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

Keeping the Garden in the Garden State

Presented by:
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The State Agriculture Development Committee (SADC)
Loss of Farmland (acres)  
1982 - 2007

- 1 million to < 2.9 million
- 500,000 to < 1 million
- 250,000 to < 500,000
- 100,000 to < 250,000
- 10,000 to < 100,000
Farmland Rate of Loss
1982 - 2007

- 20% to <30%
- 10% to <20%
- 5% to <10%
- 2% to <5%
- 0.2% to <2%
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

Prior to 1999

Current

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
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.
Most steps in the Farmland Preservation Process are the same no matter the program.
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, \textit{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, \textit{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: $15,000 / acre before value
  $5,000 / acre after value
  = $10,000 / acre EASEMENT value

- Record permanent restriction against deed (DOE)
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
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.
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