

# New Jersey's Farmland Preservation and Right to Farm

**What's New and What's Coming Down the Pike?**

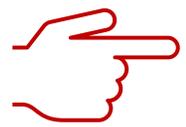
NJLM Convention  
November 17, 2022





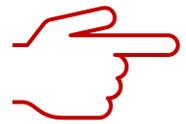
## Two Components of SADC's Work

1. Securing the land base



**Farmland Preservation Program**

2. Making sure farmers can farm



**Right to Farm Act**





# Part One: NJ's Farmland Preservation Program

2020 Report

Farmland Loss  
from 2001-2016

Each  
States' Policy  
Responses

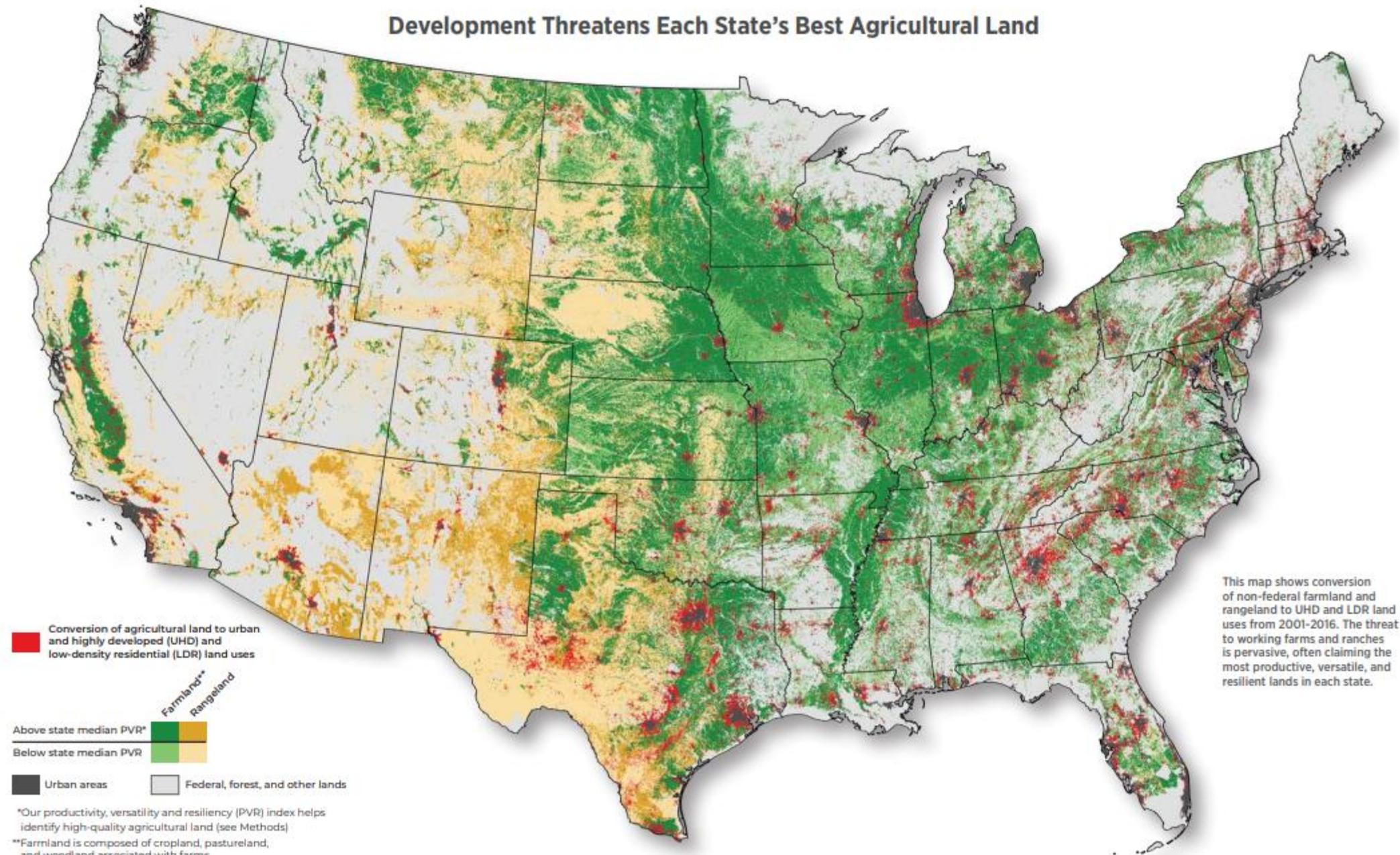


American Farmland Trust

# FARMS UNDER THREAT: THE STATE OF THE STATES

Julia Freedgood • Mitch Hunter • Jennifer Dempsey • Ann Sorensen

## Development Threatens Each State's Best Agricultural Land



This map shows conversion of non-federal farmland and rangeland to UHD and LDR land uses from 2001-2016. The threat to working farms and ranches is pervasive, often claiming the most productive, versatile, and resilient lands in each state.

# AFT's Farms Under Threat Report

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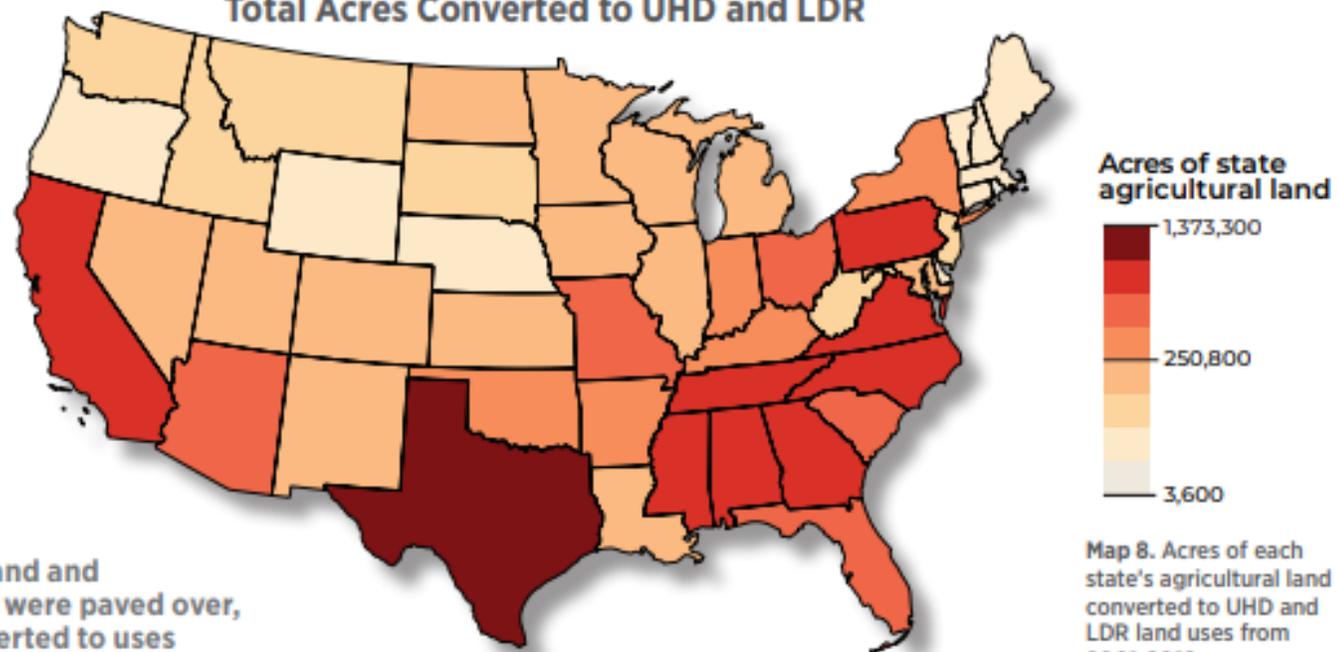
Between 2001 and 2016, **11 million acres** of farmland and ranchland were converted to urban and highly developed (UHD) land use (4.1 million acres) or low-density residential (LDR) land use (nearly 7 million acres).

That's equal to all the U.S. farmland devoted to fruit, nut, and vegetable production in 2017—**or 2,000 acres a day** paved over, built up, and converted to uses that threaten the future of agriculture.

**This loss occurred despite the Great Recession, plummeting housing starts, and declining population growth.**

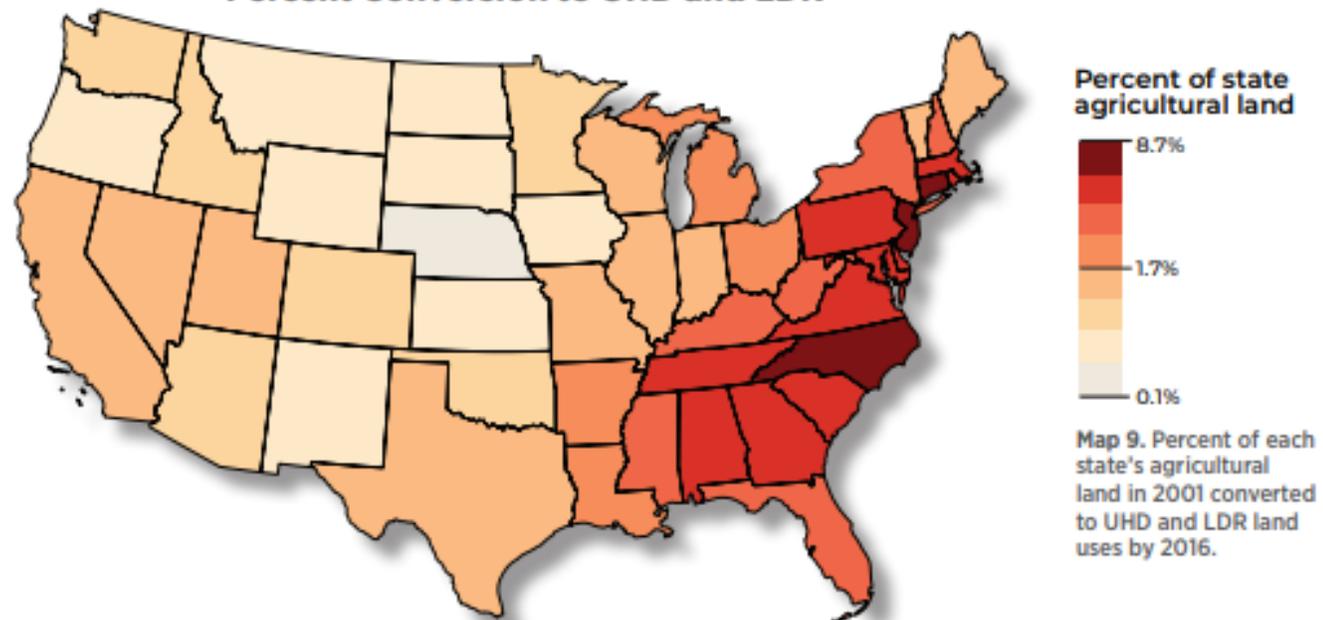
**While every state has taken steps to protect their agricultural land base, they all could—and must—do more.**

### Total Acres Converted to UHD and LDR

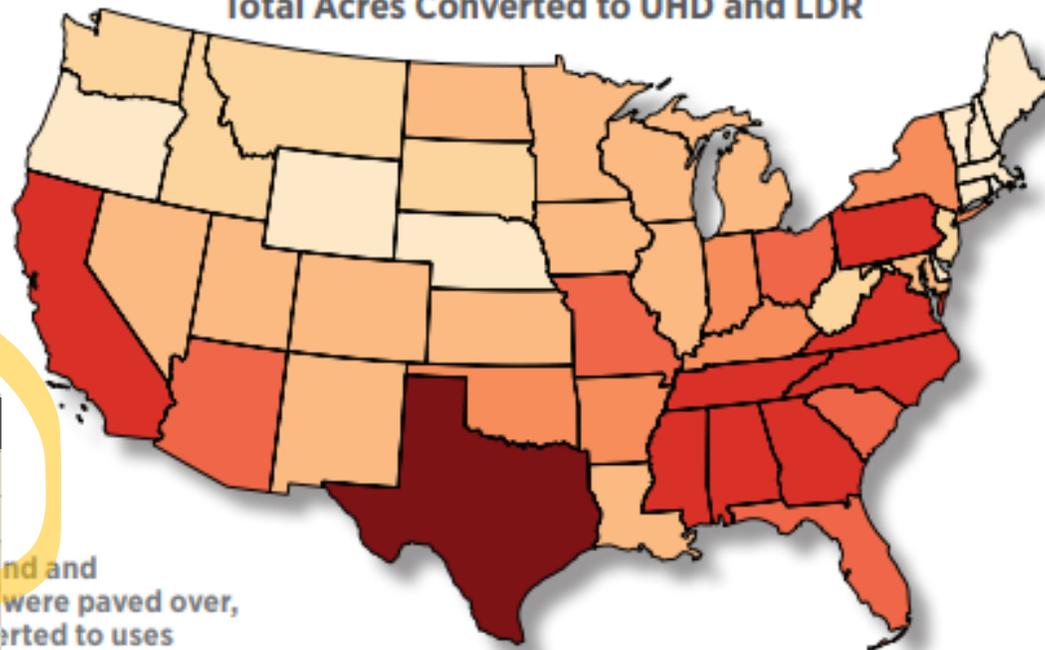


2,000 acres of farmland and ranchland per day were paved over, fragmented, or converted to uses that jeopardize agriculture

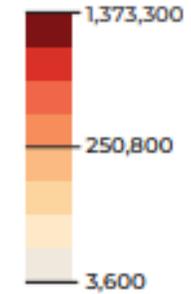
### Percent Conversion to UHD and LDR



### Total Acres Converted to UHD and LDR

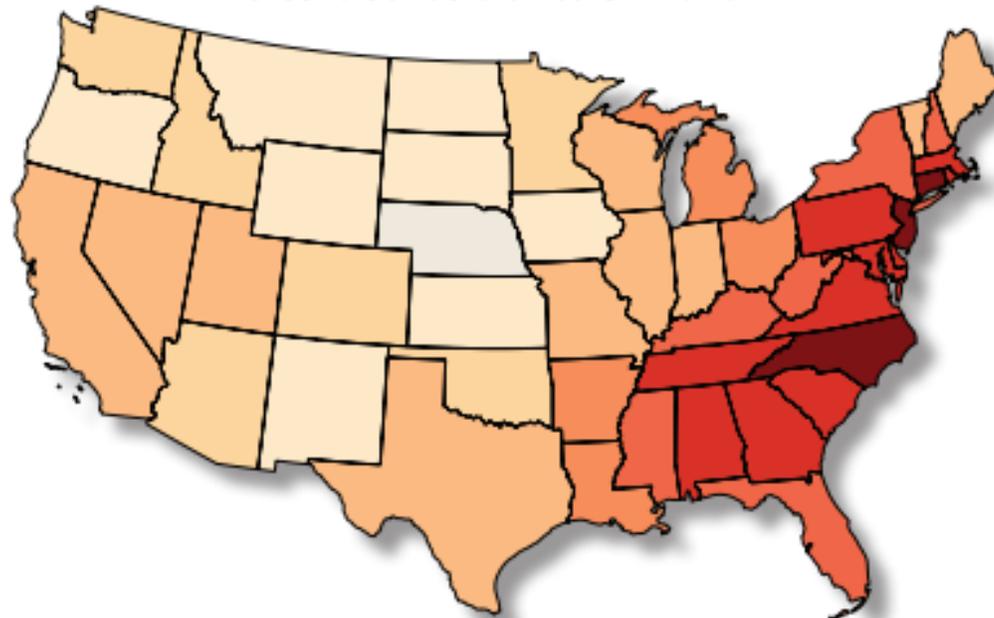


Acres of state agricultural land

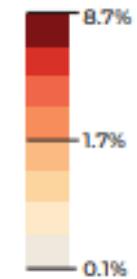


Map 8. Acres of each state's agricultural land converted to UHD and LDR land uses from 2001-2016.

### Percent Conversion to UHD and LDR



Percent of state agricultural land



Map 9. Percent of each state's agricultural land in 2001 converted to UHD and LDR land uses by 2016.

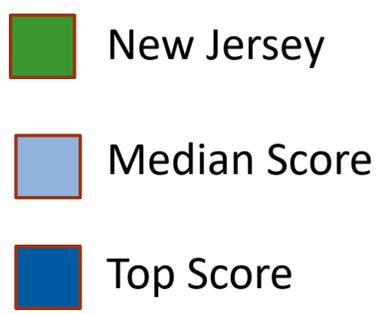
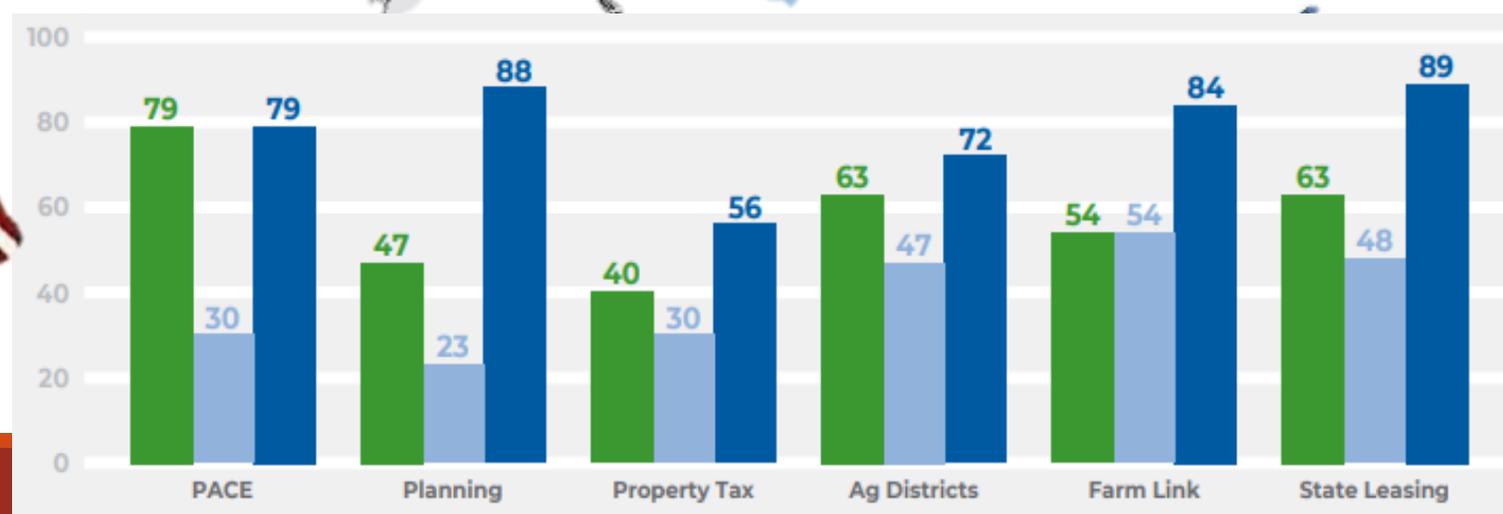
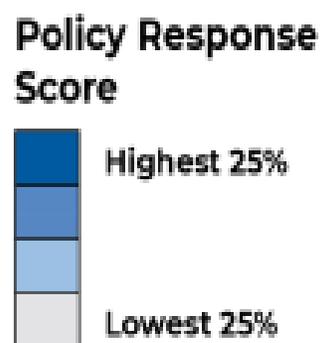
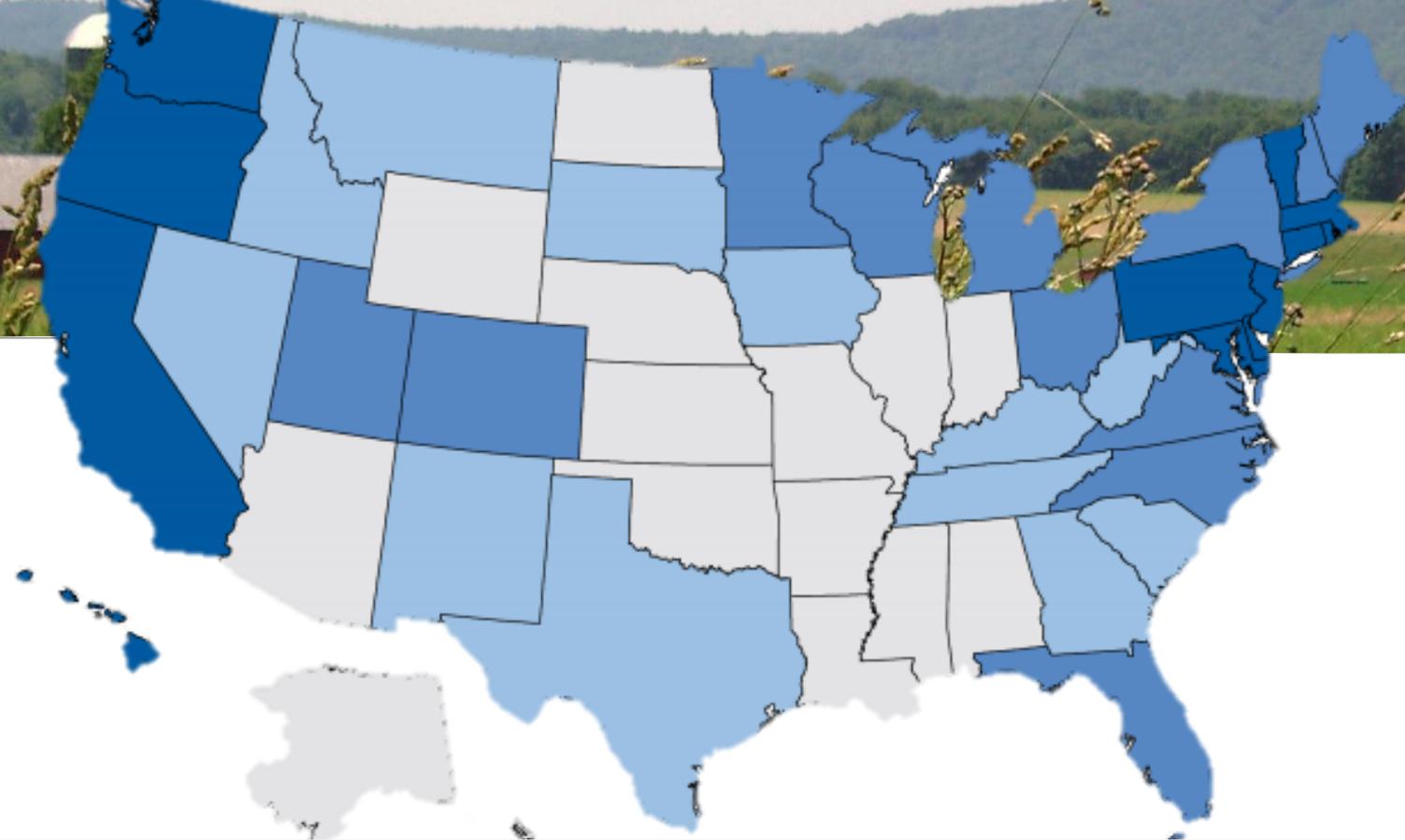
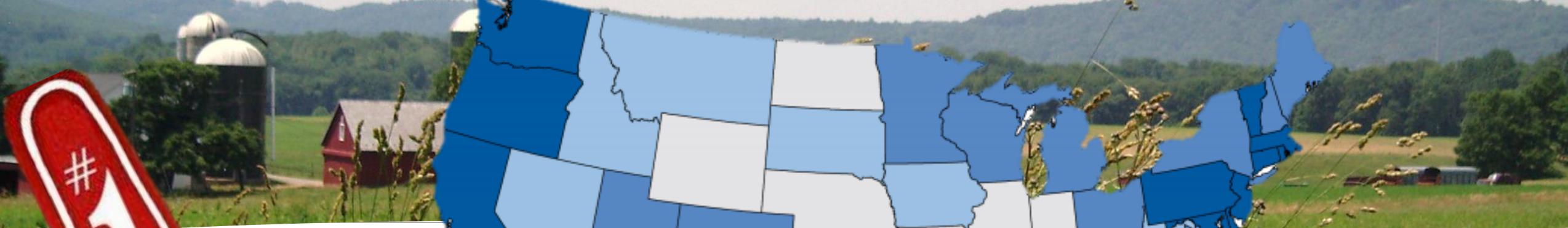
Acres			Percent		
1	TX	1,373,000	1	NJ	8.7
2	NC	732,000	2	NC	6.7
3	TN	659,000	3	CT	6.4
4	GA	544,000	4	DE	5.8
5	CA	466,000	5	RI	5.8
6	AL	362,000	6	MA	5.2
7	PA	347,000	7	TN	5.1
8	VA	340,000	8	SC	4.5
9	MS	336,000	9	GA	4.4
10	MO	325,000	10	MD	4.3
11	OH	312,000	11	VA	4.0
12	FL	298,000	12	PA	3.8

Land and  
were paved over,  
converted to uses  
agriculture

# Bad News.....and.....Good News!

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## Remedy to Farmland Loss:

## NJ Farmland Preservation Program

- SADC provides \$\$\$ toward purchase of FPP easements
- Easements are permanent – recorded and run with the land
- Easements held by SADC, counties or nonprofits/land trust
- Deed restriction – lays out what uses are permitted and prohibited
- Annual monitoring / enforcement

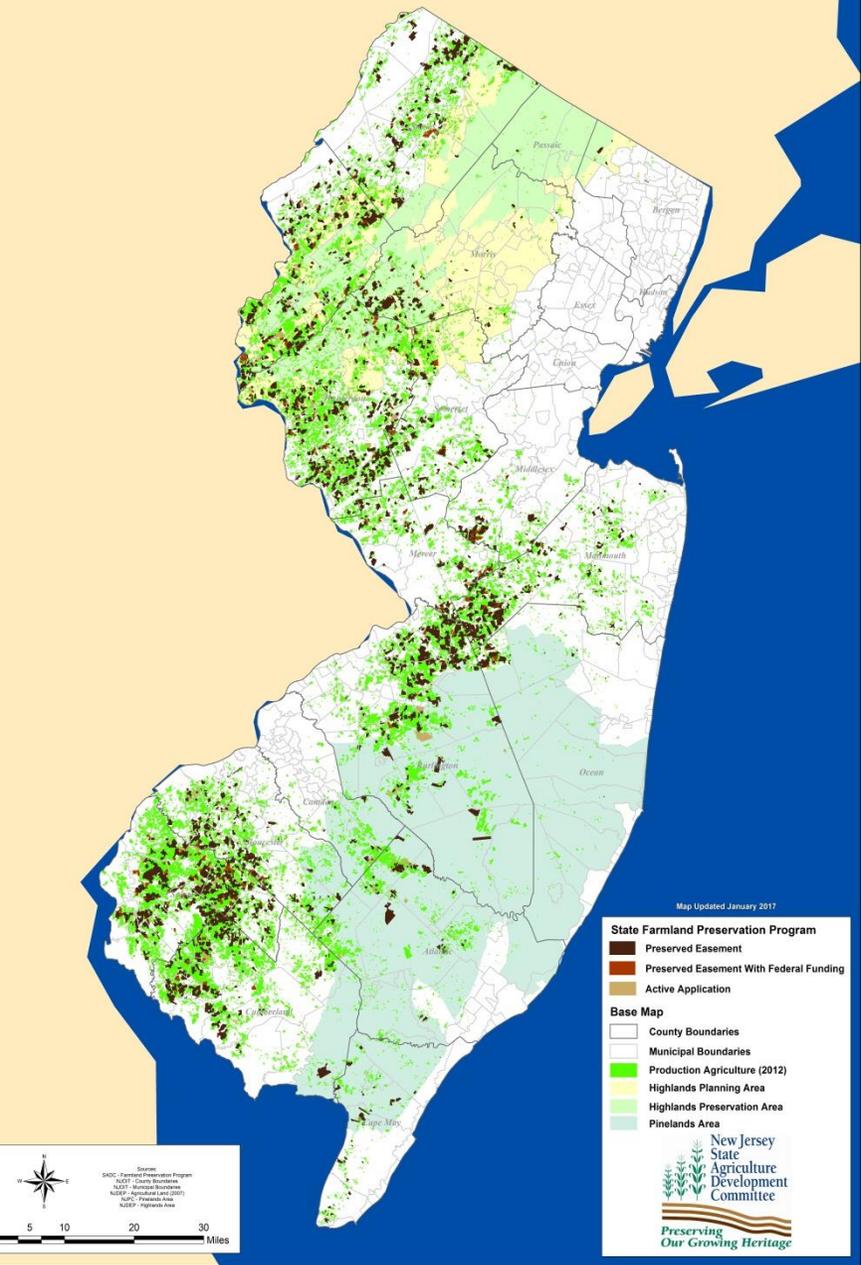


# Progress To Date

- Over 2,800 Farms
- Nearly 250,000 acres
- Over 1/3<sup>rd</sup> of NJ's Farmland Preserved
- Highest % in the nation

## New Jersey Farmland Preservation Program Summary of Preserved Farmland

Participating County	Number of Farms	Number of Municipalities	Acres	Average Farm Size	Total Cost	Per Acre Total Cost	State Cost	State Cost Share Percent	County Municipality Federal Cost Share
Atlantic	48	8	5,105	106	17,577,982	3,443	13,423,506	76.37%	4,154,476
Bergen	8	5	335	42	19,752,944	58,927	10,866,840	55.01%	8,886,103
Burlington	242	21	29,288	121	158,019,431	5,395	95,274,131	60.29%	62,745,300
Camden	14	3	1,011	72	13,732,709	13,579	6,149,953	44.78%	7,582,756
Cape May	51	6	3,141	62	18,969,353	6,039	11,428,961	60.25%	7,540,392
Cumberland	232	12	22,024	95	66,708,883	3,029	48,345,368	72.47%	18,363,515
Gloucester	221	14	16,049	73	124,472,859	7,756	79,716,456	64.04%	44,756,403
Hunterdon	462	19	35,797	77	299,935,513	8,379	209,888,951	69.98%	90,046,562
Mercer	117	8	8,557	73	104,713,927	12,238	62,383,097	59.57%	42,330,830
Middlesex	55	7	4,880	89	62,554,302	12,818	40,967,538	65.49%	21,586,764
Monmouth	213	11	15,600	73	246,741,053	15,817	152,850,502	61.95%	93,890,551
Morris	116	12	7,349	63	149,372,403	20,327	83,214,988	55.71%	66,157,415
Ocean	48	5	3,249	68	26,641,541	8,200	18,104,071	67.95%	8,537,470
Passaic	2	2	56	28	3,553,345	63,399	1,539,426	43.32%	2,013,919
Salem	394	12	42,591	108	187,670,024	4,406	144,202,019	76.84%	43,468,005
Somerset	111	7	8,175	74	140,990,811	17,246	81,265,124	57.64%	59,725,687
Sussex	161	14	16,959	105	58,050,735	3,423	40,423,581	69.63%	17,627,154
Warren	307	19	27,234	89	138,780,584	5,096	89,157,953	64.24%	49,622,631
<b>All Counties</b>	<b>2,802</b>	<b>185</b>	<b>247,400</b>	<b>88</b>	<b>1,838,238,397</b>	<b>7,430</b>	<b>1,189,202,464</b>	<b>64.69%</b>	<b>649,035,933</b>



# 40 Years of Progress

- ❑ We've accomplished a lot...but there's much left to do!
- ❑ Conditions on the ground are changing:
  - ✓ Real estate pressure/patterns - warehouses, solar and affordable housing ("lightning strikes") vs large-lot sprawl
  - ✓ Climate resiliency – how do we help farmers adapt?
- ❑ New trends in agriculture
  - ✓ Expansion of non-ag uses on farms & "agritourism"
  - ✓ New crops – hemp, cannabis
  - ✓ Solar WITH farming – "Agrivoltaics"

# Expansion of Uses Permitted on Preserved Farmland

## #1. Rural Microenterprises (RMEs) - 2016

**Goals: for farms preserved before January 2006  
and which do not have an exception area:**

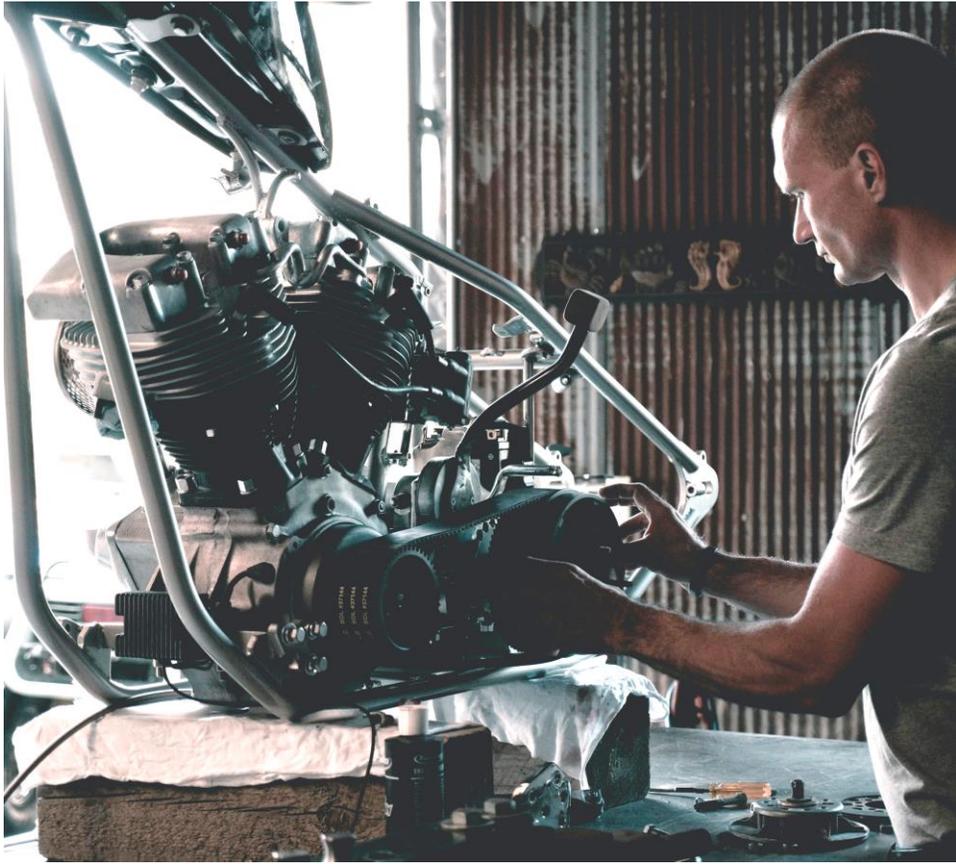
- **Support viability of family farms by expanding economic activity on preserved farms**
- **Potentially protect historically significant barns/structures that contribute to NJ's rural landscape**



# Types of Permitted RMEs

1. **Customary Rural Activities**: These activities rely on the equipment and skills historically possessed by the agricultural community, such as **snow plowing, bed and breakfasts, bakeries, woodworking, and craft-based businesses**.
2. **Agricultural Support Services**: These services have a direct and positive impact on agriculture by supplying needed equipment, supplies and services to the surrounding agricultural community, such as **veterinary practices, seed suppliers, and tractor or equipment repair shops**.





# Barn Restorations -- CT

**BEFORE**

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**AFTER**



## Successful Adaptive Reuse of Bank Barn



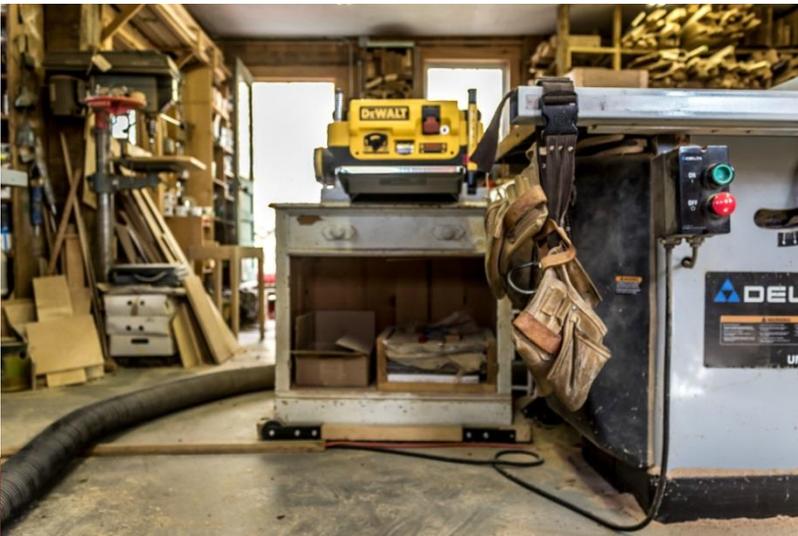
Home Office  
Richland Twp.  
Bucks County, Pennsylvania





## Successful Adaptive Reuse of Ground Barn for RME

Vermont Table Co.  
Town of Burke  
Caledonia County, VT  
2 Employees



# Alternative to RME



**Pfaff Round Barn, Mansfield Twp., Warren County (collapsed)**

# Expansion of Uses Permitted on Preserved Farmland

## #2. Special Occasion Events

### Goals - for ALL preserved farms:

- Support viability of family farms by expanding economic activity on preserved farms
- Increase public access to preserved farms by allowing more tourism and entertainment-based uses



# Special Occasion Events (SOEs)



## The Opportunity for Agritourism Development in New Jersey

Brian J. Schilling  
Lucas J. Marxen  
Helen H. Heinrich  
Fran J. A. Brooks, Ph.D.

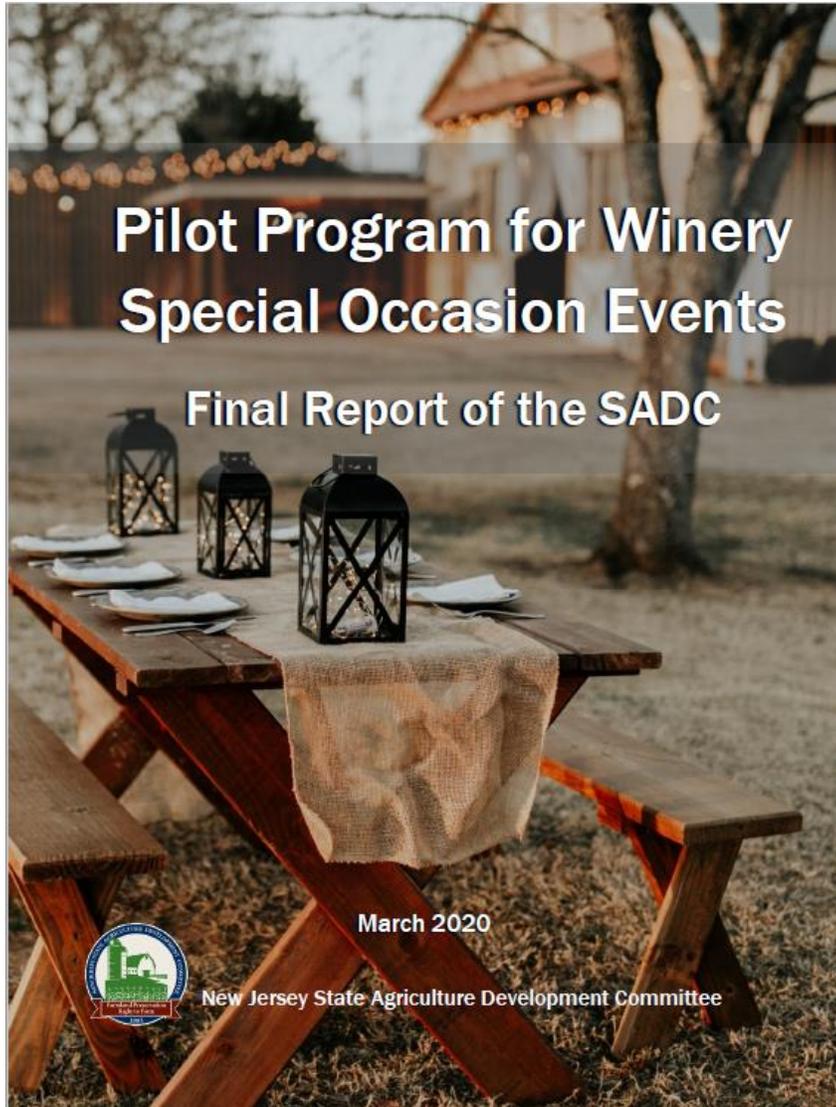


# Special Occasion Events (SOEs)

## Examples:

- Weddings / receptions / parties
- Corporate gatherings
- Seasonal festival (e.g., community festival)
- Outdoor concert
- Dance night (e.g., country dancing in the barn)
- Holiday event (e.g., Mother's Day brunch)





# SOE Status

- Prior winery pilot law expired in 2020 (preserved farm wineries only)
- SADC submitted recommendations March 2020
- Multiple competing bills in the legislature since
- S757 – Governor Murphy issued a CV in September
- Amended version passed the Senate
- Awaiting action in the Assembly
  
- Basic provisions:
  - ✓ Minimum \$10,000 ag/hort production per year
  - ✓ Up to 26 SOE's/year

# New Uses on Non-preserved farms

➤ Grid – Supply  
Solar Projects

➤ Agrivoltaics



# Major Laws Affecting Solar

## Development on Farmland

Applicable Law	Limits on Solar
Farmland Assessment Act	<ul style="list-style-type: none"><li>• 2 MW project limit</li><li>• 10-acre project limit</li><li>• Farmland to solar acreage ratio of 5:1</li></ul>
Right to Farm Act	Same as farmland assessment
Grid Supply Law (Solar Act 2021)	<ul style="list-style-type: none"><li>• Generally referring to <math>\geq</math> 5 MW projects</li><li>• No longer considered a farm</li><li>• Ineligible for FA, RTF</li></ul>
Dual Use Law (S3484)	<ul style="list-style-type: none"><li>• 10 MW project limit</li><li>• Total program limit of 200 MW</li><li>• Eligible for FA</li></ul>
Preserved Farms	<ul style="list-style-type: none"><li>• 1% of the preserved farm, or</li><li>• Necessary to meet 110% of energy need (whichever is greater)</li></ul>

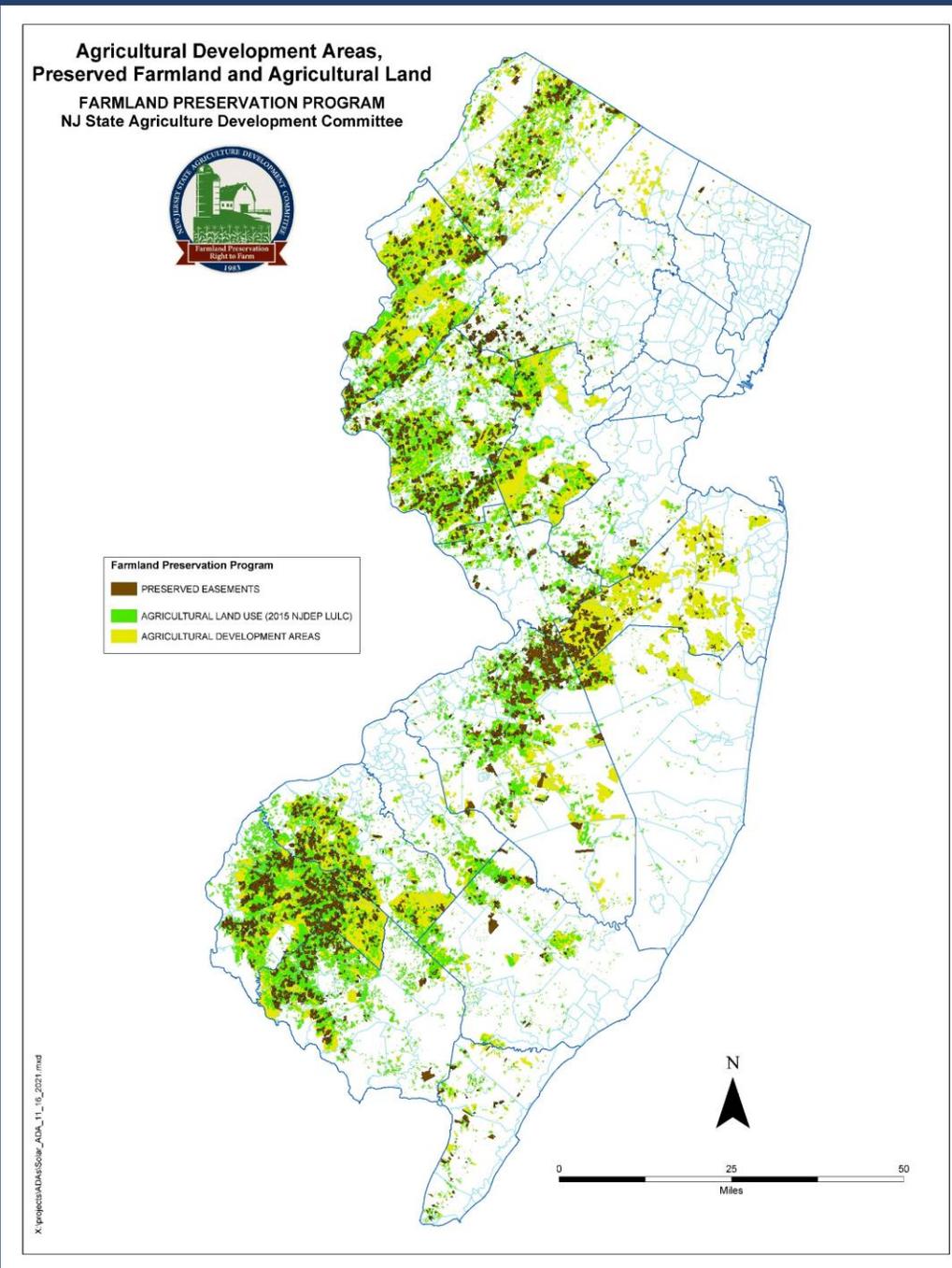
## NJ Solar Development Goals

- 2019 Energy Master Plan
- 50% of electricity from renewables by 2030
- Solar goals: +14 GW by 2035  
+29 GW by 2050
- If all of that were developed on farmland,  
70,000 acre loss by 2035  
145,000 acre loss by 2050
- Only ~200,000 acres still targeted  
for preservation!

# Limiting Loss of NJ's Best Farmland

## County ADAs:

- 18 county ADAs
- 1.1M acres (22% of NJ)





# Capping Farmland Loss

COUNTY	Unpreserved LULC AG on SOI (Within ADA)	SADC's 5% County ADA Limit Calculation (Section 6.f)
HUNTERDON	28,303.94	1,415.20
SALEM	33,161.01	1,658.05
MONMOUTH	13,704.40	685.22
GLOUCESTER	16,865.63	843.28
WARREN	18,532.30	926.62
CUMBERLAND	23,904.00	1,195.20
SOMERSET	10,227.17	511.36
BURLINGTON	14,742.69	737.13
ATLANTIC	8,670.23	433.51
MERCER	5,443.03	272.15
SUSSEX	5,251.35	262.57
OCEAN	1,562.93	78.15
MIDDLESEX	2,643.08	132.15
CAMDEN	3,990.96	199.55
MORRIS	1,425.21	71.26
CAPE MAY	1,721.72	86.09
BERGEN	71.64	3.58
PASSAIC	29.61	1.48
UNION	0.00	0.00
HUDSON	0.00	0.00
ESSEX	0.00	0.00
		0.00
<b>Total Acres</b>	<b>190,250.90</b>	<b>9,512.55</b>
DESCRIPTION	Column C Excluding Preserved Farmland and Open Space	Calculated as 5% of the numbers in Column F.

# Dual Use / “Agrivoltaics” (S-3484)

## What is “Agrivoltaics”?

- Systems designed to integrate farming and photovoltaics with a Farmer First focus
- Retains and possibly enhances agricultural productivity
- Can be combined with both animal and plant production
- Can contribute to the viability and resiliency of farming
- Any yield losses can be offset by income from electricity generation



# Traditional grid-scale solar farms: Not Agrivoltaics



Low ground clearance

Very uneven shading patterns

Traditional farming no longer possible

# Also not Agrivoltaics: Pollinator habitat



<https://www.greenbiz.com/>

Courtesy of Rutgers Cooperative Extension

# Fixed-tilt arrays at UMass Ag Extension



<https://www.nrel.gov/news/features/2019/beneath-solar-panels-the-seeds-of-opportunity-sprout.html>

Courtesy of Rutgers Cooperative Extension

# Fixed-tilt semi-transparent panels over raspberries



<https://www.regionale-energiestrategie.nl/praktijkvoorbeelden/1816020.aspx>

Courtesy of Rutgers Cooperative Extension



Fixed-tilt panels elevated to a height that allows large farm equipment to pass underneath

<https://www.triplepundit.com/story/2020/new-england-agrivoltaics/120946>

Courtesy of Rutgers Cooperative Extension

# Vertical bifacial panels (row direction North-South)



# Dual Use Law

- 3-5 year pilot program
- **PROHIBITED** on preserved farmland
- Project limit: 10 MW
- Land must remain “actively devoted” to ag/hort production
- Eligible for SRECs



# Dual Use – Other Provisions

- Projects must comply with all state, local laws and rules BUT...
- Declared a “permitted use” under local zoning
- At end of pilot, BPU and NJDA adopt rules to make it a permanent program



<https://www.next2sun.de/>

A grayscale photograph of two cows in a field. The cows are in the foreground, looking towards the camera. The background shows a field with a fence and trees in the distance. The text "Conclusion – What's Next?" is overlaid in white on the image.

# Conclusion – What's Next?



## Upcoming Topics

- SADC 40<sup>th</sup> Anniversary Program Review
  - Partner surveys, data analysis, stakeholder input
  - What's working, what's not?
- Climate change – how can we help farmers adapt?
- Farm viability – what needs to be done?



For more Information:?

[www.nj.gov/agriculture/sadc](http://www.nj.gov/agriculture/sadc)

<https://www.nj.gov/agriculture/sadc/rtfprogram>

<https://www.nj.gov/agriculture/sadc/farmpreserve/contacts/cadbs.html>

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