State Agriculture Development Committee

The Evolution of Permitted Uses on Preserved Farms

Farmland Preservation Program Appraiser Conference
June 8, 2016
1. Any development of the Premises for **nonagricultural purposes** is expressly **prohibited**.

2. The Premises **shall be retained for agricultural use** ...

3. Grantor certifies that... 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 - 1984 Retained Rights*

1. Agriculture
2. Recreational Uses
3. Construction of Ag. Labor Housing
4. Dwelling House Replacement
5. Residual Dwelling Site Opportunity
6. Division of Premises

*all are agricultural or agriculturally-related
2016 Agriculture
SADC Deed of Easement - 2016 Retained Rights*

1. Agriculture (encompassing equine activities)
2. Recreational Uses (encompassing ag. tourism)
3. Construction of Ag. Labor Housing
4. Dwelling House Replacement
5. Residual Dwelling Site Opportunity
6. Division of Premises
7. Cell Towers
8. Renewable Energy
9. Winery Special Occasion Events
10. Non-Ag. Activity/Rural Microenterprises

*expanding beyond traditional agriculture to encompass more tangential uses
How Can Retained Rights Be Modified?

2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee... *

*source - 1984 SADC Deed of Easement
Legislature-Initiated Statutory/Regulatory Changes
State Legislatures Have Fewer Farmers, Lawyers; But Higher Education Level

December 10, 2015  |  By Jen Fifield

UNREPRESENTATIVE: THE DEMOGRAPHICS OF STATE LEGISLATURES, PART III

Democratic state Sens. Kirk Watson, left, and Royce West, both lawyers, vote in the Texas Capitol. More than a fourth of Texas state legislators are lawyers, according to a Pew Charitable Trusts study.
Agency Interpretation of Existing Rules

State Agriculture Development Committee

Deed of Easement Interpretation

The SADC in December 2008 appointed a Deed of Easement Subcommittee to examine various provisions of the farmland preservation Deed of Easement to determine where clarification may be needed to ensure consistent interpretation and related decision-making by the SADC and its preservation partners.

This process is intended to clarify the SADC's interpretation of the Deed of Easement as it relates to the increasingly wide range of issues and landowner requests concerning permissible uses of preserved farmland. It is not intended to and will not impose any new requirements on landowners.

Guidance Document
Report #1: General Guidance (as approved by the SADC on May 26, 2011)