

## RESOLUTION # 4

### FARMLAND PRESERVATION

1           **WHEREAS**, the purpose of the Farmland Preservation Program is to preserve the  
2 state's agricultural land base, helping to ensure the continued viability of New Jersey's  
3 agricultural industry; and

4           **WHEREAS**, as of December 1, 2017, 2,515 farms covering 227,739 acres had been  
5 permanently preserved statewide, including 148 farms covering 17,468 acres in the  
6 Pinelands and 527 farms covering 42,622 acres in the Highlands, which contribute not only  
7 to a secure land base for agricultural operations, but also to a host of other quality-of-life  
8 benefits, such as an increase in the total number of acres of open space in New Jersey, at  
9 both the local and statewide level; and

10           **WHEREAS**, preserved farmland remains privately managed and continues to  
11 contribute tax revenue to municipal budgets while demanding very little in public services;  
12 and

13           **WHEREAS**, legislation was signed in June 2016 that allocates preservation funding  
14 from the Constitutional dedication of a portion of the Corporate Business Tax (CBT) that was  
15 approved by voters and provides a stable funding source through the Corporate Business  
16 Tax (CBT) that does not rely upon repeatedly asking voters to approve bond referenda; and

17           **WHEREAS**, of the total funding annually available for preservation programs through  
18 FY2019, the Farmland Preservation Program receives 31 percent; and

19           **WHEREAS**, the Governor in August 2017 approved \$65.3 million in appropriation  
20 bills for the Farmland Preservation Program for FY2017 that included FY2017 CBT funding  
21 estimated at \$16.6 million, remaining FY2016 CBT revenues not previously made available,  
22 unexpended CBT monies in the state's Diesel Risk Mitigation Fund that were redirected for  
23 farmland preservation purposes and reprogrammed bond funds; and

24           **WHEREAS**, that funding was urgently needed to enable New Jersey to continue to  
25 preserve farmland, which is the land most vulnerable to development; and.

26           **WHEREAS**, the appropriation bills signed into law authorize the State Agriculture  
27           Development Committee (SADC) to allocate up to three percent of its annual CBT funding to  
28           stewardship activities; and

29           **WHEREAS**, the legislation included approximately \$1.5 million – the maximum  
30           available – for stewardship activities, including supporting the existing Soil and Water  
31           Conservation Cost-Share Program for farms that are permanently preserved or enrolled in  
32           Eight-Year Programs; and

33           **WHEREAS**, it also is imperative to help farmers on preserved land to limit damage to  
34           their crops from wildlife, especially from New Jersey’s large white-tailed deer population; and

35           **WHEREAS**, the SADC dedicated a portion of its stewardship funding to establishing  
36           a new program to provide cost-share grants for deer fencing on permanently preserved  
37           farms; and

38           **WHEREAS**, the SADC in June 2017 approved more than \$450,000 in cost-sharing  
39           grants to help 32 eligible farmer applicants purchase and install deer fencing on preserved  
40           farms; and

41           **WHEREAS**, the SADC in September 2017 announced the availability of at least  
42           \$500,000 in soil and water conservation cost-share grants for preserved farms, which was  
43           made possible by an agreement reached with the Natural Resources Conservation Service  
44           in which the SADC will reimburse the federal agency for conducting the necessary technical  
45           reviews of applications and assisting landowners; and

46           **WHEREAS**, the SADC in September 2017 approved a \$27.9 million appropriation  
47           request for FY2018 -- \$23.2 million in CBT funds and \$4.7 million in available interest and  
48           other earnings from prior bond funds – that will provide \$24.1 million for farmland  
49           preservation and \$696,060 for stewardship; and

50           **WHEREAS**, this appropriation request was approved by the Legislature and awaiting  
51           the Governor’s consideration in early-January 2018; and

52           **WHEREAS**, it is essential that the availability of preserved farmland for agricultural  
53 purposes remain the central impetus behind preserving such land, yet the SADC must also  
54 be open to flexibility when farmers on preserved land present new ideas in New Jersey's  
55 ever-changing agricultural make-up, and thus be willing to update its views as to what  
56 encompasses allowable agricultural uses of preserved farmland; and

57           **WHEREAS**, P.L. 2014, Ch. 16, signed into law in July 2014, allows wineries to  
58 conduct special occasion events on preserved farmland under certain conditions under a 44-  
59 month pilot program that expires on March 1, 2018; and

60           **WHEREAS**, the SADC's pilot program is largely focused on identifying and collecting  
61 the information it needs throughout the pilot program in order to be in a position to make  
62 recommendations to the Legislature at the program's conclusion; and

63           **WHEREAS**, because the law provides for the SADC or a county agriculture  
64 development board to request an audit if necessary to determine a winery's compliance, the  
65 SADC worked with a financial consultant with expertise in providing accounting services for  
66 wineries in order to develop rules to ensure uniform and workable SADC audit procedures;  
67 and

68           **WHEREAS**, the SADC adopted rules that provide for such audits and formalize  
69 existing pilot program procedures, and those rules became effective in November 2017; and

70           **WHEREAS**, the SADC – in consultation with New Jersey Farm Bureau – in June  
71 established a Special Occasion Events Working Group to examine and make  
72 recommendations to the Committee regarding special occasion events as they relate to  
73 preserved farms – both wineries and other types of operations – as well as to Right to Farm  
74 protection; and

75           **WHEREAS**, it also is essential that restrictions on which types of crops can be grown  
76 on preserved lands in specific areas (e.g., the Pinelands) must include flexibility to enable  
77 the farmer to continue farming if disease, pests or economic conditions render obsolete the  
78 limited number of crops allowed to be produced in those areas; and

79           **WHEREAS**, in order to ensure adequate farmer representation and participation at  
80 all SADC meetings, it is imperative that substitute farmer members be afforded the ability to  
81 cast votes when they are standing in for members; and

82           **WHEREAS**, it is imperative that succeeding generations or heirs to farmers who  
83 have preserved their farms, or new farmers who are considering purchasing a preserved  
84 farm, fully understand all of the restrictions on that land embodied in the Deed of Easement  
85 signed by the farmer who preserved the land; and

86           **WHEREAS**, in response to requests from the agricultural community for long-term  
87 leases to promote viability, the SADC in December 2017 approved offering a long-term lease  
88 – up to 12 years -- on an 87-acre preserved farm in Hunterdon County that it purchased in  
89 fee simple as part of an agricultural leasing pilot project; and

90           **WHEREAS**, as part that pilot project, the SADC is exploring the idea of creating a  
91 15-acre incubator farm on part of the property to create opportunity for new and beginning  
92 farmers.

93           **WHEREAS**, municipalities are required to create and populate municipal agricultural  
94 advisory committees, as a requirement to accepting farmland preservation monies, under the  
95 Planning Incentive Grant Program, and should be encouraged to create such committees  
96 whenever farmland preservation is taking place within that municipality; however, these  
97 committees are largely being under-used and un-used in the absence of any guidance  
98 language or model ordinances.

99           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103<sup>rd</sup> State  
100 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018,  
101 support the permanent protection of New Jersey's farmland through the Farmland  
102 Preservation Program.

103           **BE IT FURTHER RESOLVED**, that we urge the SADC to continue its planning  
104 incentive grant process, which to date has resulted in the development of 18 county

105 comprehensive farmland preservation plans and 47 municipal plans that address strategies  
106 not only to preserve farmland but to sustain agriculture as an industry.

107 **BE IT FURTHER RESOLVED**, that we support the structure of those plans including  
108 one-, five- and 10-year goals that target the preservation of 25,000 acres at a cost of \$302  
109 million in one year; 112,000 acres at a cost of \$1.23 billion over five years; and 214,000  
110 acres at a total cost of \$2.27 billion over 10 years.

111 **BE IT FURTHER RESOLVED**, that we urge the Department to work with New  
112 Jersey Farm Bureau and other agricultural organizations to increase education of the public  
113 about the economic differences between preserving farmland, which is privately managed,  
114 and publicly owned and managed open space.

115 **BE IT FURTHER RESOLVED**, that we support the SADC's continued efforts to  
116 make it easier for farmers to access the land and information they need to be successful,  
117 including coordinating the NJ Land Link website that assists farmers searching for land and  
118 partnership/job opportunities, making available the SADC's "Leasing Farmland in New  
119 Jersey" guidebook that explains the factors farmers, as well as farmland owners, should  
120 consider when entering into leasing agreements and supporting beginning farmers through  
121 appropriate resource referral and through research on access-to-land farm incubator models.

122 **BE IT FURTHER RESOLVED**, that we strongly encourage the SADC to institute a  
123 requirement that preserved farmland be kept in agricultural enterprise and production (where  
124 feasible and permissible) in accordance with all provisions of the Deed of Easement, rather  
125 than available for agricultural production, to ensure these lands continue to contribute to New  
126 Jersey's agricultural industry, and further we encourage the SADC to establish stewardship  
127 requirements for preserved farmland to ensure preserved farmland is properly maintained.

128 **BE IT FURTHER RESOLVED**, that we support continued discussion by the SADC's  
129 Deed of Easement Subcommittee to help clarify provisions of the deed of easement so that it  
130 is interpreted and enforced consistently and fairly across the state.

131           **BE IT FURTHER RESOLVED**, that we urge the SADC to create plain-language  
132 documents that detail the sections of a Deed of Easement that an heir or prospective  
133 purchaser of a preserved farm should review to understand all of the restrictions that come  
134 with the land.

135           **BE IT FURTHER RESOLVED**, that we urge the SADC to acknowledge that the  
136 limitations set forth in the Deed of Easement are fixed at the time each landowner signs the  
137 Deed of Easement, and may not be unilaterally amended by regulations adopted by the  
138 SADC.

139           **BE IT FURTHER RESOLVED**, that we encourage the SADC to continue re-  
140 examining its list of what activities are permitted on preserved lands and to expand, where  
141 appropriate, the types of activities that can be permitted, provided they are consistent with  
142 the goals of the Farmland Preservation Program.

143           **BE IT FURTHER RESOLVED**, that we urge the SADC to interpret its authorizing  
144 statutes and regulations as broadly and liberally as possible to maximize the flexibility  
145 afforded to owners of preserved farmland.

146           **BE IT FURTHER RESOLVED**, that we support the SADC's efforts to learn as much  
147 as possible from the pilot program called for by P.L. 2014, Ch. 16, in order to help the  
148 Legislature evaluate at the end of the pilot program what worked and what might need  
149 improvement in the future.

150           **BE IT FURTHER RESOLVED**, that we urge the SADC to create plain-language  
151 documents regarding all the issues involved in farmland preservation, and to conduct  
152 outreach about those documents to those who have preserved their farms, those considering  
153 preservation, or those considering the purchase of a preserved farm, through avenues such  
154 as real-estate professionals, municipal planning and land-use offices, property auction  
155 houses and other appropriate entities.

156           **BE IT FURTHER RESOLVED**, that we urge the State Board of Agriculture to work  
157 diligently to keep farmer appointments to the SADC current at all times.

158                   **BE IT FURTHER RESOLVED**, that the delegates request that the SADC promulgate  
159                   guidance documents for municipalities that have accepted farmland preservation funds  
160                   regarding the proper and appropriate use of municipal agricultural advisory committees and  
161                   create the model ordinance that municipalities could adopt that will define the roles and  
162                   functions of such committees.

163                   **BE IT FURTHER RESOLVED**, that we support the SADC's agricultural leasing pilot  
164                   project to offer a long-term lease on a preserved farm that the SADC owns in fee simple and  
165                   to explore the feasibility of creating an incubator model on a portion of the farm to provide  
166                   opportunities to new and beginning farmers.