

## **Implementation of a Farmland Preservation Program in Bernards Township**

The purpose of this memorandum is to identify the planning tasks involved in implementing a Farmland Preservation Program in Bernards Township. This memorandum identifies:

- The requirements for submitting an application for State and County Farmland Preservation funding to leverage Township open space/farmland preservation tax revenue for farmland preservation, and outlines the process for qualifying the Township to receive such funding.
- A cost estimate for professional planning services to the Township in this matter is also provided.

### **Background**

Given the limited amount of farmland-assessed land remaining in Bernards Township (roughly 1,385 acres), it is reasonable to assume that a fair amount of it can be permanently preserved through a variety of means. Adoption of a Farmland Preservation Program enabling the township to submit applications to the State Agricultural Development Committee (SADC) for Farmland Preservation Planning Incentive Grants (PIGs). This program would allow the Township to identify local preservation priorities, and to acquire easements without the competitive ranking required in the traditional Farmland Preservation Program.

Initial preservation efforts should be focused in the southern area of the township which contains the greatest amount of farm-assessed acres. By focusing efforts here, financial assistance can be extended to working family farms, providing a measure of stability and vehicle to finance the continuation of agricultural activities. Additionally, preservation of farmland will service to advance the basic rural character of the township particularly in the southern area.

Briefly, the proposal is to first establish a short term Agricultural Task Force to: *i)* to first assess the best ways to promote agriculture as a business in the township. *ii)* to recommend a Right to Farm Ordinance to be included in the Land Use Ordinance that best meets the needs of farmers in the township. A Right to Farm Ordinance would offer protection from nuisance complaints related to agricultural operations, typically from non-farm neighbors. Upon completion of the work of the task force the Township Committee would then appoint an Agricultural Advisory Committee whose first job would be to develop a farmland preservation plan for consideration for adoption by the Planning Board as an element to the Master Plan.

### Farmland Preservation Funding

There are four essential elements involved in qualifying for Farmland Preservation funding:

1. Enactment of a Local Open Space/Farmland Tax;
  2. Establishment of an Agricultural Advisory Committee;
  3. Adoption of a Farmland Preservation Plan element to the Master Plan; and
  4. Adoption of a Municipal Right-to-Farm Ordinance.
1. Local Open Space/Farmland Tax - Bernards Township has already adopted a local open space tax. This source of funding may be used in connection with County and State farmland preservation funding to purchase development easements and preserve farmland. In the standard program, the development easement cost share breakdown is as follows: Local – 20%; County – 20%; State – 60%. These cost share ratios are subject to change based upon individual farmland preservation project needs and circumstances, and changes in State funding program policy.

2. Agricultural Advisory Committee – this is a requirement of the State Agricultural Development Committee and is comprised of municipal farmland preservation volunteers, usually resident farmers. It is constituted to advise the governing body as to local farmland preservation targeting priorities and farmland preservation application selection. The Committee may also include local officials and professionals, such as members of the Township Committee, Planning Board, Township Engineer, and Township Planner.

The Agricultural Advisory Committee is generally formed at some point in the process after the municipality has undertaken a feasibility study and analysis of local farmland issues in the municipality. Prior to the establishment of an Agricultural Advisory Committee its proposed that an Agricultural Task Force, which would be charged with assessing the feasibility of implementing a local farmland preservation program, whether a local program should be created and whether County and State farmland preservation funding should be sought to preserve farmland in Bernards Township.

3. Farmland Preservation Plan (FPP) -The M.L.U.L authorizes the preparation of a Farmland Preservation Plan (FPP) Element in the municipal master plan and identifies the requirements for a FPP as follows: “A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging monies made available by” (the County and State farmland preservation programs) “through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases and encouraging donations of

permanent development easements.” Adoption of a Farmland Preservation Plan element in the Master Plan is a prerequisite for receiving State and County farmland preservation funding.

4. Municipal Right-to-Farm Ordinance -Adoption of a municipal right-to-farm ordinance. The State makes available a standard form right-to-farm ordinance. The purpose of requiring the Township to adopt this ordinance is to assure the County and State that if farmland preservation funding is provided, agricultural activities required for ongoing farming activity will be protected and permitted in the zoning ordinance. The right to farm ordinance will have township-wide application, and may create opportunities for these protections on other than preserved farms. Qualifying properties will be at least 5 acres, meet the definition of a commercial farm and produce at least \$2,500 of farm income per year.

#### Task Force

The Township has enacted a local open space tax, the proceeds of which may be used for farmland preservation in conjunction with State and County funding programs. To move forward with the process of qualifying the Township for receiving State/County farmland preservation funding, its recommend naming an Agricultural Task Force to investigate the potential for farmland preservation in the Township and to prepare a recommendation to the Township Committee as to whether a FPP should be prepared to participate in County and State farmland preservation funding programs.

The formation of a task force will enable the Township Committee to gauge local interest of farmers in participating in a local farmland preservation program, and identify issues that may compete with and impede farmland preservation in the community, including the high demand for land for development in the region. These issues may require specific strategic responses, which the Township may find are prerequisites for success with farmland preservation. The task force may be an appropriate forum for discussion of these issues, prior to the township committee making its decision to establish a local farmland preservation program.

The Township Committee should consider charging the Task Force with the following investigations:

- Identify issues related to continuing agriculture in Bernards Township (i.e. barriers to continuing farming) and potential municipal responses to facilitate the continuation of farming in the municipality;
- Identify the potential for success of utilizing funding for a municipal farmland preservation program, including the State Agricultural Development Committee (SADC) and County Agriculture Development Committee;
- Review the model right-to-farm ordinance and identify areas of concern and *recommend whether the Township should adopt the model ordinance.*

- In connection with the permitted uses of the right-to-farm ordinance, review existing site plan review procedures and investigate the feasibility of establishing a streamlined or fast-track approval procedures for agriculture-related commercial uses (i.e. farmstands);
- Review and analyze Farmland Preservation Program development easement appraisal procedures, State funding ranking procedures and the applicability of the provision that permits properties rezoned as a result of Master Plan recommendations, to be appraised under prior zoning;

- ***Recommend whether the Township should adopt a Farmland Preservation Plan and create an agricultural advisory committee*** to establish a municipal farmland preservation program in Bernard Township.

I expect the task force will require approximately 3-4 months time to complete the scope of work identified above and make a recommendation to the Township Committee. In light of annual County and State funding application submission deadlines, I recommend appointing the task force at the earliest possible time.

#### **NJ Easement Purchase Programs**

New Jersey provides funding for farmland preservation through three easement purchase programs:

- Standard program – Local/County/State cost share, as outlined above;
- Farmland Planning Incentive Grant (PIG) program -- establishes dedicated account for Bernards to preserve farmland in the Township;
- State direct easement purchase program -- State negotiates and acquires development easement, generally no local cost share requirement.

#### **Professional Services**

To carry out the task of establishing a Farmland Preservation Program in the township I believe that both the proposed Task Force and future Agricultural Advisory Committee will require the professional planning services long with the services of the Township Engineer. This support will include consulting with an Agricultural Task Force; preparing a Farmland Preservation Plan element of the Master Plan; and consulting with the local Agricultural Advisory Committee.

The cost for professional planning services to the Township for these activities is estimated as follows:

- Task force consultations and background investigations: \$4,500
- Farmland Preservation Plan element for adoption by the Planning Board after review by the Agricultural Advisory Committee: \$7,500
- Agricultural Advisory Committee consultations and services (on-going) that may be requested in connection with preparing farmland preservation funding applications and implementing municipal farmland preservation program:
  - To be provided in accordance with the standard hourly rate schedule for professional planning services to the Township, as needed by the Agricultural Advisory Committee.

#### Next Steps

Should the Task Force recommend establishing a municipal farmland preservation program, the Township Committee would then consider the appoint an Agricultural Advisory Committee that would need to work with the planner and township engineer to prepare a draft farmland preservation plan. The draft FPP would then be presented to the Planning Board for their review and adoption in accordance with the law. The GIS work prepared as part of the Master Plan update will be useful in preparing the required mapping for a FPP.

Although a formal announcement for the next round of State farmland preservation applications has not been made by the SADC, we believe that the next funding round could be as early as January 2005. Therefore, I recommend that the Township Committee begin this process as soon as possible so that the process is well underway when applications are due to the SADC.

Thomas J Moschello

October 7, 2004