

PROGRAM SUMMARY & RANKING SYSTEM

for the Purchase of Development Easements

Bergen County, through the Bergen County Agriculture Development Board (BCADB) with the recommendation of the Bergen County Trust Fund Public Advisory Committee and the approval of the Bergen County Board of Chosen Freeholders, is acquiring development easements in order to protect viable agricultural lands. The acquisition of the development easements prevents the improvement and use of the land beyond agricultural activities. Funding for the development easements is derived from the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund. The purchase of development easements restricts the farmland for agricultural use while enabling the landowner to retain title to the property thereby assuring a continuance of property tax revenues.

I. ELIGIBLE FARMLAND

All farmland qualified parcels of 5 acres or more are eligible to apply for preservation through the BCADB and the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

- Land must qualify as farmland assessed for a minimum of five (5) years.
- A Soil Conservation Plan must have been completed or is in the process of being completed at the time of application. (For the preparation of a soil conservation plan, please contact U.S. Department of Agriculture, Natural Resource Conservation Service at 732-246-1171 in Somerset, New Jersey.)

II. PROCEDURES FOR PURCHASING EASEMENTS

The landowner must submit an application to the BCADB by the deadline established by the BCADB. Staff to the Board is available to meet with the landowner at the farm and discuss the program in detail and complete a preliminary site inspection.

The BCADB will then review and rank all applications. The BCADB will process all applications according to the agricultural ranking system developed by the BCADB. (See Attachment A on pages 4 and 5.)

Once the applications have been prioritized, the BCADB will then decide which, if any, applications will be pursued. Those applications to be pursued will require preliminary approval from the BCADB. Once approval has been received, the BCADB submits a request for a grant to the State Agriculture Development Committee (SADC) on or before the date established by the SADC. The SADC establishes a preliminary ranking of all applications statewide.

With approval from the Board of Chosen Freeholders, two appraisals by the BCADB will then be completed on these land applications. The appraisers are hired by the BCADB from a list of appraisers annually approved by the SADC. The appraisals are conducted in accordance with the New Jersey Farmland Preservation Program Appraiser Handbook as adopted by the SADC. The appraisals determine the development easement value. When the appraisals are initiated on each farm, a \$1,000.00 deposit is required from the landowner to be held in a trust account by the County. The deposit is refundable if either: 1) the landowner agrees to sell the easement to the BCADB or, 2) the BCADB decides not to fund the purchase of the easement.

Upon completion of the appraisals, the BCADB will submit them to the SADC on or before the date established by the SADC. The SADC will review the two appraisals to certify the easement's fair market value and inform the BCADB of its valuation. The BCADB, or representative thereof, will forward the certified fair market value and supporting information to the landowner within the time period established by the SADC. As necessary, the BCADB, or representative thereof, will meet with the landowner to discuss the appraised values. The landowner, upon receipt and review of the certified fair market value and supporting information, shall submit an asking price to the BCADB by the deadline established by the BCADB. If a formal written response advising the BCADB as to the landowner's decision is not received within the time frame, the BCADB will assume the landowner rejected the offer. Upon receipt of the landowner's offer, the BCADB, or representative thereof, will forward the offer to the SADC by the deadline established by the SADC. Subject to final approvals by the SADC, BCADB, Bergen County Trust Fund Public Advisory Committee, and the Bergen County Board of Chosen Freeholders, the BCADB will then make an offer to purchase the development easements.

Upon a landowner's acceptance of the BCADB offer, the landowner must enter into a contract of sale with the BCADB. The BCADB will then conduct a title search and survey of the property. Any additional documents deemed necessary by the BCADB to assure prompt closing will be requested at this time. Upon review and acceptance of all documents by the BCADB and the SADC, the BCADB will notify the landowner and schedule a closing date.

Once the easement has been created, perpetual restrictions will be placed on the land, and recorded in the form of a Deed of Easement. The BCADB will have access to the land in order to complete site and monitoring inspections as deemed necessary by the Board. Prior to such inspections, at least 24 hours notice will be given to the landowner. These inspections are to insure the restrictions placed on the land are being adhered to. If the inspections reveal the easement has been violated, the BCADB retains the legal right to require the landowner to correct the violations and restore the property to its prior condition at the owner's expense.

III. APPLICATIONS

Landowners submit their sale of development easement applications to the BCADB by the deadline determined by the BCADB. Applications will be reviewed and ranked into a priority order by the BCADB.

IV. EVALUATION AND RANKING OF APPLICATIONS

The BCADB shall review each application to determine whether it:

1. has been properly and fully completed; and
2. meets the minimum eligibility criteria established by the Board.

The BCADB shall rank all applications according to the BCADB ranking system. (See Attachment A on page 4.) The BCADB shall then determine, based on the ranking system and any additional criteria established by the BCADB, which applications, if any, to forward to the Bergen County Trust Fund Public Advisory Committee and/or the SADC.

V. CRITERIA FOR EVALUATION

The ranking system shall be maintained by the BCADB, and be available for public review. The ranking system shall be based upon, but not limited to, the following factors:

- A. Quality of Farmland: The quality of the land, including soil classification and productivity, will be reviewed by the BCADB. This includes, but is not limited to, the following:
 1. Annual gross receipts.
 2. Contain at least 50% productive agricultural lands.
 3. Percentage of prime soils and soils of statewide importance.
- B. Imminence of Change: The County will target easement purchases that are under considerable development pressure.
- C. Stewardship of Land: An applicant must demonstrate a history of operating under good management practices.
- D. Historic, Scenic, Environment: Features of historic, scenic and/or environmental significance may have an impact on an application.
- E. Municipal Support: Although municipal support is not mandatory, applications in which the municipality has demonstrated measures that discourage conflicting non-agricultural development will be given higher priority.

ATTACHMENT A

RANKING SYSTEM

I. AGRICULTURAL

Acreage:

- 20 acres or more = 5 points
- 15-19 acres = 3 points
- 10-14 acres = 2 points
- 5-9 acres = 1 point

Subtotal = _____

Soils:

- Percent of Prime _____ x .25 = _____
- Percent of Statewide Importance _____ x .15 = _____
- Percent of Other _____ x .00 = _____

Subtotal = _____

Percentage of Tillable Cropland:

- Percent of Cropland Harvested _____ x .15 = _____
- Percent of Cropland Pastured _____ x .15 = _____
- Percent Permanent Pasture _____ x .02 = _____
- Percent Wetlands _____ x .00 = _____
- Percent Other including woodlands _____ x .00 = _____

Subtotal = _____

Percentage of Permanently Deed Restricted Buffer:

- 50% or more = 5 points
- 25% - 49% = 3 points
- 15% - 24% = 2 points
- 0% - 15% = 0 points

Subtotal = _____

II. STEWARDSHIP

Soil Conservation Plan:

- Fully Implemented = 15 points
(Conservation plan fully implemented and/or
conservation practices used to the fullest extent necessary)
- Partially Implemented = 8 points
(_____ % of necessary improvements completed)
- Limited = 0 points
(Limited or no conservation practices documented)

Subtotal = _____

II. STEWARDSHIP (continued)

Local Commitment: (10 points maximum)

Compliance with Right-to-Farm Ordinance	= 3 points
History of Municipal Actions towards agriculture	= 2 points
Cluster ordinance	= 1 point
Open Space/Farmland Preservation Trust Fund	= 1 point
Financial Support	= 1 point
Community Reliance	= 1 point
(Pick Your Own, Farm Stand, Tours/Hayrides, etc.)	
Availability for recreation uses	= 1 point

Subtotal = _____

Application for Easement Sale:

Third time or more	= 5 points
Second time	= 2 points
First time	= 0 points

Subtotal = _____

History: (5 points maximum)

Agricultural History	= 3 points
Local History	= 1 point
Regional History	= 1 point

Subtotal = _____

III. BONUS (0-25 points)

Urgency: To be determined by the BCADB on a case by case basis. Includes, but is not limited to: viability, imminence of change, actual agricultural production/usage, offer price.

Subtotal = _____

IV. EXCEPTIONS

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

Subtotal = (_____)

TOTAL=_____