

1/27/05 SADC Meeting Highlights

Funding News

Acting Governor Codey in January signed appropriation bills totaling \$127.7 million for farmland preservation. (NOTE: A subsequent Star-Ledger story that said the GSPT fund is running out of funds two years early was a bit misleading. The GSPT fund is not running dry and there is plenty of funding left. An average of \$70 million annually will continue to be available for farmland preservation through 2009 – the year the GSPT originally was and is intended to expire. What could shorten that window is if the farmland preservation program “front-loads” acquisitions into the next 2-3 years, as opposed to requesting a steady stream of funding annually. The total amount of funds expected for farmland preservation over the life of the GSPT has not decreased. Currently, we are in the sixth year of the 10-year GSPT funding schedule. We expect that efforts will be made to renew a stable source of funding for farmland and open space preservation before the GSPT funding expires in 2009 but there is ample time for those discussions to occur.)

Secretary/Executive Director Announcements

Executive Director Susan Craft is meeting this month with County Agriculture Development Boards and other relevant agencies and organizations to solicit ideas for improving the farmland preservation process.

SADC member Gary Mount gave an excellent presentation on the Farmland Affordability/Availability Task Force’s report at the State Agriculture Convention in January. The presentation prompted a good discussion of issues. SADC staff will make a recommendation at a future meeting on which strategies to pursue in the near future and which require further examination by the task force.

Right to Farm

Many of the public comments received on the proposed equine rules raise valid issues and concerns that warrant further discussion. Included is the question of the extent of Right to Farm protections that should be afforded farms that predominantly offer service activities and have little agricultural production. The SADC is forwarding the proposed rules back to the Equine Working Group for consideration of the public comments. The working group will meet in March, and the SADC could consider this issue again as early as its May meeting.

Program News

The Highlands Water Protection and Planning Act includes a provision that appraisals for preservation purposes on farmland statewide be made considering either the zoning, state environmental laws, and DEP regulations and rules in effect at the time of proposed acquisition **OR** those in effect on January 1, 2004 – whichever approach yields the higher value. This provision applies only to landowners who owned the land as of the enactment of the Highlands Act (8/10/04) and owned the land continuously since that date, their immediate family members or a farmer as defined by the SADC. To apply this provision, the SADC will need to establish a definition of what constitutes a “farmer.” It also will need to clarify the meaning of the phrase “at the time of proposed acquisition.” The SADC earlier this month sent a memo to all CADB administrators asking for their input on these definitions. The SADC expects to make a decision on these definitions at its March 24th meeting.

Issues Raised During Public Comment

The SADC will address the question of what can be sold from farm markets located on preserved farms in conjunction with its continued development of a farm market AMP. A pre-proposal on the farm market AMP could go to the SADC as early as its April meeting and then be distributed to CADBs for comment.

The SADC will examine the interpretation of residency requirements for RDSO occupants – including the question of whether retired farmers are required to vacate RDSO housing. Staff will develop a working interpretation document for consideration by the SADC at its March or April meeting and then submit it to CADBs for comment.