

# Division of the Premises

The Deed of Easement sets forth the legal restrictions that will apply to your farm once it is preserved. The survey metes and bounds description of your farm has the effect of tying all of your lots together as one preserved "premises." Although your farm may consist of multiple lots, after preservation they cannot be divided, transferred individually, or conveyed to other owners without written approval of the State Agriculture Development Committee (SADC) and the easement holder, which may be the County Agriculture Development Board (CADB) or a non-profit agency.

To request approval to divide the preserved premises, you need to submit an application to the easement holder demonstrating that the division would meet both of the following tests:

## The Agricultural Purpose Test

First, the proposed division must be for an agricultural purpose. The SADC considers enhanced agricultural production activities, such as agricultural expansion, diversification and/or intensification resulting from a division as typically meeting the agricultural purpose test.

## The Agricultural Viability Test

Second, the division must result in agriculturally viable parcels, each capable of sustaining a variety of agricultural operations that produce a reasonable economic return under normal conditions, solely from the parcel's agricultural production. So, the SADC would need to be confident that each newly created farm has sufficient agricultural resource value (soil quality, tillable land, size, etc.) to support a variety of agricultural operations into the future.

Additionally, any parcel not meeting the minimum eligibility criteria for new applications to the program set forth in the SADC regulations will not be approved.

**The SADC's objective is to retain large masses of viable agricultural land. Agricultural parcels may become less viable if reduced in size. Therefore, the SADC will carefully consider the criteria to evaluate whether a permanently preserved farm should be divided.**

## Major SADC Considerations

- Total Tillable Acreage
- Quality of Soils
- Configuration of New Parcels
- Historical Agricultural Uses
- Existing Agricultural Infrastructure
- Proximity to Other Farms/Preserved Farms
- Proposed Agricultural Uses
- Benefit to Production Agriculture

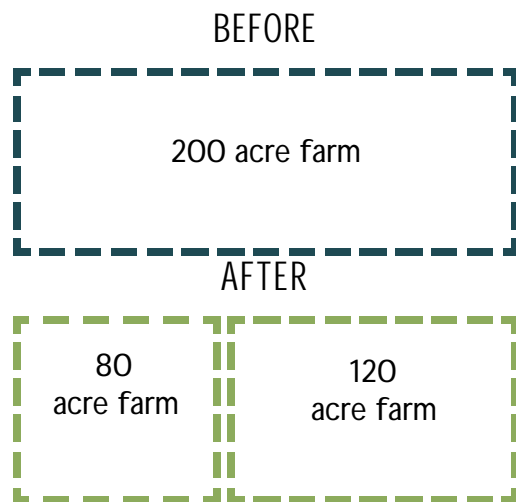


## Division Procedure

1. Submit completed application and required maps to the CADB or designated easement holder
2. The easement holder will ensure that the application is complete and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
3. If approved, the easement holder will forward the application to the SADC for further review (the SADC will only review applications approved by the easement holder)
4. The SADC will review the application and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
5. If approved by the SADC, new surveys and legal descriptions may be required as a condition of approval. In addition, the SADC may request to review any deed which transfers a portion of the Premises to a new owner. Upon review and approval of all necessary documents the SADC will record its approval resolution with the appropriate County Clerk's office

Application and additional information can be found at <http://www.nj.gov/agriculture/sadc/rules/> under Policies, Farmland Preservation, P-30-A

### Diagram of a Division



### Why might an application for a division of the Premises be denied?

- Each parcel does not meet the minimum eligibility criteria on its own – for example, the newly created farms may not be of sufficient size or may have a lack of tillable acres on at least one parcel.
- Large wooded areas or areas of marginal soils render the tillable land of one parcel insufficient or unable to support a variety of agricultural production activities
- Lack of a concrete plan for agricultural production for one or both of the new parcels to be created
- The purpose of the division is speculative resale of one or multiple preserved parcels
- The purpose of the division is to accomplish “estate planning” or to only provide for retirement of the current owner with no agricultural purpose

