

Farmland Preservation Plan  
June 2005  
Cinnaminson Township,  
Burlington County, New Jersey

**TOWNSHIP OF CINNAMINSON**

Burlington County

2005 Township Committee

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**Executive Summary**

Cinnaminson has a long agricultural history, but during the post-Second World War period most of the Township's farmland was converted into housing stock that forms the foundation of the Township today. From the period 1960 to 1969 almost 44% of the Township housing stock was constructed converting approximately 145,000 acres of farmland.

In the midst of residential, commercial and industrial development within the Township five significant farmsteads remain. The five are scattered throughout the Township with the largest in the northern portion of the Township toward and along the Delaware River.

Cinnaminson's planning policy has generally been supportive of agriculture, and the Township is aiming to create a better environment for agriculture as a business through a variety of means. First and foremost, the Township will seek to preserve as many agricultural operations as possible, utilizing a variety of land preservation techniques. Recognizing that land preservation is only the first step, the Township will analyze and undertake a variety of additional measures to ensure that farming can remain a viable economic activity for future generations on family farms.

The Township will create an Agriculture Advisory Committee to assist in future farmland preservation and agriculture retention activities. The Committee will assist in determining priorities for future funding initiatives. This will assist the formulation of public policy meaningful to farmers and their interests.

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**Introduction**

This Farmland Preservation Plan is prepared pursuant to Paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28). This section provides that a farmland preservation plan element shall include:

1. An inventory of farm properties in the entire municipality and a map illustrating significant areas of agricultural lands;
2. Detailed statement showing that municipal plans and ordinances support and promote agriculture as a business;
3. 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. 13:8-1 et seq., P.L. 1999, c. 152 through a variety of mechanisms including but not limited to utilizing:
  - i. Option agreements;
  - ii. Installment purchases; and
  - iii. Encouraging donations for permanent development easements.
4. Statement of farming trends, characterizing the type(s) of agricultural production in the municipality; and
5. Discussion of plans to develop the agricultural industry in the municipality.

Cinnaminson's Farmland Preservation Plan Element identifies the Township's agricultural resources and outlines efforts and funding opportunities to ensure that farming, both traditional and non-traditional, has a continued place in the community. Land preservation efforts will strive to preserve strategically located parcels utilizing local funding to leverage available funding from the county and state.

**Inventory of Farm Properties**

Despite Cinnaminson's suburban growth, agricultural lands still exist within the Township. Approximately 0.08% of the Township's total 329,749.2 acres qualify for reduced tax assessment under the Farmland Assessment Act of 1964. Tables 1 identifies farmland-assessed and farm-qualified parcels within Cinnaminson, according to the 2005 Tax Assessor's list. Figure 1 depicts the location of these properties.

Table 1-Farmland Assessed Properties and Farm-Qualified Parcels

<b>Block Lot</b>	<b>Property Location</b>	<b>Acreage</b>
Block 201 Lot 1.01	Taylor's Lane	120.36
Block 801 Lot 1	Union Landing Road	14.12
Block 801 Lot 2	Union Landing Road	93.29
Block 3410 Lot 27	400 N. Forklanding Road	5.62
Block 3419 Lot 1	Lenola Road	20.35
Block 3501 Lot 2	15 S. Forklanding Road	4.0
Block 3503 Lot 1	Forklanding Road	4.78

## **Municipal Ordinance Support for Agriculture as a Business**

### Cinnaminson Township Reexamination Report – 2005

The 2005 Reexamination Report noted that planning for the preservation of farmland was a key policy initiative of the Planning Board. The Planning Board sees the necessity to preserve open space and agricultural lands in the Township. Further, in discussing the need to focus on the preserving the last vestige of undeveloped lands in the community it led the Planning Board to consider the need for a Farmland Preservation Plan to protect the limited land use in the Township.

### Cinnaminson Township Land Development Ordinance

General support for agriculture within the Township is found in the Land Development Ordinance. Specifically, Chapter 2 of the Township's Code contains several zoning provisions which identify agriculture as a permitted use.

In the Residential Cluster Districts (R-1CL) Section 2.244.020 along the Delaware River agriculture including nurseries is a permitted use even though the purpose of the R-1CL district is to provide the opportunity for a variety of single-family detached housing types on a variety of lot sizes including higher density cluster housing.

In the Light Industrial District Section 2.276.010, again largely within proximity to the Delaware agriculture is a permitted use. Agriculture is also a permitted use in the Wildlife Preserve District even though the purpose of this district is to ensure protection of environmentally sensitive land for open space and educational and interpretive opportunities. Any use of the lands in the WP District emphasizes conservation and enhancement of the natural resources.

### Right-to-Farm Protection

New Jersey has enacted a strong right-to-farm statute, which applies statewide. New Jersey's Right-to-Farm Act provides commercial farm owners or operators with certain protections from restrictive municipal ordinances and public and private nuisance actions. Protected agricultural activities include production, processing and packaging of agricultural products, farm market sales and agriculture-related educational and farm-based recreational activities. Commercial farms are also protected from unduly restrictive municipal regulations and public and private nuisance lawsuits.

These protections are available to commercial farms which:

- are operated in conformance with federal and state laws, agricultural management practices recommended by the New Jersey State Agricultural Development Committee (SADC) or site specific agricultural management practices;
- are not a direct threat to public health and safety; and
- are located in an area where agriculture was a permitted use under municipal zoning ordinance; or
- were operating as of December 13, 1997

The SADC seeks to preserve agricultural viability, an individual parcel's ability to sustain "a variety of agricultural operations that yield a reasonable economic return under normal conditions. . ." However, to maintain the agricultural viability of a region or sector, smaller agricultural parcels, which may continue in agriculture through hobby-farming or other forms of household subsidy, remain an important part of the fabric of the agricultural landscape. Both the SADC and the State Planning Commission seek to retain large masses of viable agricultural land. SADC policies recognize that agricultural parcels may become less viable if reduced in size.

While the New Jersey right-to-farm statutes extends protection to all farms in the State, incorporating right-to-farm language into the municipal ordinance makes a strong statement to those developing lands within the Township. Continuing development will undoubtedly be at odds with existing agricultural operations and nuisance conflicts will arise.

Realizing these factors Cinnaminson Township adopted a Right-to-Farm ordinance (section 2.240.090) declaring agriculture a permitted use in all zoning districts where the use was pre-existing and establishing it as a permitted use within its Industrial District. Within the Township's right-to-farm ordinance important factors, such as production, housing of farm laborers, agricultural buildings, operation of vehicles, the control of pests and the use of irrigation are addressed.

#### Open Space Tax

On November 2, 2004 the voters of Cinnaminson Township authorized the Township to annually levy a sum equal to the rate of 0.0175 per \$100 of the assessed value of real property in order to raise revenue for acquisition and preservation of open space, recreation, farmland and historic properties and to annually appropriate that revenue for those purposes. The intent of the annually levy is to create a fund for the preservation of open space which includes the purchase and financing for farmland easements.

#### Burlington County Agriculture Development Board

Burlington County was the first county in New Jersey to create a farmland preservation program and acquire development easements. The program began in the late 1970s, with the first purchases of development easements occurring in 1985. The County Agriculture Development Board (CADB) an appointed advisory body created by the Board of Chosen Freeholders administers the farmland preservation program within Burlington County. The CADB provides a structure for determining cost sharing between the county, state and municipalities in the Farmland Preservation Program. Working in close conjunction with the State Farmland Preservation Program administered by the State Agricultural Development Committee (SADC) the CADB submits application annually to the SADC. Additionally, they provide a forum for disputes between farmers and landowners in right-to-farm issues, monitor activities on preserved farms and formulate general agricultural policy for the region at large.

#### Burlington County Farmland Preservation Program

In September of 1998, the Burlington County Board of Chosen Freeholders adopted the Burlington County Farmland Preservation Program Strategic Plan. The 1997 Census of

Agriculture reported that County-wide, there were 857 farms which produced \$87.5 million in agricultural products and accounted for 103,667 acres of the County (20%).

The plan addresses the status of agriculture in the County, the need for farmland preservation, the current Burlington County Farmland Preservation Program and new program directions. In discussing fiscal impacts the Plan showed agricultural land on average costs \$0.27 in services for every \$1.00 levied while residential land costs \$1.48 in services for every \$1.00 levied. .

A key focus of the Plan is devising new directions in achieving the County's goal of preserving the greatest amount of productive agricultural land in the shortest period of time possible. Some of specific issues addressed are:

- Acquisition targeting by creating strong municipal partnerships,
- Creation of acquisition categories by identifying the top 30 farms, developing special project areas and emergency acquisitions,
- Creation of steady and predictable funding sources, maximizing financial assets, retain municipal participation and capitalizing on outside funding sources,
- Increase SADC program effectiveness,
- Support municipal agriculture preservation measures and
- Increase program education.

As of December 2004, over 18,080 acres of farmland have been preserved in Burlington County.

An outstanding issue facing the Township in its preservation efforts is the CADB targets its preservation funding to those properties within Agricultural Development Areas (ADA) which primarily are found in the rural Townships of the County along Route 206 (Route 206 Farm Belt). None of the agricultural properties in Cinnaminson are within an ADA.

Although most application come through the CADB land owners can apply directly to the SADC in its Direct Easement Purchase Program and Fee Simple Program. In Planning Incentive Grants municipalities not seeking county funding from the county agriculture development boards should apply directly to the SADC.

### **State Development and Redevelopment Plan Agriculture Policies**

The State Development and Redevelopment Plan (SDRP), adopted in March 2001 by the New Jersey State Planning Commission, designated the Township in the PA-1 *Metropolitan Planning Area*, as depicted on Figure 3.

The SDRP advances numerous statewide policies to support the long-term survival and health of the agricultural industry in New Jersey, many of which are consistent with Cinnaminson's objectives to preserve farmland, retain and diversify agricultural land uses in the community, and enhance the viability of the Township's agricultural economy. These policies have been reproduced from the SDRP below.

*SDRP Statewide Policies<sup>1</sup>*

*“Promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality and by educating residents on the benefits and the special needs of agriculture.”*

*Sustainable Agriculture and Comprehensive Planning<sup>2</sup>*

**Policy 2 Preservation of the Agricultural Land Base**

Consider the expenditure of public funds for preservation of farmland as an investment in a public capital asset (i.e. farmland as an item of infrastructure) and thereby emphasize the public’s interest in maintaining long-term agricultural viability.

**Policy 3 Coordinated Planning**

Coordinate planning efforts of all levels of government to ensure that policies and programs promote agriculture.

**Policy 4 New Development**

Plan and locate new development to avoid negative impacts on agriculture.

**Policy 5 Innovative Planning and Design Techniques**

Encourage creative land planning and design through tools such as clustering, phasing, equity insurance and density transfers, purchase and donation of development rights, agricultural enterprise zones and districts and the provision of self-contained community wastewater treatment systems to serve Centers, to accommodate future growth in ways that maintain the viability of agriculture as an industry, and to achieve the Policy Objectives of the Planning Area while avoiding conflict with agricultural uses.

**Policy 6 Agricultural Water Needs**

Include consideration of the water needs of the agricultural industry in water supply planning at all levels of government.

*Agriculture and Economic Development<sup>3</sup>*

**Policy 7 Provision of Capital Facilities**

Provide adequate capital facilities including grain storage and food processing facilities to enhance agriculture in rural areas.

**Policy 8 Access to Capital**

Improve access to capital funds, including rural revolving loan funds and rural venture capital networks, operating funds and portfolios that reduce the reliance on land as an asset for collateral or retirement.

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<sup>1</sup> “The New Jersey State Development and Redevelopment Plan”, New Jersey State Planning Commission, March 2001, Page 159.

<sup>2</sup> Ibid, Page 160.

<sup>3</sup> Ibid, Page 161.

**Policy 9 Enhancing the Agricultural Industry**

Promote economic development that supports the agricultural industry on local, county and statewide levels.

**Policy 10 Diversify the Rural Economy**

Promote beneficial economic growth that recognizes the need to provide the essential facilities and infrastructure to diversify the rural economy. Provide opportunities for business expansion, off-farm employment, on-farm income generating enterprises such as agricultural-related educational or recreational activities and environmental activities such as leaf composting.

**Policy 11 Enhance Agricultural Marketing**

Enhance marketing programs to promote the sale of New Jersey agricultural products.

**Policy 12 Simplify the Regulatory Process**

Adapt the permitting, licensing and land use planning and regulation processes to be sensitive to agricultural needs to enhance the industry and to facilitate new agricultural development.

**Policy 13 Local Ordinances and Building Codes Sensitive to Agricultural Use**

Promulgate local ordinances and state building code and fee criteria which are sensitive to the special purposes of agricultural construction and seasonal use.

**Policy 14 Right-to-farm**

Coordinate actions of state and local government to encourage the maintenance of agricultural production by protecting farm operations from interference and nuisance actions when recognized methods or practices are applied and to ensure that the numerous social, economic and environmental benefits of agriculture serves the best interests of all citizens in the state.

**Policy 15 Aquaculture**

Aquaculture is recognized as an agricultural activity.

*Agriculture and Environmental Protection*<sup>4</sup>

**Policy 16 Promote Agricultural Management Practices**

Encourage the use of agricultural management practices to ensure sustainable and profitable farming while protecting natural resources.

**Policy 17 Incorporate Agricultural Land in Recycling of Organic Materials**

Use appropriate agricultural lands for the recycling of non-farm generated biodegradable and organic materials.

*Human Resources*<sup>5</sup>

**Policy 18 Housing Supply and Financing**

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<sup>4</sup> Ibid, Page 162.

<sup>5</sup> Ibid, Page 162.

Use federal and State funding to expand the supply of decent, safe and reasonably priced housing that will benefit those employed in agriculture.

**Policy 19 Vocational and Technical Training**

Create and expand access to training and technical assistance for agriculture and agriculture-related businesses.

**Policy 20 Agricultural Education**

Create and expand agricultural education and leadership opportunities through basic skills training, and vocational and entrepreneurial training on the secondary, county college and university levels.

**Policy 21 Encourage Young and First Time Farmers**

Coordinate federal, state and local financial incentives and tax and regulatory policies to encourage more individuals to enter agricultural business.

**Policy 22 Promote the Value of Agriculture**

Educate New Jersey residents on the economic and environmental value of sustainable agriculture in New Jersey and its important contribution to the State's quality of life.

**Policy 23 Agro-tourism and Eco-tourism**

Expand opportunities for agro-tourism and eco-tourism

The policies and recommendations of the State Development and Redevelopment Plan are intended to guide state agencies, counties and local planning initiatives, including farmland preservation, an essential element for agricultural retention. Many of the policies noted above are woven into the Township's planning policies, providing benefits for agriculture at the local level and regional level.

**Cinnaminson Township's Agricultural Setting**

Cinnaminson Township has approximately 1,377 acres of prime and statewide important soils as categorized by the State Agriculture Development Committee. These soils, depicted in Figure 2, account for 38.4 % of the Township's land area. Unfortunately, only 54.8 acres of statewide important soils are utilized for agricultural production. 96% of prime and statewide important soils have been lost to development within the Township.

Agricultural production is on a declining trend in Cinnaminson. Total agricultural use was found on 19 parcels in 1988 and in 2005 there are only seven parcels in production.

Trends evident in the agricultural production for Cinnaminson indicate a need to support remaining agricultural industries and businesses within the Township. Preservation of the remaining agricultural land base is critical if agriculture is to have a continuing presence in Cinnaminson.

**Cinnaminson Township's Plan to Preserve Farmland**

Cinnaminson Township seeks to retain all of its agricultural uses and prime farmland within the Township. Preservation strategies will include a series of farmland preservation techniques, including financing alternatives and other opportunities to retire development rights. Among those recommended are the following:

- Option agreements provide an opportunity to reserve the right to acquire farmland at some time in the future. Such agreements can provide valuable assurances for both the Township and the property owner that preservation can and will occur at some time in the future, based on agreed pricing and terms.
- Installment purchases leverage public funds by extending the horizon for payment over a period of years. Rather than requiring a front-end commitment of cash to acquire all development rights at the outset, installment purchases allow the municipality and the owner to devise a payment strategy which meets their mutual objectives and needs.
- Donations of permanent development easements can be particularly valuable to both the farmland preservation effort and the landowners involved. Donations of all or part of the development rights can provide substantial Federal income tax deductions, particularly for high-income landowners. Such donations also offer estate tax benefits, reducing the estate taxes which frequently force the sale of farm properties in order to pay the tax. Property owners and the Township can structure donation plans which minimize the tax consequences to landowners and increase the effectiveness of farmland preservation funds.
- The State Agricultural Development Committee's Planning Incentive Grant (PIG) program allows municipalities to receive multi-year funding commitments for an aggregate of farms which are reasonably contiguous within a delineated project area. PIG funding can be used to acquire development rights to any farms in the project area. The PIG program promotes use of innovative funding approaches, including installment purchase, option agreements, donations and bargain sales. PIG applications must be approved by SADC and by the County CADB to determine their cost sharing requirements and to verify that the application meets their criteria for funding.

A coordinated outreach effort should be initiated, identifying the goals of the farmland preservation plan and soliciting program participation. This could involve a joint effort of the Planning Board and an Agricultural Advisory Committee. Potential methods of soliciting participation include direct mailing, or on the Township's web site, informational town meetings and forums and articles in local newspapers. A farmland preservation brochure could also be a useful tool for outreach.

Establishing a database of future ambitions of current farmland owners and key elements affecting their ability to retain agricultural lands in agricultural use will also be helpful in assisting endeavors related to easing regulations and promoting business retention. While the CADB efforts for the 206 corridor communities include valuable data, detailed information should be developed for Cinnaminson Township. Retaining agriculture as a viable part of the community must extend beyond simple land preservation; meaningful changes in the area of regulation can ease the burden on local farmers and ensure that young farmers will maintain an interest in farming. Changes could include reducing

costs of permits for agriculture-related infrastructure, expansion of permitted “non-farm” activities to supplement farm income and expansion of direct marketing opportunities.

### **Improving the Climate for Agriculture as a Business**

Municipalities can improve the economic viability of agriculture by understanding agricultural trends and the dynamics of emerging agri-business. Planning and zoning can enhance opportunities and minimize deterrents to agricultural retention. Cinnaminson should expand its range of agricultural support strategies to include the following:

1. Establishment of an Agricultural Advisory Committee.
2. A separate right-to-farm section should be incorporated into the Land Development Ordinance.
3. Promote participation in the 8-year municipally approved farmland preservation program. The 8-year program can be established by municipal ordinance and approved by the CADB. Participation in the 8-year program increases a landowner’s eligibility for easement purchase, protects the landowner from eminent domain and provides access to soil and water conservation funds, which can improve the agricultural viability of lands. Establishment of an 8-year program also demonstrates the Township’s support for the agricultural community, and offers an opportunity for smaller farms to combine and participate in this program.
4. Encourage agricultural pursuits that support equestrian activities, which play an important role in maintaining the countryside character.
5. Agriculture eases the urban character of Cinnaminson Township. The beneficial aspects of agriculture in an urban contest can aid and support agriculture through direct agricultural sales and activities to residents.
6. The Township should consider reducing costs of building permits for structures associated with agricultural use. This allows farmers to construct necessary facilities without the high costs associated with permitting.
7. Land use regulations should be reviewed and updated to minimize deterrents to agricultural activity, and provide increased opportunities for agricultural expansion. This may include expanded opportunities for direct marketing of locally grown produce, which eliminates the middleman and makes agricultural activities more rewarding to the farmer.
8. Establishment of a separate “Agriculture” section in the Township Code can codify all regulations that affect farming in one place for ease of reference. This can minimize bureaucratic delays or uncertainty about regulations affecting farming.
9. An outreach initiative should be developed to communicate directly with local farmers. This can provide a clearer understanding of agricultural trends and objectives, and farmers perceptions of current and future business opportunities. A quarterly forum could be developed for farmers to meet with the Committee and members of the Planning Board or Governing Body to ensure that the needs of the agricultural community are being met.

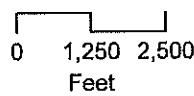
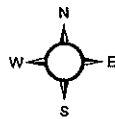
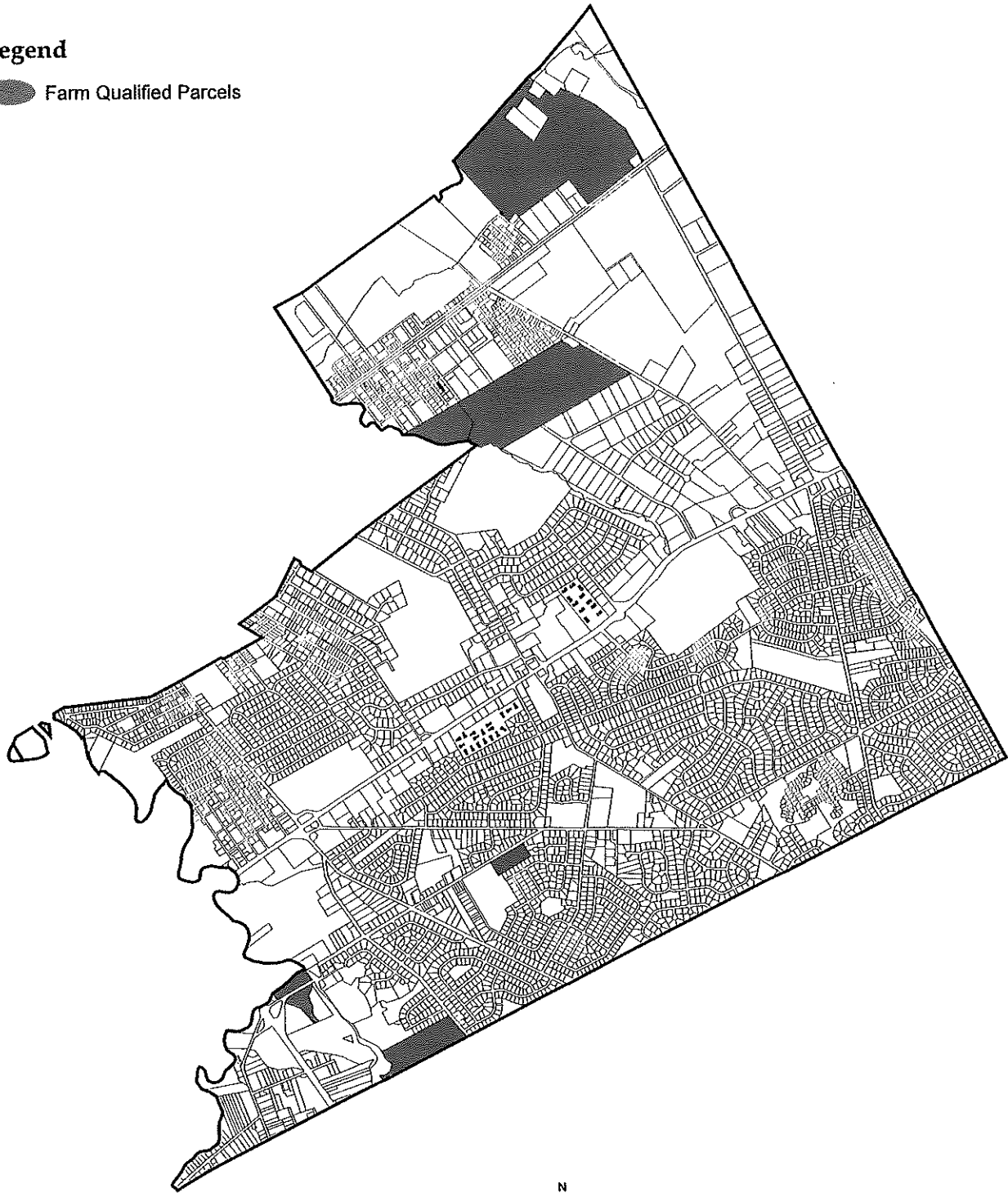
Farm Qualified Parcels  
Cinnaminson Township, Burlington County

Figure 1

April 2005

Legend

 Farm Qualified Parcels



Data Sources:  
Burlington County Dept. of IT




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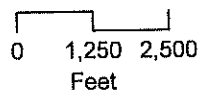
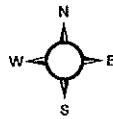
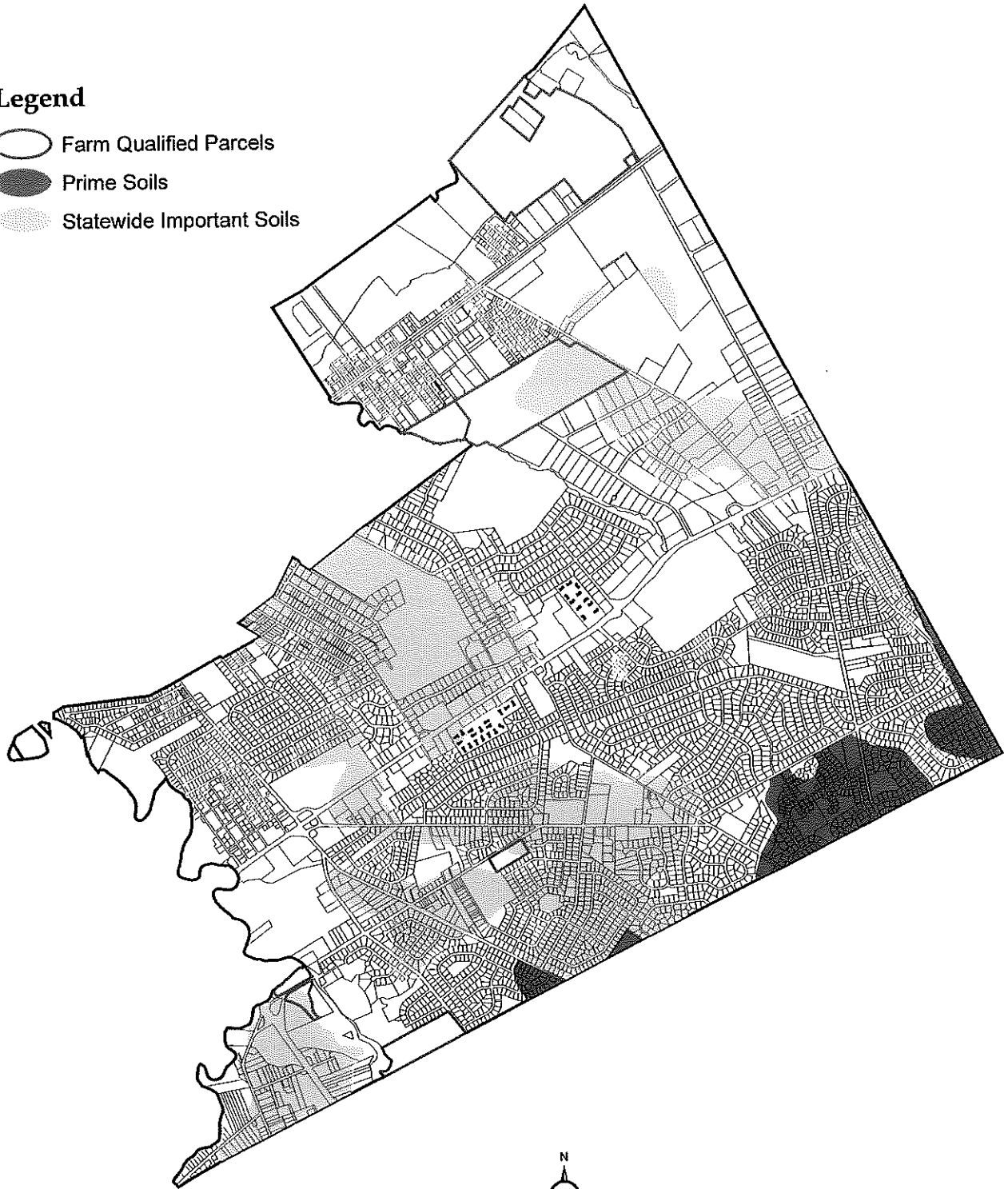
Farmland Capability  
Cinnaminson Township, Burlington County

Figure 2

May 2005

Legend

-  Farm Qualified Parcels
-  Prime Soils
-  Statewide Important Soils



Data Sources:  
Burlington County Dept. of IT  
NJDEP (SSURGO v2.1)

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State Planning Areas  
Cinnaminson Township, Burlington County

Figure 3

May 2005

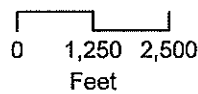
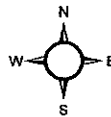
**Legend**

-  METROPOLITAN
-  STATE PARK



Data Sources:  
Burlington County Dept. of IT  
NJDEP

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