

Appendix E

Morris CADB Policies

POLICIES OF THE MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

	<u>Adopted</u>	<u>Revised</u>
<p>(Policy: P-1) Ag. Labor Housing Purpose: To establish procedures for the approval of agricultural labor housing on permanently preserved farmland.</p>	07-20-00	08-10-06
<p>(Policy: P-2) Residual Dwelling Site Opportunity Purpose: To establish a policy on the granting of Residual Dwelling Site Opportunities (RDSOs).</p>	07-20-00	01-10-08
<p>(Policy: P-3) Application Fee Purpose: To establish a policy on requiring a fee for development easement purchase applications.</p>	07-20-00	
<p>(Policy: P-4) Imminence of Change Purpose: To establish a policy for awarding “Imminence of Change” points to applications to be considered for permanent farmland preservation.</p>	07-20-00	
<p>(Policy: P-5) Exceptions Purpose: To establish a procedure for evaluating and approving exceptions from the premises of pending development easement purchase applications.</p>	07-20-00	
<p>(Policy: P-6) Right to Farm Hearing Procedures Purpose: To establish procedures for Morris County Agriculture Development Board (Board) public hearings held to resolve conflicts between commercial farm operators and persons who are aggrieved by commercial farm operations, pursuant to N.J.S.A. 4:1C-10.1(b), N.J.S.A. 4:1C-10.1(c), and N.J.A.C. 2:76-2.10(b)1.</p>	WITHDRAWN	
<p>(Policy: P-7) Division of Permanently Preserved Farmland Purpose: To outline the procedure for requesting a division of a preserved farm and provide guidelines for reviewing requests.</p>	05-11-00	08-10-06

	<u>Adopted</u>	<u>Revised</u>
<p>(Policy: P-8) Easement Purchase Program Eligibility and Ranking System Purpose: To establish the eligibility criteria for the Easement Purchase Program and to procedures for ranking easement purchase applications.</p>	08-10-00	01-10-08
<p>(Policy: P-9) Agricultural Development Area (ADA) Purpose: To establish a methodology for the Morris County Agriculture Development Board to delineate where agriculture is the preferred, but not necessarily the exclusive, use of land.</p>	08-29-02	01-10-08
<p>(Policy: P-10) Deed of Easement Violations Purpose: To establish a process enabling the Morris CADB to enforce the deed of easement restrictions in place on all preserved farmland.</p>	12-12-02	
<p>(Policy: P-11) Replacement of Residence on Preserved Farmland Purpose: To outline the procedure for requesting the replacement of a residence on preserved farmland and to establish guidelines for reviewing such requests.</p>	12-12-02	
<p>(Policy: P-12) Proposed New Uses on Preserved Farmland Purpose: To outline the procedure for reviewing proposed new uses on preserved farmland.</p>	03-10-05	
<p>(Policy: P-13) Meeting Agenda & Submission of Supportive Documentation Purpose: To establish a deadline for the receipt of supportive documentation submitted for the Morris CADB's review and the placement of specific issues on the CADB meeting agenda.</p>	03-10-05	
<p>(Policy: P-14) Retention of Recordings Purpose: To establish a policy addressing the retention and destruction of electronic recordings of the Morris CADB meetings.</p>	03-10-05	04-10-08
<p>(Policy: P-15) Morris County Agricultural Management Practice for Equine Activities Purpose: To establish a policy, which regulates new equine-related activities on preserved farmland and on commercial farms seeking the protections of the Right to Farm Act.</p>	11-3-05	04-06-06



AGRICULTURAL LABOR HOUSING

Purpose:

To establish procedures for the approval of agricultural labor housing on permanently preserved farmland.

Policy:

1. The landowner may construct any new buildings for housing of agricultural labor employed by the agricultural operation, but only with the approval of the Morris CADB, and the State Agriculture Development Committee (SADC) (if SADC funding was used to purchase the development easement).
2. The agricultural labor housing shall be regulated by the municipality in which the agricultural labor housing unit will be located.
3. All agricultural labor housing units shall be utilized for laborers employed by the agricultural operation. The agricultural labor housing unit shall not be used as a rental property.
4. Pursuant to N.J.A.C. 2:76-6.15(a)14i, Agricultural labor housing “shall not be used as a residence for Grantor, the Grantor’s spouse, the Grantor’s parents, the Grantor’s lineal descendents, adopted or natural, the Grantor’s spouse’s parents, the Grantor’s spouse’s lineal descendents, adopted or natural.”
5. If the Morris CADB grants approval for the construction of agricultural labor housing, it shall be the applicant’s responsibility to make application and secure the approval of the SADC prior to construction.

Adopted:	Effective:	Revision #:	Last Revised:
07-20-00	07-20-00	2	8-10-06



**MORRIS COUNTY
AGRICULTURE DEVELOPMENT BOARD**

Policy: P-2

RESIDUAL DWELLING SITE OPPORTUNITY

Purpose:

To establish a policy on the granting of Residual Dwelling Site Opportunities (RDSOs).

Policy:

Residual Dwelling Site Opportunities shall not be permitted. All requests for RDSOs shall be denied.

However, farms, which were preserved with an RDSO, shall comply with State Agriculture Development Committee's Policy P-31, "Exercising a Residual Dwelling Site Opportunity" attached hereto.

Adopted:	Effective:	Revision #:	Last Revised:
07-20-00	07-20-00	1	1-10-08



APPLICATION FEE

Purpose:

To establish a policy on requiring a fee for development easement purchase applications.

Policy:

1. At the time an application is submitted, the application fee is not required.
2. Any application, which receives preliminary approval from the Morris CADB, shall submit a \$1,000 application fee.
3. The application fee shall be submitted prior to the county contracting for appraisal work.
4. If the county purchases the development easement, the application fee will be returned.
5. The applicant shall forfeit the application fee if the applicant withdraws at any point prior to closing of the development easement purchase.

Adopted:	Effective:	Revision #:	Last Revised:
07-20-00	07-20-00		



**MORRIS COUNTY
AGRICULTURE DEVELOPMENT BOARD**

Policy: P-4

IMMINENCE OF CHANGE

Purpose:

To establish a policy for awarding “Imminence of Change” points to applications being considered for permanent farmland preservation.

Policy:

Applicants who have one or more of the following circumstances associated with their property under consideration for permanent farmland preservation shall be awarded “Imminence of Change” points ranging from 1 to 10 based on the following factors:

1. The applicant or their agent, or contract purchaser has submitted a sketch plat to the municipal planning board or board of adjustment.
2. The applicant or their agent, or contract purchaser has submitted a preliminary subdivision plat or site plan for approval to the municipal planning board or board of adjustment.
3. The applicant or their agent, or contract purchaser has received approval for a preliminary subdivision plat or site plan from the municipal planning board or board of adjustment.
4. The applicant or their agent, or contract purchaser has submitted a final subdivision plat or site plan for approval to the municipal planning board or board of adjustment.
5. The applicant or their agent, or contract purchaser has received approval for a final subdivision plat or site plan from the municipal planning board or board of adjustment.
6. The applicant’s property is held by a multiple proprietorship, partnership, corporation, not-for-profit organization or charitable conservancy.
7. The applicant’s property is held by an “estate.”
8. The applicant’s property is held by a surviving spouse.
9. The applicant’s property has a gross acreage of less than 35 acres.
10. The applicant’s property is under a contract of sale.
11. The applicant has provided evidence to the Morris CADB that the subject property is in bankruptcy, sheriff’s sale, foreclosure, etc.

The above factors are not listed in any hierarchical manner. The awarding of points shall be on a case by case basis.

Adopted:	Effective:	Revision #:	Last Revised:
07-20-00	07-20-00		



EXCEPTIONS

Purpose:

To establish a procedure for evaluating and approving exceptions from the premises of pending development easement purchase applications.

Policy:

1. Exception requests shall only be considered on applications of 15 acres or more.
2. Exception requests shall be evaluated and approved based on the following:
 - a. Approval may be granted if the exception is located in an area that will have the least negative impact on the agricultural operation and on productive soils.
 - b. Applicant shall secure proper documentation for the CADB to reflect that every reasonable effort has been made to determine if the exception site is buildable; perk test, soil analysis, etc.
3. All exceptions shall be surveyed in order to determine the exact size and location. A metes and bounds description of the exception area shall be included in the deed of easement.
4. The board shall encourage exceptions to be non-severable.
5. The board shall encourage Right-to-Farm language to be reflected in the deed of the exception.

Adopted:	Effective:	Revision #:	Last Revised:
07-20-00	07-20-00		



**PROCEDURES FOR THE MORRIS
COUNTY AGRICULTURE DEVELOPMENT BOARD
RIGHT TO FARM HEARINGS**

Purpose:

To establish procedures for Morris County Agriculture Development Board (Board) public hearings held to resolve conflicts between commercial farm operators and persons who are aggrieved by commercial farm operations, pursuant to N.J.S.A. 4:1C-10.1(b), N.J.S.A. 4:1C-10.1(c), and N.J.A.C. 2:76-2.10(b)1.

Policy:

1. Scheduling and Notification of Hearings

a. Scheduling

Hearings shall be scheduled to immediately follow the monthly Board meetings, and at the call of the Chairperson.

Hearings shall be listed and scheduled for hearing before the Board based upon the date that the Board receives the complaints of the parties.

All unfinished hearings shall be scheduled to be continued to be heard at the next scheduled meeting of the Board unless rescheduled by the Board Chairperson.

Postponements shall be accepted by the Board only with the consent and concurrence of the opposing party, in writing.

Cases shall be heard or dismissed after two postponements.

b. Notification

The Public Notification shall be made to the New Jersey Daily Record, and posted in the Morris County Clerks office in sufficient time to have the advertisement appear a minimum of 7 days prior to the hearing, pursuant to N.J.S.A. 10:4-8 et seq.

A notice of the pending hearing shall be sent by regular mail to the State Agriculture Development Committee (SADC) and the municipality in which the commercial farm is located.

The following individuals shall be sent notices of the pending hearing by certified mail RRR 7 days prior to the hearing:

- Commercial farm operator and/or designated representative.
- Aggrieved party and/or designated representative.
- Expert witnesses and/or designated representative.

[Throughout the Procedures, “commercial farm operator” will mean commercial farm operator and/or designated representative, “aggrieved party” will mean aggrieved party and/or designated representative, and “expert witnesses” will mean expert witnesses and/or designated representative.]

2. Hearing

a. Documents

Copies of pertinent documents submitted by each party shall be available to the Board Members and Counsel for the hearing. The documents shall be sent by mail to the Board and Counsel of the Board 7 calendar days prior to the hearing. Staff shall forward the documents to the Board Members prior to the hearing. Hearings will not be conducted by the Board if all documents have not been received by the Board 7 calendar days prior to the hearing.

b. Hearing Officer

The Chairperson of the Board shall be the hearing officer. If the Chairperson is not present, the Vice-Chairperson shall serve as the hearing officer. If the Vice-Chairperson is not present, the Board shall choose a hearing officer through a motion of those Board Members present for the hearing.

c. Recording Hearings

Hearings shall be recorded by the Board using an electronic sound recording device. Either party may elect to have a stenographer at the party’s expense. If a stenographer is used, a copy of the transcript of the proceeding shall be provided to the Board at no expense to the Board.

d. Hearing Process

Hearings shall be conducted in general conformance with the pre-established meeting agenda or as directed by the Hearing Officer. As a minimum, the following steps shall occur in the sequence specified:

- Open Public Meeting Statement under N.J.S.A. 10:4-8 et seq. (Open Public Meeting Act).
- Introductory statement by Hearing Officer, including:
 1. Welcome and introductions.
 2. Statement of purpose of the hearing.

3. Description of the hearing process.
 - Opening statement by aggrieved party.
 - Opening statement by commercial farmer.
 - Testimony by aggrieved party.
 - Cross-examination by commercial farm operator.
 - Cross-examination by Board.
 - Testimony by commercial farm operator.
 - Cross-examination by aggrieved party.
 - Cross-examination by Board.
 - Closing argument by aggrieved party.
 - Closing argument by commercial farm operator.
 - Public comment.
 - Open discussion by Board.
 - The Board decision is made by a motion, and voted on by the regular members of the Board qualified to vote.

e. Testimony

- The members of the Board shall hear the testimony of all witnesses under oath or affirmation. All parties shall be given the right of cross-examination, either directly, if not represented by an attorney or through their attorneys if represented. All testimony shall be subject to the discretion of the Hearing Officer and the Board subject to reasonable limitations as to time and number of witnesses.
- The Hearing Officer, any members of the Board, or counsel to the Board shall administer oaths and affirmations.
- Testimony may include verbal and written statements from aggrieved parties, the commercial farm operator, expert witnesses, and any other party deemed appropriate by the Board. Verbal testimony may be given in narrative form or by question and answer. Parties shall not be bound by statutory or common law rules of evidence or any formally adopted rule in the New Jersey Rules of Evidence, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence. All relevant evidence shall be heard and admitted.

3. Resolution of the Board

The findings and recommendations of the Board shall be in the form of a written narrative resolution providing a summary of the testimony, any supporting documents, and a copy of the agricultural management practice or site specific agricultural management practice utilized by the Board in its recommendations and any other information requested by the SADC (N.J.A.C. 2:76-2.10(b)2i). The resolution, containing the findings and recommendations of the Board, shall receive review by Counsel prior to presentation for approval at the next scheduled meeting of the Board after the hearing has concluded or as otherwise agreed to by the Board and the parties.

Resolutions shall be acted on by the Board as: *Approved as Prepared, Approved as Modified by the Board, or Rejected.*

Copies of the *Approved Resolution* shall be sent to:

- Aggrieved party
- Attorney for aggrieved party
- Commercial farm operator
- Attorney for commercial farm operator
- Municipality
- Counsel for Municipality, or Municipal Attorney
- SADC
- Other interested parties, by request or participation in hearing.

The Board staff shall maintain a Standard Distribution List to include the contact names and addresses of individuals that have requested copies of resolutions.

The original resolution and all other pertinent documents shall be maintained as a written record by the Board staff and filed in accordance with Morris County Record Retention Requirements.

4. Other Matters, Correspondence and Communication

The Hearing Officer may authorize counsel to establish a direct line of communication with any related party for the purpose of facilitating resolution of the matter.

Communication of a verbal nature is non-binding unless followed up by a written record of conversation.

5. Records

The following are records and shall be filed and maintained as such. Case files may be transferred to the Morris County Long Term Record Storage Facility one year after approval by the Board.

- Resolution, attachments and other pertinent correspondence (10 years)
- Board minutes (Minute book with original approved resolutions) (Lifetime)
- Attendance Record (Board Members) (10 years)
- Other documents such as withdrawn cases, correspondence, shall be (1 year)

held 1 year in the working files and destroyed if not otherwise required to be retained.

Adopted:	Effective:	Revision #:	Last Revised:
02-17-00	02-17-00	1	02-17-05



DIVISION OF PERMANENTLY PRESERVED FARMLAND

Purpose:

It is the intent of the Morris County Agriculture Development Board (board) to discourage divisions of preserved farmland. The board's objective is to preserve large masses of viable agricultural land. The board recognizes that agricultural parcels may become less viable if reduced in size.

The board finds it necessary to have a policy, which outlines the procedure for requesting a division of a preserved farm and provides guidelines for reviewing requests. Although the State Agriculture Development Committee (SADC) has such a policy, Policy P-30-A, which applies to farmland preserved with state funds, the board finds it necessary to have its own policy, which applies to farmland preserved with state funds, as well as, farmland preserved exclusively with county funds.

The board will carefully consider the criteria contained in this policy to evaluate whether a preserved farm should be divided. The board criteria will determine whether the division is for an agricultural purpose and whether the resulting parcels are agriculturally viable.

For the purposes of this policy, "*agriculturally viable parcel*" means a parcel that is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output.

Policy:

A landowner requesting any division of a permanently deed restricted farm shall receive the written approval of the board.

1. Application Process

The deed owner(s) of the premises or legally authorized person shall apply to the board.

a. Pre-application meeting

The deed owner(s) of the premises or legally authorized person may request a pre-application review meeting with the board and/or staff.

b. Documents to be submitted

- Completed Morris CADB "Application for Division of Permanently Preserved Farmland"

- Current municipal tax map with the premises outlined
- Soil survey map with the premises outlined

c. Application fee

A non-refundable application fee in the amount of \$1,000 shall be submitted with the application.

2. Morris CADB Review

Upon receipt of the completed application, the Morris CADB will undertake the following:

- a. Ensure completeness of the application.
- b. Conduct a site inspection.

3. Morris CADB Decision

The Morris CADB will notify the applicant in writing of its decision. If the request is denied, an explanation for the denial will be provided.

- a. The Morris CADB reserves the right to request any other information it deems necessary to arrive at its decision.
- b. To grant approval, the Morris CADB must find that the division of the Premises is for an agricultural purpose and will result in agriculturally viable parcels.
- c. The Morris CADB may consider restrictions limiting or prohibiting future division of the Premises.
- d. If the Morris CADB grants approval for the division of permanently preserved farmland, it shall be the applicant’s responsibility to make application to and secure the approval of the SADC.

4. Costs and Fees

All costs associated with the approved division of the Premises, including, but not limited to a new survey, metes and bounds, recording of the deeds and an owner of last record search, shall be borne by the applicant.

Adopted:	Effective:	Revision #:	Last Revised:
05-11-00	05-11-00	2	8-10-06

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

**APPLICATION FOR
DIVISION OF PERMANENTLY PRESERVED FARMLAND**

Deed Owner's Name: _____

Applicant's Name (If not the Deed Owner): _____

Farm Name (if any): _____

Address of Farm: _____

Block(s) and Lot(s): _____

Municipality: _____

A. Division Request

Specify the type(s) of division being requested.

- ~ 1. Division along pre-existing lot lines.
- ~ 2. A new division of the Premises.
- ~ 3. Combination of 1. and 2.

B. Use of the Premises

Note: Please provide a detailed response for each question. Use additional space if necessary and attach to this form. In this application the term "premises" refers to all land that is permanently preserved, along with any exception areas associated with the preserved farm.

1. Describe the current agricultural use of the premises. Describe the agricultural use of the premises for the previous two years if it is different from the current use.

2. Do you farm the land or do you lease the land to someone else? _____

3. Is your permanent residence on the farm? _____

C. Agricultural Purpose

1. Why are you requesting a division of the Premises? _____

a. What is the “Agricultural Purpose” for the division of the Premises? _____

b. Explain why you would rather divide the Premises instead of maintaining the existing boundaries? _____

c. Could the existing agricultural operation be continued if the division were denied?

2. How will the division of the premises affect the current and future agricultural operation?

a. Do you intend to reside on any of the farms? Will you farm the land or will you lease the farm to someone else? _____

b. Have any soil and water conservation projects been installed on the premises, which would be impacted by the division? If yes, which practices and how? _____

c. Have any state funds been obligated or expended for soil and water conservation projects approved on the premises as authorized under the NJ Farmland Preservation Program?

d. How would the existing farm structures, barns and infrastructure be partitioned and contribute to the respective farms? _____

D. Agricultural Viability

1. What types of agricultural uses are proposed for the new farms? _____

2. How will access be provided to the new farms? Identify all of the proposed and existing access drives on a tax map. _____

3. Soils:

e. Identify the boundaries of the proposed division(s) on a USDA, SCS soil map.

f. What is the acreage and percent of Prime and Statewide Importance soils on each of the respective farms? _____

4. Boundaries:

a. Identify the boundaries of the proposed division(s) on a tax map.

b. Identify the adjacent land use on each of the boundaries of the proposed division(s). (List on a tax map)

c. Identify any hedgerows, streams, water bodies or other features, which exist on

the boundaries or the interior of the premises.

5. Size:

a. What is the acreage on each of the proposed parcels? _____

b. How many acres would be taken out of production to provide access as identified in # 2 above? _____

6. Are there any water rights or other water access points, which are impacted by the division? _____



**EASEMENT PURCHASE PROGRAM ELIGIBILITY
AND RANKING SYSTEM**

Purpose:

To establish the eligibility criteria for the Easement Purchase Program and the procedures for ranking easement purchase applications.

Policy:

1. To be eligible for the Easement Purchase Program, an application shall meet the following criteria:
 - a. The land must be at least 10 acres.
 - b. The land must be receiving farmland tax assessment.
 - c. The land must be at least 50% tillable, or have at least 25 tillable acres.
 - d. The application receives a minimum score of 25 based on the Morris CADB Ranking System, per Attachment Policy: P-8.
 - e. The land must exhibit development potential based on the following standards:
 - (1) The municipal zoning ordinance for the land as it is being appraised must allow additional development, and in the case of residential zoning, at least one additional residential site beyond that which will potentially exist on the premises.
 - (2) Where the purported development value of the land depends on the potential to provide access for additional development, the municipal zoning ordinances allowing further subdivision of the land must be verified. If access is only available pursuant to an easement, the easement must specify that further subdivision of the land is possible. To the extent that this potential access is subject to ordinances such as those governing allowable subdivisions, common driveways and shared access, these facts must be confirmed in writing by the municipal zoning officer or planner.
 - (3) If the land is 25 acres or less, the land shall not contain more than 80 percent soils classified as freshwater or modified agricultural wetlands according to the NJDEP wetlands maps. If the DEP wetlands maps are in dispute, further investigation and onsite analysis may be conducted by a certified licensed engineer or qualified wetlands consultant and/or a letter of interpretation issued by the NJDEP may be secured.
 - (4) If the land is 25 acres or less, the land shall not contain more than 80% soils with slopes in excess of 15% as identified on a USDA NRCS SSURGO version 2.2 or newer soils map.
2. Attached is the Morris CADB Ranking System, which is utilized to rank easement purchase

applications.

3. The CADB has the discretion to approve or deny any eligible application.
4. If an application fails to meet the criteria listed in Paragraph 1, the Morris CADB reserves the right to waive the minimum criteria and to accept and consider the application on a case-by-case basis.

Adopted:	Effective:	Revision #:	Last Revised:
08-10-00	08-10-00	6	03-14-13

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD RANKING SYSTEM

I. FARMLAND QUALITY (Maximum 80 Points):

Acreage (5 Points):

50 acres or more	= 5 points
25 - 49 acres	= 3 points
10 - 24 acres	= 1 point

Sub Total = _____

Soils (25 Points):

Percent of Prime	_____ % x .25 = _____ points
Percent of Statewide Importance	_____ % x .20 = _____ points
Percent of Other	_____ % x .00 = 0 points

Sub Total = _____

Percentage of Tillable Cropland (25 Points):

Cropland Harvested	_____ % x .25 = _____ points
Cropland Pastured	_____ % x .10 = _____ points
Permanent Pasture	_____ % x .02 = _____ points
Other	_____ % x .00 = 0 points

Sub Total = _____

Boundaries and Buffers (15 Points):

Deed Restricted Farmland	_____ % x .15 = _____ points
Deed Restricted Wildlife Areas	_____ % x .13 = _____ points
8 Year Programs & EP Applications	_____ % x .07 = _____ points
Farmland (Unrestricted)	_____ % x .05 = _____ points
Streams & Wetlands	_____ % x .13 = _____ points
Parks (limited public access)	_____ % x .13 = _____ points
Parks (high use)	_____ % x .10 = _____ points
Military Installations	_____ % x .10 = _____ points
Highways (limited access) & RR's	_____ % x .10 = _____ points
Golf Courses (public)	_____ % x .10 = _____ points
Residential Development	_____ % x .00 = 0 points
Other	_____ % x .00 = 0 points
Cemeteries	_____ % x .13 = _____ points

Sub Total = _____

Density (10 Points):

Preserved Farms Within 0.5 Miles and Application Itself	= 2 points (Each)
Applications and 8 Year Programs Within 0.5 Miles	= 1 point (Each)

Sub Total = _____

II. STEWARDSHIP (Maximum 10 Points):

Soil and Water Conservation Practices = 0-5 points

Landowner is a Full-Time Farmer = 10 points

On-Site Investment Indicating a Serious Commitment to Continue Farming (Permanent Structures; Nursery Stock and Irrigation Systems; Condition of Buildings) = 0-5 points

Sub Total = _____

III. LOCAL COMMITMENT (Maximum 10 Points):

- Financial Contribution for Application = 0.5 points per % of county share
- Right to Farm Ordinance Containing a Notification Clause = 3 points
- Municipality has a Farmland Preservation Plan and An Agriculture Retention/Advisory Board = 5 points
- Active Municipal Liaison to the Morris CADB = 1 point

Sub Total = _____

IV. SPECIAL CONSIDERATIONS/ BONUS (Maximum 15 Points):

- Historic Structures = 0-2 points
- Viewed as Very Important by the Local Community (Such as Local Farm Market or One that Serves the Community As a Community Education Resource, Pick-Your-Own Operation, Last Farm in Town) = 0-3 points
- Imminence of Change (Policy: P-4) = 0-10 points
- Easement Affordability - Percentage of County's Annual Easement Purchase Budget (up to -5 points):
 - > 50% = -5 points
 - > 40% = -4 points
 - > 30% = -3 points
 - > 20% = -2 points
 - > 10% = -1 point
 - 0 - 10% = 0 points

Participation in the 8 Year Program (0-10 Points)

- Number of Years Completed:*
- 1 Year = 3 point
 - 2 Years = 4 points
 - 3 Years = 5 points
 - 4 Years = 6 points
 - 5 Years = 7 points
 - 6 Years = 8 points
 - 7 Years = 9 points
 - 8 Years+ = 10 points

Sub Total = _____

V. EXCEPTIONS:

- One Non-Severable Exception = -0 points
- More Than One Non-Severable Exception = -5 points (Each)
- Each Severable Exception = -10 points

Sub Total = _____

TOTAL = _____



AGRICULTURAL DEVELOPMENT AREA (ADA)

Purpose:

To establish a methodology for the Morris County Agriculture Development Board to delineate where agriculture is the preferred, but not necessarily the exclusive, use of land. This policy is designed to meet the criteria reflected in N.J.S.A. 4:1C-18.

Policy:

To be eligible for inclusion in the Agricultural Development Area (ADA) the premises must fulfill one the following:

1. Permanently Preserved Farmlands.
2. Lands in Eight Year Farmland Preservation Programs
3. Lands pending permanent farmland preservation by a non-profit, Morris County or the State Agriculture Development Committee

If none of the above has been fulfilled, then the following criteria must be met:

- a. Land that is at least 10 acres.
- b. Land that receives farmland assessment.
- c. Lands comprising the premises have common ownership.
- d. The land must be at least 50% tillable, or have at least 25 tillable acres.
- e. Lands less than 25 acres in size shall not contain more than 80 percent soils with slopes in excess of 15 percent as identified on a USDA, Natural Resource Conservation Service SSURGO version 2.2 or newer soils map.
- f. The land is located in a municipality whose zoning permits agriculture or in which agriculture is permitted as a non-conforming use.

Adopted:	Effective:	Revision #:	Last Revised:
8-29-02	8-29-02	2	01-10-08



DEED OF EASEMENT VIOLATIONS

Purpose:

To establish a process enabling the Morris County Agriculture Development Board (CADB) to enforce the deed of easement restrictions in place on all preserved farmland.

The CADB’s intent is to prevent violations of deed of easement restrictions. Therefore, the CADB has established a process to enforce the restrictions of the Deed of Easement on preserved farmland.

Policy:

Once a possible violation has been identified by the CADB, the following process will be initiated:

1. Within 10 days of being contacted by the CADB, the landowner shall provide an explanation to the CADB concerning the possible deed violation. If the violation is not a temporary situation that can be summarily remedied, further action shall be taken.
2. A letter will be mailed, certified mail, return receipt requested which notifies the property owner of all violations cited that require immediate remediation. The owner of the property will then have 30 days from receipt of the letter to remedy and/or remove the violation(s) or further action will be taken. The landowner may request a meeting with the CADB or staff to discuss the matter.
3. At the end of the 30-day period the CADB will conduct a site inspection. If any violation(s) exist (new or remaining) the CADB will notify the Zoning Officer and/or other appropriate officials of the property owner’s municipality advising that the property owner has been in violation of a municipal ordinance, and requesting the Zoning Officer enforce all applicable municipal ordinances. If the violation does not involve a violation of municipal ordinances, the appropriate Federal or State agency will be notified.
4. The CADB may pursue all remedies available to enforce the Deed of Easement including those contained in Paragraph 16 of the Deed of Easement, which states, the CADB:

“may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition.” Further, the CADB does “not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of (the) Deed of Easement by a prior failure to act.”

Adopted:	Effective:	Revision #:	Last Revised:
12-12-02	12-12-02		



REPLACEMENT OF RESIDENCE ON PRESERVED FARMLAND

Purpose:

It is the intent of the Morris County Agriculture Development Board (CADB) to provide the necessary guidelines for reviewing requests for the replacement of a residence on preserved farmland. The replacement residence shall have as minimal an impact on the agricultural operation as possible.

The Morris CADB finds it necessary to establish a policy, which outlines the procedure for requesting the replacement of a residence on preserved farmland and establishes guidelines for reviewing such requests. This policy does not apply to residences constructed on exception (exclusion) areas. Any residence replacement must also be approved by the State Agriculture Development Committee (SADC).

Policy:

A landowner requesting the replacement of a residence on permanently deed-restricted farmland shall receive the written approval of the Morris CADB and the SADC prior to commencement of construction.

1. Application Process

The record owner(s) of the premises or legally authorized person(s) shall apply to the board.

a. Non-Binding Pre-application meeting

The owner(s) of the premises or legally authorized person(s) may request a non-binding pre-application review meeting with the board and/or staff.

b. Documents to be submitted:

- Letter requesting the replacement and providing the reason for the replacement
- Current municipal tax map with the premises outlined
- Survey of the premises with details per the attached Schedule A

2. Morris CADB Review

Upon receipt of the completed information contained in Section 1, the Morris CADB will undertake the following:

- a. Ensure completeness of the application.
- b. Conduct a site inspection.
- c. Provide the owner(s) the opportunity to present their application before the Morris CADB and submit testimony or proofs.
- d. Render a decision.

3. Morris CADB Decision

The Morris CADB will notify the applicant in writing of its decision. If the request is denied, an explanation for the denial will be provided.

- a. The Morris CADB reserves the right to request any other information it deems necessary to arrive at its decision.
- b. To grant approval, the Morris CADB must find that the replacement of the residence will not negatively impact the agricultural viability of the farm.

The Morris CADB will inform the SADC of its decision. However, the applicant must make a request to the SADC for approval.

4. Costs and Fees

All costs associated with the replacement of the residence, including, but not limited to a new survey, metes and bounds, recording of the deeds and an owner of last record search, shall be borne by the applicant.

Adopted:	Effective:	Revision #:	Last Revised:
12-12-02	12-12-02		

SCHEDULE A

SUBMISSION REQUIREMENTS:

A Site Plan with the following details must be submitted for review by the Morris CADB:

Driveways. The location of all existing and proposed driveways being specified, along with the driveway material and width shown. Note: Any proposed driveways shall not be for solely residential purposes. Per Paragraph 12 of the Deed of Easement, any new driveways may be constructed to service crops, bogs, agricultural buildings or reservoirs. Any new driveway shall have a metes and bounds description of its centerline.

Landscaping. All existing and proposed non-agriculturally related landscaping shall be shown. Note: The landscaping of driveways shall not interfere with the agricultural operation. Any driveway landscaping must not impede the passage of agricultural vehicles or livestock.

Structures. The square footage of all existing and proposed structures on the farm shall be provided. The replacement residence and its associated structures and improvements must be contained within a two-acre envelope.



PROPOSED NEW USES ON PRESERVED FARMLAND Interpretation of Deed of Easement

Purpose:

It is the intent of the Morris County Agriculture Development Board (CADB) to provide the necessary guidelines for reviewing proposed new uses on preserved farmland.

The Morris CADB finds it necessary to establish a policy, which outlines the procedure for reviewing proposed new uses on preserved farmland. This policy will allow the Morris CADB to provide owners or potential owners of preserved farmland timely decisions regarding whether their proposed new use(s) would be in compliance with the Deed of Easement.

Policy:

An owner or contract purchaser of permanently deed-restricted farmland wishing to commence new agricultural activities may request that the Morris CADB review the proposed new activities to determine whether they are in compliance with the Deed of Easement.

1. Application Process

The record owner(s) of the premises or legally authorized person(s) shall apply to the board.

a. Non-Binding Pre-application meeting

The owner(s) of the premises or legally authorized person(s) may request a non-binding pre-application review meeting with the board and/or staff.

b. Documents to be submitted for formal board review:

- Letter explaining in detail the proposed new use(s)
- Site plan per the attached Schedule A

2. Morris CADB Review

Upon receipt of the completed information contained in Section 1, the Morris CADB will undertake the following:

a. Ensure completeness of the application.

- b. Provide the owner(s) the opportunity to present their application before the Morris CADB and submit testimony or proofs.
- c. Render a decision.

3. Morris CADB Decision

The Morris CADB will notify the applicant in writing of its decision. If the request is denied, an explanation for the denial will be provided.

- a. The Morris CADB reserves the right to request any other information it deems necessary to arrive at its decision.
- b. To grant approval, the Morris CADB must find that the proposed new use(s) would be in compliance with the Deed of Easement.
- c. Morris CADB approval does not preempt the jurisdiction and control of the Municipality and its Boards and Agencies, Morris County and its Boards and Agencies, and the State of New Jersey and its Boards and Agencies.

4. Costs and Fees

All costs associated with the new use(s), including, but not limited to site plan, wetlands delineation, shall be borne by the applicant.

Adopted:	Effective:	Revision #:	Last Revised:
3-10-05	3-10-05		

SCHEDULE A

SUBMISSION GUIDELINES:

A Site Plan with the following details must be submitted for review by the Morris CADB:

Structures. The square footage and location of all existing and proposed structures on the farm shall be provided. Uses of all existing and proposed structures shall be described.

Driveways. The location of all existing and proposed driveways and parking areas shall be provided.

Landscaping. All existing and proposed non-agriculturally related landscaping shall be shown. Note: The proposed landscaping shall not interfere with the agricultural operation. Any driveway landscaping must not impede the passage of agricultural vehicles or livestock.

Wetlands and Wooded Areas. The location of existing wetlands, streams, water bodies and wooded areas shall be provided. If wetlands are present, the applicant shall also provide a Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (DEP).

Agricultural Labor Housing. The landowner may construct any new buildings for housing of agricultural labor employed by the agricultural operation, but only with the approval of the Morris CADB, and the SADC (if SADC funding was used to purchase the development easement). Morris CADB Policy: P-1 establish procedures for the approval of agricultural labor housing on permanently preserved farmland.

Additional information may be requested as necessary.



**MEETING AGENDA
& SUBMISSION OF SUPPORTIVE DOCUMENTATION**

Purpose:

To establish a deadline for the receipt of supportive documentation submitted for the Morris County Agriculture Development Board's review and the placement of specific issues on the CADB meeting agenda. The deadline will allow sufficient time for staff to process requests and to forward materials to the CADB members prior to the meeting.

Policy:

1. **In order to submit information to the Morris County Agriculture Development Board, the following must be accomplished:**
 - A. Information which is to be reviewed by the Morris County Agriculture Development Board must be delivered to the office of the Board **no later than one week prior to the meeting**. *(Please submit materials as early as possible to allow adequate time for staff review.)*
 - B. Ten (10) copies of all proposed information are required for submission to the Board, but can be waived at staff's discretion.
 - C. The petitioner must submit all pertinent information to the CADB staff prior to the deadline (noted above). Information that is submitted after the deadline will be held for the next available meeting agenda. *(It is at the discretion of the CADB staff in consultation with the Chairman to place the petitioner on the next available meeting agenda.)*
2. **In order to be placed on the CADB meeting agenda:**
 - A. The petitioner must notify the CADB staff **no later than the first Thursday of the month**; stating that they would like to be placed on the CADB agenda to present their proposal before the Board.
 - B. The petitioner may notify the CADB staff by telephone, email or written correspondence, as long as the notification is received prior to the deadline date.
3. **Copies of Staff Reports:**
 - A. If a Staff Report is prepared for the CADB meeting, upon request, a copy will be provided to the petitioner before noon of the CADB meeting day. The report will be provided via email or fax or can be picked up by the petitioner at the office of the Morris

County Department of Planning and Development located at 30 Schuyler Place,
Morristown, NJ.

Adopted:	Effective:	Revision #:	Last Revised:
3-10-05	3-10-05	1	6-13-13



**MORRIS COUNTY
AGRICULTURE DEVELOPMENT BOARD**

Policy: P-14

RETENTION OF RECORDINGS

Purpose:

To establish a policy addressing the retention and destruction of electronic recordings of the Morris CADB meetings.

Policy:

Pursuant to the State of New Jersey “County and Municipal Agencies General Records Retention Schedule M100000-905” (Records Series #0511-0000; Record Title & Description: Recordings of Public Meetings – Public Officials – Audio/Video (Analog and Digital)), unless the CADB is notified in writing that a Board matter is in litigation, the CADB shall retain recordings of proceedings (audio/video) for a period of 80 days after summary or verbatim transcripts have been approved by the CADB whichever is later. The recordings will be destroyed by being erased.

(Source: N.J. Division of Archives and Records Management [NJDARM] [<http://www.njarchives.org/links/pdf/m100000-905.pdf>]).

Adopted:	Effective:	Revision #:	Last Revised:
3-10-05	3-10-05	1	4-10-08



EQUINE ACTIVITIES ON PRESERVED FARMLAND

Purpose:

To establish a policy, which regulates new equine-related activities on preserved farmland.

Applicability:

This policy applies to new, equine-related activities on preserved farmland.

Definitions:

“Equine-related structures” means buildings used to conduct equine activities.

“Horse” means one animal unit, where one animal unit equals 1,000 pounds of body weight. A “horse” shall include a horse, donkey, mule and pony.

Policy:

All equine-related activities on preserved farmland must be in compliance with the Deed of Easement.

1. Animal Density

The number of horses on a preserved farm shall not exceed one (1) horse per each whole acre of the farm. Non-severable exception areas on preserved farms are included in the whole acre calculation.

2. Ownership of Horses

Horses on a preserved farm may be owned by the farm owner, farm/business operator, horse trainer/employee, or any other person not listed in this policy.

3. Equine-Related Structures

The total floor space of equine-related structures shall not exceed three and one-half percent (3.5%) of the total acreage of the farm. Floor space does not include loft space utilized for animal feed or hay storage.

The farm shall be limited to one indoor arena, not to exceed 20,000 square feet.

The square footage of equine related structures shall be calculated by measuring the outside dimension of the equine structure.

The height of equine-related structures shall conform to municipal standards.

4. Manure Management

Manure shall be managed in conformance with (1) all relevant State and Federal statutes, rules and regulations, and (2) a farm conservation plan approved by the Morris County Soil Conservation District pursuant to N.J.A.C. 2:90 and prepared in accordance with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), incorporated herein by reference, as amended and supplemented, available at http://efotg.nrcs.usda.gov/efotg_locator.aspx?map=NJ.

5. Agricultural Labor Housing on Preserved Farmland

The applicant must meet the requirements of Morris CADB Policy: P-1, Agricultural Labor Housing.

In addition, agricultural labor housing on preserved farmland can only house farm employees involved in production activities. Accordingly, the applicant must demonstrate that the equine production activities justify the proposed agricultural labor housing. Equine-related labor housing shall be included in the equine-related structure limitation as defined in Section 3 of this policy.

6. Procedures/Method for Deviation from this Policy

Any equine proposal outside the parameters of this policy shall be addressed by formal application to the Morris CADB and shall be addressed through the Site Specific Agricultural Management Practice process.

Adopted:	Effective:	Revision #:	Last Revised:
11-3-05	11-3-05	2	8-21-08