SADC *WORKING DRAFT*

On-Farm Direct Marketing Agricultural Management Practice (AMP)

February 2012

AMP Development and History

- AMP working group created April, 2010
  - Farm Bureau (P. Furey, H. Heinrich, N. Goger)
  - Rutgers (M. Casella)
  - Viticulture (M. Matarazzo)
  - Nursery (L. Kuser; N. McKittrick)
  - Ag Tourism/State Board of Ag. (R. Norz)
  - Fruit & Vegetables/State Board of Ag. (J. Giamarese)
  - Local government (L. Specca)
  - CADB (B. Wilson – Burlington)
  - NJDA (W. Walker)
  - SADC staff

AMP Development

- AMP working group (Convened May 2010 – Nov. 2011)
  - Staff outreach and research – visited 75 farms

    (hot topics: signs; ability to sell products not your own; a reasonable local review process; flexibility of standards; temporary parking)

- Purpose, intent, goals
  - Develop consistent AMPs that farmers, the public, municipalities, and CADBs can rely on
  - Have standards that are performance-based rather than prescriptive – to give reliable, statewide guidance to farmers, towns, and others without being overly rigid
  - Add clarity to the RTF Act – to better define the Act's numerous terms and what's protected

AMP Development

- Began as an effort to develop AMPs for farm markets, then agritourism
- Evolved into broader approach to consider all types of "on-farm direct marketing" (OFDM) operations
- Proposed AMP approach – put everything under one umbrella: **On-Farm Direct Marketing** "means the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales" (p. 3)

OFDM:
Facilities, Activities and Events

- **Facilities** – all types of retail markets – includes farm stands, farm stores, CSA (community supported agriculture), and PYO (pick-your-own)

- **Activities and Events** – agri-tourism offerings that fit within the scope of the RTF Act

Draft AMP Overview

- Definitions
- Facilities (farm markets) section
- Activities (agritourism) section
- Events (agritourism) section
- Additional AMP sections
  - Hours of operation
  - Sanitary facilities
  - Lighting
  - Signs
  - Relevant federal and state laws and regs. (reference)
  - Additional practices not addressed in the AMP

The Right to Farm Act Context – What's Protected

Currently, the RTF Act (N.J.S.A 4:1C-9) protects:

- **Farm markets**: "Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards"

- **Activities and events**: "Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm"

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The Right to Farm Act Context – FARM MARKETS

RTF Act (N.J.S.A 4:1C-3) definition of farm market:

- …used for the "retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income"
- At least 51% of the annual gross sales is from the farm's output, or at least 51% of the sales area is devoted to the farm's output

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The Right to Farm Act Context – Terms to Clarify: Farm Markets

- First – create broad farm market facility definition:

  "On-farm direct marketing facility" (p. 3) – any type of farm market, including the permanent & temporary structures, improvements, equipment, and apparatuses necessary to facilitate direct market sales…

- Includes farm stands, farm stores, CSAs (p. 2), and PYOs (p. 3)

The Right to Farm Act Context – Terms to Clarify: Farm Markets

- Second – clarify the terms from the RTF Act

  "Sales area" (p. 4) – the indoor, outdoor, covered, and uncovered areas whose primary use is the display, marketing, and selling of products;

  - doesn't include PYO fields, pastures with animals, or farm-based recreational activity areas

The Right to Farm Act Context – Terms to Clarify: Farm Markets

"Products that contribute to farm income" (p. 4) – the other products (the up to 49% of sales or sales area) that a market sells must be related to the farm's ag output, i.e., as "complementary" or "supplementary" products

"Complementary" – items commonly used to facilitate the use or consumption of the farm's ag output, and promotional items

"Supplementary" – the ag output of other farms, and additional customary food and drink items

Municipal Site Plan Review

- **"Construction of building and parking areas in conformance with municipal standards"** (p. 4-5)
  - Because the language of the law is so specific, OFDM operators must comply with applicable municipal building and parking standards
  - However, in the absence of applicable municipal parking standards, draft AMP also includes general parking area standards:
    - ➔ Parking area surfaces and improvements need not involve greater than the minimum level of improvements necessary to protect public health and safety

Municipal Site Plan Review

- Municipal site plan review requirements often a major burden for OFDM operators

- Recurring question of whether RTF allows farmers to NOT have to comply with municipal site plan standards

  ➔ But how do we insure public health and safety is protected? (access, egress, stormwater mngt., etc.)

Municipal Site Plan Review

- AMP approach:
  - Different standards of review for different scales of farm markets
  - Municipality can waive/reduce requirements based on site specific considerations (e.g., scale, intensity, farm's setting/location)
  - Relief through CADB/SADC if municipal standards are unduly restrictive or town is unreasonably withholding approval

Site Plan Review for NEW Facilities

Size of the new facility *	Extent of municipal site plan review
Up to 500 sq. ft.	No formal site plan review
More than 500 sq. ft. and up to 5,000 sq. ft.	Minor site plan review
More than 5,000 sq. ft.	Subject to town's requirements

*** Based on total indoor and/or outdoor covered sales area)**

Site Plan Review for EXPANDED Facilities

Size of expansion *	Size of the resulting facility after expansion	Extent of municipal site plan review
N/A	Up to 500 sq.ft.	No formal site plan review
≤20%	More than 500 sq. ft. and up to 5,000 sq. ft.	No formal site plan review
>20%	More than 500 sq. ft. and up to 5,000 sq. ft.	Minor site plan review
≤1,000 sq. ft.	More than 5,000 sq. ft	No formal site plan review

*** of the existing facility's indoor and/or outdoor covered sales area**

FACILITIES section (p. 4-8)

- General parking area standards
  - Safe, off-road parking shall be provided
  - Ingress/egress, driveways, parking areas arranged to provide safe traffic circulation
  - May have areas permanently and temporarily devoted to parking
- Buffers
  - May use buffers (setbacks, screening) as an effective tool to mitigate impacts on adjacent properties (noise, dust, light)
  - For new facilities – 50’ road and property line setbacks; 100’ from adjacent occupied residence
  - Possibility of lesser setbacks with screening and site-specific AMP

ACTIVITIES section (p. 8-12)

- Definitions
  - On-Farm Direct Marketing (OFDM) Activities – "ag-related offerings that are accessory to, and serve to increase, the direct market sales of the agricultural output of the farm;
  - "activities are designed to attract customers to the farm by enhancing the experience of purchasing ag products… (p. 3)

ACTIVITIES section (p. 8-12)

- OFDM Activities – *all must demonstrate required relationship to marketing the farm's output*; OFDM Activities include, BUT ARE NOT LIMITED TO:

1) "Agriculture-related educational activities" (p. 1) – e.g., school trips; hands-on farming activities; educational displays, ag-related lectures and classes; farm tours; farm open houses

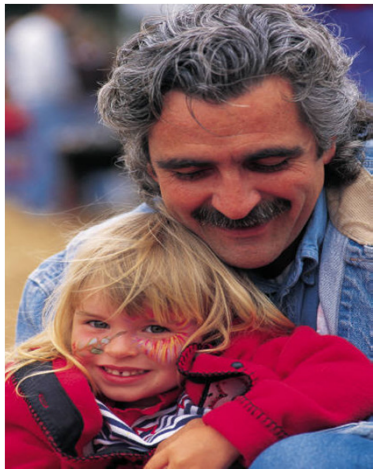
ACTIVITIES section (p. 8-12)

2) "Farm-based recreational activities" (p. 2)

corn mazes; hayrides; ag animal display/petting areas; farm tours; pony rides; hiking; bird-watching; sleigh rides; hunting and fishing; bonfires; tractor pulls

3) Ancillary entertainment-based activities

Non-ag offerings commonly used as incidental components of OFDM activities (e.g., background music; face painting; picnic tables)

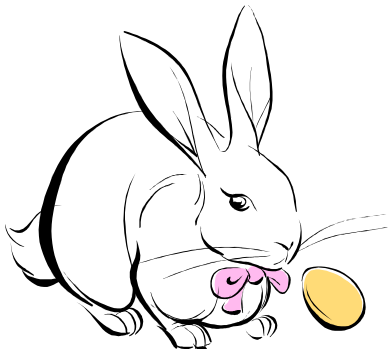


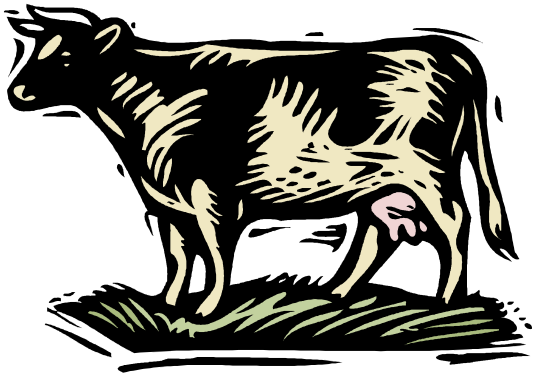
ACTIVITIES section (p. 8-12)

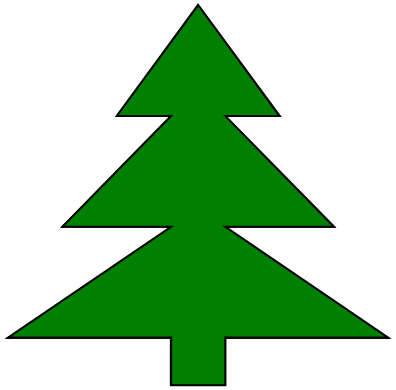
- Use of structures or improvements – as long as activities do not adversely impact continued use for ag production
- Land Use – Activities shall have negligible impact
- Overnight lodging - not protected
- Safety - Inform visitors of rules; securely store hazardous materials
- Parking areas - Standards similar to facilities section
- Buffers – Standards similar to facilities section

ACTIVITIES section (p. 8-12)

- Standards for specific activities
  - PYO
  - Choose-and-cut Xmas trees
  - Corn mazes
  - Hayrides and wagon rides
  - Livestock and animal activities







EVENTS section (p. 12-16)

OFDM Events - Definition:

"Ag-related functions that are accessory to, and serve to increase, the direct market sales of the agricultural output of the farm;

"Events are designed to attract customers to the farm by enhancing the experience of purchasing agricultural products… (p. 3)"

EVENTS section (p. 12-16)

- Events are either product-based or farm-based
- Occur seasonally and are non-permanent in nature
- Examples –
  1. ag product festival at a farm growing that particular product (e.g., apple, pumpkin, wine);
  2. seasonal harvest festival at a farm growing such seasonal products;
  3. farm open house events;
  4. farm-to-table events that showcase the farm's output

EVENTS section (p. 12-16)

- Event Management Plans for Events
  - If having a large event with significantly more traffic/visitors, need a plan for addressing potential public health and safety issues
  - Plan must be in writing and provided to municipality at least 10 days in advance of event
  - Alternatively, a farm could also get a special events permit from the town, if the town has a provision for such permits

Other sections (p. 16-19)

- Hours of operation – 6 am - 10 pm (may be extended to 11 pm)
- Sanitary facilities
  - Must provide facilities (restrooms/porta-potties) if providing seating for eating, if activities/events promote people staying for an extended time, or if required by state retail food code
  - Number of facilities is sufficient to accommodate volume of visitors
- Lighting – Need to provide when open after dark

Other sections (p. 16-19)

- Signs
  - Generally permits use of permanent/ temporary signs to promote facilities, activities, and events
  - Includes advance signs on the farm's road (up to 1/2 mile away) and off-site signs, e.g., directional signs; farm business signs; other signs
  - Sign standards for:
    - Maximum size (16 sq. ft.)
    - Overall combined square footage (160 sq. ft.)
    - Above size restrictions don't apply to commercial billboards, TODS, primary farm business sign(s)
    - Primary farm business sign(s) standards – maximum size (30 sq. ft.); maximum height of top of the sign above the ground (15 ft.); setback (10 ft.)

Draft AMP – Next steps

- Draft distributed for comments (due April 15th)
- Compile comments; redraft; reconvene AMP working group
- SADC review and approve revised draft
- Publish rule proposal in NJ Register
  - 60-day public comment period
  - SADC considers the comments received, revises the proposal as necessary, and publishes a final version in NJ Register