



## **AGRICULTURAL DEVELOPMENT BOARD**

### **POLICY FOR FARMLAND PRESERVATION APPLICATIONS AND THE PROVISION OF HOUSING OPPORTUNITIES**

#### **Purpose:**

To establish a policy that aids in maintaining the affordability of preserved farmland by providing guidelines for allowing housing opportunities (excluding ag-labor housing) on farmland permanently preserved through the Mercer County Agricultural Development Board (MCADB).

#### **Background:**

A goal of farmland preservation is to provide affordable farmland for new and existing farmers to purchase. The opportunity to construct a dwelling where none currently exists on a preserved farm significantly increases the farm's value, and thus impacts the affordability for new and existing farmers to purchase such land. In Mercer County, there can be found large numbers of non-farm dwellings in proximity to farmland. This creates the possibility for a farmer to live near, but not on, a farm. Thus, the MCADB desires to encourage the goal of affordable farmland by limiting the ability of farmland preservation applicants to construct housing on such farms.

#### **Policy:**

1. At the discretion of the MCADB, farmland preservation applications for farms with gross acreage less than the County minimum of 25 acres, but meeting the eligibility requirements of CADB Resolution 2007-06 (see Attachment A), shall not have a housing opportunity on the farm unless one already exists (agricultural labor housing excluded).
2. Farmland preservation applications for farms greater than 25 acres shall have no more than one housing opportunity – existing or proposed – on the farm (agricultural labor housing excluded); however, the MCADB may give consideration to an applicant's request for additional housing opportunities.
3. In the event the MCADB is asked to consider one or more new housing opportunities as described in paragraphs 1 and 2, it will do so using criteria that would include, but not be limited to: size of house(s), size of Exception Area(s) and location of Exception Area(s).
4. This policy is effective with the 2014 round of farmland preservation applications.

Adopted:	Effective:	Revision #:	Last Revised:
02-04-13	02-05-13	-	

**MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD  
RESOLUTION**

**FARMLAND PRESERVATION ELIBIBILITY AND RANKING CRITERIA**

WHEREAS, the State Agriculture Development Committee (SADC) adopted new rules that became effective July 2, 2007, and which required the Mercer County Agricultural Development Board (MCADB) to select the type of farmland preservation cost-sharing program it would participate in, and

WHEREAS, the MCADB selected the County Planning Incentive Grant (PIG) Program, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of minimum eligibility criteria for the county to solicit and approve farmland preservation applications, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of ranking criteria that the county will use to prioritize farms for county farmland preservation funding, and

NOW THEREFORE BE IT RESOLVED that the MCADB adopts the following application eligibility criteria:

1. Application must be within the County Agricultural Development Area
2. Application must be of land with farmland assessment
3. Application must be of at least 25 farm acres – lesser acreage acceptable if adjacent to a preserved farm
4. Application must meet minimum requirements of N.J.A.C. 2:76-6.20
5. Application also subject to qualification as an “eligible farm” if SADC funds are requested, and

BE IT FURTHER RESOLVED that the MCADB adopts the criteria at N.J.A.C. 2:76-6.16 for use as its ranking criteria that the county will use to prioritize farms for county farmland preservation funding.

Date adopted: October 1, 2007

MCADB Secretary: \_\_\_\_\_



Daniel Pace

## § 2:76-6.20 Minimum eligibility criteria

(a) All lands from which a development easement is acquired and all lands purchased in fee simple title pursuant to section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), or sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 40) shall at a minimum satisfy the following criteria:

1. For lands less than or equal to 10 acres, the land must meet the criteria in (a)1i, ii, iii and iv, or (a)1v below.

i. The land produces agricultural or horticultural products of at least \$ 2,500 annually;

ii. At least 75 percent of the land is tillable or a minimum of five acres, whichever is less;

iii. At least 75 percent of the land, or a minimum of five acres, whichever is less, consists of soils that are capable of supporting agricultural or horticultural production; and

iv. The land must exhibit development potential based on a finding that all of the following standards are met:

(1) The municipal zoning ordinance for the land as it is being appraised must allow additional development, and in the case of residential zoning, at least one additional residential site beyond that which will potentially exist on the premises;

(2) Where the purported development value of the land depends on the potential to provide access for additional development, the municipal zoning ordinances allowing further subdivision of the land must be verified. If access is only available pursuant to an easement, the easement must specify that further subdivision of the land is possible. To the extent that this potential access is subject to ordinances such as those governing allowable subdivisions, common driveways and shared access, these facts must be confirmed in writing by the municipal zoning officer or planner;

(3) The land shall not contain more than 80 percent soils classified as freshwater or modified agricultural wetlands according to the New Jersey Department of Environmental Protection (DEP) wetlands maps. If the DEP wetlands maps are in dispute, further investigation and onsite analysis may be conducted by a certified licensed engineer or qualified wetlands consultant and/or a letter of interpretation issued by the New Jersey Department of Environmental Protection, may be secured and used to provide a more accurate assessment of the site conditions, provided, however, that nothing herein shall require the Committee to conduct such additional investigation; and

(4) The land shall not contain more than 80 percent soils with slopes in excess of 15 percent as identified on a USDA, Natural Resources Conservation Service SSURGO version 2.2 or newer soils map; or

v. The land is eligible for allocation of development credits pursuant to a transfer of development potential program authorized and duly adopted by law including development credits authorized pursuant to the Pinelands Comprehensive Management Plan and authorized rules.

vi. For evaluation purposes, the term "tillable" means lands that are classified as cropland harvested, cropland pastured and permanent pasture for farmland assessment purposes.

(1) "Cropland harvested" means land from which a crop was harvested in the current year. Cropland harvested shall include land under structures utilized for agricultural or horticultural production.

(2) "Cropland pastured" means land which can be and often is used to produce crops, but its maximum income may not be realized in a particular year. This includes land that is fallow or in cover crops as part of a rotational program.

(3) "Permanent pasture" means land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation.

2. For lands greater than 10 acres, the land must meet the criteria in (a)2i, ii and iii, or (a)2iv.

i. At least 50 percent of the land, or a minimum of 25 acres, whichever is less, is tillable;

ii. At least 50 percent of the land, or a minimum of 25 acres, whichever is less, consists of soils that are capable of supporting agricultural or horticultural production; and

iii. The land must exhibit development potential based on a finding that all of the following standards are met:

(1) The municipal zoning ordinance for the land as it is being appraised must allow additional development, and in the case of residential zoning, at least one additional residential site beyond that which will potentially exist on the premises;

(2) Where the purported development value of the land depends on the potential to provide access for additional development, the municipal zoning ordinances allowing further subdivision of the land must

be verified. If access is only available pursuant to an easement, the easement must specify that further subdivision of the land is possible. To the extent that this potential access is subject to ordinances such as those governing allowable subdivisions, common driveways and shared access, these facts must be confirmed in writing by the municipal zoning officer or planner.

**(3)** Land that is less than 25 acres in size shall not contain more than 80 percent soils classified as freshwater or modified agricultural wetlands according to the New Jersey Department of Environmental Protection (DEP) wetlands maps. If the DEP wetlands maps are in dispute, further investigation and onsite analysis may be conducted by a certified licensed engineer or qualified wetlands consultant and/or a letter of interpretation issued by the New Jersey Department of Environmental Protection, may be secured and used to provide a more accurate assessment of the site conditions, provided, however, that nothing herein shall require the Committee to conduct such additional investigation; and

**(4)** Land that is less than 25 acres in size shall not contain more than 80 percent soils with slopes in excess of 15 percent as identified on a USDA, Natural Resources Conservation Service SSURGO version 2.2 or newer soils map; or

**iv.** The land is eligible for allocation of development credits pursuant to a transfer of development potential program authorized and duly adopted by law including development credits authorized pursuant to the Pinelands Comprehensive Management Plan and authorized rules.

**v.** For evaluation purposes, the term "tillable" means lands that are classified as cropland harvested, cropland pastured and permanent pasture for farmland assessment purposes.

**(1)** "Cropland harvested" means land from which a crop was harvested in the current year. Cropland harvested shall include land under structures utilized for agricultural or horticultural production.

**(2)** "Cropland pastured" means land which can be and often is used to produce crops, but its maximum income may not be realized in a particular year. This includes land that is fallow or in cover crops as part of a rotational program.

**(3)** "Permanent pasture" means land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation.

**(b)** Lands that do not meet the minimum eligibility criteria are not eligible for a State cost share grant for farmland preservation purposes.

**(c)** No application being reviewed by the Committee for permanent farmland preservation purposes shall be eligible to be considered in more than one program at any time.

**(d)** If a landowner rejects an offer for an amount equal to or greater than the certified market value, the Committee shall not accept for processing any application for the sale of a development easement, or for sale of land in fee simple, pursuant to the planning incentive grant program or any other farmland preservation program authorized pursuant to N.J.S.A. 4:1C-11 et seq., or 13:1C-1 et seq. for two years from the date that the application for a sale of the development easement was originally submitted to the Committee. This provision applies only to an application from the same landowner for the same farm property.