



Improving Your Community with the Farmland Preservation and Green Acres Programs:

Keeping the Garden in the Garden State

Presented by:

Cindy Roberts, Outreach and Training Coordinator
The State Agriculture Development Committee (SADC)

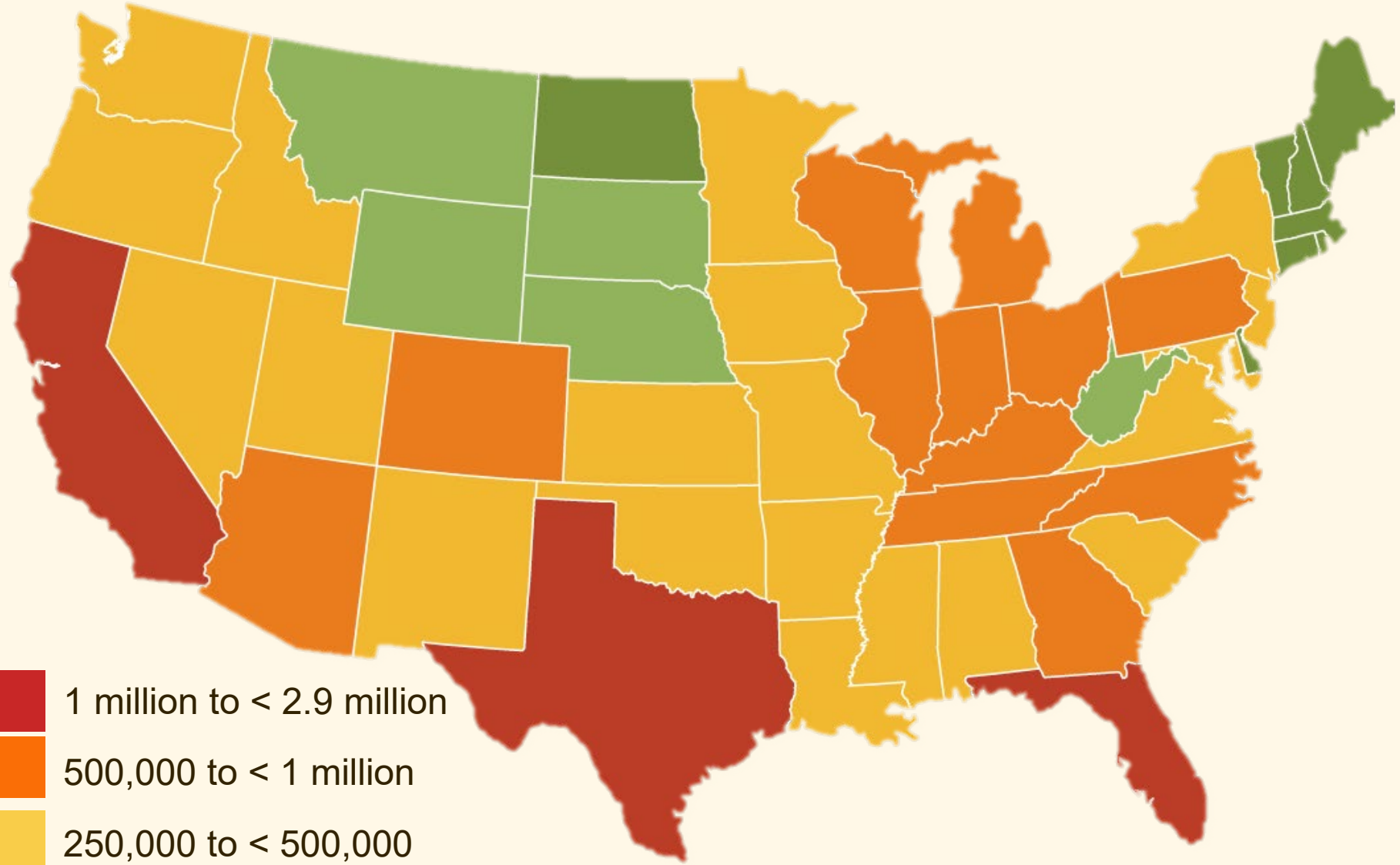
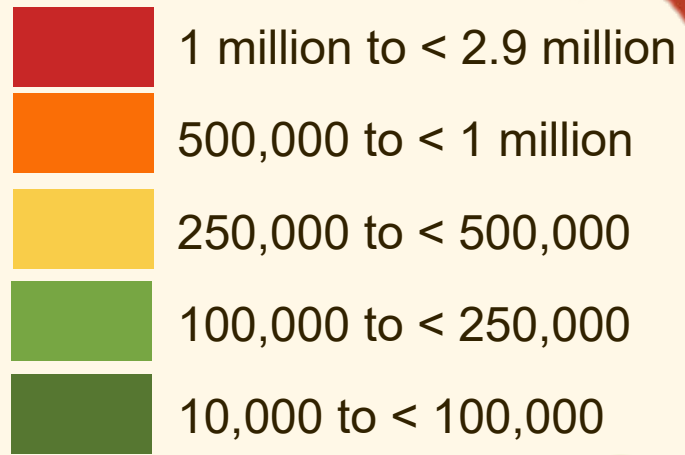


No Farms No Food®

American Farmland Trust

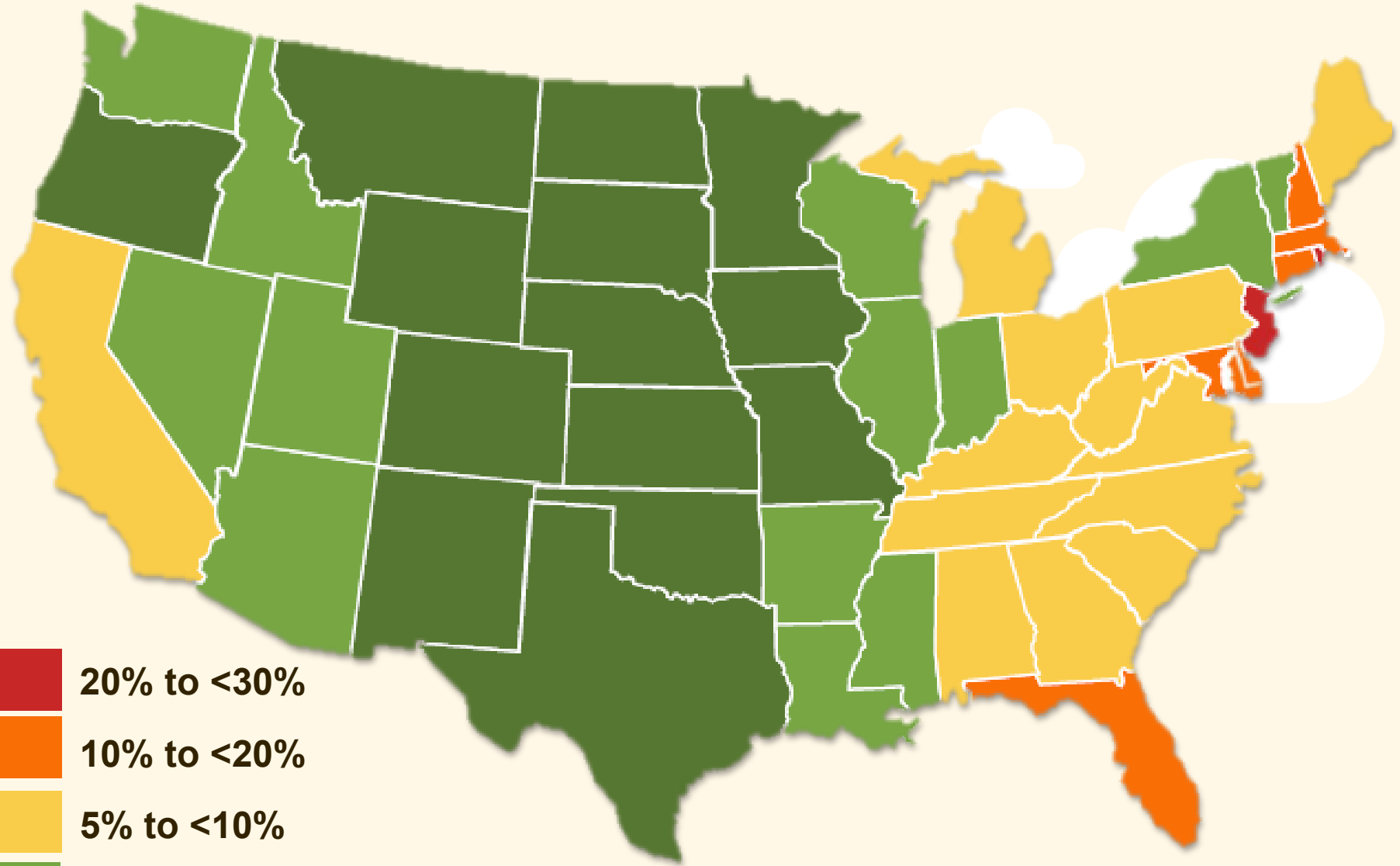
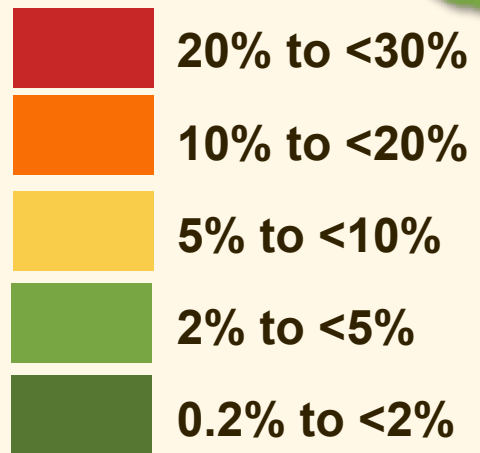


Loss of Farmland (acres) 1982 -2007





Farmland Rate of Loss 1982 - 2007






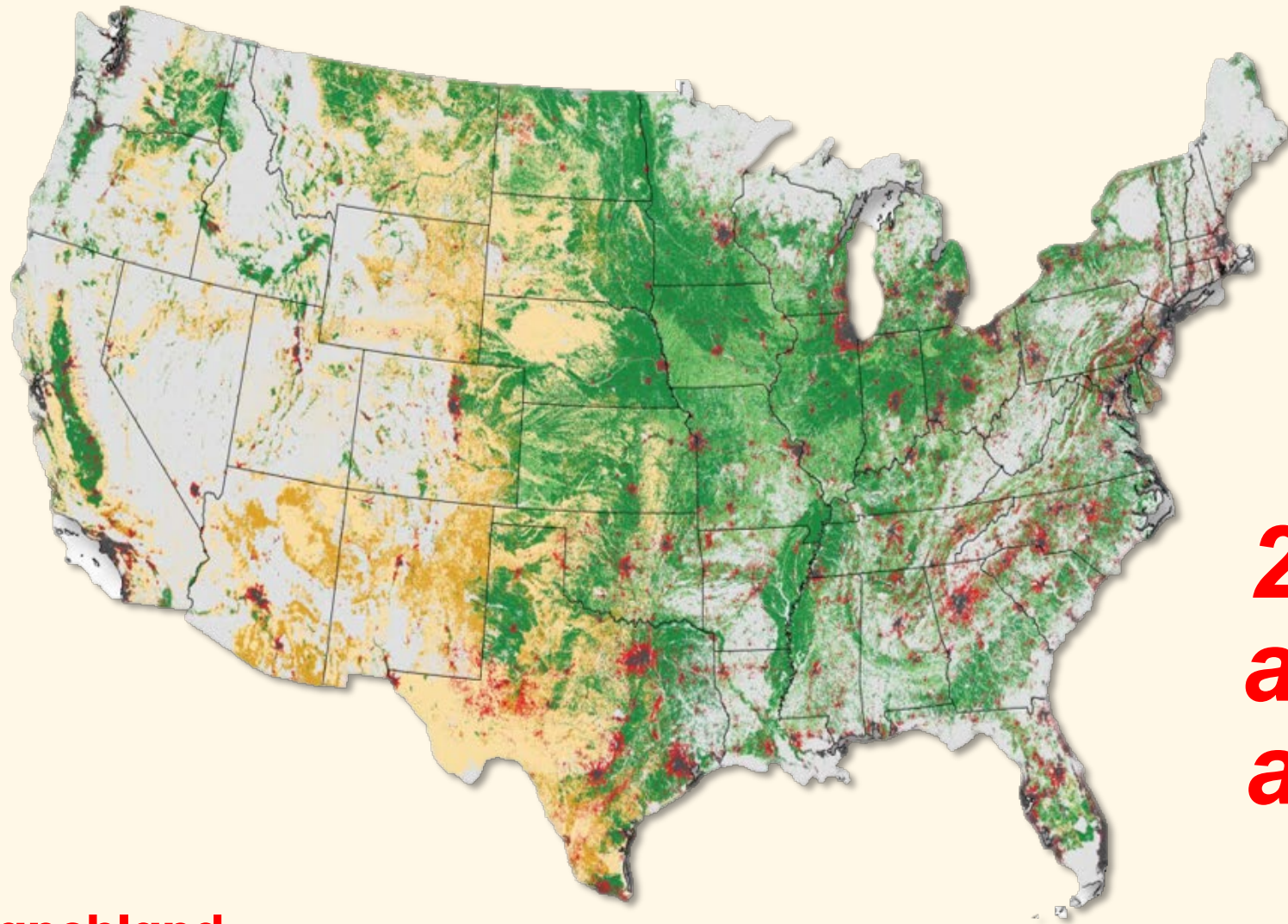
AFT's “Farms Under Threat Report”

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**).

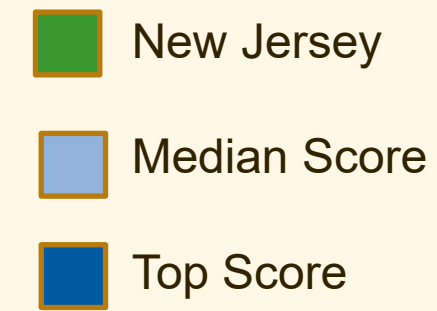
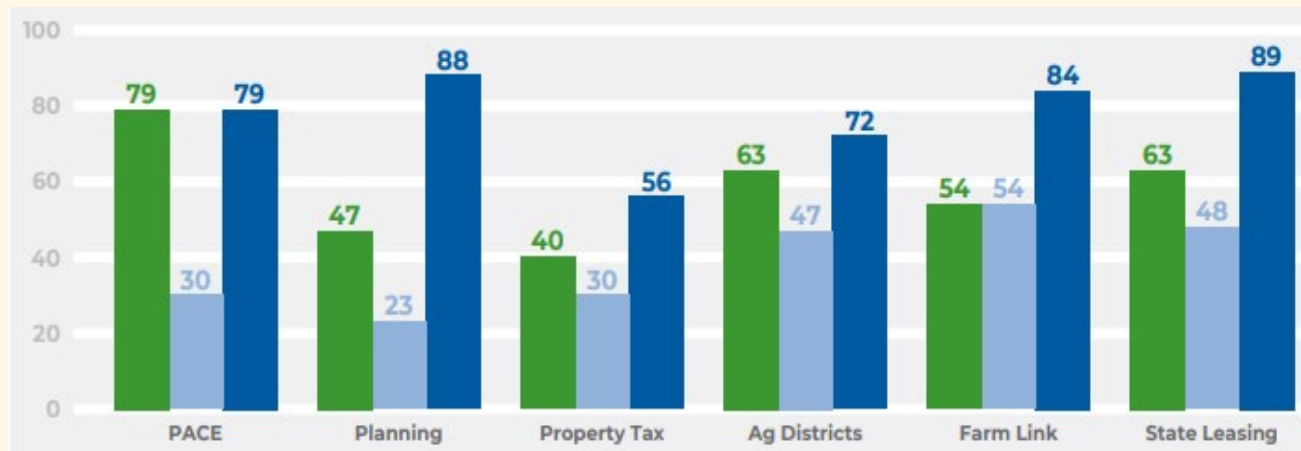
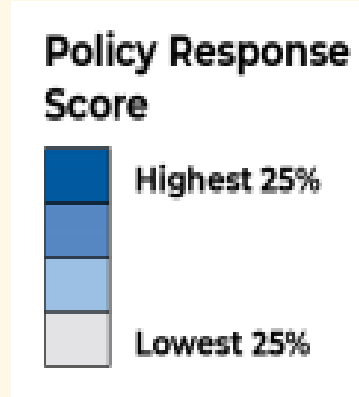
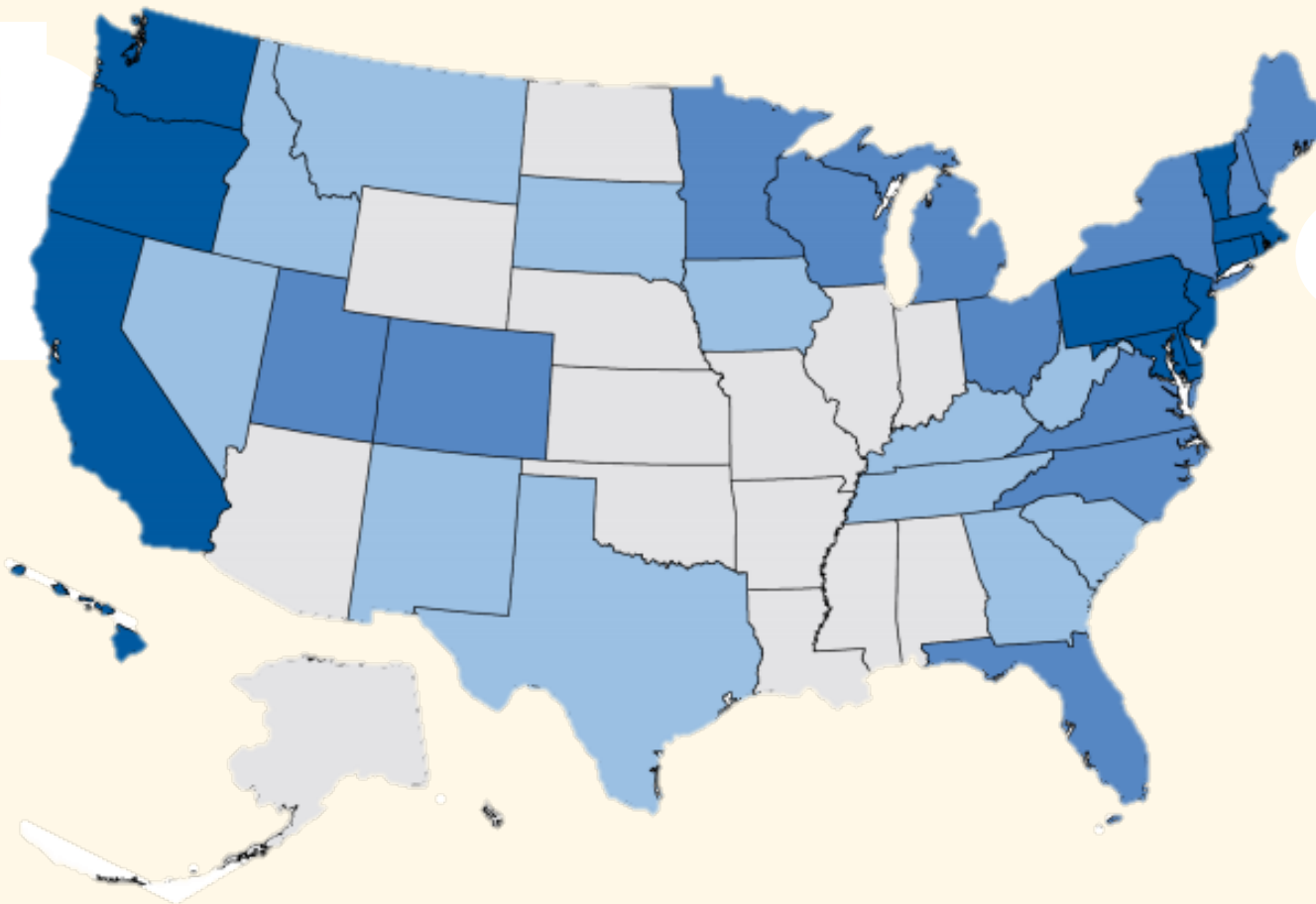


**2,000
acres
a day**

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



New Jersey Ranks #1 in the Nation!



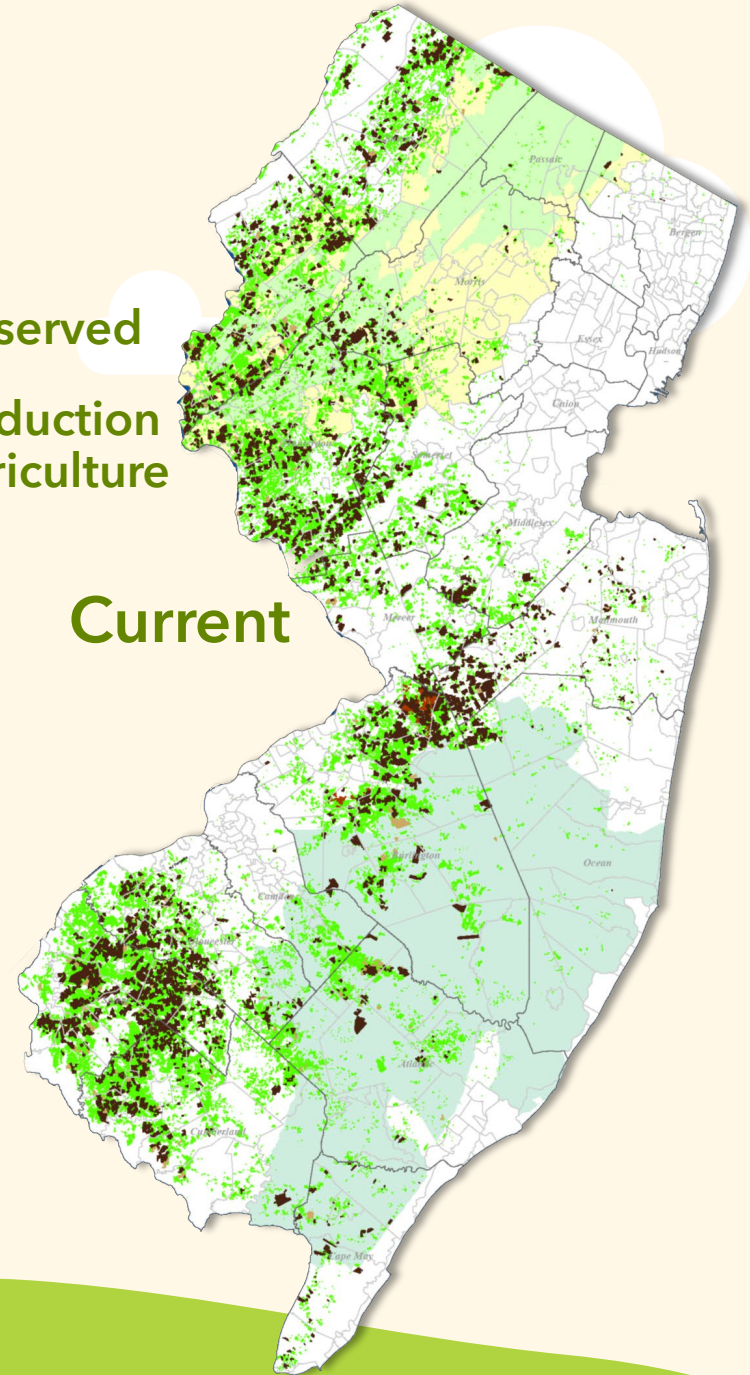
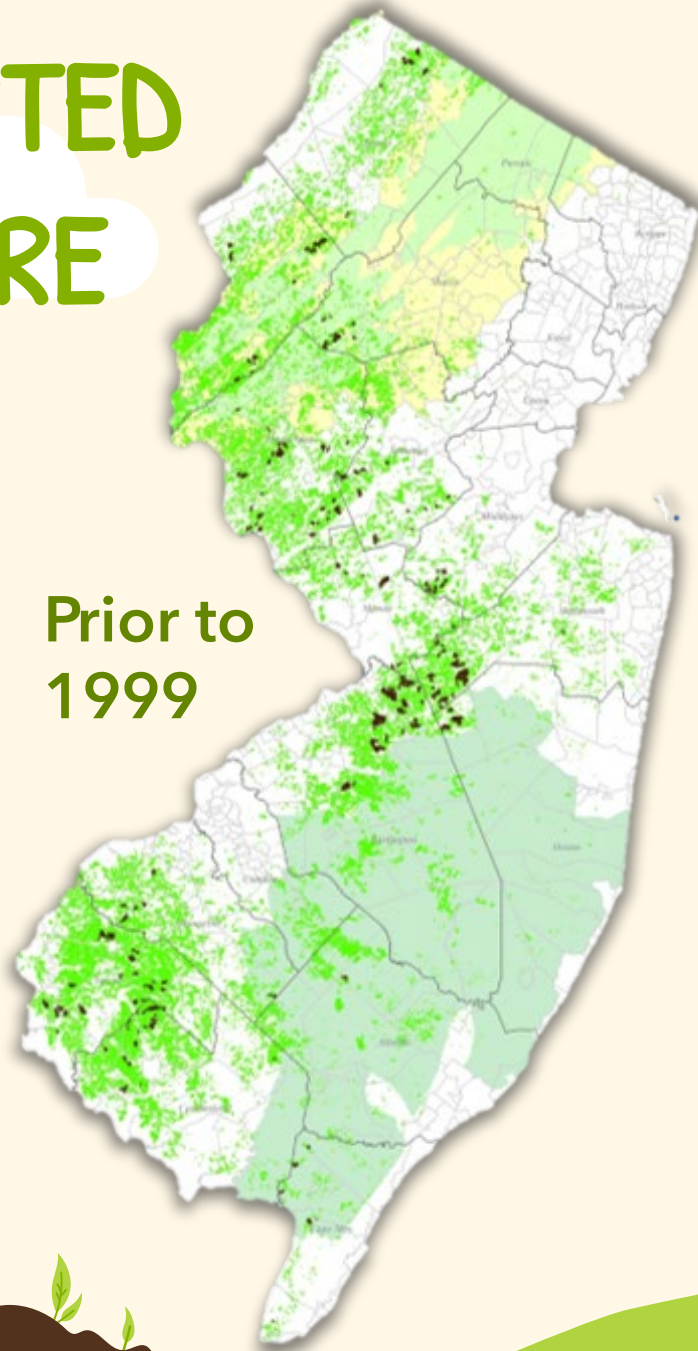


Why Preserve New Jersey's Farmland?

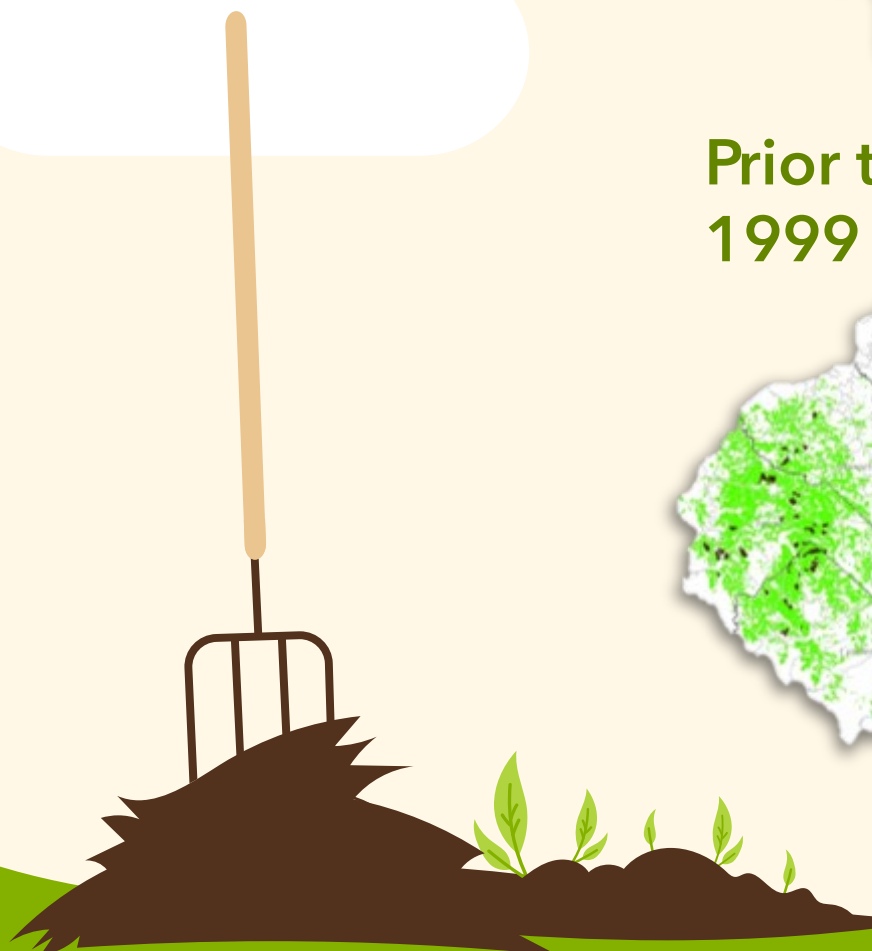
- Sustain the Agricultural Industry
- Land Use Benefits
- Fiscal Impacts
- Quality of Life

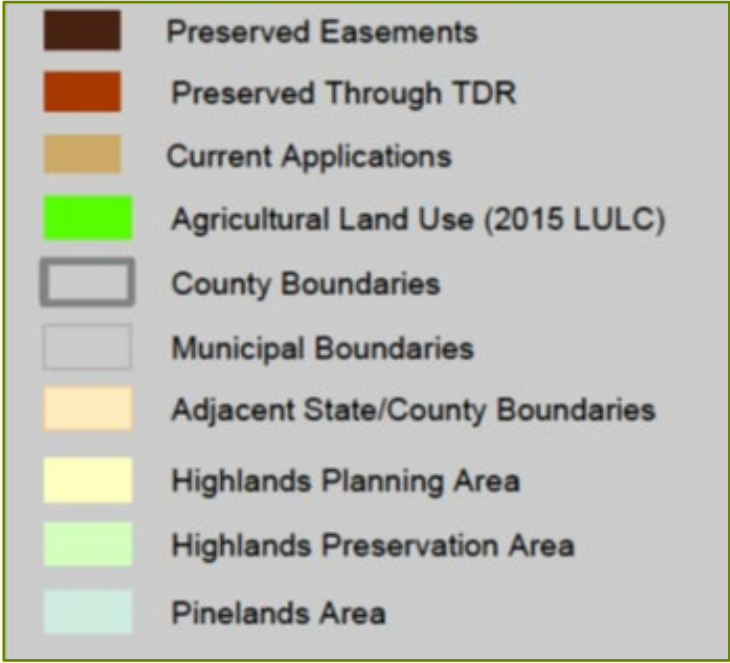
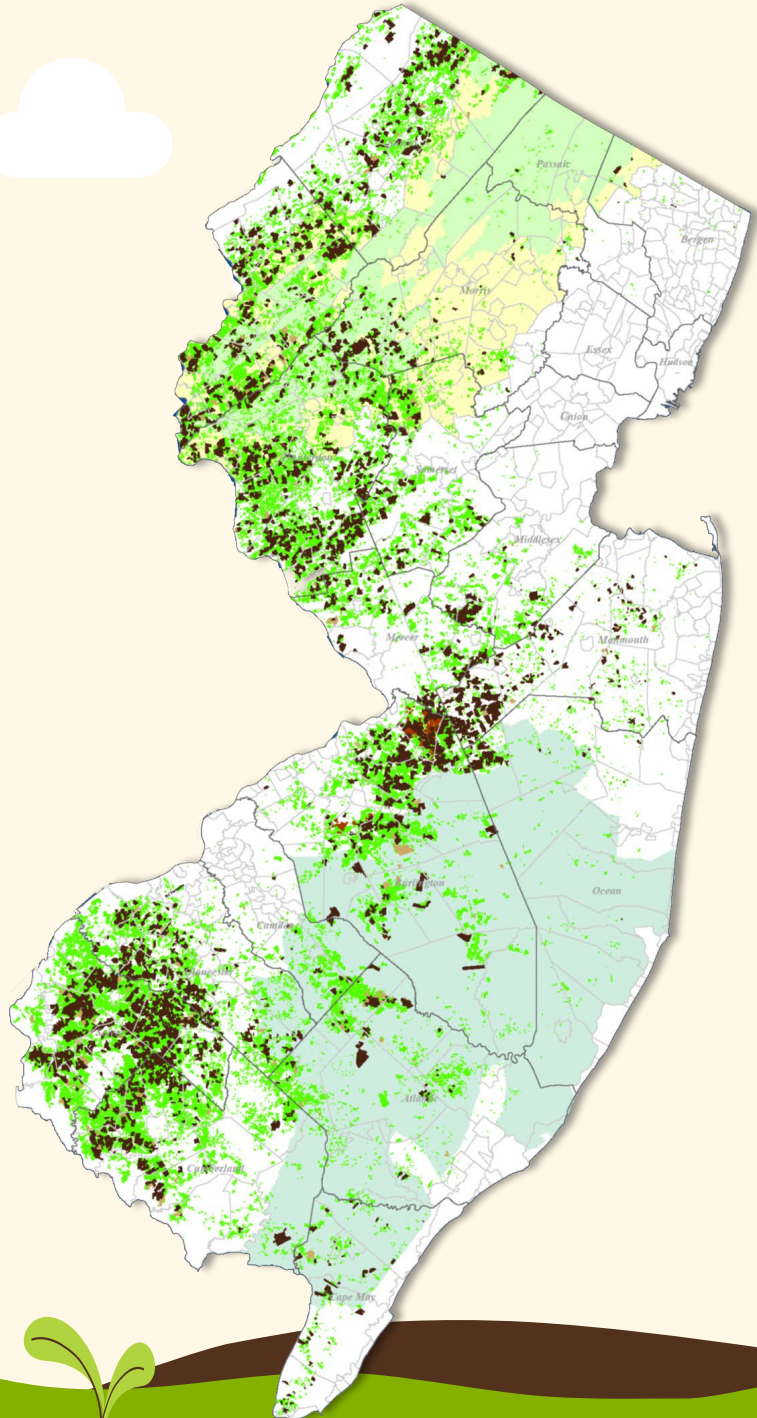


WHERE WE STARTED & WHERE WE ARE



- Preserved
- Production Agriculture





~734,000 ac. land in farms
(2017 Census of Agriculture)

~ 250,107 ac. Preserved

(2,847 farms)

~50.02% Preserved

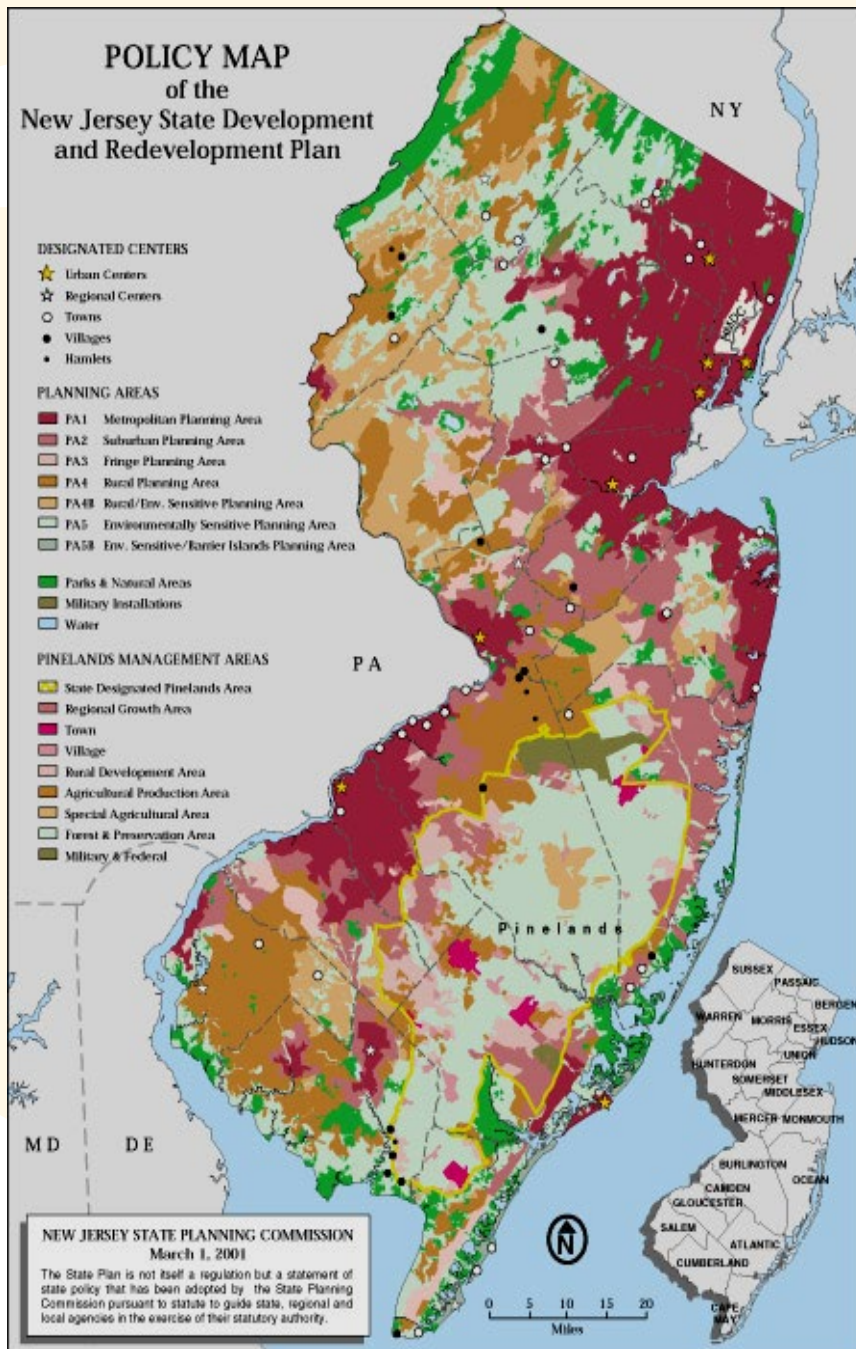
(highest % in the U.S.)

Goal: ~500,000 acres

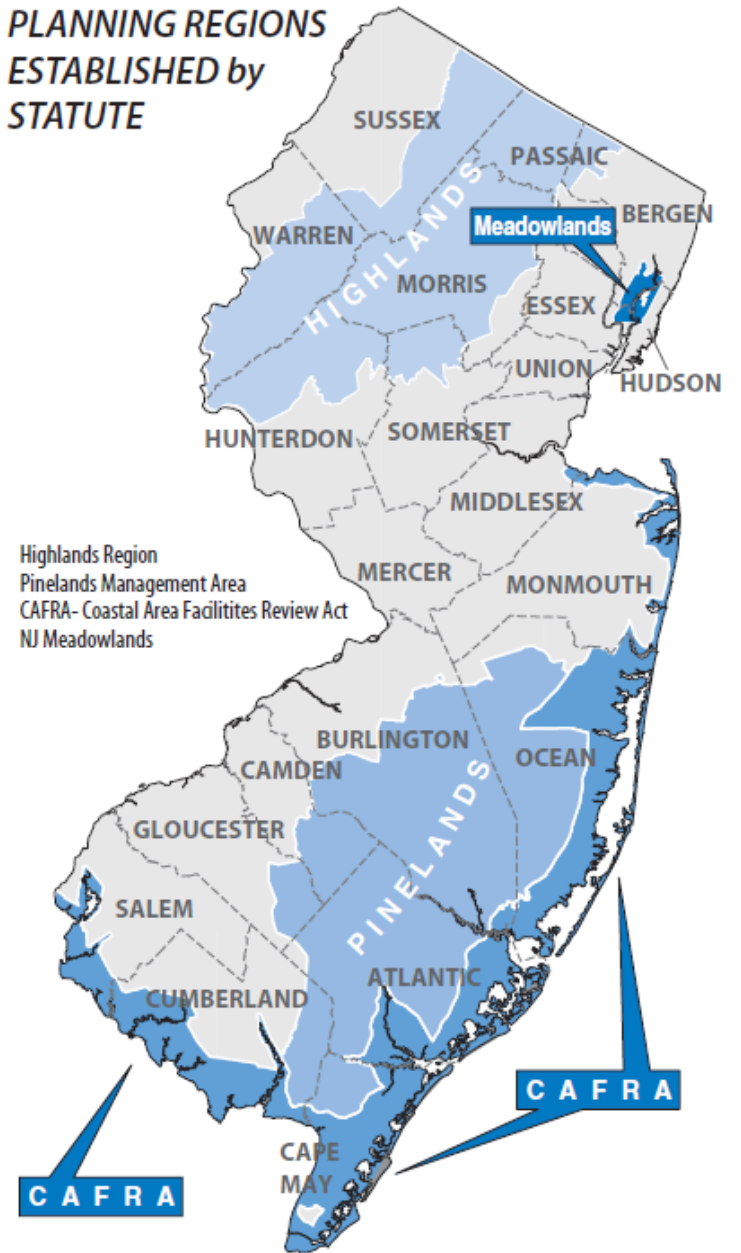




Farmland Preservation Program Planning Context

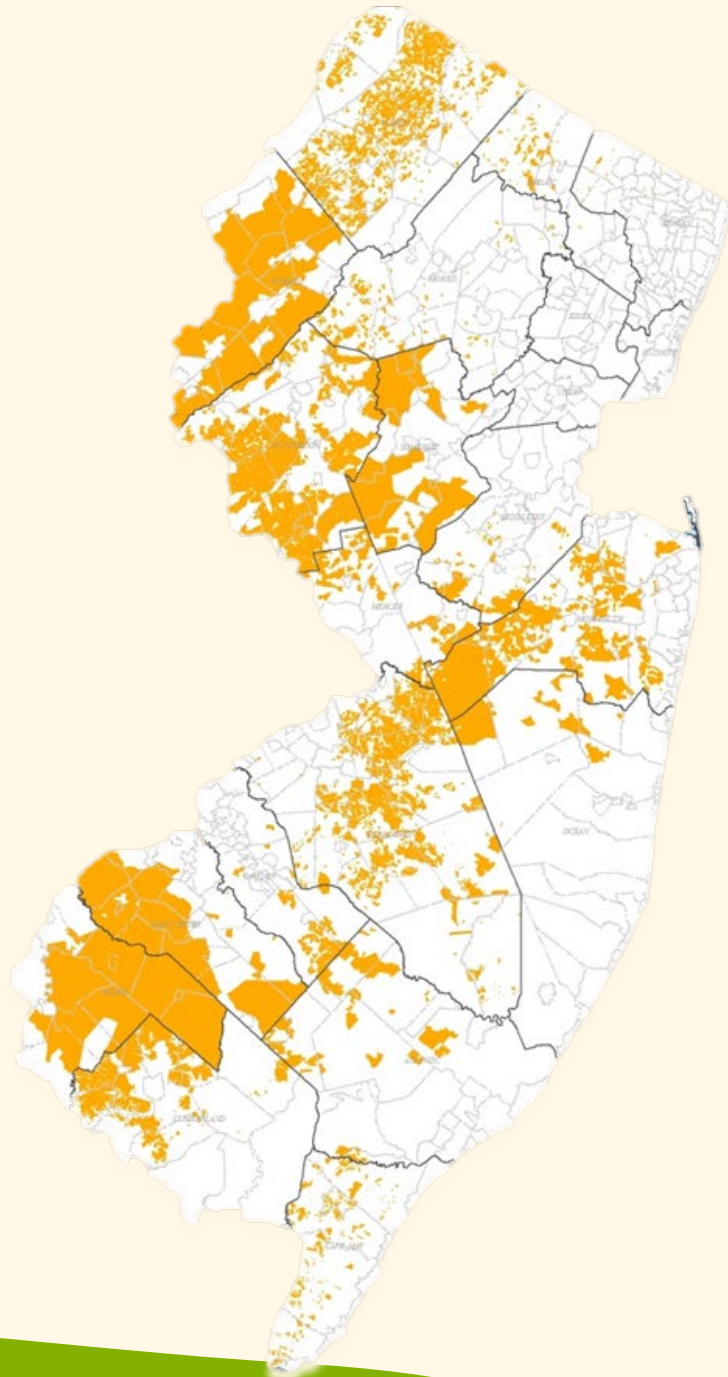


PLANNING REGIONS ESTABLISHED by STATUTE

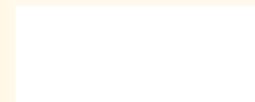




County Agricultural Development Areas



Ag Development
Areas (ADAs)



County Boundaries

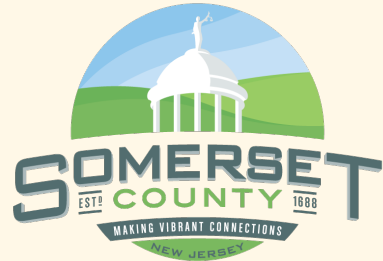


Municipal Boundaries

State Agriculture Development Committee (SADC) Preservation Programs



State Direct Easement
Program



County Planning
Incentive Grant (PIG)



Municipal Planning
Incentive Grant (PIG)



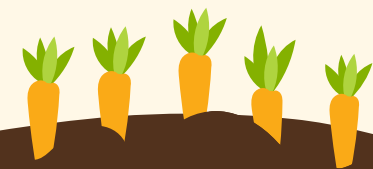
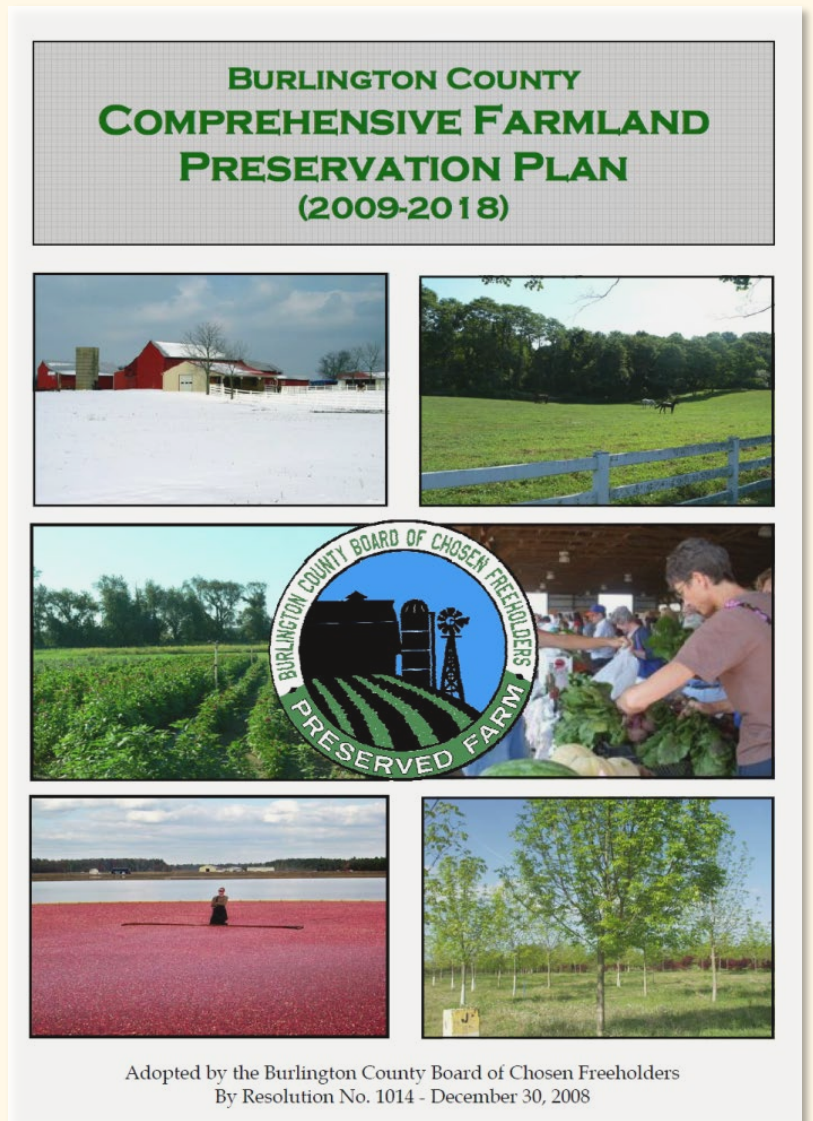
Non-Profit
Program

Which one is right for you?



Municipal and County Comprehensive Farmland Preservation Plan

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



County and Municipal PIG Programs

- ✓ **Eligibility** – land must be identified in Farmland Preservation Plan as a targeted farm
- ✓ **Application** – is made to the County or Municipality
- ✓ **Targeted** farms list can be updated annually



State Direct Easement Focus

- ✓ Preserve the largest, strategically located, high-quality farms within each county of the state
- ✓ SADC covers up to 100% of the cost
- ✓ SADC is the 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

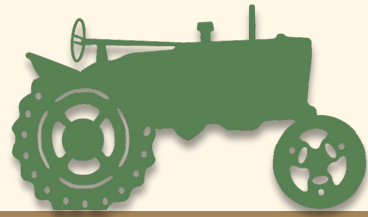


Preservation Process

- ❑ Application is made to the Township, County, Nonprofit, or SADC
- ❑ Eligibility determined - Decisions are made on residential opportunities, nonagricultural uses & exception areas.
- ❑ The value of a farm (land only) and development easement is established through two independent appraisals. SADC certifies a value.
- ❑ **The easement sale price is based on the difference between what a developer would pay for the land and what it is worth for agriculture.**
- ❑ Offer made – if accepted, the landowner enters into a contract to sell the development rights.
- ❑ Survey, Title, and closing review
 - Total time = +/- 18 – 24 months to closing*
- ❑ There is NO COST to the landowner if the offer is rejected.



Steps in the Process

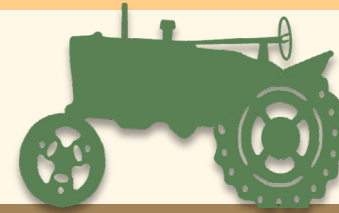


Green
Light
Approval

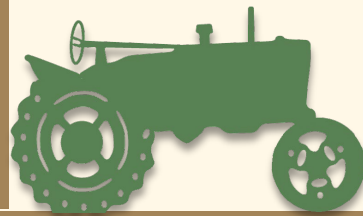
CMV



Final
Approval



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



CLOSING!

MINIMUM ELIGIBILITY CRITERIA

For farms less than or equal to 10 acres:

- The land produces agricultural or horticultural products of at least \$2,500 annually;
- At least 75% of the land is tillable or a minimum of 5 acres, **whichever is less**; and
- At least 75% of the land, or a minimum of 5 acres, consists of soils that can support agricultural or horticultural production.

For lands greater than 10 acres:

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

The municipal zoning ordinance must permit:

- At least one additional residential opportunity (or other development potential)
- Sufficient access and conditions for additional development
- Agriculture is a permitted use in the zone

Lands less than 25 acres shall not contain more than

- 80% soils classified as freshwater or modified agricultural wetlands.
- 80% soils with slopes in excess of 15%



The Appraisal Process

- 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:
$$\begin{array}{r} \$15,000 / \text{acre before value} \\ \$5,000 / \text{acre after value} \\ = \\ \$10,000 / \text{acre EASEMENT value} \end{array}$$
- Record permanent restriction against deed (DOE)





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.

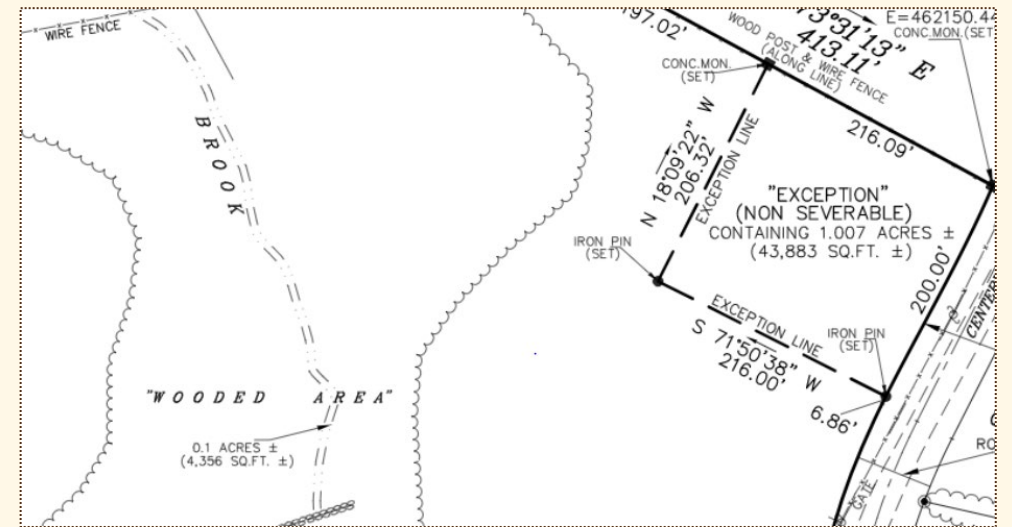
The tax map reference for the Premises is:

Township of _____

Block _____, Lot _____

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



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



What can I do on my preserved farm?

- ❖ When preserving your farm, you are selling your right to use and develop your land for non-agricultural purposes, in perpetuity
- ❖ Exception areas are encouraged to allow for small scale non-agricultural uses in the future
- ❖ Maintain the right to any kind of agricultural activities
- ❖ The landowner must maintain the soil and water resources on the farm
- ❖ No additional residential opportunities outside of what is included in the Deed of Easement, except for agricultural labor houses, with approval



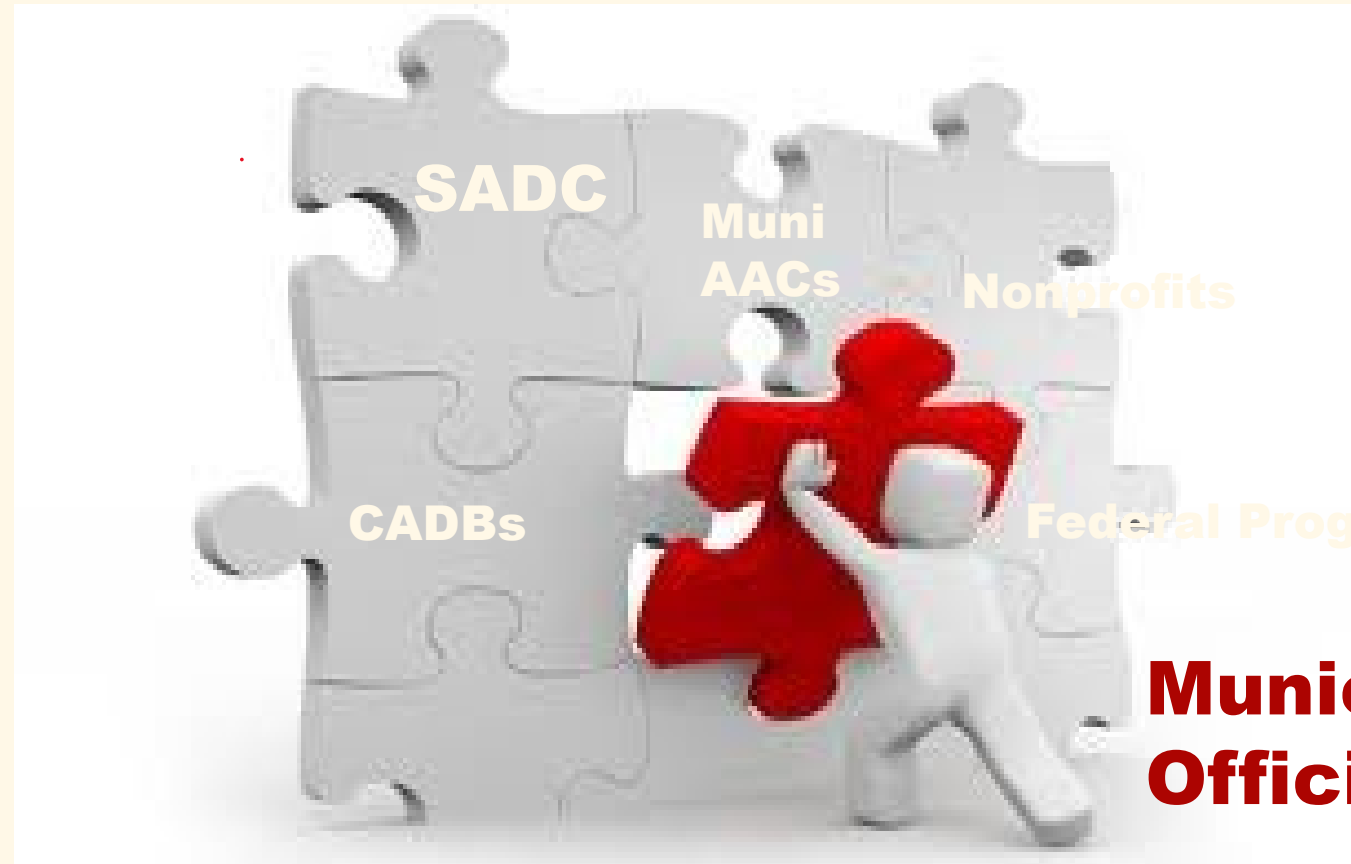
Preservation is not the end...

...it's the beginning.

- ❖ Farms are active businesses
- ❖ Preservation allows for growth and changes to the agricultural operation
- ❖ Grants are available to maintain agricultural viability



Coordination



**Municipal
Officials**



For farm landowners, participation in the Farmland Preservation Program means a stronger land base to support New Jersey's agricultural industry, the satisfaction of knowing their land will forever be preserved as farmland, and access to the resources that can help them achieve their personal and financial goals.

For all of us, farmland preservation is an important part of keeping New Jersey green and prosperous. Preserved farmland limits urban sprawl, protects our water and soils, provides us with an abundance of locally grown farm products, and maintains our connection to the land and the longstanding agricultural traditions that earned our reputation as the Garden State.



Contact

- Cindy Roberts, *Outreach and Training Coordinator*
609-913-6582 or Cindy.Roberts@ag.nj.gov
- Stefanie Miller, *Acquisition Manager*
609-913-6572 or Stefanie.Miller@ag.nj.gov
- Katie Mazzella, *Regional Acquisition Coordinator*
609-913-6571 or Katie.Mazzella@ag.nj.gov
- David Zaback, *Regional Acquisition Coordinator*
609-954-0035 or David.Zaback@ag.nj.gov

