State Agriculture Development Committee

Defining Agricultural Use for Preserved Farms: The New Jersey Experience

Celebrating 40 Years of Farmland Preservation Conference
May 13, 2014
Farmland Preservation in the Nation’s Most Urbanized State?
The Farm Subsidy - Fresh Produce Disconnect
Foodsheds in Megalopolis - Opportunities Abound
## Top Ten States
### Net Farm Income Per Acre

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Net Farm Income Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>California</td>
<td>$642</td>
</tr>
<tr>
<td>2</td>
<td>New Jersey</td>
<td>$531</td>
</tr>
<tr>
<td>3</td>
<td>Delaware</td>
<td>$402</td>
</tr>
<tr>
<td>4</td>
<td>Connecticut</td>
<td>$359</td>
</tr>
<tr>
<td>5</td>
<td>North Carolina</td>
<td>$354</td>
</tr>
<tr>
<td>6</td>
<td>Iowa</td>
<td>$352</td>
</tr>
<tr>
<td>7</td>
<td>Michigan</td>
<td>$335</td>
</tr>
<tr>
<td>8</td>
<td>Ohio</td>
<td>$286</td>
</tr>
<tr>
<td>9</td>
<td>Maryland</td>
<td>$269</td>
</tr>
<tr>
<td>10</td>
<td>Pennsylvania</td>
<td>$267</td>
</tr>
</tbody>
</table>
# Top Ten National Ranking of NJ Ag. Products

<table>
<thead>
<tr>
<th>Agricultural Product</th>
<th>National Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bell Peppers</td>
<td>3</td>
</tr>
<tr>
<td>Cranberries</td>
<td>3</td>
</tr>
<tr>
<td>Blueberries</td>
<td>4</td>
</tr>
<tr>
<td>Peaches</td>
<td>4</td>
</tr>
<tr>
<td>Spinach</td>
<td>4</td>
</tr>
<tr>
<td>Lettuce</td>
<td>4</td>
</tr>
<tr>
<td>Eggplant</td>
<td>4</td>
</tr>
<tr>
<td>Cucumbers</td>
<td>5</td>
</tr>
<tr>
<td>Squash</td>
<td>6</td>
</tr>
<tr>
<td>Ducks</td>
<td>6</td>
</tr>
<tr>
<td>Tomatoes</td>
<td>7</td>
</tr>
<tr>
<td>Pheasants</td>
<td>7</td>
</tr>
<tr>
<td>Sweet Potatoes</td>
<td>8</td>
</tr>
<tr>
<td>Nursery, greenhouse, floriculture, and sod</td>
<td>9</td>
</tr>
<tr>
<td>Horses, ponies, mules, burros, and donkeys</td>
<td>9</td>
</tr>
<tr>
<td>Snap Beans</td>
<td>10</td>
</tr>
<tr>
<td>Wine</td>
<td>10</td>
</tr>
</tbody>
</table>
Top Five State Investments in Farmland Preservation Programs*

1. New Jersey ($1.5 billion)
2. Pennsylvania ($1.1 billion)
3. Maryland ($588.6 million)
4. Massachusetts ($238.5 million)
5. Delaware ($187.3 million)

*as of Sept. 2012 per Farmland Preservation Report
NJ State Agriculture Development Committee

- Established in 1983; first acquisition in 1985 (6th oldest state program); successor to the Farmland Preservation Demonstration Project -- the nation’s first state-funded effort (1976) to purchase development rights on farmland

- As of 2014, 206,000 + acres preserved (4th most acreage among states); 2,200 + farms preserved (3rd most easement transactions among states)

- Administers both Right to Farm and the Farmland Preservation Program
Any development of the Premises for nonagricultural purposes is expressly prohibited.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the nonagricultural uses indicated on attached Schedule (B) existed on the Premises. All other nonagricultural uses are prohibited except as expressly provided in this Deed of Easement.
SADC Deed of Easement - Agricultural Uses Permitted

The Premises shall be retained for agricultural use and production. Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, pest control, disposal of farm waste, irrigation, drainage, water management, and grazing.
The Committee finds a clear distinction between events and activities that are held on a farm to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm versus those activities whose primary purpose is to market the use of the farm’s land and/or facilities to support a nonagricultural use.
SADC Current Policy Issues

- Wineries/Special Occasion Events
- Equine Activities
- Recreational Uses
- Soil Disturbance
- Rural Microenterprises
Wineries/Special Occasion Events
NEW JERSEY SPRING WINE FESTIVAL

MAY 9, 2014

- 150+ Wines
- Light hors d’oeuvres & live jazz
- NJ’s #1 Spring Tasting
FOOD TRUCKS & FIRE PITS
MAY 17 & 18
COUNTRY LINE DANCING

March 7th
April 11th
May 3rd
Equine Activities
NOW THEREFORE BE IT RESOLVED, that the SADC finds that development and use of the Premises for breeding, raising, and training of the Owner’s horses for sale as described by the Owner and as shown in the attached engineering drawing, Schedule “B,” is consistent with the terms of the Deed of Easement for the Premises; and...
BE IT FURTHER RESOLVED, that the SADC finds that the use of the Premises to host the nine equine shows sanctioned by the U.S. Equestrian Federation, for which the Owner currently has licenses, utilizing the infrastructure as shown on Schedule “B,” as a primary method of marketing the output of the Owner’s farm management unit, is consistent with the terms of the Deed of Easement for the Premises ...
NOT ALLOWED
FARMERS MARKET
#SAYNAY
The Wine Festival at the Plains

September 11-12
11-6 BOTH DAYS

The Wine Festival at The Plains -
Enjoy Two of Virginia's favorite events in one spectacular weekend at Great Meadow

BRING IN THE PONIES & WINE!

World-Class Polo

Taste
275 award-winning artisan wines

Enjoy
the ultimate fancy food & fine art market

Experience
world-class polo Saturday & Sunday
Recreational Uses
Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition.

Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.
PROBABLY THE FUNNEST EVENT ON THE PLANET!

(Yeah we know funnest isn’t a real word but we like it!)

The Zombie Mud Run is a Post-Apocalyptic 5K obstacle Mud Run teeming with Zombies infected with the living dead virus.

Run for Your Lives at the Zombie Mud Run! Whether you are an avid runner or you have never participated in a mud run, this event promises to be the most amazing, heart pounding, adrenalin producing mud run ever created!
Soil Disturbance
No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.

i. Grantor shall obtain within one year of the date of this Deed of Easement, a farm conservation plan approved by the local soil conservation district.

ii. Grantor's long term objectives shall conform with the provisions of the farm conservation plan.
“But what is truly at issue is whether the construction of greenhouses would allow defendant to change the composition of the soil so drastically. Because action take by the defendant did damage to both soil conservation and future agricultural use, it violated the restrictions ...
State of New Jersey v. Quaker Valley Farms

The plain language (in the statute) makes clear the content of the soil, the soil’s ability to support agriculture, and the ability of the land to have agriculture production as its first priority use are at the core of farmland preservation.”

Judge Peter A. Buchsbaum
Rural Microenterprises Bill
A-2839

Providing Limited Opportunity for Non-Ag Use on Previously Preserved Farmland
What It Would Do

- Provide some degree of relief to landowners who want to conduct non-ag uses on farms preserved without an exception area

- Allow Rural Microenterprises (RMEs) to help support family farms

- Assist in preservation of historic buildings/barns
What is a Rural Microenterprise?

- Small-scale nonagricultural use
- Compatible with ag use and production on farm
- Does not interfere with/incidental to ag use of the farm
Types of RMEs

1. Customary rural

2. Ag-related support services

3. Unrelated services

Priority consideration to 1 and 2
What’s an RME vs. What’s Not?
What’s an RME vs. What’s Not?
Barn Restorations -- CT

BEFORE

AFTER
Takeaways
“(Conservation)...is more a question for the State than for the Federal Government. The Federal Government can act in the matter only in so far as it still controls lands and forests and mines and watercourses. The great bulk of the land of the continent and of America's resources passed out of Federal control long ago. It is the States which must determine by their policy whether the natural resources of the country are to be exhausted or renewed, wasted or conserved, and the matter will require all the more careful statesmanship and planning because it will touch life very intimately at many points.”

Woodrow Wilson, Governor of New Jersey
1911
“... a program could emerge that would preserve a substantial portion of both traditional and newer forms of agriculture. Such a program of necessity must be flexible, imaginative, generous, and blessed with astute leadership now and in the future, generation after generation.”

Dr. Hubert Schmidt, Professor of History, Rutgers University 1973
“... in your efforts at law making, in all your official acts, self interest shall be cast into oblivion... Look and listen for the welfare of the whole people and have always in view not only the present but also the coming generations, even those whose faces are yet beneath the surface of the ground—the unborn of the future Nation.”

The Constitution of the Iroquois Nations, Circa 16th century

“If in a given community unchecked popular rule means unlimited waste and destruction of the natural resources—soil, fertility, water-power, forests, game, wild-life generally—which by right belong as much to subsequent generations as to the present generation, then it is sure proof that the present generation is not yet really fit for self-control, that it is not yet really fit to exercise the high and responsible privilege of a rule which shall be both by the people and for the people. The term "for the people" must always include the people unborn as well as the people now alive, or the democratic ideal is not realized.”

President Theodore Roosevelt, 1916
Susan E. Payne, Executive Director
Jeffrey C. Everett, Chief of Agricultural Resources

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