

STATE AGRICULTURE DEVELOPMENT COMMITTEE

ADOPTED
January 24, 2008

Implementation Details for the SADC's New County Planning Incentive Grant Program

Procedure #2

Purpose:

To Identify the Procedures for Conducting SADC Final Review of an Application for the Sale of a Development Easement

Authority:

N.J.S.A. 4:1C-43.1
N.J.A.C. 2:76-17.14

Procedures:

I. Deadline for Submission of an Application for the sale of a Development Easement for SADC Final Review

A complete Final Review Packet for an Application for the Sale of a Development Easement must be submitted to the SADC office by no later than 5:00 p.m. on the date identified in the attached Schedule "A" to be considered by the SADC for final approval on the meeting date specified.

II. Documents Required to be Submitted to the SADC for Final Review

A complete Final Review Packet shall consist of the following documents:

A. County Agriculture Development Board Resolution Granting Final Approval of the purchase of the development easement on the respective farm including the following information:

- Farm name, owners and block and lot identification
- Estimated total number of acres
- Purchase price of the development easement, expressed as a per acre value and estimated total value
- Source and amount of local cost share funding or other third party contributions to cover the local cost share requirement;

- ❑ Installment payment schedule, if applicable
 - ❑ Number and type of all existing housing opportunities
 - ❑ Number, type and size of all approved exception areas, including any proposed housing opportunities to be permitted within them and any other restrictions or limitations to be placed on the exception area(s)
 - ❑ Number of RDSOs allocated
 - ❑ Number and type of existing agricultural labor housing units
 - ❑ Description of any preexisting nonagricultural uses
 - ❑ Description of any preexisting or proposed trail or access easements
 - ❑ Identify whether the county is requesting SADC funding from its base grant only, the competitive grant fund, or both
 - ❑ Federal Farm and Ranch Lands Protection Funds requested, if applicable (amount, cost share)
- B. Signed copy of the County Board of Chosen Freeholders Resolution granting approval of the purchase of the development easement on the respective farm dedicating sufficient funds to cover the county’s required cost share.
- C. Signed copy of the landowner’s acceptance of the purchase price, or an executed copy of the county’s agreement to purchase the development easement, if one exists.
- D. Signed copy of the municipal governing body’s resolution approving the purchase of the development easement, and if appropriate, authorizing funds to cover the municipality’s required cost share.
- E. Other items as identified on the SADC Checklist contained in Schedule “B”.

Failure to provide the appropriate information by the deadline will result in the application being ineligible for consideration at the intended SADC meeting date. Any such ineligible application will be held for the subsequently scheduled SADC meeting date, provided that the required information is received by the SADC prior to the appropriate deadline.

III. Request for SADC Final Approval of an Application for which there are Sufficient Funds Available in the County’s Base Grant to Purchase the Development Easement

SADC Review of an Application:

- A. The SADC staff shall confirm that the Final Review Packet is complete based on the SADC Checklist contained in Schedule “B”.

- B. The SADC staff shall confirm that there are sufficient funds in the County's Base Grant to cover the SADC's grant to the county for the purchase of the development easement.
- C. Provided that the Final Review Packet is complete and there are sufficient funds in the County's base grant, SADC staff will recommend the SADC approve a grant to the county for the purchase of a development easement on the farm, subject to the appropriation of funds and any other pertinent conditions.
- D. The SADC's approval of a cost share grant for the purchase of a development easement shall be consistent with the provisions of N.J.A.C. 2:76-6.11(d). The SADC's approval of a cost share grant shall not exceed the funds available in the county's base grant. Any application for which there is insufficient funds to cover the SADC's cost share in whole or in part pursuant to N.J.A.C. 2:76-6.11(d), shall be reviewed pursuant to section IV.
- E. Immediately following each SADC meeting, the SADC staff will encumber in its financial system the amount of funding approved for each farm granted SADC Final Review approval. The SADC will then post to its web-site an updated accounting of each county's available base grant upon which future encumbrances can be placed.

IV. Request for SADC Final Approval of an Application for which there are Insufficient Funds Available in the County's Base Grant and Requiring Funding Authorization from the Competitive Grant Fund

Note: If a county submits one or more applications to the SADC during the same final review period, the county must identify which application(s) are to be funded from the county's Base Grant and which applications are to be funded by the SADC's Competitive Grant Fund or a combination thereof.

- A. SADC Review of an Application
 - 1. The SADC staff shall confirm that the Final Review Packet is complete based on the SADC Checklist contained in Schedule "B".
 - 2. The SADC staff shall confirm that there are insufficient funds in the County's Base Grant to cover the SADC's grant to the county for the purchase of the development easement. Staff will also determine the maximum total funding for which the county is eligible to compete so that the amount does not exceed the county's total eligibility as determined by the SADC.

- a. The SADC shall approve of a cost share grant provided that the following is satisfied:
 - (1). The county's request for SADC cost share grant(s) does not exceed the county's total eligibility; and
 - (2). There are no other applications being submitted for Competitive Grant Funding during the same final review period and there are sufficient funds available to provide a cost share grant on the application.

- b. The SADC shall establish a priority ranking of the applications pursuant to N.J.A.C. 2:76-17.14(e) provided that more than one application has been submitted to the SADC for Competitive Grant Fund consideration during the same final review period.
 - (1.) The SADC shall establish a priority ranking of the pending applications that are being considered based on the total score of the following factors:
 - ❑ The density score of the project area as identified in N.J.A.C. 2:76-17.5(a)3;
 - ❑ The soil productivity score of the important farmland soils present on targeted farms within the project area, as identified in N.J.A.C. 2:76-17.5(a)4;
 - ❑ The proximity score of the eligible farm in relation to lands from which development easements have already been purchased or other permanently deed restricted farmlands within the project area, as identified in N.J.A.C. 2:76-17.5(a)1ii, iii, iv, v and vi; and
 - ❑ The relative best buy score of the farm determined pursuant to N.J.A.C. 2:76-17.14(e)4.
 - (2). The total score obtained in (a) above shall be used to prioritize the applications pending SADC final approval.
 - (3). If further prioritization of applications is necessary, the SADC shall give funding priority to those farms that utilize option agreements, installment purchases, donations or other methods for the purpose of leveraging monies made available by P.L. 1999, c.152, (N.J.S.A. 13:8C-1 et seq.).

3. The SADC's approval of a cost share grant for the purchase of a development easement shall be consistent with the provisions of N.J.A.C. 2:76-6.11(d). The SADC's approval of a cost share grant shall not exceed the maximum allocation of funds authorized by the SADC.
4. If there are insufficient funds to cover the entire SADC cost share pursuant to N.J.A.C. 2:76-6.11(d), the SADC shall approve a cost share grant for the amount of funds available subject to the county's acceptance of the SADC's cost share grant.
 - a. The county shall be provided 30 days to accept or reject the SADC's cost share grant.
 - b. In the event that the county accepts the SADC's cost share grant, the SADC shall not be under any further obligation to the county to provide any additional funding for the purchase of a development easement on the subject farm in the future.
 - c. In the event that the county rejects the SADC's cost share grant or fails to accept the grant offer within the 30-day period, the grant funds shall be returned to the Competitive Grant Fund to be available for other competing applications at the next scheduled SADC meeting.
 - d. Any application competing for funding in the Competitive Grant Fund for which the SADC did not approve a cost share grant due to insufficient funds being available, may continue to be considered for an SADC cost share grant in subsequent meetings in the event that additional funding is made available to the Competitive Grant Fund.
 - e. Once all available Competitive Grant Funds have been encumbered for specific projects, the remaining applications submitted for Competitive Grant Fund consideration must be withdrawn by the respective counties. These applications may be resubmitted by the county in a subsequent application submission.
5. Immediately following each SADC meeting, the SADC staff will encumber in its financial system the amount of funding approved for each farm granted SADC Final Review approval. The SADC will then post to its web-site an updated accounting of available Competitive Grant Fund balance upon which future encumbrances can be placed.

Revised 1/11/08

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