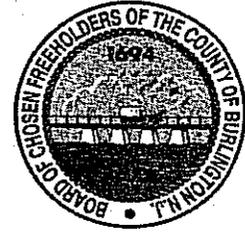


**Board of Chosen Freeholders  
County of Burlington  
New Jersey**



Department of Resource Conservation

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**BURLINGTON CADB RESOLUTION # 2004-22**

**DESIGNATION OF AGRICULTURE DEVELOPMENT AREAS**

**May 13, 2004**

WHEREAS, the Burlington County Agriculture Development Board (CADB) is authorized by the Agriculture Retention and Development Act to identify and recommend areas as agricultural development areas; and

WHEREAS, the State Agriculture Development Committee (the "SADC") has adopted regulations by which it certifies agricultural development area ("ADA") plans; and

WHEREAS, the Board believes that as much land within Burlington County as possible should have the ADA designation in order to encourage the preservation of agriculture; and

WHEREAS, on January 13, 2000, the Board adopted a resolution establishing its policy for designation of the ADA in Burlington County, which policy was subsequently approved by the SADC, and

WHEREAS the CADB now wishes to amend its policy for designation of ADAs and to secure SADC certification therefor; and

WHEREAS, the Board has considered the following factors prescribed by the SADC in determining criteria for the identification of ADAs: soils; current and anticipated local land use plans and regulations; farmland assessment status; anticipated approvals for nonagricultural development; accessibility to public water and sewer systems; proximity and accessibility to major highways and interchanges; minimum size of an ADA; landowner sign-up; land within boroughs, towns and cities; inclusion of entire or partial lots and blocks; land ownership; natural and special features and type and distribution of agriculture;

WHEREAS, the Board has also considered the boundaries of the Pinelands Protection Area as well as the results of the cross-acceptance process with respect to the State Development and Redevelopment Plan; and

WHEREAS, the Board conducted a public hearing on the amendment of the County's ADA on May 13, 2004 in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; now, therefore

BE IT RESOLVED that the Board hereby designates the following as Burlington County's agricultural development area:

1. Subject to the exceptions described in section 2, all land within Burlington County which satisfies all of the following conditions is hereby designated as within Burlington County's agriculture development area:
  - a) Agriculture is the preferred, but not necessarily the exclusive, use.
  - b) The land is currently in agricultural production or has a strong potential for future production in agriculture;
  - c) Agriculture is a use permitted by the current municipal zoning ordinance or is allowed as a non-conforming use;
  - d) The area is reasonably free of suburban and conflicting commercial development.
  
2. Land which otherwise satisfies the criteria described in section 1 shall be excluded from the ADA if any of the following apply:
  - a) The land is less than 20 acres in size.
  - b) The land is not located in whole or in part within Planning Areas 4,5, or 10 as adopted by the New Jersey State Planning Commission.
  - c) Lands not meeting the eligibility requirements for farmland assessment.
  - d) Lands designated as "Receiving Area" in an adopted Transfer of Development Rights program.
  - e) Lands located in "Centers" as designated or endorsed by the New Jersey State Planning Commission.
  - f) Lands required for accommodation of low and moderate income housing within the Municipal Master Plan as determined by the New Jersey Council on Affordable Housing.
  - g) Lands preserved for outdoor recreation and non-agricultural open space purposes, including, but not limited to, municipal, county, state or federally owned parks and forests.
  - h) Lands within existing road rights of way and the area projected for expanded road right-of-way in accordance with the Burlington County Highway Master Plan or municipal transportation improvement plans.
  - i) Lands on which roadway drainage facilities are located and the area needed for expansion or improvement of the facilities.

- j) Lands on which bridges are located, along with the area needed for expansion or improvement.
  - k) Lands needed for improvements to existing roadways (e.g., expanded intersections, correcting unsafe conditions).
3. Addition of land to Agriculture Development Area. Land that satisfies the criteria set forth in section 1 but which is excluded from the ADA for one or more of the exceptions described in Section 2 may, nevertheless, be eligible for inclusion in the ADA. Such additions must meet conditions a), b) and c) below:
- a) the land is in agricultural use or its owner has a definite proposal for agricultural use;
  - b) the additional land does not cause the ADA area to exceed 90 percent of the County's agricultural land;
  - c) the township supports the addition;
- If conditions a) – c) above are met, the land may be added if the Board of Chosen Freeholders and the Board agree that at least one of the following apply:
- d) the addition furthers the goals of the Burlington County Farmland Preservation Program;
  - e) the addition will serve to improve the viability of Burlington County agriculture by actions that include, but are not limited to:
    - 1) substantially improving and expanding public access to agricultural products grown within Burlington County; or
    - 2) providing the opportunity for the demonstration of innovative agricultural practices; or
    - 3) providing agricultural education opportunities for Burlington County farmers; or
    - 4) providing a significant opportunity to educate the public on issues of agricultural significance.
  - f) preservation of the land is consistent with the comprehensive land preservation plan(s) of the municipality.
4. Map of Burlington County ADA. Board staff shall prepare a map that represents an estimation of the extent of the Burlington County ADA. In order for a parcel to be included in the ADA, it must meet the criteria outlined in sections 1 and 2, or 1 and 3, as applicable above. In case of inconsistency between the map and this policy, the policy shall control.
5. Area included in the ADA. Board staff has prepared a calculation of the area within the ADA based on farmland assessment data and has determined that the proposed ADA does not exceed 90 percent of the agricultural land within the

County.

The foregoing resolution was duly adopted by the Board on May 13, 2004.

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstentions: \_\_\_\_\_

Names: \_\_\_\_\_

\_\_\_\_\_  
William S. Pettit, Sr., Chairman

\_\_\_\_\_  
Date