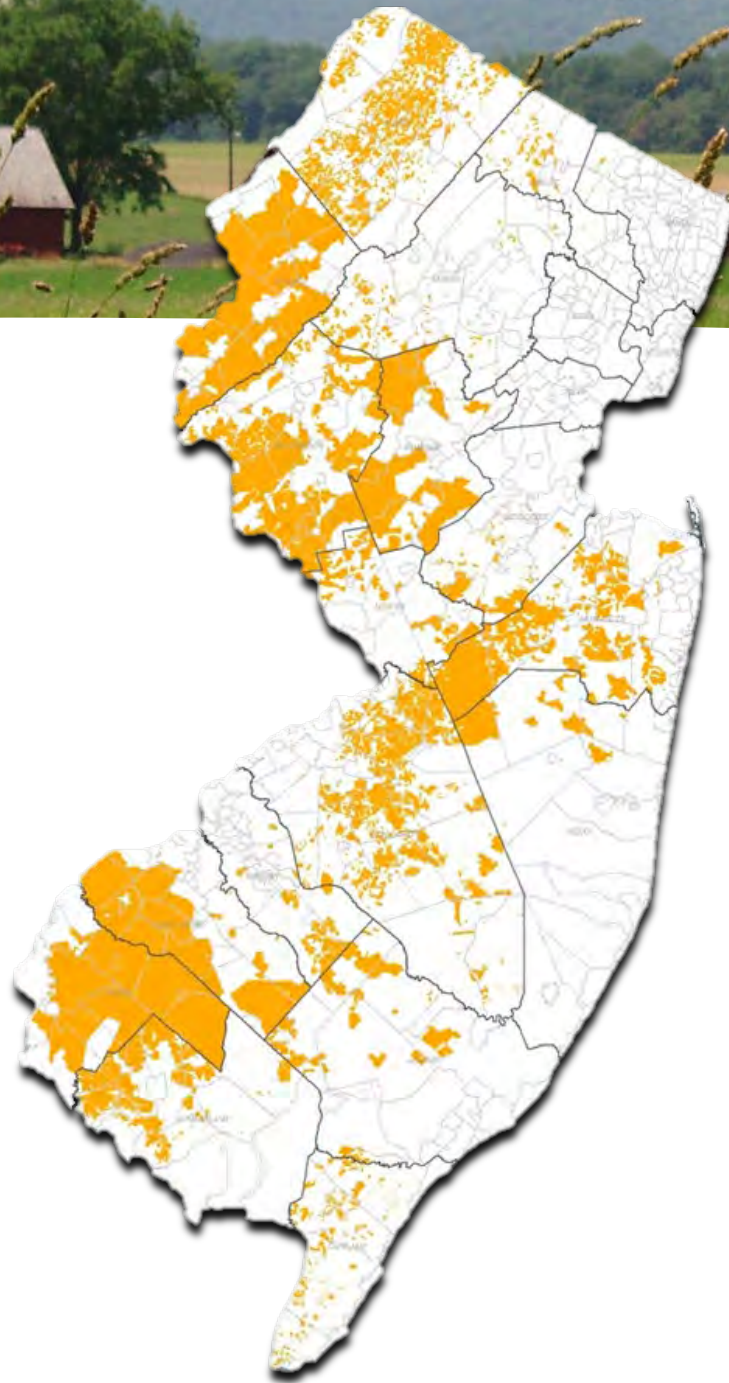


Farmland Preservation Program Planning Context





County Agricultural Development Areas



Ag Development Areas
(ADAs)



County Boundaries



Municipal Boundaries



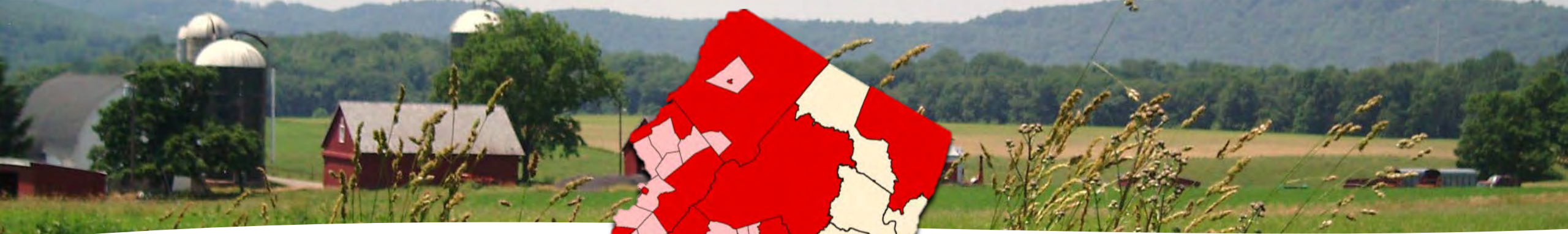
Municipal and County Comprehensive Farmland Preservation Plan

- Required as a condition of receiving state funding for farmland preservation
- Developed and updated in coordination with the SADC
- Identifies the focus of preservation efforts:
 - Agriculture Development Areas (ADAs)
 - Project Areas
 - Targeted Farms

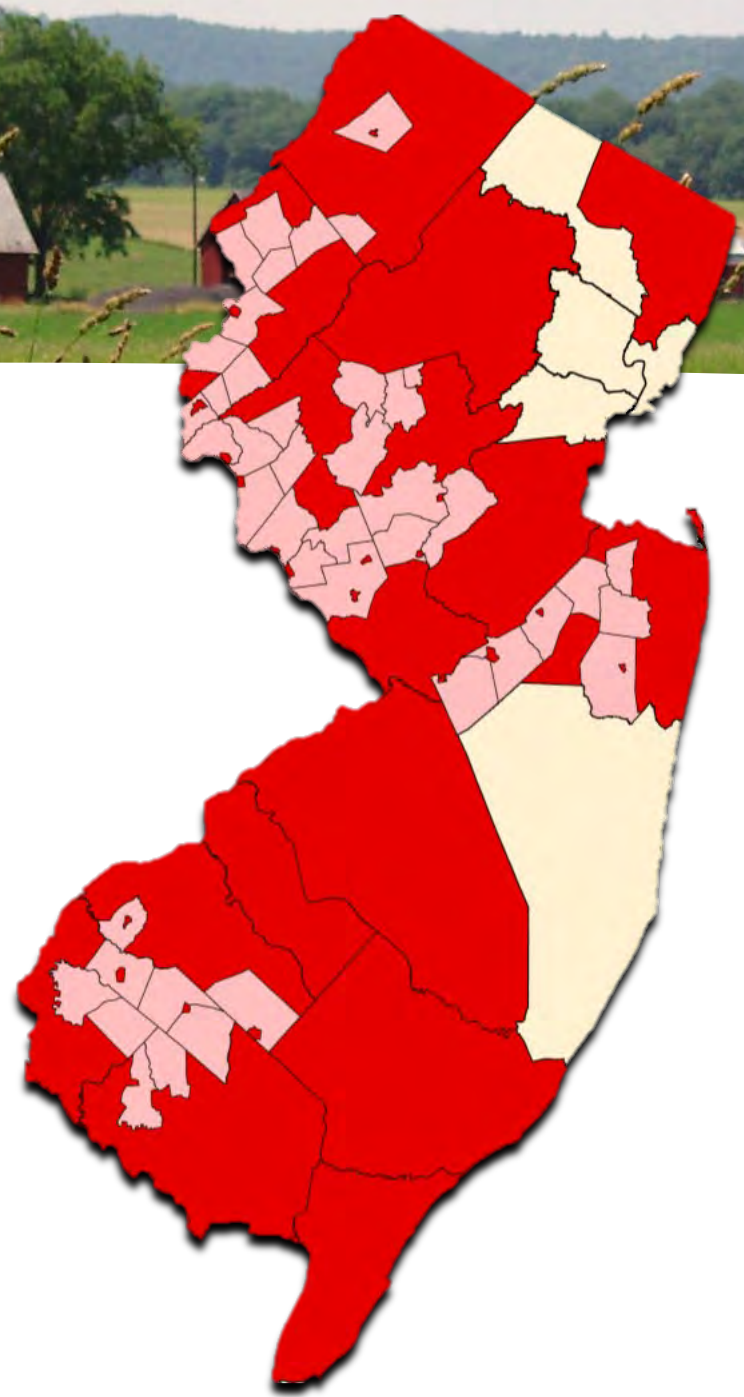
BURLINGTON COUNTY COMPREHENSIVE FARMLAND PRESERVATION PLAN (2009-2018)



Adopted by the Burlington County Board of Chosen Freeholders
By Resolution No. 1014 - December 30, 2008



2021 Planning Incentive Grant Programs



16 Counties



45 Municipalities



State Direct Easement Program

- Preserve the largest, strategically located, high quality farms within each county of the state
- SADC covers up to 100% of cost
- SADC is lead for farm selection, project management and closing
- Supplements preservation efforts by partners



Nonprofit Program Benefits

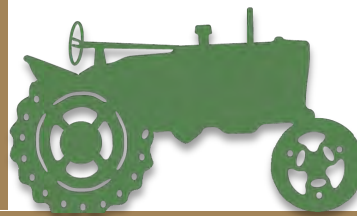
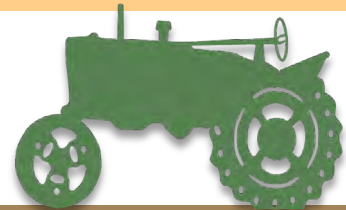
Provide Assistance:

- County and municipal partners have limited staff capacity
- Limits to some Open Space Trust Funds (OSTF)
- Depleted OSTF
- Applications can move forward when there is no municipal program, and it doesn't meet County criteria
- Focus on a geographic area or resource that hasn't been prioritized at the local level
- Prioritize farms with a unique/niche operation or where the organization has relationships with the landowner



Steps in the Process

Most steps in the Farmland Preservation Process are the same no matter the program



CLOSING!



Standard Deed of Easement

DEED OF EASEMENT

STATE OF NEW JERSEY

AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM

This Deed is made _____, 20__.

BETWEEN _____, whose address is _____ and is referred to as the **Grantor**;

AND _____, whose address is _____ and is referred to as the **Grantee** and/or Board.

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a development easement and all of the nonagricultural development rights and credits on the Premises, located in the Township of _____, County of _____, described in the attached Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b), the tract of land described in the attached Schedule C, which schedules are incorporated by reference in this Deed of Easement, for and in consideration of the sum of _____ Dollars (\$_____).

Any reference in this Deed of Easement to **"Premises"** refers to the property described in Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b), to the tract of land described in Schedule C.

The tax map reference for the Premises is:

Township of _____

Block _____, Lot _____



Title Commitment and Survey

Title will require necessary documents for:

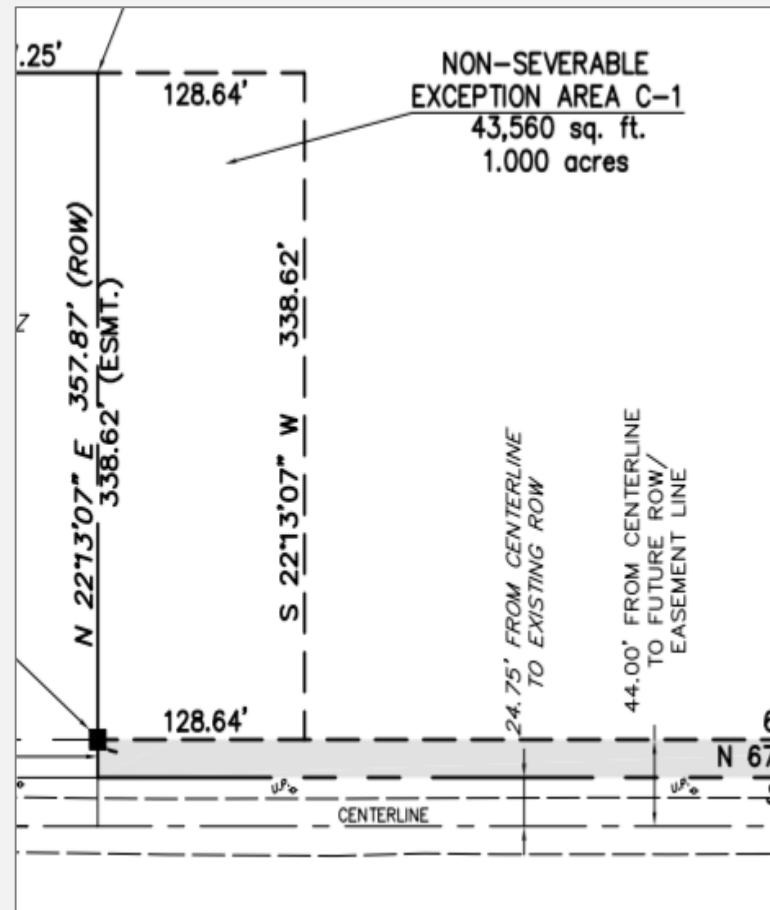
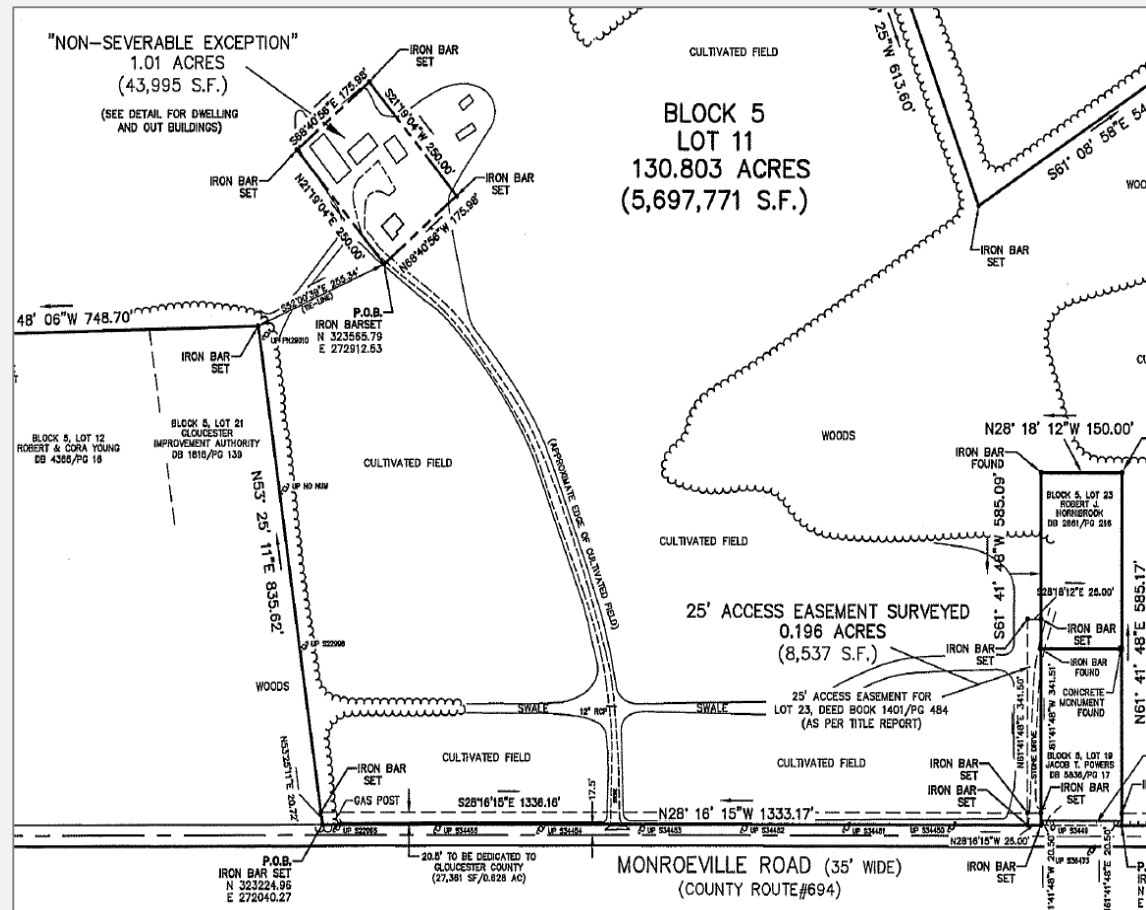
- Entities
- Estates

What is
Needed for
Closing





Property Survey, existing easements and future Right of Way





Exception Areas

What Are They?

- An Area of the property not subject to the Deed of Easement
- Allows for future flexibility
- No easement = No payment for this area
- Area is surveyed and described at the time of preservation
- **CAN'T BE MOVED AFTER CLOSING**
- **Still subject to local zoning & State/Federal regulations**





Severable and Non- Severable Exceptions

Severable

Can be subdivided from the preserved part of the Premises (ex: house lot to be sold off from the farm)

Nonseverable

Remains tied to the Premises (ex: homestead in middle of Premises)

Considerations

- Physical & environmental constraints (wetlands, septic, slope, soil, etc)
- Size and configuration
- Easement Limitations
- Access
- Existing Non-Agricultural use of the Premises



Why Except
an Area
Out?

Many
landowners only
request one
exception for a
future or existing
single-family
home

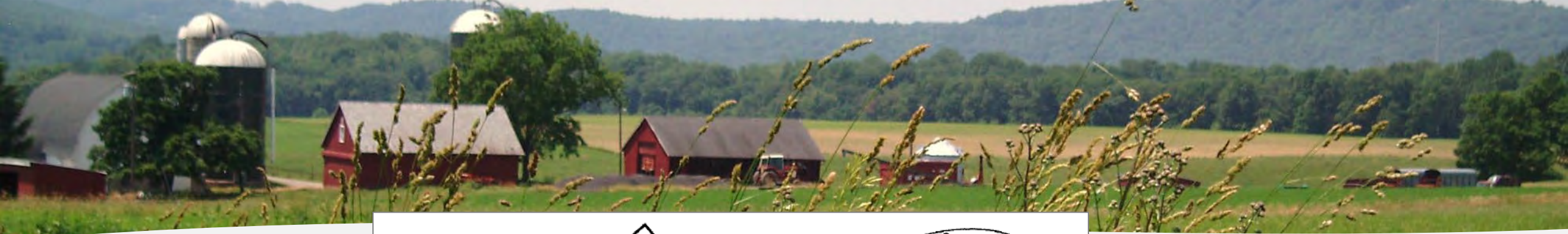




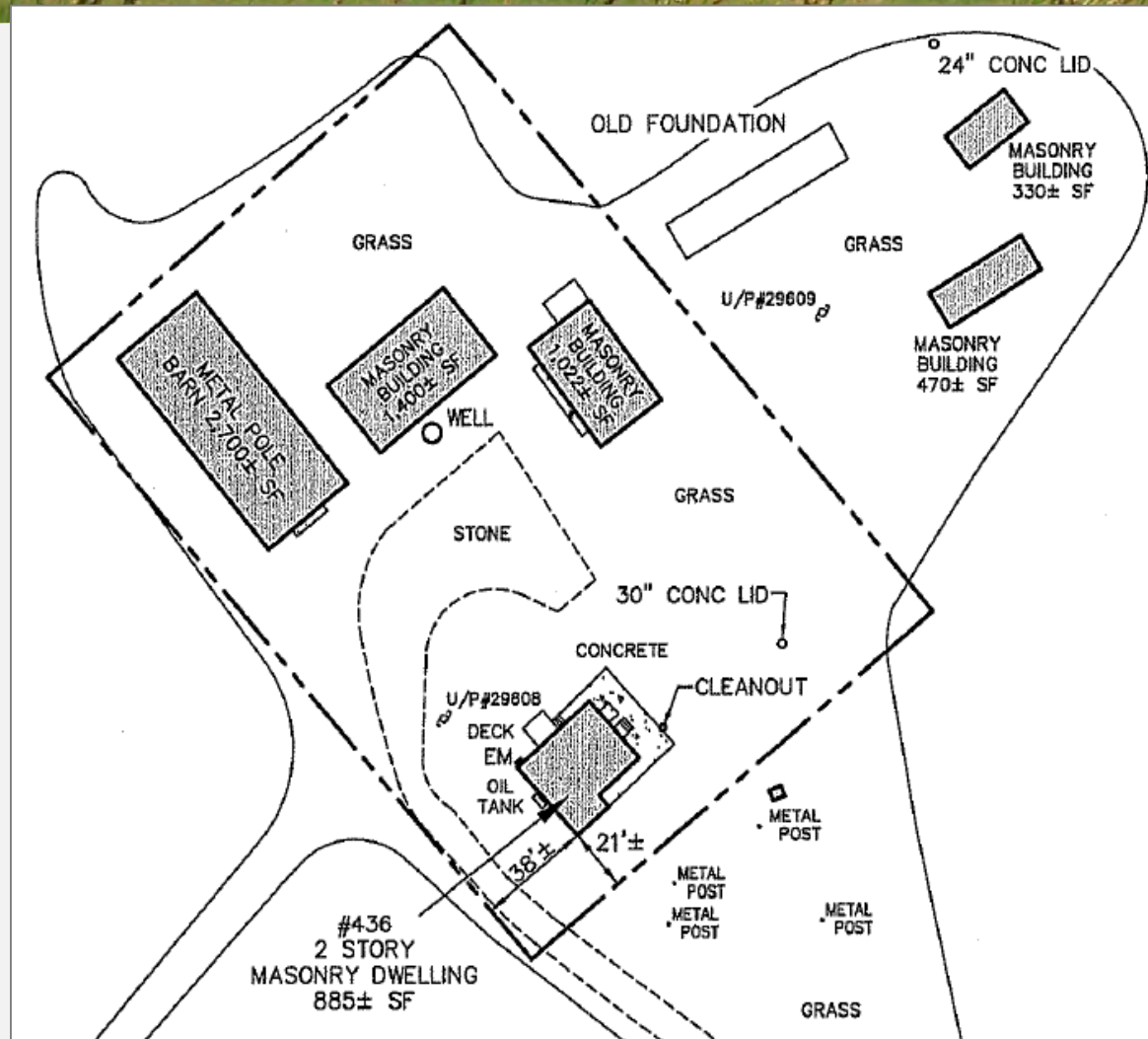
More Reasons to Except an Area Out

- Start or expand a business
- Subdivide a building lot
- Sell an existing house to a third party
- Divide open space from the preserved farm





Existing Structures and Acreage Chart



EASEMENT AREA DATA

Block 11 Lot 5

TOTAL AREA

130.803 ACRES 5,697,771 SQ. FT.

NON-SEVERABLE EXCEPTION

1.010 ACRES 43,647 SQ. FT.

FUTURE 20.5' ROAD WIDENING

0.979 ACRE 42,647 SQ. FT.

SUBJECT TO 25' ACCESS EASEMENT

0.196 ACRES 8,537 SQ. FT.

EASEMENT AREA

128,618 ACRES 5,602,592 SQ. FT.



Resources to Determine Preservation Status

Also include, at least one of the below:

- Online Web Maps (Helpful for seeing parcels' farmland preservation status, agricultural soils, wetlands, blocks/lots, etc.)
 - SADC Web Map
 - New Jersey Conservation Blueprint
- County Clerk office or website
- Call or email the SADC –provide landowner name, block/lot and Township/County.



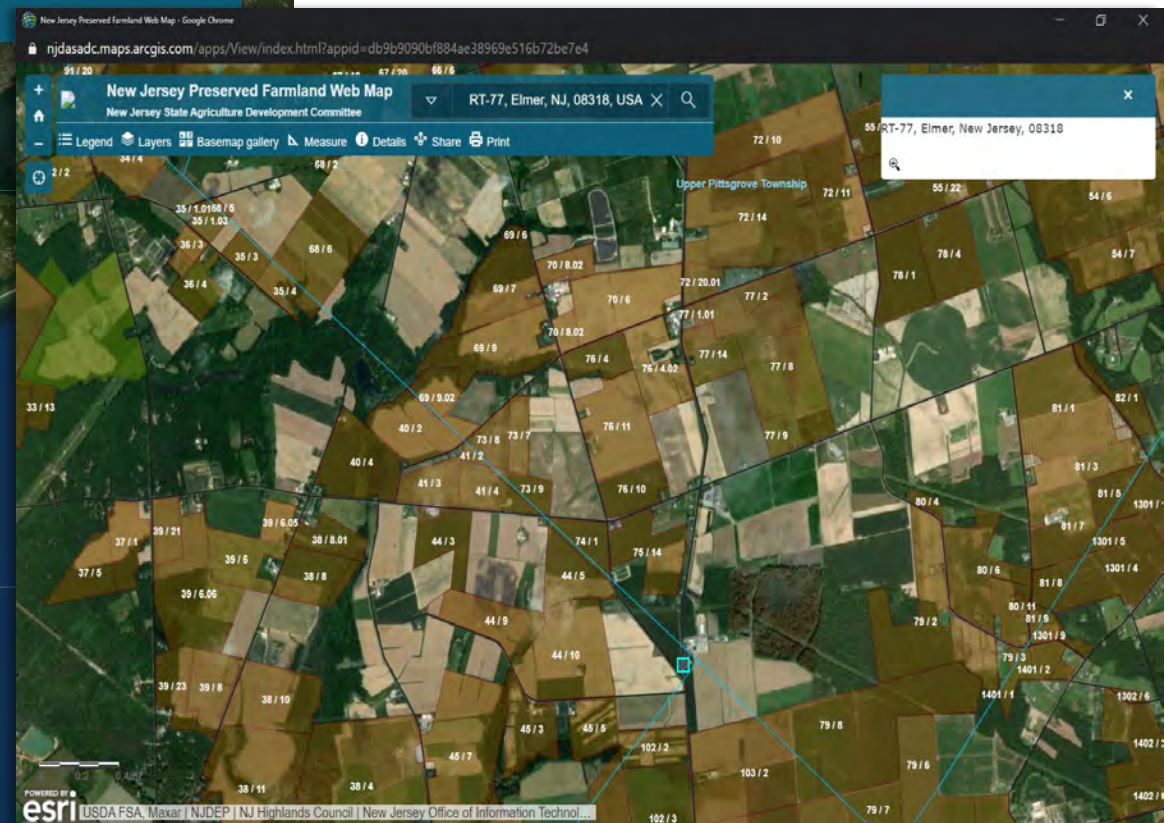
Web Map (link listed on www.nj.gov/agriculture/sadc/)



SADC's
Interactive
Web Map



Preserved Farmland





NJ Conservation Blueprint

NJ CONSERVATION BLUEPRINT

engage. restore. protect.

an online, interactive planning tool to prioritize lands to be protected.



Water Quality



Ecology



Agriculture

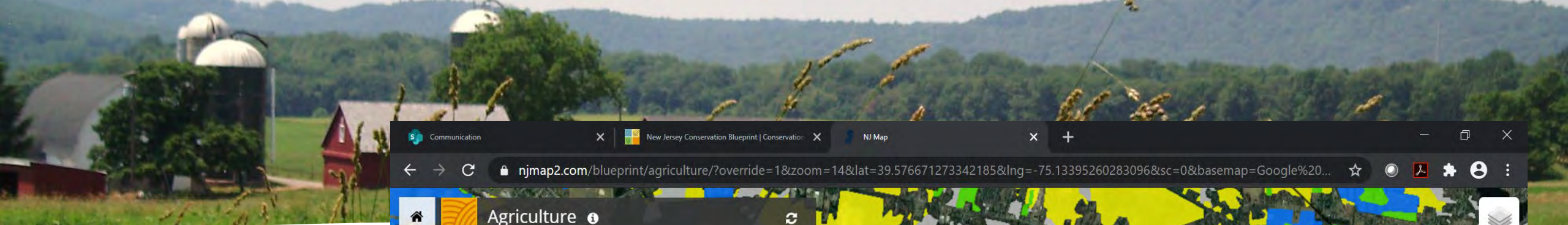


Community
Green Space

- Highlights critical areas to conserve in New Jersey
- Offers an approach to prioritize land acquisition and stewardship projects
- Provides relevant, up-to-date data in an easy to use format

www.njmap2.com/blueprint

conservationblueprint@gmail.com



NJ Conservation Blueprint – Searching by Address

Communication | New Jersey Conservation Blueprint | Conservation | NJ Map

njmap2.com/blueprint/agriculture/?override=1&zoom=14&lat=39.576671273342185&lng=-75.13395260283096&sc=0&basemap=Google%20...

Agriculture

- ✓ Priority Lands for Agricultural Preservation
Identifies lands not currently preserved with characteristics most conducive for agricultural viability indicated by current agricultural land use, quality of soils, and proximity to already preserved farmland. [more...](#)

Blue	Highest Priority (8 - 10 Points)
Green	High Priority (6 - 7 Points)
Yellow	Medium Priority (4 - 5 Points)
Grey	Priority (1 - 3 Points)

Opacity: [Slider]

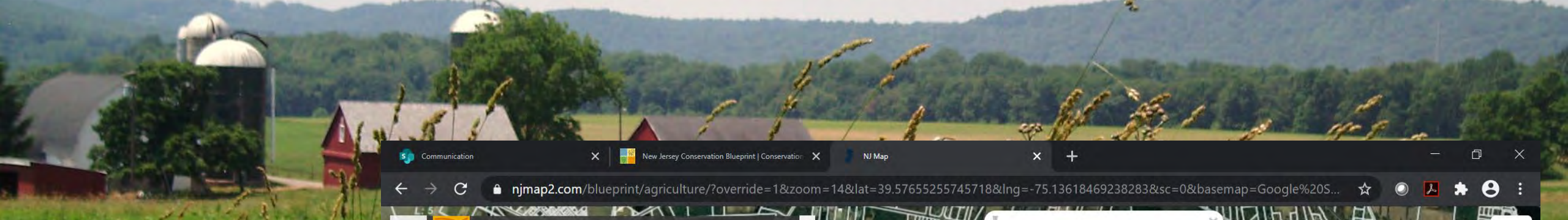
Boundary Layers ▶
Component Layers ▶
Reference Layers ▶

44 Holdcraft Rd, Pittsgrove Township, NJ 08318-3410, USA

CONSERVATION BLUEPRINT

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NJ Conservation Blueprint – Parcel Data

Communication | New Jersey Conservation Blueprint | Conservation | NJ Map

njmap2.com/blueprint/agriculture/?override=1&zoom=14&lat=39.57655255745718&lng=-75.13618469238283&sc=0&basemap=Google%20S...

Agriculture

■ Priority Lands for Agricultural Preservation

Identifies lands not currently preserved with characteristics most conducive for agricultural viability indicated by current agricultural land use, quality of soils, and proximity to already preserved farmland. [more...](#)

- Highest Priority (8 - 10 Points)
- High Priority (6 - 7 Points)
- Medium Priority (4 - 5 Points)
- Priority (1 - 3 Points)

Opacity

Boundary Layers

- State
- Counties
- Municipalities
- Parcels

Component Layers

Reference Layers

Pittsgrove Twp, Salem County NJ

PARCEL: 1711_202_49_QFARM
TAX CLASS: Farm (Qualified)
PRESERVED: NO
AREA: 65.4 acres

MEAN BLUEPRINT PRIORITY VALUES:

- Agricultural: 8.8
- Community Green Space: 0.1
- Ecological: 6.3
- Water: 4.3

[Show in Parcel Explorer](#)

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NJ Conservation Blueprint – Preserved Farms

Communication | New Jersey Conservation Blueprint | Conservation | NJ Map

njmap2.com/blueprint/agriculture/?override=1&zoom=14&lat=39.57655255745718&lng=-75.13618469238283&sc=213.0718994140625&base...

CONSERVATION BLUEPRINT

- High Priority (6 - 7 Points)
- Medium Priority (4 - 5 Points)
- Priority (1 - 3 Points)

Opacity: [Slider]

Boundary Layers

- State
- Counties
- Municipalities
- Parcels

Component Layers

- Preserved Farmland
- Farmland Soils
- Agricultural Lands
- Parcels Adjacent to Preserved Farms
- Infill Lands Between Preserved Farms
- Parcels within 1/2 mile of Preserved Farms
- Agricultural Threshold Parcels
- Priority Lands for Agricultural Preservation v1.3

2000 ft

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NJ Conservation Blueprint – Wetlands

Communication | New Jersey Conservation Blueprint | Conservation | NJ Map

njmap2.com/blueprint/agriculture/?override=1&zoom=14&lat=39.57655255745718&lng=-75.13618469238283&sc=823.5294189453125&base...

- Reference Layers ▶
 - Farmland Tax Assessed Parcels ▶
 - Open Space ▶
 - Pinelands Management Areas ▶
 - Pinelands National Reserve Outline ▶
 - DRWI Clusters & Focus Areas ▶
 - Highlands Planning and Preservation Areas ▶
 - Highlands Capability Zones ▶
 - Wastewater Service Areas ▶
 - County Agricultural Development Areas ▶
 - County Farmland Project Areas ▶
 - Streams with Buffer ▶
 - Water with Buffers ▶
 - Wetlands with Buffers ▶
 - Wetlands ▶
 - Coastal Planning Areas ▶
 - Centers (NJ State Plan) ▶
 - NJ State Plan ▶
 - Highways ▶

CONSERVATION BLUEPRINT

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SADC Website

Many resources available

Governor Phil Murphy • Lt. Governor Sheila Oliver
NJ Home | Services A to Z | Departments/Agencies | FAQs
Search

STATE OF NEW JERSEY
DEPARTMENT OF AGRICULTURE
STATE AGRICULTURE DEVELOPMENT COMMITTEE

- Home
- Landowners
- Preservation Partners
- General Public
- About the SADC
- Farmland Preservation
- TDR
- Right to Farm
- Agricultural Mediation
- Farm Link
- Statutes/Rules/Policies
- Forms and Applications
- Rule Proposals
- Publications
- News

230,000 acres of farmland have been preserved to date under New Jersey's Farmland Preservation Program

Featuring

- FY2019 SADC Annual Report
- American Farmland Trust (AFT) Report: "Farms Under Threat: The State of the States"
- SADC Interactive Web Map
- Farmland Preservation Totals, Maps, Listing of Farms
- County and Municipal PIG Status Reports

Popular Topics

- August 27, 2020 Meeting Agenda
- SADC Meeting PowerPoint presentation-August 27, 2020 (PDF)
- Special Occasion Events (SOE) Final Report to the Governor and Legislature
- Soil Protection Standards - Best Management Practices February 27, 2020 DRAFT (PDF)
- Soil Protection BMPs - Temporary Parking & Storage, Temporary Structure and Semi-Permanent Parking & Storage

Resources

- Contact SADC Staff - Staff Phone and Email List
- Appraisal Resources
- Guidance Library
- Open Public Records Act (OPRA)
- Monitoring Report E-form (Internet Explorer Only)

Contact the SADC

www.nj.gov/agriculture/sadc/



Acquisition
is not the
End...

...It's the Beginning

- Farms are living businesses
- Preservation adds limits but does allow for growth and changes in the business
- Preservation entities work with the landowner, township, state and federal offices to ensure farms remain as viable as possible while remaining in compliance with the individual easement terms



Coordination



Question & Answer

Do you need clarification on any aspect of the course material?

- Are you clear on how to determine if a property is preserved?
- Do you have any questions about SADC farmland preservation programs?

Cindy Roberts – 609-943-4484 or cindy.Roberts@ag.nj.gov

Charles Roohr – 609-984-2504 or charles.roohr@ag.nj.gov

Gillian Armstrong – 609-984-2504 or gillian.armstrong@ag.nj.gov