

MODEL ORDINANCE
ESTABLISHMENT OF AN AGRICULTURAL ADVISORY COMMITTEE
May 4, 2005

The terms of this model ordinance are adapted from a similar ordinance adopted by the governing body of Chesterfield Township, Burlington County, and include the rules implementing the Farmland Preservation Planning Incentive Grant program (N.J.S.A.4:1C5f and 13:8C- 1 et seq. and N.J.A.C. 2:76-1.4). It also includes language from the Municipal Land Use Law C.40:55D28-b. (13) describing the Farmland Preservation Master Plan element.

Section 1. Intent

An active, representative Agricultural Advisory Committee can benefit Hunterdon County municipalities by providing assistance to township officials and the residents in general and for farmland owners and farm operators in particular. It can help both the governing body and other township officials plan and regulate to meet the needs of all residents while, at the same time, it can provide encouragement for farmland owners and operators to commit to longer term farming in a community where their interests and concerns have a voice.

The agricultural community in many New Jersey municipalities has become scattered and reduced in size and political impact even as it often continues to own and control a majority of the undeveloped land in the community. Those who control municipal planning and regulation typically come from an urban or suburban background and may have little knowledge about agriculture or how to use their regulatory powers to encourage and promote a viable future for the industry. This ordinance creates a way for municipal governing bodies to stay in close touch with their farmland owners, and to find ways to enhance the option to continue to farm for these landowners. This would help preserve a community's rural character by lessening the need to landowners to sell farmland for development.

Many studies show that municipal master plans and ordinances have a significant potential to affect agricultural profitability and viability and the level of economic stress farm operations with little margin to sustain it may be experiencing. The needs of this specific segment of residents should be considered if the community wants to preserve the historic land use of farming as well as the farmland. In fact, if a municipality wants to participate in a Farmland Preservation Planning Incentive Grant (PIG), it must establish an Agricultural Advisory Committee.

Section 2. Establishment

There is inconsistency between the Chesterfield ordinance and the PIG requirements with respect to the duties of this board. On the one hand, the Agricultural Advisory Committee has the knowledge about farming and the contacts for more information needed to develop the Farmland Preservation/Agricultural Retention master plan element to be adopted by the Planning Board. On the other hand, the Agricultural Advisory Committee must have direct and frequent contact with the governing body charged with adopting ordinances that regulate agricultural operations and properties. The PIG regulations (2:76-17.4 (a)1) state that this Committee shall report to the Planning Board. The Hunterdon Tool Box Agricultural Viability Subcommittee, however, recommends the language below to render the efforts of the Board more effective and to resolve this ambiguity and inconsistency.

There is hereby established within the Township of _____ an Agricultural Advisory Committee, which will serve as an ad hoc advisory committee to the Township Committee for the purposes of discussion of matters of interest to the farming community, current and pending township ordinances affecting the farming community, farmland preservation planning, and other issues of interest to the farming community which will have an impact upon the township as a whole.

Section 3. Composition

The municipal agricultural advisory board shall be composed of:

- a* At least three, but not more than five, residents of the municipality; and
- b* A majority of the members actively engaged in farming and owning a portion of the land they farm.

The governing body shall appoint representatives from the various scales of farming and commodities existing in the community to facilitate a broad spectrum of response and to maintain its knowledge about the ever-changing practices of this dynamic industry.

Members shall be appointed by the Mayor with the consent of the municipal governing body. Each member shall serve a term of three years. Members shall choose a chairman, who shall serve as liaison between the Committee and the Township Committee and Planning Board. The Chairman shall keep notes of the meeting, which shall be deemed to be the property of the township. The Chairman shall serve as the spokesperson for the Committee in discussions with the township committee and planning board.

Section 4. Duties.

The Agricultural Advisory Committee shall meet on no fewer than four occasions per year or as needed for the following purposes:

- a. To assist the Township Committee in carrying out its duties and responsibilities by informing it of developments in the farming community that should be considered when using municipal regulatory and land use powers.
- b. To assist the Township Committee in development of ordinances by reviewing them for impacts upon the farming community, including all ordinances affecting land use in the Agricultural Development Area (ADA).
- c. To assist the Planning Board in the development for adoption of a farmland preservation plan element pursuant to paragraph 13 of section 19 of N.J.S.A. 40:55D-28 b(13) and/ or an agriculture retention plan in accordance with ordinance _____. This plan shall include at a minimum:
 - (1). An inventory of farm properties in the entire municipality and a map illustrating what the community considers significant areas of agricultural land.
 - (2). A detailed statement showing that municipal plans and ordinances such as a Right to Farm ordinance and other agricultural viability ordinances modeled after those provided in the Hunterdon Co. Environmental ToolBox support and promote agriculture as a business.
 - (3). A plan for preserving as much farmland as possible in the short term by leveraging monies made available by the Garden State Preservation Trust Act N.J.S.A. 13:8C-1 et. seq. or other farmland preservation funding programs through a variety of mechanisms outlined in N.J.A.C. 2:76-17.6 (a)3.
 - (4). A statement of farming trends, characterizing the type (s) of agricultural production in the municipality;
 - (5). A discussion of plans to enhance the agricultural industry in the municipality.
- d. To assist, through consultation, the Planning Board and the governing body in adjustments and amendments to the Farmland Preservation and or Agricultural Retention Master Plan Element and the list of farms to be included in the easement purchase acquisition program.
- e. To assist the Planning Board in developing and considering amendments developed through master plan re-examinations and any other changes that

would have an affect on the viability of farms within Agricultural Development Area of the township.

- f* To provide educational opportunities for residents to learn about the history of farming in the community, how to support the local farming community, and how to become involved in the agricultural industry. This could include development of farm tours to promote the preservation of farms and public education about farming operations.

The Agricultural Advisory Committee shall meet with the Township Committee at least once a year to report on its activities and discussions and provide the Committee with a summary of the issues it has discussed and the positions it believes should be advanced on behalf of the farming community as a whole in the municipality.