

Agricultural Management Practice (AMP) for On Farm Direct Marketing (OFDM)



**NJ State Agriculture Development Committee
(SADC)**

Updated September 2014

OFDM-AMP Details

Definitions
Hours of operation
Lighting
Sanitary facilities
Safety
Signs
Parking areas
Buffers
Outdoor sales areas
Use of structures & improvements
Use of land
OFDM activities
Event management plan
Overnight lodging (NO)
Approval of site plan elements
Relevant federal & state laws & regulations
Additional provisions



AMP Development

Overall 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: Of Farm Direct Marketing (OFDM)

❑ Facilities



❑ Activities



❑ Events



Definitions: OFDM

Goal: Create a broad umbrella for Farm Markets and Agritourism: “On Farm Direct Marketing”

“On-Farm direct marketing” (OFDM) means the on-farm facilities, activities and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income”.

Definitions: FACILITIES

- ❑ OFDM Facilities: “On-farm direct marketing facility” – 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 and PYOs



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”



The Right to Farm Act Context - What's Protected

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The Right to Farm Act Context - What's Protected - Farm markets

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

- ❑ “A facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income”
- ❑ If used for retail marketing: 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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Definitions

“Products that contribute to farm income” - means “complementary” or “supplementary” products that are sold to help attract customers to the farm market through a broadening of the range of products available and an enhancement of the experience of purchasing the farm’s agricultural output

“Complementary products” - items commonly used to facilitate the use or consumption of the farm's ag output, and promotional items that help market the farm

“Supplementary products” - the ag output of other farms, and additional customary food and drink items



Other Definitions

“Agricultural output of the commercial farm” - means the items produced by the commercial farm and the value-added or processed products produced from those items, provided that the primary and predominant ingredients used to produce such product are grown or raised by the commercial farm.



Definitions

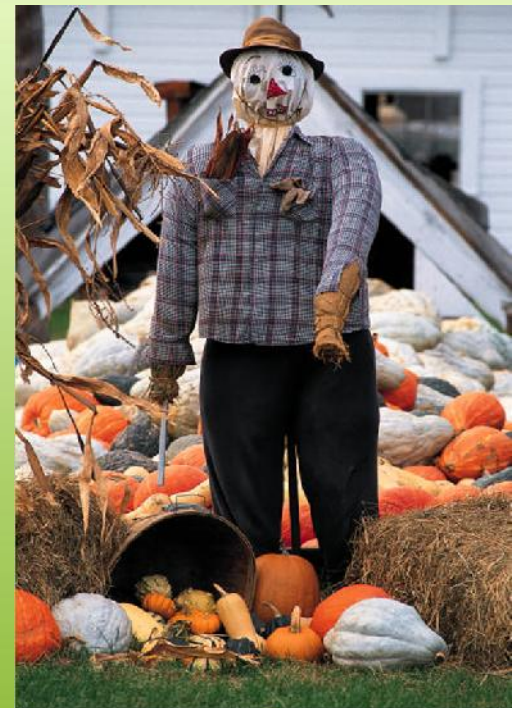
- ❑ “Sales area” - the indoor, outdoor, covered, and uncovered areas whose primary use is the display, marketing, and selling of products;
- ❑ doesn't include PYO fields, pastures with animals, or farm-based recreational activity areas



The Right to Farm Act Context - What's Protected

Currently, the RTF Act protects:

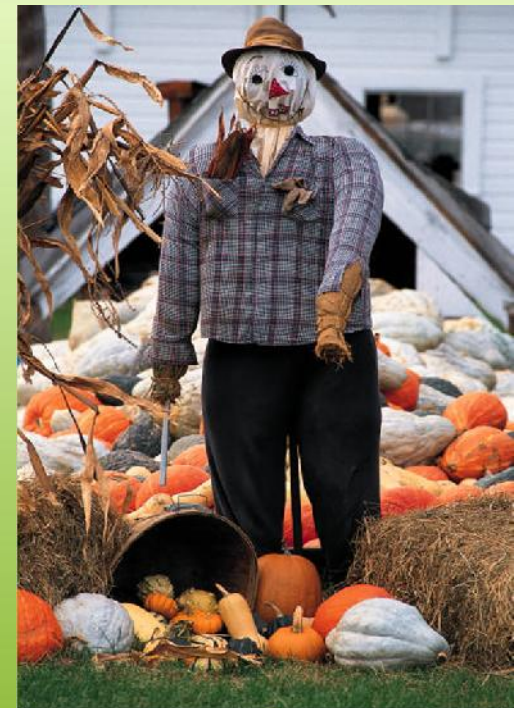
- **Activities and events:** “Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm”



The Right to Farm Act Context - What's Protected

Currently, the RTF Act protects:

- **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”**



Definitions: ACTIVITIES

- ❑ “On-Farm Direct Marketing (OFDM) Activities”
Means Ag-related happenings 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;
- ❑ OFDM Activities include, but are not limited to:
 - 1) Agriculture-related educational activities
 - 2) Farm-based recreational activities
 - 3) Ancillary entertainment-based activities



Definitions:

Ag-Related Educational Activities

- ❑ **“Ag-related educational activities”**- means on-farm educational offerings that have an ag'l focus and are related to marketing the ag or hort output of the farm... accessory to, and serve to increase, the direct-market sales of the ag output of the farm by enhancing the experience of purchasing ag products for the purpose of attracting customers to the farm

- ❑ **Examples:**

- school trips
- hands-on farming activities
- educational displays
- farm tours
- farm-task experiences
- wine tastings
- agriculture-related lectures and classes
(canning, freezing, cooking with fresh produce,
pie making, pruning, beekeeping, animal care, gardening, etc.)
- farm open houses



Definitions:

Farm-Based Recreational Activities

- ❑ **“Farm-Based Recreational Activities”** - means recreational offerings that are uniquely suited to occurring on a farm, and may also include common outdoor recreation activities that are compatible with the ag'l use of the farm. Such activities are accessory to, and serve to increase, the direct-market sales of the ag output of the farm by enhancing the experience of purchasing ag products for the purpose of attracting customers to the farm

- ❑ **Examples of Farm-Based Rec'n Activities:**

- Corn, sunflower mazes
- Hayrides and wagon rides
- Ag'l animal display areas
- Horse/pony riding



- ❑ **Examples of Common Outdoor Rec'n Activities:**

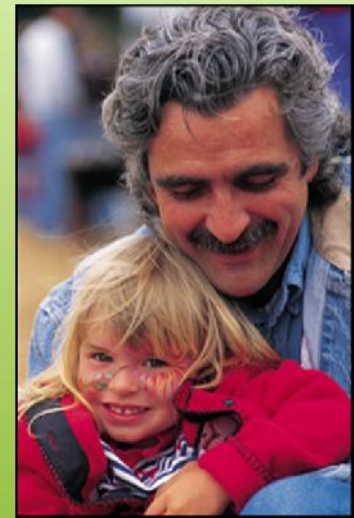
- Bird watching
- Hunting & fishing
- Sleigh rides
- Bonfires



Definitions:

Ancillary Entertainment-Based Activ's

- ❑ “Ancillary entertainment-based activities” -means non-agricultural offerings commonly used as incidental components of OFDM activities, that are accessory to, and serve to increase, the direct-market sales of the ag'l output of a commercial farm (e.g., background live or recorded music; face painting; story-telling; sandbox area; small swing set or playground equipment; pedal carts for children; picnic tables)
- ❑ if fees are associated with the activities, then such fees are de minimus compared to the income from the sale of the farm's ag output



Definitions: EVENTS

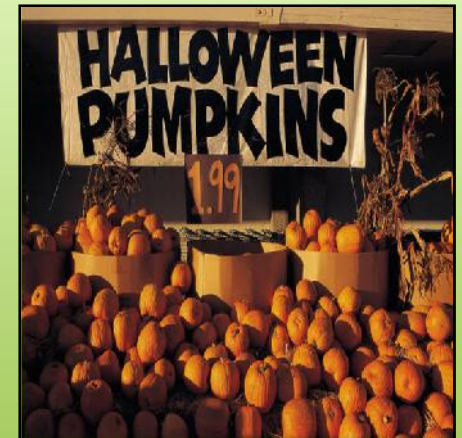
- ❑ “On-Farm Direct Marketing Events” - means ag-related functions that are accessory to, and serve to increase, the direct market sales of the agricultural output of the farm

- ❑ Events are designed to attract customers to the farm by enhancing the experience of purchasing agricultural products
 - May include OFDM activities as components;
 - Are either product-based or farm-based;
 - Occur seasonally or periodically



Definitions: EVENTS

- Some examples of OFDM events, provided they demonstrate the required relationship to marketing the farm's output, may include but are not limited to:
 - Ag product festival at a farm producing that particular product (e.g., apple, pumpkin, wine)
 - Seasonal harvest festival at a farm producing such seasonal products
 - Farm open house events
 - CSA membership meetings
 - Farm-to-table events that showcase the farm's agricultural output



AMP General Provisions For Facilities, Activities, and Events

- ❑ Hours of operation – 6 am - 10 pm
(may be extended to 11 pm)
- ❑ Lighting – Need to provide when
open after dark
- ❑ Safety

Provide visitors with any OFDM-related rules/safety procedures; may include notice that visitors should also use common sense, be aware of inherent risks, and wear farm-appropriate attire



Sanitary Facilities

- ❑ Must provide facilities (restrooms/porta-potties) if providing seating for eating, if activities/events promote people staying on-site for more than 90 minutes, or if required by state retail food code or UCC
- ❑ Number of facilities must be sufficient to accommodate volume of visitors



Signs

- ❑ Signs - Generally permits use of permanent and temporary signs to promote facilities, activities, events
- ❑ Includes advance signs along the farm's road (up to 1/2 mile away); 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 standards do not apply to primary farm business sign(s); commercial billboards; TODS; FPP signs; traffic signs; and interior signs not intended to be visible from road
 - Primary farm business sign(s) standards - maximum size (32 sq. ft.); maximum height of top of the sign above the ground (15 ft.); setback from the road (10 ft.)



Parking

□ Parking areas

- Because of strong language in RTFA noted earlier, construction of parking areas (for farm markets) must be in conformance with municipal standards
- AMP – still includes general standards for parking areas (for facilities, activities, and events); says that in the absence of municipal standards applicable to facilities, AMP's standards apply to facilities' parking areas

□ General parking area standards in AMP

- 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
- Parking area surfaces and improvements need not involve greater than the minimum level of improvements necessary to protect public health and safety

Buffers

□ Buffers

- Buffers (setbacks and screening) may be used as effective tool to mitigate impacts on adjacent properties (noise, dust, light)
- Screening may consist of vegetation or structures, such as trees, bushes, fences, or walls
- AMP's setback numbers (next slide) are NOT for existing OFDM facilities, activities, and events, but for new or expanded ones



Buffers

(for new or expanded operations)

New or expanded facilities' <u>permanent structures</u>	New or expanded <u>activities and events</u>	New or expanded areas <u>permanently devoted to parking</u>
50-foot setback from road	25-foot setback from road	25-foot setback from road
50-foot side-yard setback	50-foot side-yard setback	50-foot side-yard setback
50-foot rear-yard setback	50-foot rear-yard setback	50-foot rear-yard setback
If the distance between the new/expanded facility and an existing, occupied residence not located on the farm is less than 100 ft., screening shall be installed	100-foot setback from an existing, occupied residence not located on the farm	

- **Setbacks of a lesser distance permissible if screening is considered (and installed if appropriate) and if farm gets site-specific AMP determination**
- **Existing OFDM facilities, activities, and events are not subject in current layout and configuration to above standards; if situated at lesser distances than standards above, consider screening**

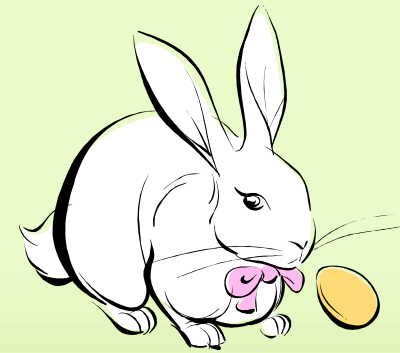
Additional Provisions



- ❑ Existing and new structures or improvements may be used for activities and events
 - Existing – as long as use does not adversely affect continued use for ag production
 - New – as long as construction and use have negligible impact on continued use of land for ag production
- ❑ Land Use – Activities/events shall have negligible impact on continued use of land for ag production
- ❑ Overnight lodging – not protected
- ❑ Site-specific AMPs – Farms may request SSAMPs; SSAMP determinations must be consistent with the AMP

Specific Activity Standards

- ❑ PYO
- ❑ Choose-and-cut Xmas trees
- ❑ Corn, sunflower, other crop mazes
- ❑ Hayrides and wagon rides
- ❑ Livestock and animal activities
- ❑ Bonfires



Events

- ❑ 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 (emergency vehicle access, traffic management, and public health management)
 - ❑ Plan must be in writing and provided to municipality at least 30 days in advance as an advisory notice and to enable any coordination that may be necessary
 - ❑ Alternatively, a farm could also get a special events permit from the town, if the town has a provision for such permits

Relevant Federal and State Laws and Regulations

- Including but not limited to:

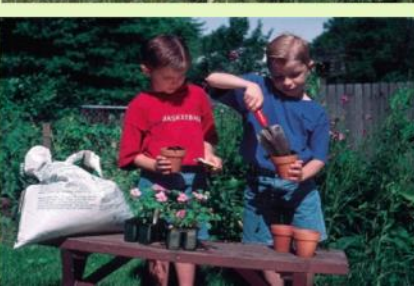
- Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1, et seq.
- Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq.
- New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1, et seq.
- New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.1, et seq.
- Stormwater Management rules, N.J.A.C. 7:8-1.1, et seq.
- State Highway Access Management Code, N.J.A.C. 16:47-1.1, et seq.
- Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, N.J.A.C. 8:24-1.1, et seq.
- Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1, et seq.

On-Farm Direct Marketing AMP

- ❑ The SADC approved the proposed AMP for adoption on January 31, 2014. The AMP became effective upon publication in the New Jersey Register on April 7, 2014.

- ❑ For more information
 - ❑ Visit the SADC website:
<http://nj.gov/agriculture/sadc/ruleprop/index.html>

 - ❑ Contact the SADC:
(609) 984-2504
sadc@ag.state.nj.us



THE END

