

Memo



TO: CADB Administrators
FROM: Susan E. Payne, Executive Director ^{SEP}
DATE: October 10, 2023
RE: Minimum Standards for Determining “Eligible Farms”
Pursuant to the County Planning Incentive Grant (PIG) Program N.J.A.C. 2:76-17

On June 25, 2020, the State Agriculture Development Committee (SADC) delegated certain routine Acquisition Program-related actions including the minimum scores that applications must meet to qualify for the County Planning Incentive Grant program.

Pursuant to [N.J.A.C. 2:76-17.2](#), an “eligible farm” means a targeted farm that qualifies for grant funding by achieving an individual rank score that is equal to or greater than 70 percent of the county’s average quality score of all farms granted preliminary approval by the SADC through the county planning incentive grant program within the previous three funding cycles, as determined by the SADC. **The enclosed quality score standards will apply to all County PIG applications received by the SADC from January 1, 2024, to December 31, 2024.**

For applications submitted by Atlantic, Bergen, and Passaic Counties, the SADC will continue to consider these applications under the waiver provision as per [N.J.A.C. 2:76-17.9\(a\)7](#).

If an individual application from any county fails to meet the minimum score criterion, the county may request a waiver of that criterion pursuant to [N.J.A.C. 2:76-17.9\(a\)7i](#).

All farms also must meet the minimum eligibility criteria set forth in [N.J.A.C. 2:76-6.20](#). Please note that there is no waiver of the minimum eligibility criteria.

If you have any questions, please contact Stefanie Miller, Acquisition Program Manager at Stefanie.Miller@ag.nj.gov (609) 913-6572.

Attachments: 2024 Minimum Eligibility Approval

STATE AGRICULTURE DEVELOPMENT COMMITTEE

ADMINISTRATIVE REVIEW AND APPROVAL

Memorializing 2024 Standards for determining Eligible Farms Pursuant to the County Planning Incentive Grant (PIG) Program

WHEREAS, pursuant to N.J.A.C. 2:76-17.1 et seq. (County Planning Incentive Grant Program) the SADC is responsible for establishing the standards for what constitutes an “eligible farm” by annually determining minimum score requirements, of the County PIG program; and

WHEREAS, The Right to Farm Act (Act), which also created the SADC, contains language at N.J.S.A. 4:1C-5e. enabling the Committee to “perform any act or thing necessary, convenient, or desirable for the purposes of the Committee to carry out any power expressly given” in the Act, which would include the authority to delegate certain actions to the Executive Director; and

WHEREAS, Part IV, Section 3 of the SADC By-Laws states that “The Executive Director shall have all the power and authority delegated to him/her in accordance with these By-Laws, actions of the Committee or otherwise pursuant to the “Right to Farm Act” and the “Agriculture Retention and Development Act”; and

WHEREAS, by resolution #FY2020R6(5), dated June 25, 2020, the SADC granted authority to the Executive Director to approve certain routine Acquisition Program-related actions including the minimum scores that applications must meet to qualify for the County PIG program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.2 an “eligible farm” means a targeted farm that qualifies for grant funding by achieving an individual rank score that is equal to or greater than 70 percent of the county’s average quality score of all farms granted preliminary approval by the SADC through the County PIG program within the previous three funding cycles, as determined by the SADC; and

WHEREAS, “Funding cycle” means the time period beginning on the date the Committee receives an appropriation for the County PIG program and ending on the date the Committee receives a subsequent appropriation for the County PIG program, which are herein defined, for the purpose of calculating eligible farm criteria, as FY2020, FY2021 and FY2022 funding cycles; and

WHEREAS, the applications considered to derive the county averages over the last three funding cycles received Green Light Approval between January 21, 2020 and August 15, 2023; and

WHEREAS, Atlantic, Bergen, Cape May, Morris, Passaic and Sussex Counties have not submitted applications which received preliminary “Green Light” approval during the past three funding cycles, therefore it is not possible to establish a 2024 average quality score for these counties; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7, the SADC has implemented waivers in counties that lack a sufficient number of applications during the three prior funding cycles upon which to calculate eligible farm criteria; and

WHEREAS, because of the increased processing time and administrative burden associated with processing waivers it is recommended that the SADC utilize the average quality scores adopted in 2022 for Cape May and Morris Counties and 2021 for Sussex Counties; and

WHEREAS, if applications are received from Atlantic, Bergen, or Passaic Counties, where there has been no quality score for at least five (5) years, the SADC will consider any application submitted under the waiver provision as per N.J.A.C. 2:76-17.9(a)7; and

WHEREAS, all other Counties have had sufficient activity to calculate an average quality score and minimum eligibility criteria (Schedule A); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7, applications from all other Counties for farms that fail to meet the minimum score requirements, the County may request a waiver of the minimum score criterion.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC adopts 70 percent average quality score values for determining an “eligible farm” pursuant to N.J.A.C. 2:76-17.2 for the County PIG Program; and
3. This approval by the Executive Director is pursuant to the authority granted by resolution #FY2020R6(5).
4. That the 70 percent of average quality scores for determining an “eligible farm” pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2024, and shall apply to an application for the sale of a development easement that is received by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 2024.

10/2/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

SADC County PIG "Eligible" Farm Standard Effective 1.01.24 - 12.31.24							
	2020 Average Quality Score	2021 Average Quality Score	2022 Average Quality Score	2023 Average Quality Score	2023 70% of Average Quality Score	2024 Average Quality Score	2024 70% of Average Quality Score
Atlantic	****	****	****	****	****	****	****
Bergen	****	****	****	****	****	****	****
Burlington	68.5	67.82	67.8	67.02	47.71	65.96	46
Camden	****	****	51.29	51.3	35.00	51.29	36
Cape May	59.89	59.89	65.72	<<<<<	<<<<<	<<<<<	46
Cumberland	60.93	60.85	60.43	61.73	43.00	62.10	43
Gloucester	65.29	65.21	66.63	64.19	44.00	64.49	45
Hunterdon	64.85	64.9	64.12	65.92	46.00	66.27	46
Mercer	70.48	68.96	66.13	64.74	45.00	64.74	45
Middlesex	64.29	66.04	62.36	<<<<<	43.00	53.47	37
Monmouth	70.83	71.47	68.62	64.77	45.00	69.92	49
Morris	63.24	62.85	62.16	<<<<<	<<<<<	<<<<<	43
Ocean	65.89	65.89	<<<<<	<<<<<	46.00	60.07	42
Passaic	****	****	****	****	****	****	****
Salem	70.19	69.78	69.61	67.87	47.00	68.57	48
Somerset	73.7	73.7	67.72	61.25	42.00	61.25	43
Sussex	46.91	46.91	<<<<<	<<<<<	<<<<<	<<<<<	32
Warren	64.15	63.42	63.43	68.03	47.00	64.91	45

** all numbers are rounded down to the nearest whole number

Pursuant to N.J.A.C. 2:76-17.2, an "eligible farm" means a targeted farm that qualifies for grant funding by achieving an individual rank score that is equal to or greater than 70 percent of the county's average quality score of all farms granted preliminary approval by the SADC through the county planning incentive grant program within the previous three funding cycles, as determined by the SADC.

N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)
 These standards are effective January 1, 2024 through December 31, 2024

- <<<<< to decrease processing time, the SADC utilize the average quality scores adopted in 2021 or 2022
- N.J.A.C. 2:76-17.9 -7: any farm not meeting this standard may seek a waiver

Pursuant to Resolution FY2020R6(5) Farms that meet the following criteria will be **delegated** to the Executive Director for approval, subject to availability of funding:

- > All "Priority" farms have been selected; and
- > Meets the County's 70% average quality score; or
- > Is over 60% of the County's average farm size and has a density score of at least 8 points and all "Alternate" farms have been selected; or
- > Is a unique and valuable agricultural resource to the surrounding community where development poses a threat to existing investment in preservation, and it has a reasonable opportunity to remain agriculturally viable.