



## **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?

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\_\_\_\_\_

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

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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? \_\_\_\_\_

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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? \_\_\_\_\_

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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?

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

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**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? \_\_\_\_\_

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

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

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